Chapter 4

International migration following environmental and geopolitical shocks: How can OECD countries respond?

Environmental and geopolitical shocks – i.e. sudden, often unpredictable, changes with sweeping social and economic consequences – are often associated with large-scale migration flows both within and across borders. All these events have, to different degrees, put legal migration and protection systems under strain.

The chapter analyses how OECD countries have responded to major shock-related migration in recent times and identifies key lessons learnt. It also explores the various options for more structural responses – notably the use of alternative legal migration pathway for refugees – with the objective of improving the responsiveness and efficiency of migration and protection systems to both environmental and geopolitical shocks. The chapter also analyses the actual and potential use of alternative migration pathways in response to the Syrian crisis.

The analysis highlights three important lessons: i) effective international co-operation cannot be taken for granted; ii) protracted crises generate growing tensions between the need to find durable solutions and the general preference for short-term protection measures; iii) selection, which is a common feature of most migration systems, needs to be rethought in the context of the international protection framework.

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Introduction

Environmental and geopolitical shocks – i.e. sudden, often unpredictable, changes with sweeping social and economic consequences – are often associated with large-scale migration flows both within and across borders. In the past 10 years, major natural disasters such as tsunamis, earthquakes, flash floods, volcanic eruptions and hurricanes have affected a considerable number of countries, forcing populations to seek temporary or permanent shelter elsewhere. The Yugoslavian Wars of the early 1990s, the aftermath of the so-called "Arab Spring" uprisings and, in particular, the conflict in Syria have driven, and still drive, many people to flee their country in search of protection elsewhere, both near and far. In 2015, more than 1.5 million people sought asylum in the OECD area, and Turkey alone is now hosting almost 3 million Syrians.

All these events have, to different degrees, put legal migration and protection systems under strain. Responses have been different from one country and one crisis to another, raising a number of questions. What lessons have OECD countries learnt from recent shock-related migration? How many people have been affected and how have policies been adjusted to cope? How can the risks associated with shock-related migration be factored into national migration policies and can international co-operation be strengthened to that end? How can OECD countries augment their tool boxes to respond more efficiently to shock-related migration?

This paper focuses on two types of shocks – environmental and geopolitical – although others, such as epidemics or outbreaks of diseases, like the Ebola virus, may also be associated with substantial movements of people or require robust migration policy responses. Economic shocks affecting destination countries may also compel them to adjust their migration policies (OECD, 2009; Chaloff et al., 2012), although this analysis does not cover that issue.

The first section briefly overviews the salient features of mass displacement prompted by environmental or geopolitical shocks and outlines the international legal and co-operation framework for managing flows of people on such a large scale. The next section goes on to analyse how OECD countries have responded to major shock-related migration in recent times and identifies key lessons learnt. The third section explores the various options for more structural responses – notably the use of alternative legal migration routes for refugees – with the objective of improving the responsiveness and efficiency of migration and protection systems to both environmental and geopolitical shocks. The last section gathers together the chapter's different strands of thought and draws conclusions.

Main findings

Lessons learnt from past policy responses to migration-related shocks

● There is a limited range of international instruments for dealing with shock-related migration. Apart from the UNHCR's 1951 Refugee Convention, few instruments are

designed specifically to address migration flows in the aftermath of geopolitical shocks. As for tools for migration stemming from environmental shocks, most are still in the making (e.g. COP21 and the Nansen Initiative).

- Most OECD countries use short-term visas or tolerated statuses with temporary suspension of deportation to support people stranded in their territory. Few countries have facilitated regular legal channels in response to shock-related migration.

- The use of temporary and subsidiary protection, rather than 1951 Refugee Convention status, has become more and more widespread since the 1990s, particularly in Europe.

- Few OECD countries – other than the United States, Australia and Canada – have large resettlement programmes. Although such programmes have generally been slow to respond and under-funded, they remain one of the most effective protection channels for people fleeing war zones or civil conflicts, especially the most vulnerable. State-led programmes for resettling recognised refugees are still very small-scale, as less than 1% of refugees registered with the UNHCR are resettled every year. Increasing resources for resettlement programmes should remain a priority for the international community.

- More attention should also be paid to understanding and addressing the root causes of shocks (i.e. crisis prevention), especially those of a geopolitical nature. Countries of first asylum must improve the economic and social plight of refugees but containment cannot be the only, or even the main, response to severe humanitarian crises.

Alternative pathways for beneficiaries of international protection

- Alternative pathways are channels of migration not necessarily designed for refugees but which can be used to complement resettlement programmes. They include labour, international study and family migration channels, together with humanitarian visas and private sponsorship schemes. Large unmet resettlement needs have prompted much recent interest in alternative pathways, although proper evaluation is still pending.

- Using general labour migration channels for refugees necessitates policy and incentives for employers to enable refugees to compete with other migrant workers. Incentives should, of course, be in line with general labour standards for native workers to avoid undermining public support and ongoing efforts to integrate refugees already in the country into the labour market.

- Of all alternative pathways for refugees, student programmes elicit the greatest public support in destination countries, particularly in the academic community. Such programmes must, however, rise to a number of challenges, such as ascertaining candidates' levels of education in the selection process and adapting services to beneficiaries' special needs. Although student scholarship programmes for refugees are generally the most expensive alternative pathway, they have a valuable role to play in building a highly qualified workforce in post-conflict situations.

- Family migration is the alternative pathway that can be used to create the most places for displaced people in need of protection. Although international law and standards contain family reunification provisions for UNHCR refugees, people who have been granted temporary or subsidiary protection have to meet more stringent conditions. A number of OECD countries, especially in Europe, have recently stiffened requirements for family reunification. Building on the examples of Ireland and Switzerland, both of whom allow temporary family reunification, would avert the risk of reunification rights becoming a pull factor. Setting minimum standards for those under temporary/

subsidiary protection would limit the risk of "race to the bottom" in terms of conditions for family reunification. Finally, wider use of private sponsorship, as in Canada and Germany, could also be considered.

● Humanitarian visas are used to enable people to lawfully enter a destination country to file a formal asylum application. About one-third of OECD countries have developed this pathway, a highly flexible tool that complements traditional resettlement speedily and cost-effectively. The non-discretionary use of humanitarian visas is, however, a very unlikely prospect, and the number of visas granted is more likely to increase extensively (as more countries use them) than intensively (as countries that already use them issue more).

● Private sponsorship programmes share the costs of resettlement and other alternative pathways. Canada has been a pioneer and runs a large programme. A few other OECD countries (e.g. Germany) use it intensively or are considering doing so (the United Kingdom, for instance). Australia has operated a trial community support programme since 2013. Private sponsorship programmes require careful regulation and safeguards, notably if the sponsors can play an active role in the selection process.

Evaluating the potential of alternative pathways in the context of the current refugees crisis

● OECD countries have mostly overlooked the labour migration route in their responses to the Syrian crisis. They have granted only about 18 200 work permits to Syrian workers in the past five years, even though almost 2 million 18-to-59 year-olds have been displaced to countries bordering their homeland. Despite the obstacles that are likely to arise, particularly skills matching, it would be useful to explore the potential of the labour migration channel more closely.

● About 15 300 young Syrians have benefited from student visas to OECD countries in the past five years. This may represent up to 10% of all displaced Syrian university students to date. Building on grass roots support, the student pathway may gain further importance in coming years. Welcoming refugees into international student programmes, however, requires more than just covering scholarship and living costs. It requires an environment that enables Syrian students to study and takes their special needs into account.

● More than 72 000 Syrians have been reunited in the past five years with family members in OECD countries. However, family reunification to Syrian refugees remains quite low so far (about 27 600) – partly because of delays in processing applications from refugees and partly because the family reunification entitlements of people under temporary/subsidiary protection are more restrictive. Family reunification with other family members who are already in OECD countries is more important and increasing, partly as a result of private sponsorship. But family-related migration still offers ample potential as a way of affording protection to Syrians. It could be considered with more attention and less prejudice.

Building a bold, comprehensive, global response to mass displacement

● Effective international co-operation cannot be taken for granted. There is no *de facto* obligation for one country to assist (in kind or in cash) another that is grappling with mass displacements. Improving solidarity and the sharing of responsibility at international level requires incentives (or rules) for co-operation.

- Protracted crises that displace large numbers of people generate a growing tension between the need to find – and fund – durable solutions and the general preference for short-term protection measures.

- One way to avoid that countries systematically opt for temporary protection measures – which may jeopardise integration prospects – would be to gradually increment refugees' rights and obligations the longer they stay. At the least, international guidelines could be useful to set minimum standards in terms of short-term protection and tolerated statuses and to facilitate a pathway towards more stable protection where necessary.

- The criteria on which displaced people are selected for protection programmes need to be rethought as part of an international protection framework. UNHCR resettlement programmes are highly selective by nature as they target the most vulnerable. Alternative pathways which target a different group of people would be a useful complement. One way of affording opportunities for a wider range of potential beneficiaries would be to allocate a certain number of resettlement places (as complements to those set aside for the most vulnerable) on the basis of alternative selection criteria (e.g. a lottery).

- In the context of the current refugee crisis, short-term policy responses need to be complemented by action that is more focused on the medium and long term. Accordingly, such action should include measures to foster the local integration of immigrants and their children; to strengthen co-ordination and responsibility/burden sharing mechanisms; to better anticipate future developments and appropriate policy responses; and to start rebuilding public trust with regard to migration issues.

Understanding the links between external shocks and international migration

How do environmental and geopolitical shocks affect international movements?

Shocks – whether environmental or geopolitical – are associated with the displacement of millions of people, both within their own countries and across international borders, and sometimes over considerable distances. Geopolitical shocks were estimated to have forced 65 million people out of their homes as they fled conflicts and violence at the end of 2015. That number includes more than 41 million internally displaced persons (IDPs) and almost 20 million refugees (UNHCR, 2016a). Altogether, the total number of displaced people has increased by 86% since 2005, when statistics recorded 35 million. And, partly because of the unfolding conflict in Syria, the trend is currently accelerating. In 2015 alone, 12.4 million people became newly displaced due to conflict or persecution– about four times more than in 2013.

Even though exact numbers are more difficult to ascertain, natural disasters are clearly another factor behind people on the move, both within and beyond the borders of their country of usual residence (Cohen and Bradley, 2010). Between 2001 and 2011, nearly 400 major natural disasters were registered annually worldwide, affecting about 268 million people and killing more than 100 000 per annum (Guha-Sapir, Hoyois and Below, 2013). Annex 4.A1 catalogues major recent environmental shocks, suggesting that almost 86 million people have been displaced within their countries of residence since 2009 – although it is unclear for how long or over what distance they moved.

And although long-standing environmental changes, such as rising water levels or slow-onset droughts, might not necessarily be seen as shocks because they are not sudden, they can nevertheless prompt massive displacements of people over relatively short periods of time. There are huge controversies over the number of people that climate change is projected to displace. The first estimates by Norman Myers (2005) – 25 million in 1995, 50 million by 2010, and up to 200 million when global warning takes hold – have been challenged, and researchers now recognise that the human displacement due to climate change will largely depend on policies and the ability to adapt. In other words, mechanical projections lead to unrealistic predictions (Ionesco, Mokhnacheva and Gemenne, 2016). Nevertheless, the consensus is that natural disasters and environmental shocks will contribute to displacements on an even larger scale in the years and decades to come.

A wide range of factors can influence the nature and scope of movements due to environmental and geopolitical shocks. While the fear of persecution or eroded human security are – almost by definition – the key driver of humanitarian migration, it is too simplistic to assume that only the nature of the initial shock (e.g. violence, conflict, natural disaster) determines the scale (who and how many), type (internal or cross-border) and direction (where to). Many other factors come into play.

The age structure of the affected population, the distance to the border of areas of conflict and how easily it can be reached across different types of terrain influence how far people can travel and whether migration is mainly internal or international. Patterns and impacts of migration are also shaped by the resources migrants can mobilise, as Van Hear (2014) shows. And although resources are largely determined by socio-economic background, they can also be affected by the shock. Finally, the ability to draw on networks overseas plays a key role in determining the relative importance of international movements and choices of destination.

Any analysis of the determinants of migration, including shock-related migration, also needs to take into account the linguistic, geographical, colonial or political connections that tie countries to each other and shape migration systems. Indeed, migration systems can create relatively stable migration corridors that are also used by forced migrants. Finally, the extent to which neighbouring countries are affected, and more generally the socio-economic conditions that prevail within them, are also important parameters.

The same type of shock can also elicit different responses in different countries. Studies by Feng, Krueger and Oppenheimer (2010) on Mexico and by Bohra-Mishra et al. (2014) on Indonesia suggest, for example, that there is a significant likelihood of increased migration as the weather grows dryer and warmer in the future. However, a series of studies in Uganda, Kenya, Bangladesh, and Ecuador did not observe the same migratory responses. As soil quality improved in Kenya, rural out-migration fell, while the opposite was observed in neighbouring Uganda (Gray, 2011). As for Ecuador, migration fluctuated with the success or failure of agricultural harvests (Gray, 2009), while in flood-prone Bangladesh, crop failures unrelated to flooding had stronger effects on migration than those caused by flooding.

More research is clearly needed to better anticipate the consequences of shocks on human mobility and – to that end – better understand the importance of contextual parameters, be they associated with geographic, demographic, economic, historical and/or political factors.

National and international policy frameworks

The speed at which countries respond to geopolitical and environmental shocks is extremely important – for both the people and countries concerned. Effects are generally first felt at national level – especially when shocks are small or limited to specific countries. The capacity of legal migration systems and international protection instruments (e.g. resettlement programmes) to adjust swiftly is critical if countries are to respond to shock-related migration in a timely manner.

Although the flexibility of national policies is key to swift responses, more structural adaptations and greater international co-ordination are required in the event of major shocks. Some countries may have institutional frameworks that are flexible enough for them to act on ministerial instructions and adapt conditions of entry or open up new migration channels to meet unexpected needs. In most countries, however, changing the legal system involves long timelines and negotiations.

When international agreement is required, adapting fast to shock-related migration is more challenging, partly because there is no predefined framework to that effect. A case in point is the European Union which has struggled to draw up a bold, comprehensive and co-ordinated response to the current refugee crisis. (For more details on the EU policy response to the Libyan and Syrian crises, see Annexs 4.A3 C and 4.A3 D).

At international levels,[1] all existing arrangements are voluntary or purely consultative. Furthermore, apart from the 1951 Refugee Convention, few instruments are designed specifically for geopolitical shocks and most measures to manage migrant flows in the aftermath of environmental shocks are still in the making. Altogether, international instruments for addressing shock-related migration are limited in number and scope. However, three broad modes of international co-ordination may be distinguished: multilateralism, embeddedness, and informal networks.

Multilateralism

"Multilateralism" is the enactment of concerted policies and actions (that may or may not be binding) in a wide number of participating countries. The 1951 Refugee Convention is the only robust multilateral treaty to address migration issues or, to be more precise, the conditions of acceptance of international refugees. Countries which have signed the convention are bound to comply with a number of international standards regarding the reception of refugees and processing of asylum applications, but they have no obligation to accept those not within their territory nor to contribute to any sort of burden-sharing mechanism.

Embeddedness

Embeddedness is the incorporation – or embedding – of new situations and events (e.g. shock-related migration) in binding agreements and policy instruments that are already in place. There have been, for example, attempts to expand the definitions and scope of the UN's 1951 Refugee Convention so that it covers not only people fleeing the outbreak of a conflict or civil war, but those displaced by environmental pressures (Kraler, et al., 2012). It remains, however, highly unlikely that countries will endorse any new, expanded definitions. In practice, indeed, the most recent changes go in the opposite direction – particularly the growing tendency to respond to mass displacements with instruments not linked to the Convention, such as temporary and subsidiary protection, ad hoc humanitarian statuses.

Nevertheless, the United Nations added a protocol on climate-induced migration provision to its Framework Convention on Climate Change (UNFCCC). Agreed at the 16th Conference of Parties to the UNFCCC (COP16) in 2010, the Cancun Adaptation Framework recognised the need for migration, displacement and relocation policy measures, so ushering in the possibility of using international climate adaptation funds to those ends (Warner, 2011). It invited parties to adopt measures to enhance understanding, co-ordination and co-operation with regard to displacements, migration and planned relocation brought about by climate change.

A more recent development was the Disaster Risk Reduction Framework 2015-30, which was approved in Sendai, Japan, in March 2015. It calls for action to prevent and mitigate displacement and encourages a broader, more nuanced view of migration (Guadagno, 2015). It acknowledges in particular that migrants contribute to the resilience of communities and societies, and that they can play a useful role in disaster risk reduction (Paragraph 36.a.vi). Also in relation to climate change and natural disasters, the 21st UNFCC, or COP21, decided to create a taskforce to look at integrated responses to displacement (Box 4.1).

Box 4.1. **The Paris Agreement (COP21)**

In December 2015, at the 21st Conference of Parties (COP21) of the United Nations Framework Convention on Climate Change, 195 countries adopted a legally binding global climate deal (European Commission, 2016; Government of France, 2016) which will enter into force in 2020 – the Paris Agreement. In Article II, "Nationally Determined Contributions", it sets out a global action plan that "aims to strengthen the global response to the threat of climate change" by:

- "holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels";
- "increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development";
- "making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development (Article 2, Paris Agreement 2015)".

Although 20% of the submitted Intended Nationally Determined Contributions referred to migration (Lambert, 2015; IDMC, 2016; Ionesco, 2015), migration is mentioned only in the Agreement's Preamble and addressed in the section "Loss and Damage" which requests (in Paragraph 50) a task force that would develop "recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change".

Some analysts had hoped for stronger wording (Lambert, 2015; Burns, 2016). Savaresi (2016, p. 9), for example, argues that "the Paris Agreement does little more than acknowledge extant institutional arrangements, without encapsulating a reference to a climate change displacement coordination facility, which had appeared in earlier drafts of the text". She argues that her view is confirmed by Paragraph 52 which states that Article 8 of the Agreement (which focusing loss and damage) "does not involve or provide a basis for any liability or compensation".

Other commentators, by contrast, consider that the inclusion of displacement was – given the particular historical circumstances under which the agreement was signed – a clear "step in the right direction" (Bettini, 2015). In particular, the International Organization of Migration (IOM) welcomed the Paris Agreement, as an important stepping stone that gave it "the political impetus that it [needed]" in times of "multiple, complex migration crises" (Ionesco, 2015). Indeed, migration and displacement in connection with climate change received unprecedented visibility at the Paris negotiations (IDMC, 2016; Ionesco, 2015). Savaresi (2016, p. 11), too, acknowledges that the Agreement addresses issues that were "missing or inadequately addressed in the climate architecture".

Informal networks

Informal networks between countries are non-binding debates that sometimes set the stage for future multilateral co-operation. There are many consultation processes at regional level (the Bali, Budapest, Khartoum, Puebla and Rabat processes, for example)[2] and, on specific issues, at the global level (e.g. the Annual Tripartite Consultation on Resettlement).[3] However, most are no more than policy platforms with no proper decision-making mechanism. Since 1973, the OECD, too – through its Working Party on Migration and the OECD Expert Group on Migration (SOPEMI) – has also provided a forum to discuss migration management and integration issues. Another example of an informal network specifically focused on the needs of people displaced across international borders by disasters and the effects of climate change is the Nansen Initiative[4] (Box 4.2).

Box 4.2. **The Nansen Initiative**

The Nansen Initiative is a "state-led consultative process to build consensus on a protection agenda addressing the needs of people displaced across borders in the context of disasters and the effects of climate change" (The Nansen Initiative, 2016).

On 12-13 October 2015, in Geneva, a global intergovernmental consultation, held in Geneva, endorsed the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. The Protection Agenda "consolidates the outcomes of a series of regional intergovernmental consultations and civil society meetings convened by the Nansen Initiative" (The Nansen Initiative, 2015).

The initiative does not call for a new binding international convention on cross-border disaster-displacement. Instead, it encourages states and sub-regional organisations to incorporate into their normative frameworks effective practices that meet the specific challenges they face. It aims to "complement and support, rather than duplicate" by providing evidence and identifying best practices in an effort to promote the co-ordination of fragmented policies and action areas. The Global Consultation Conference Report points out that "a number of States have admitted disaster displaced persons relying upon national legislation", "the discretionary power of migration authorities" and, sometimes, "applicable refugee law" (Paragraph 31).

Host countries generally offer protection to cross-border disaster-displaced people by admitting them or by refraining from returning them to a disaster-affected country. Both entail the implementation of temporary measures, even though– as the Global Consultation Conference Report highlights – longer-term solutions would be desirable. The report also flags the discretionary, unpredictable nature of current humanitarian protection measures and calls for harmonisation at regional and sub-regional levels to "facilitate international co-operation and solidarity in situations when national authorities cannot find solutions on their own" and to "ensure that all their citizens benefit from humanitarian protection measures in case of cross-border disaster- displacement".

A further example of informal networks is the Migrants in Countries in Crisis Initiative (MICIC),[5] co-chaired by the United States and the Philippines. It seeks to boost the ability of countries and other stakeholders to afford greater protection to migrants caught in crisis situations so that they are less vulnerable. Unlike refugees, where the roles of states and international actors are clearly identified, there is no clear framework for migrants stranded in countries in crisis. The MICIC is a voluntary, bottom-up, state-led process that

seeks to coordinate international responses more effectively. At the same, time, it acknowledges that the governments of sending countries continue to bear significant responsibility for the safety and welfare of their citizens, even when they are traveling, residing or working abroad. The guidelines published in June 2016 include 10 Principles and 15 Guidelines, and Practices sorted in three main chapters: crisis preparedness, emergency response and post crisis action. These are non-binding, voluntary principles and guidelines that govern the different stakeholders' duties and roles in protecting migrants in countries in crisis (IOM, 2016).

Lessons learnt from past policy responses to shock-related migration

This section analyses how OECD countries have responded to major recent environmental and geopolitical shocks in recent decades and identifies some key lessons learnt.

Migration related to environmental shocks

Over the past 10 to 15 years a large number of natural disasters have affected countries of origin and destination, international movements of people and migration policies. They include the Indian Ocean earthquake and tsunami in 2004, the Haiti earthquake in 2010 and those of Japan and New Zealand in 2011, the hurricanes Katrina and Sandy, a series of floods, cyclones and volcano eruptions, and droughts and famines (Annex 4.A2). Which policy instruments were used in response and how did OECD countries adapt their migration legislations and regulations?

Countries provide relief for the victims of natural disasters through constitutional asylum;[6] subsidiary or temporary protection; humanitarian admissions; the suspension of removals; and, more rarely, by facilitating family reunification or legal migration through other channels (Cooper, 2012; EMN, 2010).

The United States, for example, created the Temporary Protected Status (TPS) in its 1990 Immigration Act. Here, the list of reasons that may result in a country being designated for TPS and, thus, qualify a national of that country for protection *does* include instances where "an earthquake, flood, drought, epidemic, or other environmental disaster in the state [has resulted] in a substantial, but temporary, disruption of living conditions in the area affected". This piece of legislation gives beneficiaries, who must already be in the United States as of specific eligibility dates set at the time of a country's designation, provisional protection against deportation. TPS beneficiaries are also eligible for work authorization incident to their status. Employment restrictions on their original visas can also be eased but this is not systematic. The United States for instance allowed qualifying non-immigrants (i.e. students in a regular situation) to obtain employment authorisation after the Haitian earthquake and (for those facing economic hardship) after the Japanese earthquake and tsunami.

At the close of 2015, according to the Department of Homeland Security approximately 430 000 people were holding TPS in the United States. New TPS designations in the past two years have been Guinea, Liberia and Sierra Leone, designated for TPS in November 2014 because of the Ebola crisis; Yemen, designated for TPS in September 2015 due to an ongoing armed conflict; and Nepal, designated for TPS in June 2015 following the devastating magnitude 7.8 earthquake (USCIS, 2014c; 2015b; 2015c). The countries that currently benefit from TPS as a consequence of natural disasters are Nepal, Haiti (2010, earthquakes), Honduras and Nicaragua (1999, Hurricane Mitch), El

Salvador (2001, earthquakes), and Somalia (1991, conflict and insecurity and indirectly drought and famine). Designations based on the environmental disaster provision of the TPS law require the country being designated to officially request a designation giving a bilateral dimension to this policy.

The length of a country's initial designation for TPS can range from six to 18 months, but the designation can be extended for an unlimited number of 6, 12, or 18-month periods if conditions in the designated country continue to support the designation. TPS is a temporary immigration status that does not lead to beneficiaries becoming legal permanent residents in the United States through their TPS status, unless a special act of Congress is passed. Some nationalities (e.g. Somalia) have been under TPS for more than 20 years, creating the risk of "permanent temporariness for beneficiaries" (Messick and Bergeron, 2014).

Temporary residence permits were granted under similar conditions after environmental events in a number of other OECD countries:

● Canada after the 2010 Haitian earthquake. Migrants were also allowed to apply for a change or extension of their non-immigrant status. Changes of status, however, did not result in permanent residence status.

● France after the 2010 Haitian earthquake.

● Australia after the 2011 earthquake, tsunami, and nuclear emergency in Japan.

In the EU context, two European Union directives, the Temporary Protection Directive (TPD) and the Qualification Directive (QD), could be used to grant international protection to victims of natural disasters. The TPD provides member states the ability to offer temporary protection in situations of "mass influxes", or when large numbers of people migrate for unexpected reasons and cannot be dealt with on an individual basis (Kolmannskog, 2009). As for the Qualification Directive, it has provisions for granting subsidiary protection to those who face a "real risk of suffering serious harm" if they had to return to their country of origin, even if they do not qualify as refugees under the terms the 1951 Refugee Convention (Council of the European Union, 2004, Article 2). However, neither directive explicitly cites environmental reasons as the grounds for forced migration, leaving individual member states free to interpret them as they see fit.

At the national level, the most commonly observed policy response of countries to environmental shocks is to suspend the deportation of the affected foreign citizens who are on their soil because the authorities of their origin country would typically be unable to cope with the returnees. As with the TPS, these measures affect only those migrants already in the host country. For example, following the 2004 tsunami:

● Canada suspended the deportation of roughly 4 000 migrants.

● Switzerland delayed the deportation of asylum seekers from Sri Lanka until February 2005.

● The United Kingdom announced the postponement of forced repatriations.

● The United States halted deportations of migrants from Sri Lanka and the Maldives until April 2005 (although in that case the countries were not designated for TPS).

Likewise, in the aftermath of the Haiti earthquake, Canada, France, Mexico, and the United States –traditionally the four main Haitian migration destinations – together with Costa Rica, Denmark, Germany, Lebanon, Paraguay, Romania, the Slovak Republic, and Slovenia all suspended forced returns of Haitian nationals (Independent Expert).[7]

Similarly, although the environmental shock occurred on its own soil, the United States also granted fee waivers to immigrants in areas affected by Hurricanes Katrina and Sandy and expedited the processing of their service/benefit requests and employment authorisations under "Special Situations" provisions (Box 4.3). New Zealand and Japan also took actions to support immigrants after their earthquakes in 2011. And, very recently, the wildfire in Fort McMurray in the Canadian province of Alberta, displaced thousands of migrant workers. The Minister of Immigration, Refugees and Citizenship Canada (IRCC) has authorized a public policy with special measures for temporary residents and approved special measures for citizens and permanent residents directly affected by the crisis situation.

Box 4.3. **Natural disasters that have affected immigrants in OECD destination countries**

Shocks that affect origin countries usually have policy implications for neighbouring and immigration host countries. However, migration crises can occur anywhere. That includes OECD destination countries where migrants may be travelling, living or working. Indeed, a number of them have experienced natural shocks that have compelled them to address the situations of migrants, especially temporary migrants.

The United States

A prominent policy experience was how the United States took relief measures to help the foreign nationals affected by Hurricanes Katrina (2005) and Sandy (2012) who may have lost housing, employment, and personal documentation because of the disaster. The federal government offered support to both temporary and permanent residents. Measures to ease the plight of temporary migrants included:

- allowing individuals who were in the United States at the time of the hurricanes to switch to non-immigrant status, or extend it, even after the authorised period of admission had expired;
- extending paroles already granted by the Citizenship Immigration Services, or re-paroling;
- expediting the processing of applications for permission to work (including off-campus) for students experiencing economic hardship;
- extending deadlines and increasing support for rescheduling interviews.

As for lawful permanent residents, consular assistance was extended to those stranded overseas without immigration or travel documents such as Green Cards. Immigration relief was also offered more recently as a result of the floods in South Carolina (2015).

Japan

The Great East Earthquake in Japan in 2011 led to a significant outflow and the negative net migration of foreigners.[1] Immediately after the natural disaster and the accident at the Fukushima No. 1 nuclear power plant, 2 600 foreign trainees – or about 60% of the 4 100 in the three prefectures affected – left Japan. But, by late 2013, that number had recovered to 80% of pre-disaster levels.[2] In the wake of the earthquake, a number of foreign trainees and technical interns had quit Japan, some without obtaining re-entry permission. However, the Japanese government recognised the urgent nature of the circumstances and allowed them to return and complete their training.[3]

Box 4.3. **Natural disasters that have affected immigrants in OECD destination countries** (*cont.*)

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New Zealand

New Zealand experienced a severe earthquake in the Christchurch area on 22 February 2011. It affected native-born and migrants alike. An immediate policy response was the special direction issued by the Minister for Immigration (1 March 2011) allowing temporary migrants whose visa was due to expire before 31 March 2011 to apply for an extension of their visas. The extension added an extra three months of validity that allowed multiple entry travel to work or study. In addition, temporary migrants who were out of the country at the time saw their visas extended by an extra three months. To enable the rapid entry of emergency personnel from countries offering help, the Minister also issued special directions (even though most came from visa exempt countries).

Christchurch is a key region of resettlement of refugees. Those who had recently arrived and were living in Christchurch were mostly relocated to Auckland and, with the agreement of the UNHCR, Christchurch's quota for the next two years was reduced. After averaging around 120 quota refugees annually between 2005 and 2010, the number that Christchurch welcomes has dropped to single digits in the last few years.[4]

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2. *http://ajw.asahi.com/article/0311disaster/recovery/AJ201403070079*.
3. *www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri01_00074.html*.
4. *www.immigration.govt.nz/NR/rdonlyres/2BBF70DC-6C0B-4041-B914-FE20566D068A/0/RQBStatPakInternet.pdf*.

Some of the salient practices to emerge from host countries' experience of responding to environment-related migration are:

- they extend relief measures on a case-by-case basis to temporary migrants living, working or studying on their soil;
- they help migrants by easing their legal entitlement to seek work in the event of financial distress or to extend their legal status where it is about to expire;
- they lighten administrative burdens and fees so as not to add to migrants' woes at times of such acute crisis;
- they do not open up any special measures to the possibility of permanent settlement.

Another important policy option used by some host countries is to allow people in affected areas to join members of their family already living on their soil. Most policy changes of this nature have involved simplifying or expediting procedures:

- France allowed members of Haitian migrants' families to enter without temporary visas and processed without delay their applications to stay temporarily.
- The Haitian Family Reunification Parole Programme in the United States not only facilitated and accelerated applications, but authorised applicants to reside and work in the United States before their application was completed.

● After the volcanic eruptions in Guatemala in 2010, United States expedited the processing of visa applications from Guatemalans who were family members of US citizens and lawful permanent residents.

● After the tsunami that swept the Indian Ocean in 2004, Canada took measures to admit members of the families of Canadian citizens or permanent residents who originated from the affected countries.

  ❖ it expedited the processing of Family Class applications from Canadian citizens and permanent residents who wished to sponsor close relatives affected by the disaster in a serious and personal way;

  ❖ it examined case-by-case applications from people affected by the disaster who had relatives in Canada but did not qualify under Family Class;

  ❖ it waived new application processing fees and the Permanent Residence (Right of Landing) fee for all classes of applicants affected by the disaster.

Some countries facilitate protection for migrants both within and outside their borders in the wake of environmental disasters. After the 2004 tsunami, for example, Australia fast-tracked pending applications from immigrants already present in the country and temporary visa requests from asylum seekers from affected countries (DIMIA, 2005; IOM, 2009; Laczko and Collett, 2005).

Very few countries have, however, taken steps to enact new programmes or adapt legal pathways to enable people fleeing natural disaster to come temporarily or settle. Countries that have include Brazil and, after some delay, the United States in response to the Haitian earthquake. Brazil introduced humanitarian visas for Haitian nationals in 2010. The United States added in January 2012 Haiti to the list of countries whose nationals were eligible for H2-A and H2-B visas (for temporary workers in agriculture and non-agricultural sectors, respectively).

In the European Union, Sweden, Finland, and Italy have – individually – granted temporary protection and relief to people whose countries of origin have been affected by natural disaster. Unlike the policies discussed above, those of the three European countries allow refugees who have sought initial shelter in a third country to settle temporarily. In other words, they need not be in the country of destination to apply. Sweden has included aliens "unable to return to the country of origin because of an environmental disaster" in the category of "persons otherwise in need of protection". On principle, Sweden – and Finland – also allows environmental refugee status to be claimed under existing asylum laws (Baldinelli and Black, 2016). As for Italy, the law provides for temporary protection for those affected by humanitarian events, specifically including natural disasters outside the European Union.

From the case studies examined in Annex 4.A2 and, more generally, the past experience of OECD countries in dealing with environmental shocks, three key lessons are to be learnt:

1. Although the COP21 and the Nansen Initiative have improved matters, the international legal framework governing the migration effect of environmental shocks is still limited. A soft-law approach, building on the example of the UN Guiding Principles on Internal Displacement which have made their way into some national legislation, may actually be more pragmatic.

2. National legal frameworks have found ways to respond to the migration and displacement triggered by extreme environmental events. Responses have taken similar forms in the United States, the EU and other OECD countries, with all focusing on short-term visas and the temporary suspension of deportations. Practices vary, however, significantly from country to country. Internationally agreed guidelines could be useful to set minimal standards in terms of short-term and tolerated statuses to those stranded on their soil because of natural disasters.

3. Few OECD countries have the legal instruments for a more proactive response – only a handful make explicit reference to natural-cum-environmental disasters in their legislation on protection. They should seek to develop more stable instruments to protect migrants on their soil in the event of protracted environmental crises in countries of origin.

Migration related to geopolitical shocks

Recent years have been marked by a series of major geopolitical shocks and conflicts, notably in Africa and Western Asia, that have generated massive displacements of population. Past and present conflicts include those in Darfur, Somalia, Iraq and Afghanistan as well as those in Libya and Syria (Annex 4.A3) against the background of the Arab Spring uprisings. In the 1990s, the main geopolitical shocks took place in Europe, the prime example being the break-up of former Yugoslavia (Annex 4.A3). Earlier mass migration flows to the OECD sprang from different parts of the world – be it in the context of decolonisation or the Cuban and Vietnamese boat people, for instance (Annex 4.A3). In all cases, large numbers of people were affected and the protection systems of the main destination countries were challenged. How have OECD countries responded over time and what have the main policy trade-offs been?

This section discusses the different types of protection statuses, how OECD countries use them and how they approach the provision of protection – e.g. 1951 Refugee Convention versus temporary protection status and resettlement versus asylum. It then examines international co-operation in managing migration the aftermaths of geopolitical shocks, going on to analyse the role of overseas development assistance (ODA) and humanitarian aid.

1951 Refugee Convention status versus subsidiary and temporary protection

Most OECD countries have ratified the 1951 Refugee Convention and the 1967 protocol relating to the status of refugees?[8] They are, therefore, obliged under international law to receive claims for asylum and provide protection to people who meet the Convention's definition of a "refugee" – i.e. a person who "is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion". An important requirement of the Convention is *non-refoulement* whereby "no one shall expel or return ("*refouler*") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom."

Importantly, not all people fleeing a geopolitical shock will qualify as refugees under the 1951 Refugee Convention, as it calls for protection against targeted rather than generalised persecution. In other words, people who flee a conflict or civil war but cannot prove that they are specific targets of the violence may not qualify as refugees under the 1951 Refugee Convention. In practice, the applicability of the Geneva Convention

depends on the conflict. For example, the UNHCR's latest guidance on "International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic" suggests that "most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Refugee Convention, since they will have a well-founded fear of persecution linked to one of the Convention grounds" (UNHCR, 2015a).

In response to the sudden and massive inflows of people fleeing geopolitical crises, countries have created special temporary and subsidiary protection statuses. The pioneers were European countries seeking a response to the large-scale outflows of people from the conflict in the former Yugoslavia in the 1990s.[9] The UNHCR endorses temporary protection as an emergency response to an overwhelming situation (UNHCR, 2000a).

In 1981, Australia adopted a Special Humanitarian Programme for those who would not qualify as refugees under the Geneva Convention. Ten years later came the Special Assistance Category for people fleeing civil disorder. In between times, it had introduced the so-called "Safe Haven Visa" in 1999 to give temporary refuge to people from Kosovo and a three-year temporary protection visa with reduced rights for unauthorised arrivals who qualified for protection. It was abolished in 2008. However, in 2014 Temporary Protection Visas were reintroduced, along with a 5 year variant, the Safe Haven Enterprise Visa. The Safe Haven Enterprise Visa provides a pathway to apply for other visas if holders work or study in a designated regional area for 3.5 years.

Alternative temporary/subsidiary protection statuses encompass the "*principle of non-refoulement*" but, compared with convention refugee status, are generally associated with fewer rights and the idea that people will not settle in the destination country. Things, however, do not always work out that way.

For example, large numbers of the Bosnian refugees who fled the Balkan conflict between 1992 and 1995 – the first large refugee group to fall under a 'temporary protection regime' – did not go home. They feared "ethnic cleansing" and preferred to stay abroad, even after the Dayton Peace Agreement of 1995 (Koser and Black, 1999). As it became ever more apparent that many refugees would not return, some OECD countries (e.g. Austria, Finland and Luxemburg) allowed them to transition over time from a temporary protection status to some form of permanent residence. Germany, which initially welcomed 60% of the Bosnian population who sought refuge in the EU, promoted voluntary returns. But it was estimated that, by 1997, only one-third had gone home (Koser and Black, 1999).

In contrast, Kosovar refugees returned home *en masse* soon after the end of the Kosovo War in 1999. During the conflict, over 100 000 people were given temporary protection in European and other OECD countries through the Humanitarian Evacuation Programme organised by the UNHCR and IOM. Only the United States offered refugees fleeing the warzone permanent residence. Proximity to the country of origin, the relatively short-lived nature of the conflict, and robust post-war action by the international community were undoubtedly critical factors.

In Europe, in a context of mushrooming national legislation, two council directives sought to set common criteria and standards across the EU with the Temporary Protection Directive (Council Directive 2001/55/EC) and the Qualification Directive (Council Directive 2004/83/EC).[10] The Temporary Protection Directive built temporary protection for mass influxes on solidarity and shared responsibility between EU member states. It has never been activated since it was first agreed in 2001 (Box 4.4).

> Box 4.4. **Why has the Temporary Protection Directive never been used?**
>
> In 2001 the EU adopted the Temporary Protection Directive (TPD). It spells out harmonised standards for the temporary protection of displaced persons in cases of "mass influx" on the basis of solidarity and responsibility-sharing between EU member states. The TPD was intended to provide a formal legal framework for temporary protection in the wake of the refugee crises in former Yugoslavia in the 1990s, when many European countries gave temporary shelter (mainly through the Humanitarian Evacuation Programmes) to refugees fleeing the wars in Bosnia and Kosovo.
>
> The TPD defines a "mass influx" as "the arrival in the community of a large number of displaced persons, who came from a specific country or geographical area, whether the arrival in the Community was spontaneous or aided, for example through an evacuation programme" (Article 2d). It is particularly meant to apply when "there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection" (Article 2a). The TPD incorporates an activation mechanism. To trigger it, the European Commission must propose activation and the Council (made up of representatives of the member states) adopt a resolution by a qualified majority.
>
> The protection provided under the directive would be temporary and generally last for a year, although it could be extended by a Council decision to two years at the most. Temporary protection would not come with the full rights associated with refugee status. For example, while those provided with temporary protection would be entitled to emergency health care, accommodation, work, and their children's education, they would have only limited family reunification rights. And refugee status would be denied until the temporary protection status ends.
>
> The EU's Temporary Protection Directive has never been implemented. Why has it not been used, for example, to help EU member states cope with the mass inflows of Syrian and other refugees over the past few years?
>
> There are three possible explanations. First, the Directive builds on the sharing of responsibility between EU member states (though it does not say so in so many words). Yet it does not specify precisely how refugees would be distributed across countries, preferring to leave it up to the European Council.
>
> Second, a number of EU countries already offer temporary protection statuses through national schemes (European Migration Network, 2010), though the degrees of protection and rights granted vary widely from one to another. Most schemes provide standards protection that are lower than those stipulated in the TPD. Some EU countries already harbouring displaced Syrians may be reluctant to agree to an EU-wide harmonised policy that would require them to grant greater protection and more rights.
>
> Third, there appears to have been considerable concern in some member states that activating the Directive would act as a "pull-factor" and encourage an ever greater number of refugees to make their way to Europe.

Resettlement versus asylum seeking

Resettlement is the transfer of refugees from one asylum country to another that has agreed to admit and ultimately grant them permanent settlement. It is a key protection policy instrument, though not all OECD countries make use of it.[11] Over the past 20 years, over 1.5 million refugees have arrived in the OECD area through resettlement programmes. And, since 2009, around 100 000 have been resettled annually (Figure 4.1) – between a third and a quarter of all humanitarian permits granted each year.

Figure 4.1. **Resettlement arrivals in OECD countries**

Source: UNHCR.

StatLink ⟐ *http://dx.doi.org/10.1787/888933395649*
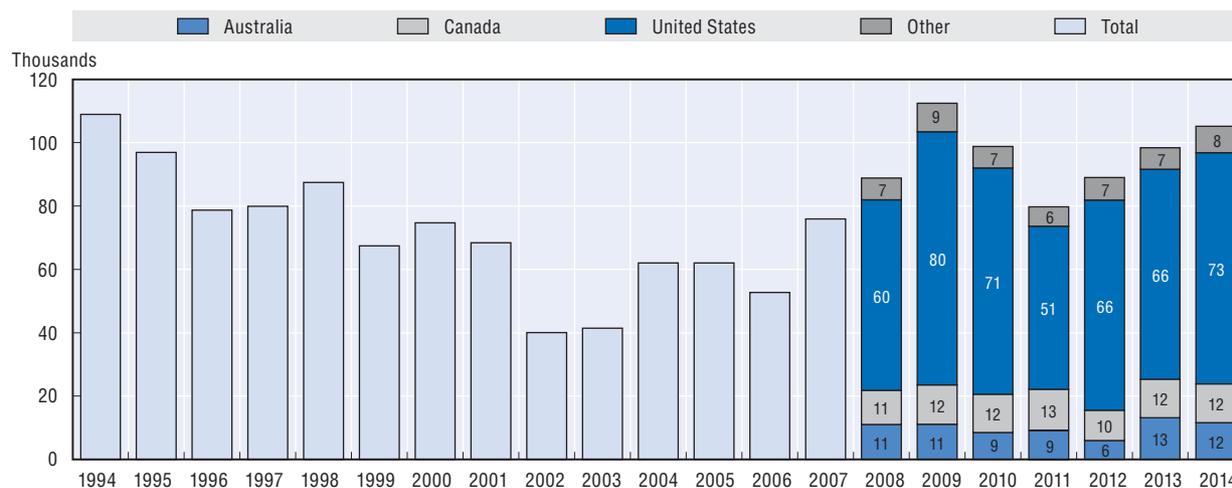
The United States alone accounts for some two-thirds of all resettlements in the OECD in the past 10 years, followed by Canada and Australia. Apart from in the Nordic countries, resettlement is not, however, common practice in Europe and most countries require refugees to seek asylum in the destination country. In 2015, Italy became a new resettlement country and Korea announced a three-year pilot programme, so increasing the number of resettlement countries to 28 worldwide.

Some OECD countries (Australia, Canada, United States and New Zealand) have made intensive use of resettlement in previous geopolitical crises. Between 1975 and 1995, over 3 million people from Viet Nam, Laos, and Cambodia fled to neighbouring countries to seek asylum. During these two decades, the UNHCR resettled more than 1.3 million. Less than 200 000 were resettled in Europe, with France accounting for half. And, although Europe took in the most people fleeing the Yugoslavian Wars, the largest resettlement programme was again in the United States which became home to more than 125 000 refugees over a 10-year period starting in 1992.

The US Refugee Admissions Program resettles about 70 000 refugees every year and there are plans to increase that number to 85 000 in 2016 and 100 000 in 2017. In the Syrian refugee crisis, though, the United States has not been in the forefront so far. Since 2011, it has admitted only about 2 200 Syrian refugees, although the government has announced it will resettle at least 10 000 in fiscal year 2016.[12]

Since 2013, Canada has resettled 45 130 refugees of all nationalities. Regarding Syrian refugees in particular, from 2013-15, Canada resettled approximately 9 000 Syrian refugees; additionally, Canada recently met its commitment to resettle 25 000 Syrian refugees (arrived in Canada between November 4, 2015 and February 29, 2016). In September 2015, New Zealand announced 750 resettlement places for Syrian refugees, including 600 in addition to its annual quota of 750 (ie. 150 places are offered within the quota). Australia, will increase its humanitarian programme with 16 250 places in 2017-18 and 18 750 places in 2018-19. In 2015, Australia committed an additional 12 000 places for people who are fleeing the conflict in Syria and Iraq.

In 2015, Germany commenced a programme to resettle 500 refugees per year. It came on top of a three-stage federal admission plan that took in a total of 20 000 Syrian refugees in need of special protection: a first intake of 5 000 refugees in May 2013, a further 5 000 in December 2013 and a third group of 10 000 in July 2014. What is more, over 20 000 resettlement places have also been available since 2011 under private sponsorships for people with family links with Syrians. The various schemes make Germany one of the OECD's most generous resettlement countries for Syrian refugees with an intake so far of 42 000.

Few other European countries run sizeable resettlement programmes for Syrian refugees. Two that do are Norway and Sweden, and a growing number are planning to (Annex 4.A3). The United Kingdom, for example, announced the expansion of its Vulnerable Person Resettlement Scheme to up to 20 000 Syrian refugees by 2020.

In March 2016, the European Union agreed with Turkey on a plan to resettle 72 000 Syrians. Although the deal opens a new safe and legal pathway to Europe, the intake is tiny relative to the yearly number of asylum applications from Syrians in the European Economic Area – 378 000 in 2015 and 140 000 in the first three months of 2016.

Emergency measures for temporary resident and legal pathways

Conflicts and instability in countries of origin also raise a number of practical questions for migrants who are on temporary visas, especially when visas have nearly expired; who have received a court order to leave the host country; who are undocumented; and who have family members in the country at war and would like to be reunited with them.

As they do in the event of environmental shocks, most countries also temporarily suspend deportations of migrants from countries affected by major geopolitical shocks. The United States, for example, has recently added Yemen and Syria to the list of countries covered by TPS (Table 4.1). In Europe, all countries have taken steps to provide temporary protection to Syrian nationals or, at the very least, suspend removing them.[13]

Table 4.1. **Countries whose nationals in the United States currently benefit from Temporary Protection Status**

	Arrival Date	Current Expiration Date	Number
El Salvador	13 February 2001	9 September 2016	263 876
Guinea	20 November 2014	21 November 2016	820
Haiti	12 January 2011	22 July 2017	58 954
Honduras	30 December 1998	5 January 2018	86 573
Liberia	20 November 2014	21 November 2016	2 046
Nepal	24 June 2015	24 December 2016	3 325
Nicaragua	30 December 1998	5 January 2018	5 368
Sierra Leone	20 November 2014	21 November 2016	1 121
Somalia	1 May 2012	17 March 2017	486
South Sudan	25 January 2016	2 November 2017	27
Sudan	9 January 2013	2 November 2017	1 023
Syria	5 January 2015	30 September 2016	4 999
Yemen	3 September 2015	3 March 2017	0
Total			**428 618**

Note: Cumulative figures as of 31 December 2015. For Yemen, applications had not yet been adjudicated as of that date.
Source: Department of Homeland Security compilation of USCIS data.

StatLink ⧉ *http://dx.doi.org/10.1787/888933396403*

Some OECD countries have developed special, generally time-bound, programmes to fast-track family reunification, as Ireland and Switzerland have done for Syrians. Few OECD countries, however, have actively used regular non-humanitarian legal pathways to accommodate people in need of protection as a result of geopolitical shocks. This question will be discussed more in depth in the next section.

International agreements and international co-operation

International co-operation with countries of first asylum, transit countries and, when possible, with countries of origin is usually a key element in OECD countries' policy responses to any humanitarian crisis. It is particularly critical in the fight against irregular migration and smuggling networks (Box 4.5), but helps create an orderly environment for protection.

Box 4.5. **Can people smuggling be ended?**

In 2015, over a million people entered Europe illegally. They came mainly from Libya entering Europe through Italy and from Turkey into Greece. Most of the migrants who used those routes put their lives in the hands of unscrupulous human smugglers and traffickers, who make big money out of the business. Tackling this criminal trade has become a top priority for policy makers. In May 2015 the EU issued an action plan against people smuggling.[*]

People smuggling takes different forms and may involve a large number of intermediaries. It can be structured as transnational networks or, more often, comprise loosely connected informal organisations and individuals. It can be organised from origin to destination or made up of a succession of short travel routes. It can involve irregular borders crossings or the use of fraudulent travel documents.

Past experience of OECD countries shows that co-operation with countries of transit and origin is an important component in the fight against human smuggling. In the longer term, however, it may not be sufficient if the smugglers' business model cannot be undermined.

In addition to stronger border controls and closer international police co-operation, policies should target smugglers' profits and the demand for smuggling. Reducing the profitability of smuggling without tackling the demand side carries the risk that smugglers will simply increase their offer on low-cost, deadlier routes.

For refugees, one of the few available options to curb demand seems to be, at least in the short term, to offer more – and quicker – resettlement options. For economic migrants, curbing demand would entail stepping up prevention, information campaigns and employment options in origin countries as well as increasing opportunities for legal labour migration, particularly in sectors which are structurally dependent on undocumented migrants. It would also require reinforcing controls and sanctions against the illegal employment of foreign workers.

Tackling people smuggling also requires new medium- and longer-term approaches to development programmes and development assistance. Countries should move towards development-led strategies to counter smuggling, adapt development programmes to serve those more likely to use smuggling routes, and increase employment opportunities at the regional level while promoting intra-regional mobility.

[*] *http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_ migrant_smuggling_en.pdf.*
Source: OECD (2015).

Here again, historical examples are telling. In the late 1980s the Second International Conference on the Indochinese Refugee Crisis resulted in the adoption of the Comprehensive Plan of Action (CPA). The CPA directly involved Viet Nam – as the major refugee-producing country in this crisis. It sought to curb illegal departures from Viet Nam – not only by resettling refugees who were still in Viet Nam but also by forcibly returning to Viet Nam those whose asylum applications had been rejected. International co-operation was also critical at the time of the migration upsurge from Albania to Italy in 1992 (more than 300 000 arrivals) and, more recently, in managing illegal migration between Morocco and Spain.

However, geopolitical shocks can disrupt national and bilateral instruments for managing migration. By the same token, international co-operation in the fight against human trafficking and irregular migration is also significantly weakened, legal labour migration channels are closed, repatriation agreements are terminated, consular services are thrown into disorder or shut down, and the exchange of information is curtailed.

Poor co-operation over border control with neighbouring transit countries can also cause problems at times of geopolitical crisis. Libya is a case in point. In this context, the issue has been less an upsurge in refugees, at least until recently, and the fact that Libya's political instability and endemic insecurity has paved the way for the expansion of smuggling networks and illegal migration, particularly from Sub-Saharan Africa.

Improving the economic and social situation of refugees in countries of first asylum and containment

Financial assistance, often through Official Development Assistance (ODA), is also part of the policy response that OECD countries can provide notably to improve the capacity of countries neighbouring the conflict area to support the sudden and often massive influx of refugees. Development has three main objectives in these situations: addressing the root causes of the crisis, to the extent possible; improving the self-reliance – or resilience – of refugees in the country of first asylum; and ensuring that development gains in refugee hosting countries are not eroded by the knock-on effects of the crisis (such as the loss of key markets, or insecure borders) or by the pressures that the influx has placed on basic services, social cohesion, natural resources and other assets. Beyond humanitarian considerations, another key foreign policy objective is often to increase containment in the region and reduce intercontinental displacements.

This approach was central to the resolution of the Indochinese refugee crisis in the 1970s and remains a top priority for the international community as it seeks to respond to the current crisis. Traditional forms of ODA to developing countries in crisis have not always been properly adapted to needs. For example, better tools need to be devised to support middle-income countries, such as Lebanon, Jordan and Turkey, who host very large refugee populations.

In the context of the Syrian crisis, in February 2016, the United Kingdom, Germany, Kuwait, Norway, and the United Nations co-hosted a conference in London to raise new funding to meet the immediate and longer-term needs of those affected by the conflict in Syria. The conference secured over USD 11 billion in pledges – USD 5.8 billion for 2016 and a further USD 5.4 billion for 2017-20. A comprehensive approach was also endorsed, particularly to assist Jordan. It comprised support for medium-term growth and greater employment opportunities for refugees and Jordan workers alike.

Much still needs to be done, however, simply to cope with the urgency of the situation. In May 2016, for example, less than a quarter of the funding needs estimated by the UNHCR for Syria for the year had been met. Generally, though, there is a need for further action to strengthen the self-reliance of displaced Syrians by fostering more legal opportunities for them to work and giving them better access to education in their current country of residence.

UNICEF estimates that more than 2.1 million children inside Syria and 700 000 in neighbouring countries (including 400 000 in Turkey) are out of school. In response, it launched the "No Lost Generation Initiative" in 2013. Much more recently, in May 2016, the United Nations started a new initiative, "Education cannot wait" aimed at raising USD 3.85 billion from private and public donors over the next five years to provide (mostly Syrian) displaced children and school-age refugees with some schooling. Legal or practical obstacles to formal employment for Syrians in Jordan,[14]and to a some extent Turkey,[15] may also bar Syrian refugees from the means to sustain themselves and drive them into secondary migration.

Humanitarian response typically focuses on providing protection and basic needs in countries of first asylum. When a crisis becomes protracted more is clearly required. The challenge becomes to enable people to make a sustainable living, which calls for a different approach and, in many cases, greater synergy between humanitarian and development action. Development actors need to focus more on the short-term effects of policy changes and investments, while their humanitarian counterparts must seek to build refugees' self-sufficiency. Strengthening the resilience of regionally displaced people in the event of long-lasting crises is certainly part of the answer, although it can of course not be the only one.

UNHCR resettlement programmes remain a key instrument for protecting the most vulnerable, like those with special medical needs. Directing greater resources into programmes to speed up processing and increase the number of potential beneficiaries should remain a priority for the international community.

Resettlement is not, however, accessible to less disadvantaged, middle-income refugee groups. While some of them may prefer to remain close to their home country, others consider alternative options, particularly as the conflict drags on.[16] Although these are the refugees who have the means to pay smugglers, they are not targeted by humanitarian aid or traditional development programmes. More needs to be done to understand this group, how they differ from those who do not migrate, and to what types of development programmes they would best respond. It could be highly worthwhile considering alternative legal migration pathways for less disadvantaged, middle-income refugees.

From the case studies examined above six key lessons emerge:

1. OECD countries make use of temporary relief measures for people already on their soil who originate from countries in conflict – much as they do for people displaced by environmental shocks. Although most would be entitled to apply for asylum in the event of protracted conflicts, in some case restrictions apply and keep people relatively under precarious protection statuses.

2. Few OECD countries have large resettlement programmes. Though generally slow and of limited scope, resettlement is still one of the most effective protection channels for people, particularly the most vulnerable, fleeing war zones and civil conflicts. A growing number of European member states and European Union itself have developed new resettlement programmes or scaled up existing ones. Increasing the resources for these programmes should be a priority for the international community.

3. Temporary and subsidiary protection remains, especially in Europe, the most common response to upsurges in number of asylum seekers fleeing, including in the current humanitarian crisis.

4. Very few countries have developed specific policy responses or made use of alternative legal pathways so far. The upshot is that people not prioritised by UNHCR resettlement programmes and who struggle to integrate in their country of first asylum may have little alternative but irregular migration in the context of protracted crises.

5. International co-operation is a critical component of responses to all humanitarian crises. But it has become more difficult and complex due to countries' reluctance to share responsibilities for protecting migrants displaced by recent geopolitical shocks. Co-ordination between humanitarian and development actors is emerging as a key part of responses to protracted displacement crises.

6. More effort and resources must go into understanding and addressing the root causes of shocks to prevent crises. Development assistance for countries of first asylum to improve the economic and social plight of refugees is necessary, but containment cannot be the main response to acute humanitarian crises.

OECD countries who have, in the past, experienced migration caused by environmental and geopolitical shocks may have the capacity to adapt relatively quickly, but draw on only a limited range of instruments. They have particularly made very little use so far of legal migration channels as ways of affording protection to refugees and other beneficiaries on international protection in the event of protracted crises. The next section of this chapter reviews and evaluates the alternative available options.

Alternative pathways for people in need of international protection

People in need of international protection usually flee first to neighbouring countries to save their lives. Some may then be resettled in another country through UNHCR programmes or country-specific humanitarian arrangements. In case of protracted crises, others are left with two choices unless they are able to go home: rebuild their life in the country of first asylum or onward movement to seek a better future further away.

Alternative pathways[17] are migration channels which, though not always originally designed for international protection, can complement resettlement schemes. There are two kinds – general mobility and humanitarian. Alternative general mobility pathways encompass labour, international study and family migration visas. As for alternative humanitarian channels, they refer to humanitarian visas and private sponsorship schemes. With humanitarian visas people can lawfully enter a destination country where they submit a formal asylum application. In sponsorship schemes, private stakeholders share the costs of resettling refugees or of facilitating the use of alternative general mobility pathway. The aim is to increase the number of potential beneficiaries. Figure 4.2 schematically illustrates the different options and links them to relevant target groups.

This section discusses alternative pathways, drawing on research in the area – e.g. Long (2009, 2013, 2015); FRA (2015); Kumin (2015); Collett et al. (2016). It seeks to offer a detailed, positive, normative evaluation of the potential of both options, assessing how widely they have been used, their potential, and the different pathways currently available for Syrian refugees.

Figure 4.2. **Resettlement and alternative pathways for people in need of international protection**
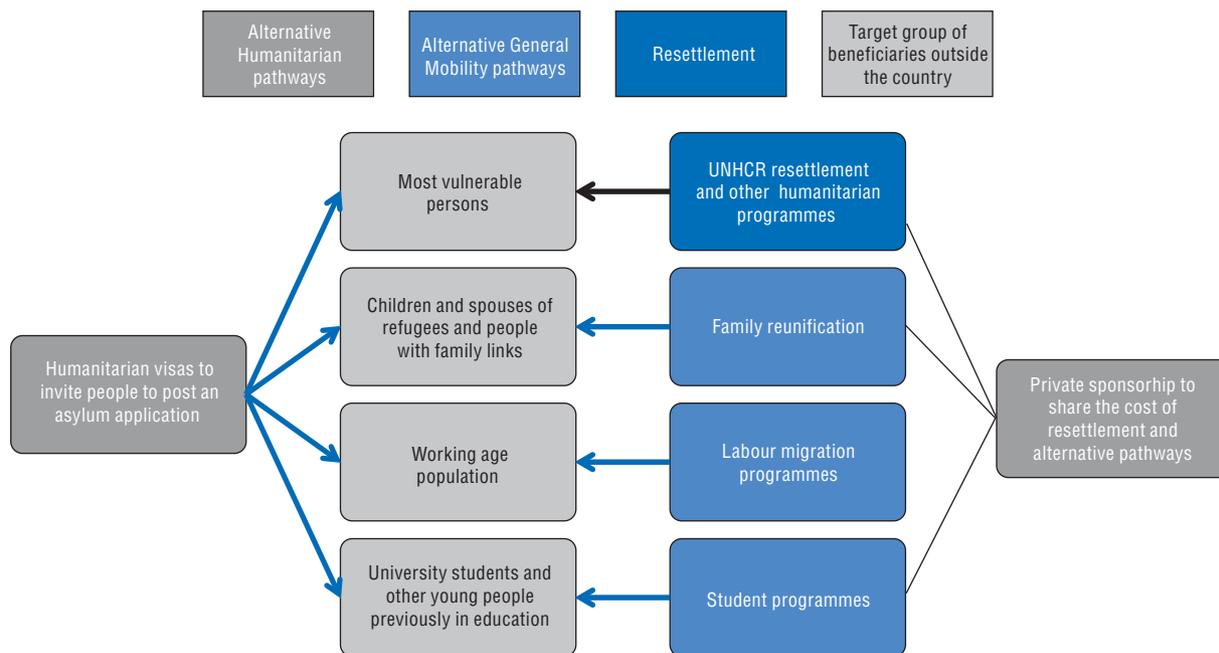
An important question should first be asked, however: who should be able to access alternative pathways? The target group should be displaced people living inside and outside refugee camps. It would cover those who have been granted temporary protection and those who have conventional refugee status. It would exclude those who are not yet registered in a country of first asylum.

Alternative general mobility pathways for beneficiaries of international protection

The general mobility pathways for potential beneficiaries of international protection are, on one hand, labour and study migration and, on the other, family migration. The former generally offer fewer rights than the latter. The implications of these limitations are discussed in a separate section before assessing the impact of family migration as a third "alternative general mobility pathway" for beneficiaries of international protection.

Labour migration

Labour migration accounts for a substantial share of all movements to the OECD. In 2014, more than 500 000 permanent migrants settled in the OECD for the purpose of employment -14% of the total – and more than 2 million were granted a temporary work permit. How could labour immigration policies be an alternative pathway for refugees and other beneficiaries of international protection?[18]

There are three broad approaches:

● solely help refugees to access existing labour immigration channels

● create incentives for employers to recruit people under international protection from abroad within the broad parameters of labour migration policies

● draw up new labour migration programmes specifically for refugees.

Any consideration of the three options should not lose sight that, under almost all existing labour migration programmes, it is the employer rather than the foreign worker who applies for the work permit. So, if the policy goal is to enable refugees to access labour migration programmes, employer demand is of central importance.

Helping refugees access existing labour immigration programmes

In principle, employers can recruit refugees from abroad through existing labour migration programmes. In practice, they do so only if they deem them to be the most suitable candidates for job vacancies. A range of factors determine employers' hiring decisions – e.g. skills, work experience, and the costs of recruitment, which includes any on-the-job training that may be necessary. In other words, refugees will have to compete with migrant workers from all over the world.

There are a number of reasons why refugees are at a disadvantage to other migrants when competing for admission as labour migrants. First, they know little about employment opportunities and labour migration programmes. Similarly, employers and recruitment agencies in OECD countries are unlikely to be aware of the availability and attributes of the potential labour supply provided by refugees from regions in conflict.

To help match skills with vacancies, an obvious first step is therefore to inform refugees in first countries of asylum and employers in OECD countries. Information portals could be useful to that end. The European Science4Refugees[19] initiative is aimed precisely at better matching refugee skills with available job offers in research. The privately sponsored project in the United States, Talent Beyond Boundaries,[20] also seeks to link employer demand with refugees' skills by mapping the skills of refugees in Lebanon, Jordan, and Turkey.

A second fundamental set of disadvantages that refugees face relates to the many administrative requirements of the labour migration process – proof of identity, international travel documents, the certification of migrants' skills and qualifications, the requirement to prove a clean criminal record, etc. If refugees are to stand an acceptable chance of gaining admission to OECD countries under existing labour migration programmes, those countries should lend more active support, particularly in speeding up security screening and evaluations of skills requirements.

Destination countries could also waive part of the visa fees or permit delayed payment to avoid that high cost prevents refugees from using legal labour channels. More generally, mobility of refugees with a job offer could be facilitated within the OECD to enable a better use and allocation of skills and talents of refugees. These questions can be illustrated in the EU context (Box 4.6 addresses those questions in the EU context). Overall, though, simply granting access to labour migration programmes is unlikely to lead to OECD countries admitting large numbers of refugees as migrant workers. Even if some of the challenges outlined above were to be resolved, employers may still prefer to recruit migrant workers over refugees.

Give employers incentive to recruit refugee workers from abroad

Beyond the provision of better information it would be possible to take measures aiming at providing incentives for employers to recruit refugees from abroad. In principle, this could be achieved either by encouraging the recruitment of refugees in addition to or instead of other migrant workers. In the latter case it would change the make-up of

> **Box 4.6. Addressing bottlenecks for skilled refugees and asylum seekers in the EU legal migration framework**
>
> Asylum seekers and refugees are not generally covered by EU labour migration directives. Most refugees benefit from relatively favourable rights under the asylum *acquis*, but the EU restricts mobility among countries to avoid asylum shopping. In practice, therefore, beneficiaries of international protection in one EU country who find a job in another one would not be entitled to take it up without applying for a standard work permit and losing the benefit of their protection status. Further, EU Directives have specifically excluded beneficiaries of international protection. This means that EU permits under the Students and Researchers Directives, the EU Blue Card, and the Seasonal Workers directive cannot be issued to beneficiaries of international protection (the latter because it is only for applicants outside the EU). National permits may still be issued.
>
> The exclusion was one concern during discussion of revision of the Blue Card Directive. Skilled refugees outside Europe have struggled to get their qualifications recognised and to access job offers in destination countries. Those who enjoy protection status in one EU country are locked into that country even if they qualify for a Blue Card permit in another. One solution, suggested by the UNHCR (2015b), would be to include refugee populations in a revised Blue Card Directive as a distinct category of qualified workers. The proposal by the Commission in June 2016 would indeed allow beneficiaries of international protection to apply for Blue Card permits in a second member state, without losing their protection in the first State or acquiring protection in the second.
>
> A more complex question is that of asylum seekers whose application has been denied. Some countries, such as Sweden, have provisions for those who worked while awaiting a decision on their application to switch to labour migrant status if their application is refused. This was introduced as an incentive to seek employment during the long asylum procedure. Other countries oppose that course of action on the grounds that it would constitute a pull factor and become an incentive to abuse the asylum channel.
>
> *Source:* OECD-EU, 2016.

admissions, with more refugee-workers and fewer migrant workers, though it would not necessarily change the overall magnitude of labour migration programmes.

In practice, countries which regulate labour migration through quotas (e.g. the United States, Italy, Korea) could set aside a number of places for specific groups of refugees. As for those that use a points-based system to select migrant workers (Australia, Austria, Canada, Japan, Korea, the Netherlands, New Zealand and the United Kingdom), they could award bonus points for being under international protection. Destination countries with labour demand systems could adjust other parameters. They could adjust minimum pay thresholds for admission or skills requirements (by applying lower thresholds), ease labour market tests and shortage occupation lists (by relaxing the mandatory advertising period for refugees or by applying an extended occupation shortage list).

Reducing the administrative fees that employers need to pay when making a work permit application sounds constructive. However, this indirect subsidy, like other measures to facilitate recruitment, affect employers' hiring costs only, not their direct employment costs – in other words, it would make it cheaper for employers to recruit, but not to employ a refugee-worker.

The IMF proposed allowing employers to hire refugees already in OECD countries at a wage below the minimum or prevailing level (Aiyar et al., 2016). Applied to overseas recruitments, the measure would allow employers to recruit refugee-workers at lower cost. There are a number of reasons why such an approach would not, however, be really efficient or desirable.

First of all, it would probably affect only the demand for low-skilled workers where existing labour migration channels are largely limited to seasonal activities and, in the case of Europe, concentrated on EU mobile workers. Second, refugees would be perceived as competing with, and potentially undercutting, domestic employment. The third, and most important, reason is that the move would, in all likelihood, undermine ongoing efforts to facilitate the economic integration of refugees already living in OECD countries and damage public support for refugees.

An alternative tack might be to encourage employers to recruit refugee-workers on the grounds of ethical recruitment and social corporate responsibility. If there were a widespread public perception that taking on refugees would be a "good thing to do", companies might benefit from an ethical recruitment label appreciated by customers. Unfortunately, the argument would likely have traction only in certain countries and predominately with large companies.

Creating new temporary labour migration channels for overseas refugees

The third, and most ambitious, way to facilitate the recruitment of refugees from abroad would be through new temporary labour migration programmes specifically for people under international protection in third countries. To be politically and economically acceptable, though, the numbers admitted through such schemes would have to be capped, or at least tightly regulated.

Programmes could start as relatively small pilots that could eventually be scaled up. Their eventual size would depend on assessments of host countries' demand for migrant labour and how it squares with the skills of the refugee population in question.

The rationale behind refugee-specific labour migration programmes would have to be based on the impossibility or inappropriateness of amending existing programmes. That would be the case for example if specific selection mechanisms in terms of skills, occupations and/or nationality are considered for refugees or if recruitments are taking place within specific bilateral labour migration agreements. The latter case raises the important question of who would negotiate and implement the provisions of the agreement on behalf of the refugee, given that countries of first asylum are unlikely to be effective advocates or negotiators in the context.

More generally, though, if alternative labour migration pathways are to work on a relatively large scale, the overall policy narrative would need to highlight the positive economic contribution that refugees can make and, at the same time, emphasise the realities and special regulatory requirements of what would, in effect, be migration for mixed motives. Indeed, in contrast to most existing policies that regulate different types of migration, the use of alternative labour migration pathways for refugees would amount to an explicitly "mixed-migration" policy. Despite the difficulties, though, history teaches us that this option might actually be realistic (Box 4.7), though implementation today would, of course, have to adjust to current protection practices and to the functioning of the labour markets and its evolving needs.

> **Box 4.7. Matching refugee skills with labour needs during
> the interwar period 1920-30**
>
> As Long (2015) recalls, one objective of the international protection system in the 1920s was to facilitate the entry of refugees through existing labour migration channels. The Nansen Passport, created in 1922 by Fridtjof Nansen who served as the League of Nations first High Commissioner for Refugees from 1920-30, was a travel document designed to enable stateless people to move around, particularly after the October Revolution. More than 450 000 Nansen passports had been issued by 1939.
>
> Between 1925 and 1929, the International Labor Office assumed operational responsibility for refugees (Sallinen, 2013; Long, 2013). During that period the Refugee Service of the ILO was tasked with matching receiving countries' employment needs with refugee quotas, often broken down by occupation. It has been calculated that some 60 000 refugees were able to find employment between 1924 and 1928 as a result of the efforts of the International Labour Office, mostly in the agricultural sector. In 1926, for example, more than 10 000 Ukrainians were placed on Canadian farms.

Student visas

The United States, the United Kingdom, France and Australia run extensive programmes for university students. In 2013 each of those four countries hosted between 250 000 and 750 000 international students, most of them in higher education. Germany and Canada, albeit to a lesser extent, are also important receiving countries. In total, almost 3 million international students are currently pursuing their education in OECD countries and most countries have greatly facilitated the switch from student visa to work permit in recent years (a notable exception being the United Kingdom).

The benefits of foreign student programmes are well known and amply documented. They are good for the host country, as they bring income through tuition fees, a potentially highly skilled labour supply, and direct links with countries of origin. There are potential benefits for countries of origin too, which do not have to foot the bill for higher education and may get back highly skilled workers when students return on completion of their courses.

When it comes to refugee students, young people with university diplomas in post-conflict societies may play a critical role in their country's future. Members of the diaspora with special skills are indeed often enlisted by their countries of origin to contribute to post-conflict stabilisation efforts and help strengthen the development of fragile states by helping to rebuild government structures, promoting the rule of law and taking up management, technical and administrative jobs in key sectors such as health, education and banking (OECD, 2010).

A considerable proportion of the world's refugees, especially those fleeing Syria, are young people, many of whom are in higher education or have the qualifications which would enable them to start university or post-secondary education. In principle, many refugees would be eligible for and would benefit from a student pathway into OECD countries. In practice, though, there are obstacles.

The first relates to who will pay the tuition fees and living costs of refugees and other beneficiaries of international protection when they become students.[21] Only a relatively small group of relatively privileged refugees is likely to have their own resources.

In the case of Syria, a large number of public and private organisations have launched initiatives to fund Syrian students.[22]The World University Service of Canada (WUSC) has partnered with many universities to finance scholarships and sponsor refugee students and their families, while the Canadian government recently announced its intention to help to expand the WUSC programme.[23] The German Academic Exchange Service (DAAD) has created a well endowed scholarship programme for Syrian students,[24] Portugal has offered 700 tuition waivers (most of which, however, remain unused), and France recently announced 1 000 scholarships for Syrian students. Japan and Morocco also announced that they were considering admitting Syrian refugees through scholarship programmes.[25]

All the above initiatives are of relatively small scale. As for scholarships, they should cover not only tuition fees, but transport costs and enable decent living standards so that refugee students do not need to self-finance. Nor can refugee-student programmes be based simply on the expansion of existing scholarship programmes for foreign students. Universities need to adapt their courses – by tailoring curricula to needs and providing upskilling courses and language training. Scholarship levels have to be adjusted and psychological support provided. OECD countries should also consider if and on what conditions students can stay on irrespective of whether they graduate or not or whether they have a job offer or not. They should also think about allowing students to bring their spouses and children with them to maximise their chances of success and ensure basic rights compatible with international protection standards.

The UNHCR (2015c) identifies some conditions that higher education programmes in third countries must meet to be a viable option. These include *inter alia* to provide financial support so that students can pay tuition fees and meet the costs of studying and living for the duration of their course; to take the refugees' situation into account and tailor academic programmes accordingly; and to not jeopardise the rights or legal status of refugees and ensure clear provisions for post-graduate options.

Although there appears to be a consensus on refugee students and many grass roots initiatives champion their cause, the full cost of the pathway for refugee students in higher education should not be underestimated. It amounts to the cost of resettlement (more than EUR 10 000 on average for the first year), plus additional higher education costs (which, though they vary widely across the OECD, but can be estimated at around EUR 10 000 per year). The foreign education programme is probably the most expensive of all alternative and traditional humanitarian pathways.

Some have argued that refugee-student programmes could be funded by sharing the cost between universities, the government and non-governmental sponsors. Employers could also get involved, especially if refugee-student programmes include vocational training and targeted shortage skills. However, in a context of limited financial resources and growing needs, particularly those of refugees already in OECD countries, there seems little prospect of any significant expansion of the student pathway.

Another obstacle to admitting refugees as students relates to the requirements applicants must typically meet to be admitted as foreign students to OECD higher education establishments. These include proof of educational qualifications (e.g. high-school diplomas), a formal record of past grades, proof of proficiency in English and domestic languages, etc. Many refugees have escaped conflicts in their home countries by leaving suddenly in fraught circumstances. They may well find it difficult to comply

with requirements and produce the proper documents. In the global marketplace where there is fierce competition for foreign students, educational institutions are likely to be reluctant to drastically lower requirements for admission.

In Europe, the ENIC-NARIC network for the recognition of qualifications has published guidelines for assessing refugees' qualifications and supports member states in doing so.[26] The World Education Service also published recently a description of worldwide practices for assessing the credentials of refugees which looks at available options for alternative forms of documentary evidence and recognition (Loo and Ortiz, 2016). A number of valuable initiatives are indeed taking place in various OECD countries, particularly in Nordic countries (OECD, 2016). However, most of them focus on refugees already in the country. Evaluating refugee students in third countries often proves extremely difficult, if at all possible. This difficulty is exemplified by the outcomes of Syrian applications to the European Erasmus Mundus programme (now Erasmus +). In 2013, more than 350 Syrian students applied at master's level but only 21 were successful.

Unless answers are found to some of the key obstacles addressed above, it is unlikely that, despite the potential of this international studies channel, large numbers of refugees will find protection in OECD countries as students in the future. That being said, the development of a cohort of young people able to contribute to post-crisis recovery in their country goes well beyond short-term protection objectives.

Cross-cutting issues in the use of labour and student schemes for refugees

The challenge of creating or using alternative work- or study-related legal pathways raises at least four fundamental questions. They relate to the nature of policy objectives, migrants' rights, whether refugees should be allowed to switch category, and what happens when the temporary mobility visa expires.

The nature of policy objectives. How important are humanitarian objectives (i.e. the protection of refugees) in the policy response? Clearly, alternative labour and study pathways for refugees cannot be designed purely on humanitarian grounds. Which prompts the question as to whether an alternative pathway for refugees is designed :

- only to meet the objectives of the general mobility category – i.e. refugees are treated as labour migrants and their admission is governed by the same rules that regulate the admission of migrant workers
- or is guided by mixed motives – in other words the objectives of general mobility policy and humanitarian objectives.

This question is important because it determines, among other things, the extent to which adjustments in general mobility policy to accommodate refugees as a special case can be used to justify the policy in domestic political and public debates. For example, if refugees are admitted under the umbrella of a labour migration programme and there is an explicit recognition that the programme includes a humanitarian component, it should be easier to justify and implement special policy measures such as the exemption from certain admission requirements that apply to other labour migrants.

Policy approaches that explicitly include a mix of objectives may have the best chance of success with regard to the likelihood of implementation and the numbers of refugees who would benefit. Treating refugees purely as labour migrants or students without any recognition of their special status would not be acceptable from a humanitarian

standpoint. Nor would it be likely to result in large numbers of admissions, for the simple reason that refugees would need to compete for admission with other migrants from all over the world.

Migrants' rights. To what rights are refugees who enter through labour or study migration channels entitled? Despite evidence that migration has usually a neutral or positive impact on public finance (OECD, 2013), public opinion harbours fears about the net fiscal impacts of immigration, especially low-skilled immigration. To allay those concerns, some countries restrict, at least temporarily, the social rights of migrants (e.g. their access to certain means-tested benefits). The same countries would probably be tempted to apply the same restrictions to refugees admitted as workers, which may contravene international law and standards. Similarly, many countries limit labour migrants' to designated shortage occupations and sectors. The same practice applied to refugee-workers could fail to meet the international standards that govern the treatment of refugees and other beneficiaries of international protection.

Switching status. Should refugees who gain admission under a general mobility scheme be allowed to switch category and, for example, claim asylum? This is a difficult, but important, question. Most advocates of alternative pathways for refugees emphasise the importance of refugees retaining the right to protection. The UNHCR, for example, hopes that:

> Through the use of additional pathways, existing migration programmes and systems can be made more accessible to refugees and their families, while ensuring compliance with basic refugee protection principles. With this in mind, some changes to existing visa and migration regimes could strengthen international protection overall while retaining the integrity and objectives of national systems.[27]

However, it is clear that allowing refugees who use alternative pathways to claim asylum immediately would be perceived as a constraint and drastically limit the use of labour and student pathways for refugees. If the policy goal was simply to afford refugees a legal pathway through which to claim asylum in OECD countries, the required avenue would be resettlement or humanitarian visas, but not general mobility pathways. There cannot, of course, be any calling into question the right to claim asylum – doing so would actually breach international asylum law and standards. Admittedly, the obligation to comply with that right will probably result in fewer admissions. So there is a trade-off between the numbers of refugees admitted and the quality and conditions of the protection provided.

Return when temporary mobility visas expire. If refugees use temporary mobility schemes what are the implications for their return home when the temporary permit expires? Logically, they should be prepared to return to the country of first asylum where they benefitted from protection. But how could OECD host countries incite countries of first asylum to take back people who have found alternative shelter? The answer in most cases would be through a return and readmission agreement with countries of first asylum. Most countries of first asylum are low and lower-middle income countries themselves, so would be under considerable pressure to negotiate opportunities for their own citizens to access OECD countries – through visa-free regimes, bilateral labour migration agreements and preferential family migration rules, for example. They may well not view taking back refugees as a priority unless they obtain something in return for their own nationals.

There are also a number of other questions related to the terms and enforcement of returns. What if refugees whose temporary permits have expired refuse to return? What are the costs of forcibly returning the refugees and who will pay? What status will the refugees have on return to their country of first asylum? Can they be returned to countries of first asylum which are not signatories of the 1951 Refugee Convention?

Lastly, the sheer difficulty of procuring proper travel documents in countries of first asylum has a strong chance of excluding refugees from temporary mobility schemes. Many refugees do not actually have a valid passport that would enable them to travel. And if they do have one, they may be loathed to use it, as they would run the risk of forfeiting their protection status in their current country of residence. Refugees recognised under the Geneva Convention have – in theory – access to Convention travel documents (CTDs). Other people may be given *laisser-passer* documents that allow travel. In practice, limited numbers of such documents are issued because costs are prohibitive for refugees and procedures for obtaining them too complex. More importantly, many do not comply with the international standards that require machine-readable travel documents (only 45 countries currently issue machine-readable CTDs). Moreover, many states simply refuse to admit refugees traveling on CTDs, fearing that they will not return to their country of first asylum (Long, 2013).

All these questions are very sensitive and important because, if mechanisms are not in place to ensure that (some) returns happen in practice in the case of temporary permits, it may be hard to convince the general public that the alternative legal pathways for workers and students are different from humanitarian pathways. At the same time, the UNHCR (2016b) rightly emphasises that labour migration schemes which seek to ensure refugees' safe, dignified economic participation should comply with the principle of *non-refoulement*; and that any new status assigned to a refugee should be no less favourable than their current refugee status with no risk of *refoulement*. Squaring that circle is probably the biggest challenge to making labour and student migration schemes a viable option for a significant number of refugees hosted outside the OECD.

Family migration as an alternative pathway for refugees

All OECD countries provide some channels for family migration, migrants' main channel of entry into the OECD. In 2014, 1.3 million persons were admitted with permanent visas as family migrant to OECD countries, with the United States accounting for half. Conceptually, a distinction can be made between family reunification with citizens and immigrants with permanent residence status in an OECD country (e.g. dependent children are reunited with father or mother) on the one hand, and the admission of dependents of migrants with temporary residence status (e.g. the admission of a spouse of a temporary labour migrant or foreign student) on the other hand.

In both cases, OECD countries regulate and restrict the right to be joined by family members from abroad according to the different categories of migrants. Family migration is regulated:

- by defining the "family" – i.e. what particular types of family members qualify for family migration
- by stipulating a number of conditions that need to be met
- by regulating the rights of family members after admission.

Most OECD countries define family in terms of the "nuclear family", which includes spouses and dependent children. Some countries also include dependent parents – under specific conditions – and a few certain members of the "extended family".

The conditions that govern family migration vary from country to country. However, they often include a minimum income threshold that must be met by the sponsor (i.e. the migrant in the host country asking to be joined by family members abroad). There are also insurance requirements (e.g. health insurance) and/or housing requirements. Some countries also impose "waiting periods", whereby labour migrants or people under temporary or subsidiary protection must spend a certain length of time in the host country before they can be joined by family members from abroad.

EU minimum standards for (nuclear) family reunification are set in Council Directive 2003/86/EC since September 2003 (except for Denmark, Ireland and the United Kingdom which are not covered). That directive stipulates more favourable conditions for family members of refugees (see Chapter V of the directive), but the standard rules apply to sponsors who have subsidiary protection or another humanitarian status. Member states may not require refugees to have resided in their territory for a certain period of time before being joined by family members. Similarly if the application for family reunification is posted within three months of obtaining refugee status, member states cannot make reunification conditional on any housing or income requirement. Furthermore, applications for family reunification may not be denied solely on the lack of documentary evidence of family connection.

Most countries recognise that family reunification is a precondition for protecting and integrating refugees. Accordingly, EU countries generally grant them income, housing and health insurance conditions that are more favourable and longer-lasting than the Family Reunification Directive requires. The conditions for unaccompanied minors and beneficiaries of temporary and subsidiary protection, which are not covered by the EU directive, vary significantly across countries. In the past few months, a number of countries have restricted the conditions for family reunification for these groups, sometimes drastically. Annex 4.A4 provides detailed information on the conditions and recent changes in entry conditions for family members of humanitarian migrants in selected EU and OECD countries by status type.

Persons with **refugee status** generally have an immediate right to family reunification. In line with the EU directive on family reunification, the vast majority of countries exempt refugee sponsors either temporarily or permanently from meeting accommodation, income and health insurance conditions. Exceptions are Denmark and Turkey,[28] where such requirements may also be imposed for refugee sponsors.

Currently, only a few countries (e.g. Austria, Denmark, Sweden, Greece and to some extent Switzerland) strictly restrict **beneficiaries of subsidiary protection** the right to family reunification. Several other countries have also introduced very long waiting periods before beneficiaries of subsidiary protection can be reunited with their families: Germany and Latvia, 24 months; the Czech Republic, 15 months; and Austria and Turkey,[29] 12 months. Fees are generally modest but reach EUR 450 in Finland, EUR 600 in Norway and EUR 800 in Denmark. About half of all OECD countries require sponsors with subsidiary protection and temporary status to meet accommodation, health insurance or income requirements, although most countries waive them for a period as they do for convention refugees.

No country specifically denies **unaccompanied minors** the right to family reunification, but Denmark, Switzerland and the United Kingdom have stringent policies based on case by case assessments. Austria has introduced a 36 month waiting period for unaccompanied minors with subsidiary protection status and Sweden restricts family reunification to unaccompanied minors sponsors with refugee status until 2019. Many countries in fact allow only parents the right to family reunification. However, with the exception of Denmark, Hungary and Turkey, all countries systematically waive accommodation, health insurance and income for unaccompanied minor sponsors, either permanently or temporarily.

Outside Europe, only the United States facilitates family migration for refugees, although refugees in Canada, Australia and New Zealand can sponsor their family members who are in resettlement programmes. In Australia, for example, the Special Humanitarian Programme (introduced in 1981) targets the relatives of people who entered Australia under the Humanitarian Programme.

In response to the Syrian refugee crisis, Ireland and Switzerland took temporary measures to facilitate family migration among Syrian residents. From 14 March to 30 April 2014 the Irish government ran the Syrian Humanitarian Admission Programme (SHAP). Its purpose was to offer temporary Irish residence (up to two years) to vulnerable people living in Syria or who had fled to a neighbouring country and had close family residing in Ireland. The programme allows a maximum of two family members per sponsor, though sponsors can submit applications for up to four people. In December 2014, the Minister for Justice and Equality announced that it had received 308 applications and approved 111.

Similarly, from 4 September to 29 November 2013, Switzerland temporarily eased visa requirements for relatives of Syrian nationals living on Swiss soil. There was no requirement as to financial resources. The measure was designed to facilitate temporary stays for war-afflicted, non-core Syrian relatives. Switzerland accepted 6 600 applications. Switzerland also announced in March 2015 a new reinstallation programme which includes 1 000 temporary protection permits for displaced persons who have close relatives (spouse and children under 18) who have themselves been granted the temporary protection Status in Switzerland. Germany, through its recent private sponsorship resettlement programme, also targets family members and has already taken in more than 20 000 people.

Family migration is probably the alternative pathway with the greatest potential in terms of possible beneficiaries. In theory, it is possible to think of a range of measures to lower barriers to family reunification which brings together refugees with close relatives who are citizens of or permanent residents in OECD countries. Measures could include widening family reunification to include non-core family members, expediting procedures, and relaxing conditions of admissions. In practice, though, policy developments have been going exactly in the opposite direction, especially in Europe. Even countries which have not changed their rules are now issuing more subsidiary and temporary protection visas that curtail family reunification rights. Few countries made their programmes more flexible to respond to the Syrian crisis.

There are four main reasons for tighter family migration policy :

1. Recent flows of asylum seekers have been particularly concentrated in just a few countries. Family reunification, by definition, would be towards exactly the same countries, which are already under strain and calling for costs to be more equitably shared.

2. Family migration facilitates integration and long-term settlement. But many host countries in Europe view asylum as temporary and expect people to go back when the situation improves in their country of origin.

3. There is a fear that facilitating family migration will encourage other migrants to make the risky journey, claim asylum and exercise their right to family reunification – in other words, that opening family migration channels may act as a pull factor.

4. Closely related to the third reason is the fear of offering more favourable conditions than neighbouring countries and becoming the destination country of choice. There is indeed currently a risk of a race to the bottom, with countries aligning their policies to the least favourable to avoid appearing as more attractive than their neighbours.

It is important to understand such arguments. But they can be overcome. Building on the example of Ireland and Switzerland, temporary family reunification programmes exclusively for refugees who arrived over a specified period of time would avert the pull factor. There is also scope for making greater use of private sponsorship, as in Germany and Canada, to support the reunification of displaced people in need of international protection with their families. Setting minimum standards for those under temporary/subsidiary protection would limit the risk of a "race to the bottom".

Alternative humanitarian pathways

There are two main types of alternative humanitarian pathways, namely humanitarian visas and private sponsorship schemes. They are of very different nature. With humanitarian visas, people can lawfully enter a country and file a formal asylum request. Under private sponsorship schemes, multiple stakeholders share the cost of resettlement or alternative general mobility pathways to increase the number of potential beneficiaries.

Humanitarian visas

Humanitarian admission programmes are in fact resettlement programmes which are not carried out under the auspices of the UNHCR, or at least for which the UNHCR does not individually select and submit refugees. Humanitarian admission applies to certain categories of refugees, determined by national legislation, such as the socio-economically vulnerable, family members, or people with special needs (e.g. medical needs). Beneficiaries are granted temporary or subsidiary protection, rather than a 1951 Refugee Convention status. Examples of humanitarian admission programmes are the UK Vulnerable Persons Relocation Scheme or the Australian Special Humanitarian Programme. However, many OECD countries have such schemes or the capacity to develop them according to the needs.

Humanitarian visas are of a different nature. The basic idea is to enable people to come to the host country to claim asylum (ie. before the recognition of their refugee status is completed). In absence of such a visa, the only option for people who want to seek refuge in the OECD and who are not entitled to resettlement or a legal pathway, is to risk their lives with smugglers.[30]

According to a study by the European Parliament (2014), eight EU member states (Belgium, Germany, France, Hungary, Italy, Latvia, Luxembourg and Poland) have national long-stay humanitarian visas,[31] while Malta and Portugal have been using LTV Schengen short-stay visas to offer protection. Outside the EU, Argentina, Brazil and Switzerland, for

example, operate such visas. In the United States, Humanitarian Parole Visas which are granted for urgent humanitarian reasons could also fall into that category as a parolee can adjust to a permanent status – when they are granted asylum, for example.

Brazil started its humanitarian admission programme in 2010 after the earthquake in Haiti and has used it in response to the Syrian conflict. It had issued humanitarian visas to a total of 9 000 Syrians in March 2016 and refugee status to more than 2 200. France, too, uses humanitarian visas: since 2013, it has granted 2 600 to Syrian applicants[32] and the authorities recently pledged an additional 1 500. The Argentinian programme is both more recent, having started in 2014, and more modest, having admitted 200 Syrians on humanitarian grounds so far.

The United States has run Humanitarian Parole Programmes for the families of Haitians since 2014, the families of Cubans since 2007 and, since 2014, for children in El Salvador, Guatemala and Honduras under the age of 21 whose parents are lawfully present in the United States. In November 2015, more than 60 members of Congress called on President Obama to put in place a parole programme for Syrians. They argued that it would bring emergency relief to more than 7 000 Syrian families. These family had already passed initial background checks but had still not received a visa due to annual numerical caps on visas. Similarly, in March 2016, the Civil Liberties committee (LIBE) of the European Parliament called for reform of the EU visa code to allow people in need of international protection to apply for a humanitarian visa in member state embassies or consulates outside the EU.

The availability of humanitarian visas is one thing. The selection of potential beneficiaries is another. Some have suggested that not only could more countries use them, but they could use them on a much larger scale. Currently, destination countries limit the number of humanitarian visas that they issue each year and/or screen beneficiaries of humanitarian visas to make sure that they have a high chance of obtaining refugee status after arriving in destination countries. Beneficiaries are often selected on the basis of family ties or emergency criteria which differ from standard resettlement programmes. In practice, humanitarian visas give countries a lot of leeway in terms of who to admit and are faster to process than resettlement visas.

A policy of issuing humanitarian visas with no numerical cap or prior screening would surely lead to huge numbers of applicants – at least in the most popular migrant and refugee destination countries – and to lower proportions of applications being accepted. Countries may also fear to be overwhelmed by applications as they do not necessary have the capacity to process large number of requests. As a result, a non-discretionary use of humanitarian visas is very unlikely and the number of visas delivered more likely to increase extensively than intensively – in other words, it is more likely that more countries will take them up that it is that countries already using them will expand their use.

Much greater use of humanitarian visas would add to the OECD policy tool box an instrument that responds efficiently to both environmental and geopolitical shocks. For it to be really effective, however, consular services worldwide would need to be more accessible to people displaced. The EU could contribute in that respect, with the consular services of the member states collaborating to increase their coverage.

Private sponsorship

Despite the rapid increase in global displacement, state-led programmes for resettling recognised refugees are still very small-scale, as less than 1% of refugees registered with the UNHCR are resettled every year. OECD countries have been very reluctant to expand this humanitarian protection pathway. The basic idea behind private sponsorship programmes is to draw on private donations (from individuals, corporations and other organisations) and community resources to help resettle a greater number of refugees, support them, and help integrate in destination countries.

Private sponsorship programmes are not migration programmes or an alternative pathway *per se*. They are more a way of sharing costs and responsibilities between stakeholders in destination countries. From that perspective, private sponsorship is a cross-cutting approach that can apply to any kind of legal pathways. Typically, private sponsorship schemes have been used to resettlement and reunite families. But they could also be a way of sponsoring refugee-students.

Private sponsorship programmes can take a variety of different forms and cover costs ranging from, for example, the transportation of refugees, medical expenses, housing, support with finding employment, and accessing education after resettlement. A sponsor is more than a co-financer (as in scholarship programmes). It requires being committed to covering settlement costs for a certain period of time as well as requires a commitment of community and other forms of non-financial support.

The oldest, and most emblematic, private sponsorship programme is the one developed in Canada, which dates back to the 1970s. Between 1979 and 2015, private sponsorship has helped resettle more than 250 000 refugees in the country. Canada has three main sponsorship programmes within its Private Sponsorship of Refugees Program: i) Sponsorship Agreement Holders (incorporated organisations that have signed a formal sponsorship agreement IRCC) and their Constituent Groups, ii) Groups of Five (group of at least five Canadians or permanent resident); and iii) Community Sponsors (organisations located in the community). The latter two groups need to submit a settlement plan directly to the Government of Canada to prove that they are able to commit the funds necessary for the sponsorship, as well as will have the other required supports in place. Although the government of Canada usually gives loans to refugees to pay for their medical examination overseas and their journey to Canada, sponsors should provide financial support for one year or until the refugee become self-sufficient.

To be sponsored as a refugee by a Group of Five or Community Sponsor, the principal applicant must already have refugee status overseas, though the condition has been lifted for Syrians and Iraqis. Private sponsors handle the refugee's initial settlement and provide emotional and social support. The total estimated cost of sponsoring a single adult individual in 2014 was CAD 12 500, while for a family of six it was CAD 32 500. Canada also runs a blended programme where the government and private sponsor share responsibility for projects.

The Australian Special Humanitarian Programme has provided pathways for people to propose family members overseas for resettlement in Australia. Since 2013, Australia has operated a trial community support programme, known as the Community Proposal Pilot.

In Europe, Germany is the only country to have incorporated private sponsorship programmes into its regular humanitarian provision. Sponsorships are conducted at *Länder* level and all but one *Land*, Bavaria, runs a private sponsorship programme. One common prerequisite is that the sponsor, whether German citizen or permanent permit-holder,

must have family ties with the refugee. Sponsors are also expected to assume financial responsibility for an unlimited period of time. There is no numerical limit, and sponsorship schemes have seen more than 20 000 permits granted to Syrians since mid-2013.

Other countries have used private sponsorship components in ad hoc programmes like those of Ireland and Switzerland that reunited Syrian refugees with members of their families. United States humanitarian programmes also comprise a co-financing element, though they cannot be formally considered private sponsorship programmes, as sponsoring agencies do not make long term financial commitments.[33]

Private sponsorship programmes are also a potentially powerful expression of public support for refugees. This type of revealed preference may send a strong political signal to politicians at home and abroad. Conversely, critics of private sponsorship programmes have argued that state-led programmes and private sponsorship risk, at least in the long run, being substituted.

In practice, the size of private sponsorship schemes depends on government processing capacity but also on the magnitude of private donations and community support, which can be raised in a number of different ways. Crowdfunding has potential as a useful, transparent way of enabling the wider public to contribute to such programmes, although it raises the question of the sponsor's responsibility.[34] Fiscal incentives could also be considered as state support for private donations and an indirect means of co-financing.

A central question in any resettlement programme is how to select refugees for resettlement. In state-led programmes, selection is typically carried out by UN officials using certain "vulnerability criteria" or criteria determined by national interest and priorities. Critics of private sponsorship contend that to win active support from the sponsor and/or the local community a certain degree of autonomy in the selection process. The risk is that faith-based organisations and ethnic or political groups focus on certain categories of people in need of protection to the exclusion of others. To help reduce this problem some or all the places available in a private sponsorship programme could be allotted by lottery or based on external criteria defined by UNHCR or the host country.

Private sponsorship programmes require careful regulation. Among many other things, the responsibilities of sponsors must be defined clearly, while procedures and safety nets need to be in place in the event of problems (e.g. a beneficiary remaining dependent, the failure of the sponsor to uphold their responsibilities). The roles and relationships between different types of donors and organisations (e.g. individual donors, corporations, community groups, NGOs, international institutions such as UNHCR etc.) must also be clearly delineated. Private sponsorship programmes have to be designed and implemented in close partnership with the public authorities. Furthermore, relying mainly on the support of the public at large to finance resettlement would run the risk of the scope and focus of the protection programme being driven by media attention, which is, by its very nature, highly volatile.[35]

In practice, it is likely that the political feasibility of privately sponsored resettlement will depend on how much of the actual costs during and after resettlement will be borne by the sponsor and for how long. Private programmes that cover more costs over longer periods (and at less cost to the public purse, at least in theory) can be expected to appeal to OECD countries more than ones which focus on meeting minimal costs that arise in the short-term, like the costs of transport and immediate medical care. They will however require more funding and long-term support from local communities and sponsors. By

contrast, programmes where a sponsor covers costs for shorter periods of time or which are less rigorous in their requirements are prone to issues of moral hazard – where sponsors take greater risks because they know that the authorities will bail them out.

Evaluating the potential of alternative pathways

This section seeks to gather together the chapter's different findings and evaluate the potential of the different alternative pathways against three key criteria: "protection", "acceptability" and "feasibility". It succinctly presents the evaluation criteria, then synthesises the pros and cons of the various alternative pathways in a summary table (Table 4.2). An evaluation of the potential of "alternative general mobility pathways" in the specific case of Syria rounds off the section's findings.

Protection

Any policy response to forced displacement within and across borders needs to be evaluated by the yardstick of the protection it provides to people fleeing conflict and violence. It is helpful – and important – to distinguish between three dimensions of protection: i) Scale of protection (How many people does the policy protect?); ii) Selection of beneficiaries (Who receives protection under the policy, who is excluded and why?); and iii) Conditions and quality of protection provided (How does the protection compare to UNHCR refugee status and standard temporary protection?)

The selection effect reflects whether and how a particular policy provides increased protection for some at the expense of others – whether sponsored resettled refugees are considered in addition or not to the overall resettlement policy objective. Similarly, it is easy to imagine scenarios where certain groups of people (e.g. Syrians) enjoy better access to protection than other refugee groups (e.g. by queue jumping or other forms of preferential treatment) or at the expense of other migrant groups not in need of protection (e.g. by reduce the intake of foreign workers or students). There is not necessarily a consensus on whether such selection effects are normatively problematic or not.

As for quality, different policies can give migrants different degrees of protection (e.g. physical safety, housing, access to basic services such as healthcare), economic opportunities (e.g. training, skills development, entry to the labour market), and varying levels of support for integration in the host country's economy and society. A complementary question concerns whether, and to what degree, the policy provides refugees with opportunities for individual choice, self-reliance, and earning their own livelihoods.

Acceptability

A comprehensive evaluation of policy responses must include their economic and social (and any other) consequences for the host country and its residents, as they play a considerable, and in some cases, prime role in determining political feasibility. In practice, when countries design migration programmes they take into consideration not only foreign policy objectives, but a range of additional objectives relating to perceived and/or real effects on the economy, society, housing and security (OECD, 2016). They may also factor in questions of national identity (however that is defined) and national values and the degree to which the policy is in line with the fundamental values of the country.

Some of those objectives and effects are, of course, heavily influenced by public opinion. The relationship between public opinion and policy making can be complex, and there is considerable debate on the extent to which public opinion should influence policy making. In many OECD countries, the share of the public holding extreme views on migration has grown and public discourse on migration is increasingly defined less by moderate positions than by extremes. Governments must respond to such vocal, polarised positions, which make it difficult to keep policy evidence-based and may significantly restrict the political scope for proposing bold reform or adapting migration policy systems and programmes, including in the field of protection.

Feasibility

An important, but frequently overlooked, criterion in evaluations of policy proposals is the technical feasibility of policy, defined by the capacity of nation states to implement them.

One facet of feasibility has to do with the administrative requirements and capacities and the financial resources needed to implement policy. Obviously, reallocating resources can partially offset such constraints, but some infrastructure development may take time. For example, humanitarian visas require the availability of consular services, private resettlement and scholarship programmes require significant administrative processing, and promoting labour migration channels calls for the development of tools to match demand and supply for the particular target group in question.

Some policy constraints may also stem from the domestic legal framework, especially the protection afforded by an independent judiciary and the national constitution. In other words, the legality of the policy option should be assessed against national and international law. In some cases, the national legislation can be adapted to enable necessary policy changes, but in some other cases, more fundamental changes may be needed (e.g. constitutional revisions). Feasibility is also affected by the time it takes to implement policy changes, which includes building political consensus.

Finally, historical experience matters. What are the lessons from history for the likely effectiveness of the new policy proposed? Of course, history does not necessarily repeat itself, as both policy challenges and the tools and institutions available for dealing with them evolve over time. Still, the perceived successes and failures of past migration and integration policies do play an important role in shaping policy debates and decisions.

Evaluating the potential of alternative pathways

Although it may appear obvious, it is nevertheless important to emphasise that no single policy can ever be "the best" across all three criteria (protection, acceptability and feasibility) and that there might be tension between the different objectives. For example, a policy (e.g. temporary protection) may offer basic physical protection to a large number of people. However, the quality of that protection may be limited – it may not, for example, offer opportunities for longer-term human development and integration. There is thus a trade-off between the scale and quality of protection. Furthermore, the final policy assessment does not depend solely on how the different objectives are prioritised and how trade-offs are managed. It also depends on the timescale considered in the policy evaluation, as some policy options may appear more difficult or costly in the short-term may turn out to be more beneficial in the long term.

Table 4.2 maps the four alternative pathways discussed in this section against the three evaluation criteria. Although it may be argued that the assessment is necessarily subjective, its aim is simply to summarise the arguments and evidence presented in this chapter, to promote open and structured debate.

Table 4.2. **Potential and feasibility of alternative pathways for persons in need of protection: a summary table of previous analyses**

		Protection			Acceptability	Feasibility
		Number of beneficiaries	Quality	Selection/ displacement		
Labour migration	Existing channels	Very low	Depends on the possibilities of changing status and/or applying for asylum. Depends on access to integration support programmes and restricted social benefits	High/Low	Acceptability will probably be higher if i) economic benefits are clearly identified and promoted ii) temporary migration does not become permanent iii) displacement is limited.	Can be implemented within current legislative frameworks but raises the question of readmission to country of first asylum Would require legislative changes in most countries
	Existing channels adapted	Low		Medium/Low		
	Newly created channels	Potentially higher number than other labour migration options if open to medium or lower skilled workers		Depends on the conditions for admission		
Family migration	Nuclear family	Generally low except in countries with large recent inflows	High	Low/Medium	High if the risk of pull factor is contained	Can be implemented within current legislative frameworks
	Extended family	High	High	Low/Low	Medium to low	Would require legislative changes in most countries
Humanitarian visa		Relatively low if selective, potentially high if not	High	Medium-high/Low	High degree of acceptability in countries which have such visas but the number of beneficiaries is low	Requires an administrative infrastructure (consular services with dedicated personnel) in countries of first asylum
Student visa		Limited to the number of displaced higher education students	Depend on the possibility of changing status and/or applying for asylum	High/medium	High	Relatively easy but costly
Private sponsorship		Potentially high but variable across countries	High	High/Low	Levels depend on support in public opinion	Would require most countries to develop their administrative capacity

It shows that the labour migration option, however appealing, may not be the easiest to implement. Within the context of existing labour migration schemes, which tend to be highly skills-oriented, the number of beneficiaries is likely to be relatively low. Facilitating the labour migration of lower-skilled refugees would have a much greater potential, but would also have to face the fact of forcible readmission to the country of first asylum or accept that most people would, in all likelihood, apply for asylum during or at the end of their contract.

Family migration has potential as the channel that would offer protection to the largest number of people, even when confined to spouse and children. The reason why several OECD countries have recently taken measures to restrict family reunification is partly the anticipated costs at a time of large inflows of asylum seekers, and partly to avert the perceived *pull factor*. The former could be mitigated through more intensive use of private sponsorship and, through time-bound programmes with more favourable conditions.

Private sponsorship – as long as its selection effects can be contained – and student scholarships have options that could potentially win greater support from public opinion. While private sponsorship schemes are, by definition, cheaper than traditional resettlement programmes, their cost should not be underestimated. The cost of the student programmes is clearly the largest but may also yield substantial dividends in the long term when students become fully integrated in the destination country or return to their countries of origin and maintain their ties to their country of asylum.

Humanitarian visas are available only in a handful of OECD countries, most of whom make only marginal use of them. If countries use humanitarian admissions to extend protection to selected groups of people, they could be a flexible, complementary instrument to resettlement.

Evaluating the potential of alternative general mobility pathways for Syrians

This section assesses the potential of various alternative pathways for Syrian refugees. It shows how many permits of different kinds have been delivered to Syrians by OECD countries between 2010 and 2015 and provides first estimates of the target population for each migration channel. It illustrates both the future potential and the operability of the various options discussed in previous sections.

Labour migration. Until recently, very few Syrian workers had qualified for work permits in OECD countries (Table 4.3) – some 18 200 in total. Turkey, with almost 7 800 permits granted, issued the most, although some of these work permits may have been granted to people under temporary protection. Sweden issued 3 500 permits, followed by the United States with 1 500 and Canada with 685.

In most countries, however, the number peaked at the beginning of the crisis in 2010-11 and have declined since, possibly because many Syrians who had connections and the relevant skills, notably language skills, had already used them to find job opportunities in the OECD. The opposite trend, however has been observed in France and, to a lesser extent, in Australia.

According to UNHCR registration data, which partially undercounts Syrians, particularly in Lebanon, about 1.9 million Syrians in countries neighbouring Syria are aged between 18 and 59. A key question is the extent to which Syrian workers have skills that match those in demand in OECD countries. To assess whether they do or not, the distribution by occupation of Syrian workers before the war is compared to the distribution of employed migrants in the OECD who arrived recently, i.e. in the previous 5 years.

In 2007, before the Syrian conflict started, one in three, or 1.5 million, Syrians were working in elementary occupations (Table 4.4). The next largest category was craft and related trade workers (19%), while 16% were managers, professionals or technicians and associate professionals. However, the occupational structure of the Syrian population evolved rapidly. Indeed, between 2007 and 2010, the number of Syrian workers in these first three ISCO categories increased by 24% to 950 000 in 2010, and accounted for 19% of the total.

The most recent figures on educational attainment in Syria date back to 2009. They suggest that one-third of the Syrian population (over the age of 25) had not completed primary education, one-third had completed no more than primary education, and one third had a secondary school level or higher. About 6% of the Syrian population held a higher degree in 2009.

Table 4.3. **First work permits granted to Syrians in OECD countries, 2010-15**

	2010	2011	2012	2013	2014	2015	Total
Australia	73	80	77	103	91	94	518
Austria	6	3	4	11	6	..	30
Belgium	5	4	7	8	7	..	31
Canada	128	138	122	121	99	77	685
Chile	4	5	15	20	17	23	84
Czech Republic	56	37	14	7	8	12	134
Denmark	14	10	5	10	21	20	80
Estonia	0	1	0	0	0	..	1
Finland	3	2	5	7	3	4	24
France	22	24	48	62	51	85	292
Germany	27	29	89	134	151	231	661
Greece	3	5	5	28	38	24	103
Hungary	14	15	27	21	21	26	124
Iceland	0	0	0	0	0	0	0
Ireland	3	3	11	7	8	..	32
Israel	..	..	..	..	..	..	..
Italy	311	123	64	55	28	23	604
Japan	5	4	12	11	6	9	47
Korea	..	..	..	..	..	..	..
Luxembourg	0	1	1	0	1	3	6
Mexico	..	..	..	..	..	..	..
Netherlands	6	6	12	10	9	..	43
New Zealand	39	32	74	23	28	40	236
Norway	3	3	8	12	8	6	40
Poland	48	136	28	47	21	46	326
Portugal	0	0	0	4	7	..	11
Slovak Republic	4	7	22	20	18	33	104
Slovenia	1	2	2	1	1	2	9
Spain	19	38	34	34	27	28	180
Sweden	435	645	534	727	780	412	3 533
Switzerland	32	44	45	50	94	82	347
Turkey	..	105	231	794	2 539	4 019	7 688
United Kingdom	160	135	105	145	140	..	685
United States	317	334	259	312	304	..	1 526
Total	**1 738**	**1 971**	**1 860**	**2 784**	**4 532**	**5 299**	**18 184**

Source: National sources.

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Profiling data on Syrians who have fled to Turkey, Jordan and Lebanon are limited. They tend to show a young, relatively gender-balanced population.[36] Data on the level of educational attainment of Syrians in Turkey, which go back to 2013, show that, among refugees aged 6 and over, 10% had reached higher education. In Lebanon, available data show that only 3% had reached university level (ILO, 2014). Similarly, most Syrians in Jordan had a relatively low level of education, with only 15% of Syrian refugees aged 15 and above having completed their secondary education or gone further (Stave and Hillesund, 2015).

Matching the skills of Syrian refugees in countries of first asylum to labour needs in OECD countries may seem particularly challenging. The employment distribution by occupation of third-country nationals in the EU who had arrived recently (in the previous five years) indeed shows a much larger share (32%) of professional and associate professional occupations (ISCO Levels 1, 2 and 3) than among workers in Syria before the war (16%) (Figure 4.3). However, a large share of recently recruited non-EU foreign workers

Table 4.4. **Distribution of Syrian workers by occupation, 2007 and 2010**

	2007		2010	
	Thousands	Distribution (%)	Thousands	Distribution (%)
Total	**4 946**	**100**	**5 055**	**100**
1 Legislators, senior officials and managers	71	1		
2 Professionals	273	6		
3 Technicians and associate professionals	424	9		
Subtotal 1, 2, 3	**767**	**16**	**948**	**19**
4 Clerks	433	9		
5 Service workers and shop and market sales workers	561	11		
6 Skilled agricultural and fishery workers	322	7		
7 Craft and related trade workers	940	19		
8 Plant and machine operators and assemblers	463	9		
9 Elementary occupations	1 459	30		
X Not classifiable by occupation	0.2	0		

Source: ILO, ILOSTAT Annual indicators dataset – Employment by sex and occupation.

StatLink 🔗 *http://dx.doi.org/10.1787/888933396427*

are in low skilled jobs (25% in ISCO Level 9 and 7% in ISCO Level 7 occupations), suggesting that currently unmet labour needs in the EU are not to be found only at the higher end of the skills distribution. In total in 2013, 350 000 recent migrants in the OECD found jobs in elementary occupations, some of which could probably have been carried out by low- and medium-skilled refugees recruited in Syria's neighbouring countries, provided that employers see them as potential candidates.

Figure 4.3. **Distribution of the population born in third countries employed in European OECD countries by occupation, 2013**
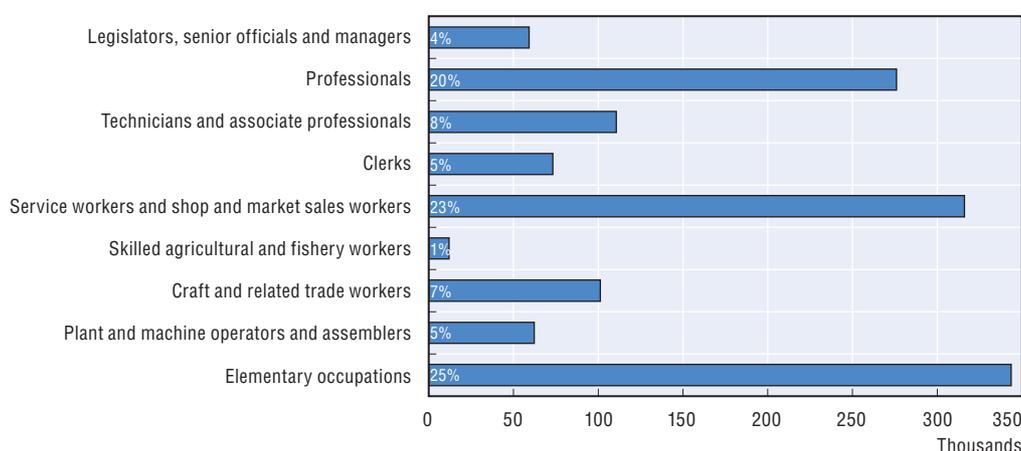
Source: Eurostat, Labour Force Surveys 2013.

StatLink 🔗 *http://dx.doi.org/10.1787/888933395651*

Student migration. Since the beginning of the war in Syria only a handful of student permits have been delivered to Syrian refugees (Table 4.5). In total 15 300 Syrians have obtained their first student permit in the OECD since 2010, 1 600 of whom did so in 2015 (based on partial data)[37]. The largest numbers were granted by the United States (4 800) followed by Germany (3 600) and the United Kingdom (2 200). France and Canada have also hosted more than 1 000 Syrian students each.

Table 4.5. **First student permits granted to Syrians, 2010-15**

	2010	2011	2012	2013	2014	2015	Total
Australia	63	59	32	23	28	22	227
Austria	9	21	25	25	34	..	114
Belgium	19	15	11	26	18	..	89
Canada	215	216	182	190	205	215	1 223
Chile	0	0	0	0	0	2	2
Czech Republic	59	32	55	36	28	68	278
Denmark	2	6	4	5	15	9	41
Estonia	0	0	1	0	2	..	3
Finland	2	7	0	3	5	10	27
France	274	240	102	146	197	115	1 074
Germany	278	234	355	650	1 011	1 097	3 625
Greece	6	10	18	24	18	21	97
Hungary	6	13	16	31	16	36	118
Iceland	1	0	0	0	0	2	3
Ireland	8	5	12	8	12	..	45
Israel	..	..	..	..	..	..	..
Italy	54	54	66	59	59	29	321
Japan	20	16	14	4	6	12	72
Korea	..	..	..	..	..	..	..
Luxembourg	0	2	0	0	1	0	3
Mexico	..	..	..	..	..	..	..
Netherlands	7	9	6	15	14	..	51
New Zealand	18	10	9	8	11	10	66
Norway	4	5	4	2	0	6	21
Poland	9	8	23	45	39	39	163
Portugal	1	1	4	1	48	..	55
Slovak Republic	2	5	10	6	6	7	36
Slovenia	0	0	0	0	1	1	2
Spain	0	20	61	79	84	105	349
Sweden	14	10	14	18	43	39	138
Switzerland	20	19	26	16	6	12	99
Turkey	..	..	..	..	..	..	..
United Kingdom	650	720	345	255	190	..	2 160
United States	799	723	801	1 172	1 271	..	4 766
Total	**2 540**	**2 460**	**2 196**	**2 847**	**3 368**	**1 857**	**15 268**

Source: National sources.

StatLink ⟪ASP⟫ *http://dx.doi.org/10.1787/888933396438*

According to figures from UNESCO, just under 600 000 (approximately 3% of the population) students were enrolled in Syrian higher-education institutions when the war broke out. This corresponds to a gross enrolment ratio of 26% at the tertiary level (Figure 4.4). In the period preceding the war, Syria had significantly increased tertiary enrolment, catching up with the average of the Arab countries, and only 3 points below the world average.

Given the higher rates of departure among young and educated since the beginning of the war, up to a third of the higher-education-aged population has probably left the country. Most are in the neighbouring countries (Turkey, Jordan, and Lebanon) but many are in Europe. Indeed, between January 2011 and April 2016, more than 300 000 Syrians aged 18 to 34 years old, of whom probably 100 000 were of university age, sought asylum in an EU/EFTA country and almost all of them were or will be granted protection.

Figure 4.4. **Gross enrolment ratio at higher education level, 2002 and 2010**
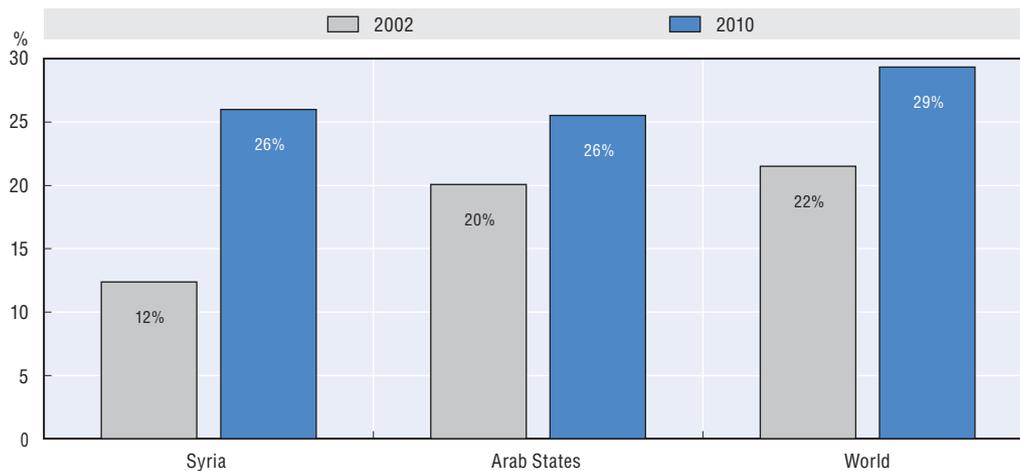
Source: UNESCO Institute for Statistics, *http://data.uis.unesco.org/.*

StatLink ⟲ *http://dx.doi.org/10.1787/888933395666*

Alternatively, the calculation can be made based on survey data (although not based on a statistically random sample). Among Syrians who landed in Greece in February 2016,[38] 14% of all adult respondents were students when they left Syria. Applying that percentage to the total number of adult Syrians who reached Europe in 2015 (approximately 500 000) would suggest that there are 70 000 Syrian former university students in Europe. Giving them access to higher education should be a priority.

If about a quarter of young Syrians currently in countries bordering Syria were previously university students (a quarter being the enrolment rate in Syria before the war), then there were between 150 000 and 200 000 Syrian higher-education students in Turkey, Jordan or Lebanon at the beginning of 2016. Only a fraction of them are enrolled in higher education in those countries (Watenpaugh et al., 2014).

Family migration. Since the beginning of the war in Syria, 72 000 Syrians have been admitted to the OECD under various family schemes (Table 4.6). In some countries, like Sweden, where the number of asylum seekers rose very rapidly in 2014 and 2015, so have the number of family members joining them. Countries like Switzerland and Ireland, which have had special programmes for Syrians, and Germany, with its sponsorship programme, took in relatively high numbers through family migration.

The 700 000 Syrian asylum seekers registered in the EU/EFTA since 2011 comprise about 375 000 adult men and 125 000 adult women. In a survey of Syrian refugees who arrived in Greece between April and September 2015 (1 245 interviews) conducted by the UNHCR, close to 50% of respondents stated they were single. On that basis, about 125 000 May have left their spouse behind. With a typical Syrian core family size of 5 people, an additional estimated 600 000 Syrians could come to Europe through immediate family reunification. That number should, however, be treated with extreme caution as much family reunification has already taken place. On the boats that landed in Europe so far in 2016, there were more children and adult women (55%) than adult men. In view of how difficult it is to access the family migration channel, the inference is either that more families are making the journey to Europe or more women are reuniting with their husbands who have already arrived.[39]

Table 4.6. **First permits granted to Syrians for family reasons, 2010-15**

	Family of refugees and of people under other humanitarian statuses							Other Family categories						
	2010	2011	2012	2013	2014	2015	Total	2010	2011	2012	2013	2014	2015	Total
Australia	..	..	..	..	..	..	..	15	<5	29	21	<5	<5	65
Austria	..	..	..	..	..	..	..	33	42	32	35	32	..	174
Belgium	..	..	..	..	..	..	..	212	186	161	206	464	..	1 229
Canada	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chile	..	..	..	..	..	..	..	2	1	4	7	9	6	29
Czech Republic	45	38	49	43	35	29	239	7	4	10	15	11	23	70
Denmark	68	57	178	365	1 440	6 562	8 670	18	14	21	12	27	74	166
Estonia	..	..	..	..	..	..	..	0	1	1	1	0	..	3
Finland	17	19	11	28	73	122	270	..	..	..	..	..	..	..
France	..	..	..	..	..	..	..	124	155	207	255	250	224	1 215
Germany	..	..	..	..	..	..	..	670	591	1 134	1 237	2 785	12 345	18 762
Greece	..	..	..	..	2	20	22	252	237	302	203	138	188	1 320
Hungary	..	..	..	..	..	..	..	47	87	79	106	76	69	464
Iceland	..	..	..	..	..	..	..	1	0	2	3	0	1	7
Ireland	..	..	..	..	..	..	..	6	5	3	10	11	..	35
Israel	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Italy	..	..	..	..	..	..	..	191	247	362	391	289	195	1 675
Japan	..	..	..	..	..	..	..	8	16	16	14	16	14	84
Korea	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Luxembourg	0	0	0	0	0	1	1	2	0	1	0	1	0	4
Mexico	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Netherlands	..	..	..	..	..	..	..	85	70	67	68	178	..	468
New Zealand	0	3	1	3	0	8	15	8	8	9	17	9	6	57
Norway	5	2	13	83	186	604	893	35	44	20	26	23	43	191
Poland	..	..	..	..	..	..	..	24	18	47	47	10	8	154
Portugal	..	..	..	..	..	..	..	3	1	5	2	14	..	25
Slovak Republic	0	0	0	0	0	798	798	3	5	16	23	17	49	113
Slovenia	0	0	0	0	7	0	7	0	0	0	0	0	0	0
Spain	1	0	0	26	42	110	179	21	33	41	34	52	60	241
Sweden	42	50	141	718	5 209	9 053	15 213	726	1 109	1 281	2 129	2 312	1 363	8 920
Switzerland	29	64	84	98	409	661	1 345	..	..	..	..	..	..	..
Turkey	..	..	..	..	..	..	..	..	..	..	..	..	..	..
United Kingdom	..	..	..	..	..	..	..	55	75	50	140	140	..	460
United States	..	..	..	..	..	..	..	1 365	1 534	1 762	1 995	1 746	..	8 402
Total	**207**	**233**	**477**	**1 364**	**7 403**	**17 968**	**27 652**	**3 913**	**4 483**	**5 662**	**6 997**	**8 610**	**14 668**	**44 333**

Note: Data for Greece are included in the Table 4.A3.6.
.. Non available.
Source: National sources.

StatLink ᕫᕢᕡᔕ *http://dx.doi.org/10.1787/888933396448*

Alternatively, the calculation can be made based on survey data (although not based on a statistically random sample). A recent UNHCR survey profiling Syrians who landed in Greece in February 2016[40] suggested that 6% of adult respondents had left a spouse behind and 13% left their child. Extrapolating those figures for the full year 2015 suggests the number of spouses left behind is much smaller – 30 000. If the high share of people who declare they have left children behind is also factored in, the potential total of incomers through immediate family reunification would still be quite large – an estimated 250 000.
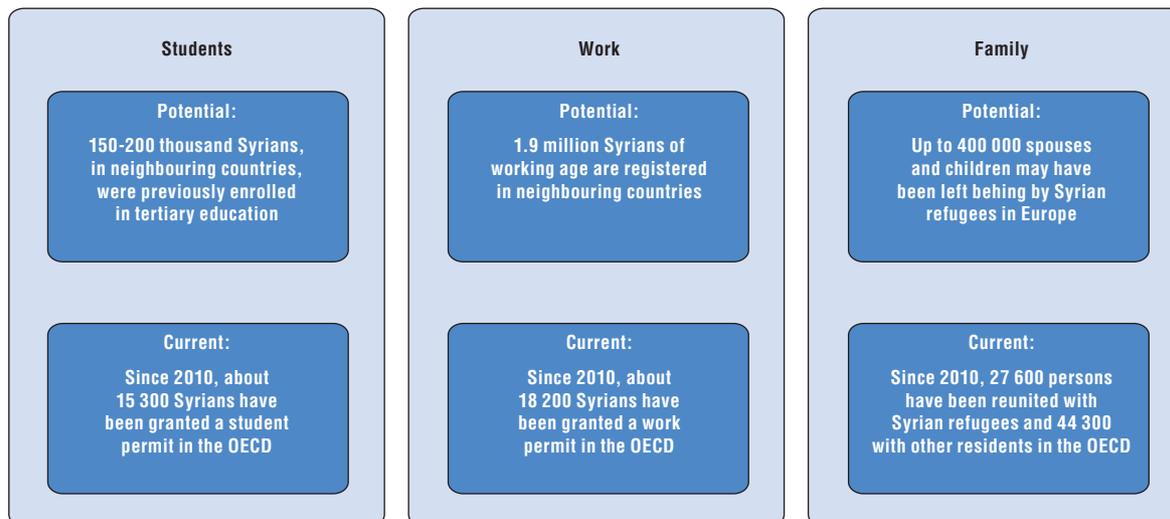
This is however a lower bound estimate as there was a much higher proportion of single men in 2015 (compared to first months of 2016).

Families are extended in Syria. They include not only parents and children, but grandparents, aunts, uncles and cousins, too. It is not uncommon for extended and immediate family members to live together in a single dwelling. Given that wider definition of the family and the number of people who declare that they have left a parent behind (57%), family reunification would generate a much larger number of incomers, probably larger than the number of asylum claims filed by Syrians in 2015.

Summing up

Figure 4.5 offers a summary view of the actual and potential use of alternative migration pathways in response to the Syrian context. It emerges that the labour migration route has been widely overlooked so far. Although there are objective reasons why, as discussed above, the gaping discrepancy between the channel's potential and its actual use are worth considering more closely. Narrowing the gap would necessitate mapping the skills of Syrian workers and matching them with potential labour demand in destination countries. It would also require finding practical working arrangements with countries of first asylum to facilitate the mobility of beneficiaries of international protection.

Figure 4.5. **Assessing the potential of alternative pathways for Syrians in the OECD**

Students	**Work**	**Family**
Potential: 150-200 thousand Syrians, in neighbouring countries, were previously enrolled in tertiary education	**Potential:** 1.9 million Syrians of working age are registered in neighbouring countries	**Potential:** Up to 400 000 spouses and children may have been left behing by Syrian refugees in Europe
Current: Since 2010, about 15 300 Syrians have been granted a student permit in the OECD	**Current:** Since 2010, about 18 200 Syrians have been granted a work permit in the OECD	**Current:** Since 2010, 27 600 persons have been reunited with Syrian refugees and 44 300 with other residents in the OECD

Probably about 10% of all displaced Syrian university students have benefited from a student visa in the OECD to date. That percentage represents a sizeable number that could further swell in the coming years thanks to the strong grass roots backing for the alternative pathway of international studies and the many recent national and international initiatives in support of it. Welcoming refugees into international student programmes, however, requires more than just covering tuition fees and living costs. It entails creating an enabling environment for study which takes into account the special need of displaced Syrian students.

Unsurprisingly, family migration has already generated the highest numbers of arrivals. Family reunification among Syrian refugees, however, has been low. The reasons include *inter alia* that most people who arrived in late 2015 have not yet been able to apply; that family reunification is often restricted for beneficiaries of temporary protection, even though it is becoming the most common status for Syrian refugees in Europe; and that resettled refugees usually arrive with their family.

By contrast, reunion with relatives already living in OECD countries has been relatively widespread and is increasing, a development attributable to the growing use of private sponsorship. Still, the potential of family migration as a pathway to protection for Syrians remains considerable. It deserves greater attention and less prejudice.

Main points and concluding remarks

When environmental and geopolitical shocks trigger large-scale displacements, protection and migration management systems ill-equipped to provide effective, co-ordinated responses come under great strain. In many of the examples studied in this chapter, countries' policy responses have been a mixed bag both in scope and timing and they are often ad hoc. Furthermore, in the rare instances when international action has been co-ordinated, it has usually taken many years to build a common response and interventions have involved only a small number of countries.

It is impossible to be sure if, all things being equal, environmental and geopolitical shocks will occur with greater frequency or intensity in the future. What is certain, though, is that their consequences, against a background of growing regional and intercontinental mobility, will be ever more global. Looking beyond the currently unfolding refugee crisis, therefore, it is in the best interest of all OECD countries to identify ways of strengthening response systems and international co-ordination mechanisms capable meeting the challenge of shock-related migration in the future. In that regard, analysis of past and ongoing experience highlights three important lessons:

1. effective international co-operation cannot be taken for granted;

2. protracted crises generate growing tensions between the need to find durable solutions and the general preference for short-term protection measures;

3. selection, which is a common feature of most migration systems, needs to be rethought in the context of the international protection framework.

On the first point, no country is legally obliged to assist in kind or in cash another one that is faced with mass displacements. The UNHCR budget is made up entirely of voluntary contributions, and resettlement offers are renegotiated on a yearly basis. In the EU, until a recent proposal, no automatic stabiliser had even been considered in the Common Asylum System to ensure effective burden sharing in the event of an upsurge of seeking protection. In the current refugee crisis, it is fair to say that solidarity and responsibility-sharing have been disappointingly weak, both globally and across the EU. That is not to say that co-operation cannot be improved and increase. But without incentives or rules to co-operate, countries are unlikely to step up to the plate.

The issue of responsibility and burden sharing also relates to the support that the international community lends to countries of first asylum, which generally border the crisis area. They often find themselves overwhelmed by protracted mass displacements. International co-operation is therefore needed to build the resilience and local integration of people who have been displaced regionally. This is important both in terms of global

equity and to reduce secondary migration. Containment cannot be the only policy response to major humanitarian crises such as the one currently unfolding.

As for the second point, the fact is that the 1951 Refugee Convention status risks becoming the exception rather than the norm. When temporary protection measures are the main form of international protection in response to large-scale shock-related migration, a number of problems can arise.

Although the temporary suspension of removals and temporary/subsidiary protection statuses make sense when crises are short-lived, they seem less appropriate in the event of long-term displacement and protection needs. Indeed, experience has shown that displaced people may find themselves living with precarious statuses for decades. When this happens there is a risk of sub-optimal investment by the beneficiaries and the host countries in terms of country-specific skills, with long-term implications for humanitarian and social systems. Furthermore, there are large disparities across countries in terms of conditions associated with temporary protection statuses. Under certain conditions, this may induce a "race to the bottom" if countries want to avoid appearing as the most attractive place for people in need of international protection. To prevent countries from systematically opting for temporary protection measures even in response to protracted crises, some forms of graduation in the rights and obligations could be introduced with the duration of stay.[41] At the least, international guidelines could set minimum standards of short-term protection and tolerated statuses to facilitate the pathway towards longer, more stable protection.[42]

The last point is selection. UNHCR resettlement programmes are highly selective by nature as they target the most vulnerable people. Most of the people currently putting their lives in the hands of smugglers are not regarded as being among the most vulnerable and would seldom be chosen for resettlement. Scaling up traditional resettlement programmes, although desirable, would not be enough to stem the inflows of asylum seekers who arrive via smuggling routes, including in the context of the current crisis.

Alternative pathways – labour, study and family migration channels as well as humanitarian visas and private sponsorship schemes – can also be highly selective, though they generally address very different groups of people from those targeted by the UNHCR. Student and work migration channels, for example, are more likely to consider people with greater human and financial capital. Family migration and private sponsorship will, by definition, prioritise people and communities with more social capital and links abroad.

While family migration clearly has the potential to protect large numbers of people, the other alternative pathways cannot benefit as many because of practical limitations. However, even though they are smaller in scope, they should be seriously considered as part of the solution. The fact that they open new options to people who would not otherwise be resettled makes them a valuable complement. One way of affording all potential beneficiaries a chance of international protection would be to allot a certain number of resettlement places (as complements to those set aside for the most vulnerable) on the basis of alternative modes of selection. One such mode could be a neutral, lottery-based, selection process in which all UNHCR-registered people in countries of first asylum would stand a chance.[43] Provided that enough places are available, such an approach would act as a strong disincentive against using smuggling routes when even those at the

bottom of the list for resettlement realise that they could be resettled if they stay where the UNHCR registers them.

Whatever form they take, future responses to shock-related migration need to be bolder, more comprehensive and global. The instruments to activate are well-known but need to be mobilised more systematically and quickly. More generally, one would hope that the response be more proactive than reactive and ultimately that the international community invest much more in crisis prevention than crisis resolution.

All the questions considered in this chapter are relevant both to better preparedness for forthcoming large-scale migration shocks and to the ongoing efforts to address the massive displacements caused by the Syrian crisis. In the current refugee crisis, immediate policy responses have been directed at saving lives at sea, providing refugees and asylum seekers with emergency support, reinforcing border controls and supporting countries of first asylum with humanitarian aid. Such action needs to be pursued and, in some cases, bolstered. But it also needs to be complemented by interventions that look to the medium and long term, such as:

● foster the local integration of immigrants and their children;

● strengthen co-ordination and responsibility- and burden- sharing mechanisms;

● better anticipate future developments and appropriate policy responses;

● start rebuilding public trust with regard to migration issues.

Notes

1. EU legislations and instruments may however be binding for EU member states.

2. See *www.iom.int/regional-consultative-processes*.

3. See *www.unhcr.org/pages/4a2cd39e6.html*.

4. See *www.nanseninitiative.org*.

5. See *https://micicinitiative.iom.int/*.

6. For instance, Germany and Italy recognize a right to asylum in their Constitution.

7. The Independent Expert was established by the Commission on Human Rights in its resolution 1995/70 and with Presidential Statement PRST/15/1.

8. See *www.unhcr.org/3d9abe177.html* and *www.unhcr.org/4dac37d79.html*.

9. In the early 1990s a number of OECD countries also made major revision to their asylum laws and adopted fast track procedures for asylum applicants from "safe countries of origin" where there is a priori no risk of persecution, introduced the concept of "safe third country" which means that people are originating or have transited through countries where they would be safe or started to screen "manifestly unfounded" applications to accelerate procedures. Penalties against carriers of undocumented migrants were progressively increased as well as sanctions against smuggling and human trafficking (see for example Hatton, 2011 for a detailed description of the trends in asylum policies in the OECD since the early 1990s).

10. In addition, the asylum directive (Council Directive 2013/33/EU -recast) and the reception directive (Council Directive 2013/33/EU -recast) respectively define common procedures for granting and withdrawing international protection and lay down standards for the reception of applicants for international protection.

11. Resettlement is a complement to existing obligations under the 1951 Refugee Convention.

12. UNHCR has, as of the end of February 2016, submitted more than 32 300 Syrian refugees to the United States for resettlement consideration.

13. In the EU-Turkey Joint Statement of 18 March 2016 (effective as of 4 April 2016) it was however agreed that:
    – All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey, in full accordance with EU and international law, thus excluding any kind of collective expulsion. Migrants not applying for asylum or whose application has been found unfounded or inadmissible will be returned to Turkey.
    – Concerning Syrians in particular, for every Syrian being returned to Turkey from Greek islands, another Syrian is resettled from Turkey to the EU taking into account the UN Vulnerability Criteria.

14. Since 1993, there is a bilateral agreement between Lebanon and Syria that abolished movement restrictions on persons and granted freedom to stay, work, and practice economic activity for nationals of both countries. In 2014 however a decree of the Minister for Labour (Decree 197) limits possible work for Syrian nationals to agriculture, construction and cleaning services. In February 2015, Lebanese authorities indicate that Syrians who want to renew their registration with UNHCR need to promise not to work.

15. With the aims of preventing informal employment of Syrians who are under temporary protection, maintaining a balance between the demands of these foreigners and the demands of our labour market and ensuring the Syrians' access to the labour market with "decent job", Regulation on Work Permits of Foreigners Under Temporary Protection was enacted on 15 January 2016 and labour market access of Syrians under temporary protection has become possible.

16. In a way it is not so surprising that the Syrian crisis – a lower middle income country- has generated much larger movements of refugees that other conflicts.

17. Alternative pathways should be considered as complementary and additional to resettlement and granting asylum on-shore. As a result, they can also be refered to as "additional pathways" or "complementary pathways".

18. The rest of this section will refer simply to *refugees* or *refugee-workers*.

19. *http://ec.europa.eu/euraxess/index.cfm/jobs/science4refugees*.

20. *www.talentbeyondboundaries.org/*.

21. The rest of this section will refer simply to *refugees* or *refugee-students*.

22. See among others *http://jusoorsyria.com/programs/jusoor-scholarship-program/* ; *http://jusoorsyria.com/scholarships-for-syrian-students-and-refugees/* or *www.iie.org/en/Programs/Syria-Scholarships#.VySnFk1f0pE*; for a list of initiatives in specifically in Europe see *http://ec.europa.eu/education/policy/higher-education/doc/inspiring-practices-refugees_en.pdf*.

    Furthermore, several countries offer scholarship for Syrians already on their territory. The Russian Federation recently announced 300 places and Saudi Arabia has announced in 2012 that they will admit 3 000 Syrian students free of charge under the "Programme of the Custodian of the Two Holy Shrines for the Syrian Students" (de Bel-Air, 2015). In the United States, the Emergency Student Fund of the Institute of International Education is also supporting Syrian students already in the country. In France, Qatar has financed scholarship (University la Sorbonne) for 100 Syrians students already in the country.

    A number of initiatives have also been developed to facilitate the access of Syrian students to tertiary education in neighbouring countries of Syria, such as the HOPES project (*http://bruessel.daad.de/medien/bruessel/short_description_hopes.pdf*); The longstanding DAFI project is also providing such support to refugee worldwide *www.unhcr.org/dafi-scholarships.html*.

23. WUSC has sponsored more than 1 400 refugee students since 1978 with more than 60 partner Universities, colleges and cégeps.

24. *www.daad.de/laenderinformationen/syrien/en/*.

25. *www.unhcr.org/571dd1599.pdf*.

26. *www.enic-naric.net/recognise-qualifications-held-by-refugees.aspx*.

27. *http://reliefweb.int/sites/reliefweb.int/files/resources/56f29f579.pdf*.

28. According to Article 35 of Law on Foreigners and International Protection, the conditions like 12 months waiting period, accommodation, income and health insurance for family reunification may not be sought for refugees and subsidiary protection beneficiaries who are in Turkey.

29. See previous endnote.

30. International carrier sanctions impose fines on airlines that transport people without valid visas and travel documents, so travel to OECD countries without proper documentation is restricted.

31. EU visa code regulates visa for visits up to three months in EU member States that are part of the Schengen Area.

32. This corresponds to about a fourth of all Syrians who have lodged an asylum application in France.

33. In the United States, from 1987 to 1995, the Private Sector Initiative enabled individuals and groups to sponsor refugees. The sponsor was then paying for processing, travel, medical care and resettlement. More than 8 000 refugees benefited, the majority coming from Cuba and sponsored by the Cuban American National Foundation. In 1990, another pilot program was implemented to privately finance admission and resettlement of 8 000 Soviet Jews. Both programmes were discontinued.

34. Crowdfunding is already being used to generate donations to help with the refugee crisis. For example, 'Kickstarter' has teamed up with UNHCR to help raise money for addressing the plight of refugees in conflict regions (*www.kickstarter.com/aidrefugees*)

35. This effect may be more visible in new or small programs. In Canada, however, which has a well-established program, demand to sponsor refugees has consistently exceeded the government's annual admissions for privately sponsored refugees.

36. *http://data.unhcr.org/syrianrefugees/country.php?id=122* (April 2016).

37. No student permit data is available for Turkey, however, university enrolment of Syrians totalled 4 400 between 2010 and 2014, including 2 800 in 2014 alone.

38. *https://data.unhcr.org/mediterranean/download.php?id=874*.

39. In the survey ran in April-September 2015, 34% said the reason for choosing the destination country in Europe was "family and social network". And in the February 2016 survey, 44% mentioned explicitly family reunification as the reason for the choice of the country of destination.

40. *https://data.unhcr.org/mediterranean/download.php?id=874*.

41. A parallel could be drawn here with the ongoing discussions among labour economists on single or unified contracts, which looks at ways to alleviate labour market dualism by making regulation as homogeneous as possible across contractual relationships (OECD, 2014).

42. It is worth noting here that recognition under the refugee convention does not preclude a progressively increasing enjoyment of some rights, entitlements and liberties.

43. UNHCR has successfully implemented selection by date of arrival -rather than by lottery- which may be seen as a fairer and safer approach, although it may not necessarily solve the incentive problem in case of a large backlog.

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ANNEX 4.A1

Environmental disasters 2009-14

Table 4.A1.1. **Major environmental events, 2009-14**

Disaster	Territory	Month and year	Displaced
Africa			
Flood	Nigeria	September 2010	560 000
Flood	Niger: South and South-West	July-August 2012	530 000
Flood	Chad: Southern	July-October 2012	500 000
Flood	Nigeria	September-October 2012	6 089 000
Drought	Somalia	July 2011-August 2012	28 000
Flood	Sudan	July-September 2013	320 000
Americas			
Flood	Brazil	April 2009	500 000
Earthquake	Haiti	January 2010	1 500 000
Earthquake	Chile	February 2010	2 000 000
Flood	Colombia	April 2010	1 500 000
Flood	Colombia	July 2010	1 500 000
Flood	Mexico	September 2010	810 000
Flood	Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica	October 2011	700 000
Hurricane Sandy	United States	October 2012	776 000
Iquique earthquake and tsunami	Chile	April 2014	972 500
Asia			
Cyclone Alia	India	May 2009	2 300 920
Cyclone Alia	Bangladesh	May 2009	842 000
Flood	China	July 2009	938 000
Flood	India	July 2009	500 000
Typhoon Morakot	China	August 2009	1 620 000
Flood	India	September 2009	2 500 000
Earthquake	Indonesia: West Sumatra	September 2009	675 000
Tropical Storm Ketsana	Philippines	September 2009	561 242
Tyhoon Parma	Philippines	September 2009	500 000
Flood	China	May 2010	15 200 000
Flood	Pakistan	July-August 2010	11 000 000
Flood	India	September 2010	523 000
Flood	Thailand	October 2010	1 000 000
Flood	Philippines	January-February 2011	672 131
Flood	Sri Lanka	January 2011	362 646
Earthquake and tsunami	Japan	March 2011	492 000
Flood	China	June-September 2011	3 514 000
Flood	Bangladesh	July 2011	400 000
Earthquake and tsunami	Japan	March 2011	492 000
Landslide	Japan	July 2011	400 000

Table 4.A1.1. **Major environmental events, 2009-14** (*cont.*)

Disaster	Territory	Month and year	Displaced
Flood	Thailand	August-December 2011	1 500 000
Flood	India	August-October 2011	570 000
Typhoon Kabayan	China	August 2011	360 000
Tropical Storm Washi	Philippines	December 2011	441 037
Flood	China	April-May 2012	443 000
Flood	India: Assam and Andhra Pradesh	June-September 2012	6 900 000
Flood	Philippines: Luzon, Visayas, Mindinao	June-August 2012	1 553 000
Flood	China	June 2012	1 420 000
Flood	Bangladesh	June 2012	600 000
Typhoon Haikui	China	August 2012	2079 000
Flood	Pakistan: Balochistan, Sindh, Punjab	August-September 2012	1 857 000
Typhoons Saola and Damrey	China	August 2012	867 000
Typhoon Kai-Tak	China	August 2012	530 000
Typhoon Pablo	Philippines: Mindanao	December 2012	1 932 000
Typhoon Haiyan (local name: Yolanda)	Philippines	November 2013	4 095 000
Typhoon Trami (local name: Maring)	Philippines	August 2013	1 744 000
Flood	China	June-July 2013	1 577 000
Tropical cyclone Mahasen	Bangladesh	May 2013	1 100 000
Flood	India	June-October 2013	1 042 000
Tropical cyclone Phailin	India	October 2013	1 000 000
Typhoon Fitow	China	October 2013	826 000
Typhoon Haiyan	Viet Nam	November 2013	800 000
Typhoon Usagi	China	September 2013	587 000
Typhoon Utor	China	August 2013	513 000
Typhoon Soulik	China	July 2013	500 000
Typhoon Nari (local name: Santi)	Philippines	October 2013	406 000
Flood	China	July-August 2013	354 000
Bohol earthquake	Philippines	October 2013	349 000
Typhoon Rammasun (local name: Glenda)	Philippines	July 2014	2 994 100
Typhoon Hagupit (local name: Ruby)	Philippines	December 2014	1 823 200
Flood	India	July 2014	1 073 700
Riverine flood	India	October 2014	812 000
Riverine flood	Pakistan	September 2014	740 150
Cyclone Hud-hud	India	October 2014	639 300
Typhoon Rammasun	China	July 2014	628 000
Typhoon Halong	Japan	August 2014	570 000
Flood	Bangladesh	August 2014	542 000
Storm	China	May 2014	447 000
Flood	China	July 2014	403 000
Tropical storm Lingling (local name: Agaton)	Philippines	January 2014	400 000
Flood	India	September 2014	367 000

Source: Black and Baldinelli 2016 elaboration of data from IDMC & NRC, 2010, 2012, 2013, 2014, 2015 and FAO, 2011.

ANNEX 4.A2

Responses to recent environmental disasters

The Indian Ocean earthquake and tsunami (2004)

The undersea earthquake and tsunami that occurred in the Indian Ocean on 26 December 2004 sent shock waves around the world, both politically and physically. It caused coastal flooding, destroyed property and claimed lives in Sri Lanka, India, Thailand and Indonesia. It also attracted substantial public attention across a much wider area, perhaps – a critical point – because the citizens of many Western countries were caught up in the disaster. As a result, a number of OECD countries that were home to migrants from affected countries took policy measures.

One of the first measures was to suspend removals in response to the UNHCR recommendation of 12 January 2005 that all countries should temporarily suspend the involuntary deportation of migrants from affected areas in India, Indonesia, Sri Lanka and Somalia – including asylum seekers whose applications had been denied and undocumented immigrants. Canada, Switzerland, the United Kingdom and the United States suspended the deportation of nationals from India, Indonesia, the Maldives, Seychelles, Somalia, Sri Lanka and Thailand (IOM, 2009; Laczko and Collett, 2005; Martin, 2009, 2010):

● Canada suspended the removal of about 4 000 migrants from Sri Lanka, the Maldives, the Seychelles, India, Indonesia and Thailand.

● Switzerland delayed the deportation of denied asylum seekers from Sri Lanka.

● The United Kingdom announced the postponement of forced repatriations.

● The United States halted the removal of migrants from Sri Lanka and the Maldives until 7 April 2005.

In the United States it was proposed that the citizens of India, Indonesia, Sri Lanka, Thailand, Myanmar, Malaysia, Maldives, Seychelles and Somalia should be granted Temporary Protection Status (TPS). This proposal was based on the argument that the governments of those countries, grappling with the effects of the disaster, would be unable to cope with the returning migrants.

Host countries also introduced a number of other measures. In Canada, for example, the agency responsible, Citizenship and Immigration Canada (CIC):

● sped-up the processing of Family Class applications from Canadian citizens and permanent residents who wished to sponsor close relatives affected by the disaster in a serious and personal way

● took a case-by-case approach to the applications from people affected by the disaster who had relatives in Canada but did not qualify for Family Class visas

● waived processing fees for new applications from all classes of visa applicants who were or had been affected by the disaster

● waived the fee for Right of Permanent Residence visas (also known as Right of Landing visas) for all classes of applicants who were or had been affected by the disaster. The move applied to new applications and those being processed before the disaster.

All in all, in 2005 Canada fast-tracked about 1 000 applications from migrants coming from India, Sri Lanka, Thailand and Indonesia and expedited the processing of immigration applications from the citizens of affected countries who wanted to join immediate family members in Canada – spouses, common-law partners, conjugal partners and dependent children. Particular attention was given to orphaned siblings, the nieces and nephews of Canadian citizens or permanent residents. In addition, Canadian immigration officers met with migrants from Sri Lanka, India, Indonesia and Somalia to determine how communities in Canada could help in the resettlement process of displaced people in their countries of origin (Laczko and Collett, 2005).

Australia also prioritised the processing of temporary visas for citizens of the affected countries and fast-tracked existing applications (DIMIA, 2005; Laczko and Collett, 2005). As for new applications, priority was given to people with families in Australia and to orphans or last surviving family members.

The Haiti earthquake (2010)

Although it arguably attracted less media attention than the Indian Ocean tsunami, the earthquake that shook Haiti on 12 January 2010 also prompted policy measures in OECD countries directed at migration and displacement from Haiti. Several UN bodies issued joint emergency appeals to countries to suspend forced returns to Haiti (Human Rights Council, 2012). The bodies including the Independent Expert on the situation of human rights in Haiti, Michel Forst,[1] the United Nations High Commissioner for Human Rights (OHCHR), and the High Commissioner for Refugees (UNHCR). These last two issued a statement in January 2010 "urging countries to suspend all involuntary returns to Haiti due to the continuing humanitarian crisis […] pending stabilization and until such time as people can return safely and sustainably" (UNHCR, 2010).

According to the report of the Independent Expert,[2] policy reactions following the earthquake varied among UN Member States. France, the United States, Mexico and Canada, which traditionally receive most migrants from Haiti, reported that they were suspending all forced returns. Costa Rica, Denmark, Germany, Lebanon, Paraguay, Romania, the Slovak Republic and Slovenia also stated to the Independent Expert that they had suspended forcible returns of Haitians after the 2010 earthquake. However, it is unknown whether those countries ever hosted Haitian migrants.

The United States granted Haitian nationals on its soil Temporary Protection Status (TPS). In Canada, Haitians had benefitted from a Temporary Suspension of Removals (TSR) since 2004, because general conditions in Haiti were endangering the lives and safety of its population. After the earthquake, Canada suspended all forcible returns to Haiti, even for people who did not qualify for TSR. Mexico also expressed its willingness to halt deportations and expedite humanitarian visas for Haitians with family ties to Mexico (Human Rights Council, 2012).

In addition to TPS, France simplified family reunification procedures to allow the family members of Haitian migrants into the country without a temporary visa. It processed their applications without delay and granted temporary residence permits to immigrants whose visas and permits had expired after the date of the earthquake. In the United States, TPS translated into the suspension of some regulatory requirements, so that Haitian students were authorised to work, Haitian orphans were granted humanitarian parole, and Haitians with final removal orders were released and allowed to remain in the Unites States on a discretionary stay (Human Rights Council, 2012). According to USCIS, the validity of employment authorisation documents was extended to allow Haitian migrants to continue to work in the United States (USCIS, 2014b). Recipients of TPS are allowed travel to other countries and then return to the United States.

In order to be eligible for TPS, applicants had to show that they held Haitian citizenship and that they were residing in the United States when the earthquake occurred. People who had been convicted for one felony or two offenses did not qualify. In the aftermath of the disaster, TPS and work permit applications were fast-tracked and fees were waived for those unable to pay (Chishti and Bergeron, 2010).

However, despite such measures, most countries recommended the deportation of Haitians shortly after the earthquake. In Canada, although TSR was maintained, forced removals were resumed (Human Rights Council, 2012). In the United States, although TPS remains in effect, a Policy for Resumed Removals to Haiti was approved in 2011 "to ensure the safety of US communities". This policy mostly aimed at repatriating "aliens with final orders who pose a threat to public safety". Mexico, too, along with other Latin American countries, resumed deportations. France, despite formally showing support for Haitian migrants and advocating the protection of human rights, closed the borders of its overseas territories in the Caribbean (Pelletan, 2012).

Neither France nor the United States accepted new arrivals of people fleeing from Haiti because, they argued, they could not be considered eligible as refugees under the 1951 Refugee Convention. Indeed, both took stern measures to prevent the mass immigration of Haitians, with United States even putting in place a naval blockade off its shores (Pelletan, 2012; Thomaz, 2013).

Earthquakes in Japan and New Zealand (2011)

After the 2011 earthquakes and tsunami in Japan, the United States granted Japanese nationals residing on its soil permission to request a series of benefits from the US Citizenship and Immigration Services (USCIS). Since "a natural disaster can affect an individual's ability to establish or maintain lawful immigration status" (USCIS, 2011b), Japanese nationals were allowed access to temporary relief measures in the aftermath of the disaster. They were:

- The possibility of applying for change or extension of non-immigrant status for someone who is already in the United States, even after the authorised period of admission has expired.
- The re-parole of individuals granted parole by USCIS.
- The extension in certain cases of the ability to request parole and obtain the rapid processing of such a request.
- The expedited approval of requests for off-campus employment authorisation for students facing economic hardship.

- The fast-track processing of employment authorisations and immigrant requests for relatives of US citizens or lawful permanent residents.

- The granting of assistance to lawful permanent residents who are overseas without immigration documents such as Green Cards.

The Australian government offered visa extensions to Japanese residents affected by the natural disaster (Eliasson, 2011). In the aftermath of the 2011 environmental crisis the Australian Minister for Immigration and Citizenship, Chris Bowen, reassured Japanese citizens that visa assistance was available in Australia for the people affected by the earthquake (Australian Visa Bureau, 2011).

The New Zealand earthquake took place in February 2011. After dealing with its immediate impact, the government turned its attention to rebuilding the Canterbury region, which required immigrant workers. It drew up a special list, the Canterbury Skilled Shortage List, which identified immediate skill shortages with the emphasis on the construction sector. Another initiative was the Canterbury Skills and Employment Hub – a free job-matching service where employers could register vacancies which were then matched against a database of jobseekers to find the best fit. The Hub's prime aim was to help firms find the staff they needed locally. When that was not possible, a streamlined process kicked in to help them access overseas migrants to meet their needs. Designed to help employers and job seekers, the Hub is a collaborative venture between four agencies.[3]

To prevent worker exploitation at the operational level, the Ministry of Business, Innovation and Employment put in place a combined labour market compliance team in Christchurch which co-ordinates the work of labour inspectors, immigration compliance staff and health and safety teams. It boasts enhanced resources because of the labour market risks involved. The ministry also engages with employers and keeps them informed of the status of workers from diverse source countries who have suddenly increased in number.[4]

Finally, work was undertaken with other agencies in the education export sector to protect the sector. In response to the 57% decline in international enrolments in Canterbury – from 15 210 in 2010 to 6 543 in 2012, ministers agreed to a policy change which extended the permission to work of some English language students enrolled in Canterbury. The purpose was to give a marketing advantage to providers of such courses. The policy switch was trialled as a pilot. It has now been rolled out nationwide.

By 2014, the situation in the region was back to normal. Although there was a net outflow of permanent and long-term migrants after the earthquake in February 2011, arrivals have increased by 49% since 2011-12. The positive trend continued and, in 2013-14, 6 591 people were approved for Essential Skills job offers in Canterbury, an increase of 40% over the previous year, making Canterbury the second-most popular New Zealand destination, with 25% of Essential Skills workers heading there. Additionally, 18% of Skilled Migrant Category principal applicants who had a job or job offer specified Canterbury as their region of employment – up from 12% in 2011-12.

Hurricanes Katrina (2005) and Sandy (2012)

USCIS granted relief measures to foreign-born victims of Hurricanes Katrina (2005) and Sandy (2012) who lost housing, employment and personal documentation because of the disaster. In the case of Hurricane Katrina, measures included fee waivers for people residing

in the areas impacted by the disaster and the temporary suspension of certain restrictions on the on-campus and off-campus employment of students (USCIS, 2005a, 2005b). Foreign victims of Hurricane Sandy were offered the following benefits:

● Change or extension of non-immigrant status for individuals who were in the United States at the time of the disaster, even when the request was filed after the authorised period of admission had expired.

● Extension or re-parole of individuals previously granted parole by USCIS.

● Fast-track processing and adjudication of employment authorisation applications for students experiencing economic hardship.

● Fast-track processing and adjudication of off-campus employment authorisation applications.

● Assistance to permanent legal residents stranded overseas without immigration or travel documents such as Green Cards.

● Assistance for applicants who did not turn up for an interview or submit required forms of evidence. Delays in filing were allowed.

● Assistance for people unable to respond to requests for evidence or notices of intent to deny. Deadlines were extended and applications or petitions were not denied on the grounds of abandonment (Batalova, 2005; USCIS, 2012).

Flood, cyclones and volcanic eruptions

The three big earthquakes reviewed above all elicited policy responses to the plights of individuals unable to return to disaster-affected countries. This pattern is mirrored somewhat in relation to floods and cyclones, although here the story is more specific to the Americas. Broadly speaking, a series of floods and extreme weather events affecting Central American countries over the last few decades have seen policy responses in North America. Similarly large events elsewhere in the world have elicited little or no discernible policy action.

Policy responses to floods and cyclones in Central America have a surprisingly long history. For example, the United States granted TPS to nationals from El Salvador, Guatemala, Honduras and Nicaragua in 1998 after Hurricane Mitch. And, more recently, TPS was extended in response to a range of other natural disasters (Terrazas, 2010). Thus, according to a Congressional Research Service Report for Congress, 217 000 Salvadorans benefitted from temporary protection between 2001 and 2012, along with 66 000 Hondurans and 3 000 Nicaraguans between 1998 and 2012 (Wasem and Ester, 2011).

Nationals of El Salvador were designated for TPS for the first time through the Immigration Act of 1990 due to the violent ongoing civil war – the only time the US Congress has ever introduced TPS for a the nationals of a single country (Messick and Bergeron, 2014; Wasem and Ester, 2011). Although TPS for Salvadorans expired in 1992, it was granted again in 2001 by the Bush Administration following three major earthquakes. Since then it has been renewed continuously.

Citizens of Honduras and Nicaragua were granted TPS in 1998 in the aftermath of Hurricane Mitch because of the "extraordinary displacement and damage" that followed the natural disaster (Wasem and Ester, 2011). Secretary of Homeland Security Janet Napolitano extended TPS for eligible nationals of both Nicaragua and Honduras until 2015 (USCIS, 2013a, 2013b). Salvadorans were not granted TPS after Hurricane Mitch (though,

they were granted it in 2001), and neither were Guatemalans. However, both Salvadorans and Guatemalans benefited from a temporary halt to deportations.

Guatemala submitted a request for TPS to the US government in 2010 following a volcanic eruption and severe tropical storms in the country. It received no response (Terrazas, 2010). Nevertheless, following the tropical storm Agatha, USCIS did recognise the "special situation" of Guatemala. In the wake of the storm, in 2010, Guatemalan nationals were reminded of the relief measures that were available to them when they were affected by the catastrophe. The measures included:

● The possibility for Guatemalan nationals already in the United States to apply for a change or extension of non-immigrant status.

● Re-parole of individuals granted parole by USCIS.

● The extension and expedited processing of certain advance parole grants.

● Expedited adjudication and approval of requests for off-campus employment authorisation due to severe economic hardship and the expedited processing of immigrant petitions for the immediate relatives of US citizens and lawful permanent residents.

● Assistance to lawful permanent residents stranded overseas without documents (USCIS, 2010).

In 2011, the USCIS again reminded nationals of Central American countries that, following the extreme flooding that affected the region, these same immigration benefits were available upon request to eligible people already residing in the United States (USCIS, 2011a).

However, while nationals from the Philippines residing in the United States were also able to benefit from immigration relief measures following Typhoon Haiyan, which devastated large swathes of their home country in 2013 (USCIS, 2013c), other Asian migrants whose country was likewise affected by natural disasters were never given the opportunity to apply for the same measures. For instance, Pakistani migrants in the United States could not benefit either from special relief provisions nor from TPS. A Pakistani advocacy group requested TPS following the severe flooding of 2010. The Pakistani Temporary Protected Status Act of 2011 was introduced, but the bill was referred to the House Subcommittee on Immigration Policy and Enforcement on 7 February 2011. The bill has not yet been enacted (Wasem and Ester, 2011).

Elsewhere, the response to Asian floods has hardly been more significant. Belgium decided to temporarily suspend forcible repatriations of Pakistani migrants during the floods, it was primarily for political reasons and prompted by the bilateral relations between the two countries (Kraler Cernei and Noack, 2011). Otherwise, there is no evidence of any response from any other migration destination country.

Droughts and famines

Somali nationals were assigned TPS by the United States in 1991 and since then the status has been renewed continuously. TPS was initially granted because of inter-clan fighting, anarchy and terrorist activity in the country. Subsequently, it was extended due to the continuing the civil war, drought and famine (Messick and Bergeron, 2014; USCIS, 2014a).

The Somali crisis has deep roots. The country has been in violent turmoil since the late 1980s, when the United States granted Somali nationals TPS (in 1991). Although civil unrest and lack of safety for the country's population was the main reason why TPS was

granted, the continuation of internal conflict, recurrent droughts, and famine are all intermingled causes of its extension (Messick and Bergeron, 2014; USCIS, 2014a). But, apart from TPS in the United States, it has not been possible to identify Somali-specific protection measures in any other OECD country, let alone provisions in response to the country's environmental conditions and chronic drought and famine. There are two main reasons:

● Somalia's humanitarian and food security crisis, its lack of safety and the vulnerability of the Somali population cannot be reduced to a single main factor, as with the environmental crises described above. Recent conditions in Somalia are the result of a combination of political, economic and environmental elements – irregular rainfall, food price volatility, the fighting between on one side, the Transitional Federal Government and the African Union Mission to Somalia and, on the other, Al-Shabaab, which undermines the traditional coping strategies of the local population (IFRC, 2011; Lindley and Hammond, 2014; Maxwell et al., 2014).

● Droughts and chronic famine are slow-onset catastrophes, generated by a series of factors which occur repeatedly over time, allowing better-off groups to plan their migration away from affected areas (Martin, 2009).

More than 1 million Somalis have been internally displaced, while others have migrated to neighbouring countries. Kenya currently hosts 429 000 registered Somali refugees, Ethiopia 245 000, and Yemen 237 000, according to UNHCR (2014c). Many have settled in OECD countries – Canada, the United States, the United Kingdom, Sweden, Norway, Denmark, Italy, the Netherlands and Germany (UNDP, 2011). The result has been a large international diaspora.

Notes

1. The Independent Expert was established by the Commission on Human Rights in its resolution 1995/70 and with Presidential Statement PRST/15/1.

2. The Independent Expert sent out a questionnaire to UN member States. States were asked to provide information on four issues: i) The number of returns/deportations of Haitian nationals since 12 January 2010; ii) The legal and administrative framework – including the availability of appeals – that applies to Haitian nationals with irregular migratory status or subject to forced removal; iii) Specific legal, administrative, or other, measures taken to address the specific circumstances of Haitians – especially those belonging to vulnerable groups; and iv) Follow-up measures to ensure returnees' adequate reintegration in Haiti.

3. The Ministry of Business, Innovation and Employment, the Canterbury Earthquake Recovery Authority, the Ministry of Social Development and the Tertiary Education Commission.

4. *www.immigration.govt.nz/NR/rdonlyres/A621A5.*

ANNEX 4.A3

Responses to geopolitical shocks

The Indochinese refugee crisis (1975-97)

In 1975, Saigon fell to North Vietnamese forces, an event that marked the end of the Viet Nam War. Following the withdrawal of the United States and other international troops, communist governments were established in South Viet Nam, Laos and Cambodia (the three former French colonies of Indochina). Large numbers of people who had supported and/or worked for the US government in the three countries during the Viet Nam War now found themselves in danger of persecution.

As a consequence, over 3 million people fled Viet Nam, Laos and Cambodia during the following 25 years or so. Many refugees fled by boat to neighbouring countries (like Hong Kong, China; Thailand; the Philippines; Malaysia; Singapore and Indonesia) and became known as "boat people". Large numbers of refugees died during the crossings.

The exodus of Indochinese refugees to neighbouring countries started on a relatively small scale, but rose to very large numbers in the late 1970s. Just before the fall of Saigon, the United States evacuated and resettled about 14 000 people closely associated with the former South Vietnamese government. In addition, by the end of 1975, about 5 000 Vietnamese boat people had reached the shores of Thailand, about 4 000 had arrived in Hong Kong, China, 1 800 in Singapore and 1 250 in the Philippines (UNHCR, 2000a). By the end of 1978, there were almost 62 000 Vietnamese boat people in refugee camps across Southeast Asia. The number of monthly arrivals climbed rapidly, reaching a peak of 54 000 arrivals in June 1979. Between 1975 and 1979, an estimated 550 000 Indochinese refugees sought asylum in neighbouring Southeast Asian countries. By mid-1979, about 200 000 had been resettled and the rest remained in countries of first asylum in the region (UNHCR, 2000a).

In the late 1970s, new inflows of Indochinese refugees into Southeast Asian countries significantly exceeded the number of people who had been resettled in third countries. The trend was reversed in the 1980s after the UN conference on Indochinese refugees (Geneva, July 1979). When there was an upsurge in people fleeing Viet Nam in 1987-88, the UN organised another Indochinese refugee conference. What emerged from it was a new approach that became known as the Comprehensive Plan of Action (CPA) which remained in place for eight years. The CPA led to a drastic decline in new arrivals and a large increase in resettlement. The Unites States alone eventually resettled over a million Vietnamese boat people.

The Indochinese refugee crisis led to a major international policy response which involved a large number of countries in and outside the region. The two pillars of the

international policy response were the plans made at the Geneva Conference on the Indochinese Refugee Crisis in 1979 and, 10 years later, the CPA agreed at the 1989 global conference.

The Geneva conference in 1979

The rapid increase in the number of boat people fleeing Viet Nam in the late 1970s put considerable pressure on Southeast Asian countries of first asylum. Toward the end of 1979, the ASEAN member states (which, at the time, comprised Indonesia, Malaysia, the Philippines, Thailand and Singapore) announced that they would stop accepting new arrivals unless other countries made more places available under resettlement schemes. Concerned at the direct threat to the asylum system, and with "push-backs" already underway in some countries in the region, the UN convened an international conference in Geneva in July 1979 which resulted in a number of important commitments. First, worldwide resettlement pledges increased from 125 000 to 260 000 per year (UNHCR, 2000a). At the same time, Viet Nam agreed to stop "illegal departures" and facilitate "orderly departures". Financial assistance to first countries of asylum increased considerably. Indonesia and the Philippines agreed to establish regional processing centres that would help facilitate speedy resettlement of refugees to third countries.

The general policy approach of the international agreement was to provide temporary asylum in Southeast Asian countries, followed by permanent resettlement in third countries. The policy resulted in a sharp fall in new arrivals and a substantial rise in resettlement during the early 1980s.

The Comprehensive Plan of Action (CPA) in 1989

In the late 1980s the number of new refugee arrivals in Southeast Asian countries increased again and the general policy approach agreed at the 1979 conference began to fall apart. Partly because many high-income countries were increasingly sceptical as to whether all Indochinese boat people should continue to obtain automatic refugee status (a policy which, some thought, acted as a pull-factor for economic migrants), resettlement schemes were gradually reduced.

The UN convened another major conference on the Indochinese Refugee crisis which resulted in the Comprehensive Plan of Action (CPA) that lasted eight years. Fontaine (1995) described it as a "unique experiment aimed at resolving a long-standing problem". The CPA, which directly involved Viet Nam, as the major refugee-producing country in the crisis, had multiple aims (UNHCR, 2000a): to reduce illegal departures from Viet Nam through, among other things, "Orderly Departure Programmes"; to provide temporary asylum to all asylum seekers until their status was decided and a durable solution found; to use international standards when determining asylum claims; to resettle recognised refugees in third countries; and to return people not recognised as refugees to their home countries and assist them with reintegration.

One of the many effects of the CPA was to break the automatic link between asylum "in the region" and guaranteed resettlement in third countries. It did so through a new policy of returning Vietnamese asylum seekers whose claims for protection had been rejected. The CPA managed to drastically reduce and effectively end the outflow of Vietnamese asylum seekers. During the eight years it was in force, over half a million Vietnamese and Laotians were resettled in third countries and over 100 000 Vietnamese refugees were repatriated (UNHCR, 2000a).

Table 4.A3.1. **Indochinese arrivals by territory of first asylum, 1975-95**

	Territory of first asylum	1975-79	1980-84	1985-89	1990-95	Cumulative 19 75-95
Vietnamese boat people	Hong Kong, China	79 906	28 975	59 518	27 434	195 833
	Indonesia	51 156	36 208	19 070	15 274	121 708
	Japan	3 073	4 635	1 834	1 529	11 071
	Korea	409	318	621	0	1 348
	Macau, China	4 333	2 777	17	1	7 128
	Malaysia	124 103	76 205	52 860	1 327	254 495
	Philippines	12 299	20 201	17 829	1 393	51 722
	Singapore	7 858	19 868	4 578	153	32 457
	Thailand	25 723	52 468	29 850	9 280	117 321
	Other	2 566	340	321	0	3 227
	Total Vietnamese boat people	**311 426**	**241 995**	**186 498**	**56 391**	**796 310**
Cambodians	Thailand (overland)	171 933	47 984	12 811	4 670	237 398
Laotians		211 344	96 224	42 795	9 567	359 930
Vietnamese		14 666	11 117	10 467	6 668	42 918
	Total to Thailand	**397 943**	**155 325**	**66 073**	**20 905**	**640 246**
Total (boat and land)		**709 369**	**397 320**	**252 571**	**77 296**	**1 436 556**[1]

1. There were also 2 163 Cambodians who arrived in Indonesia, Malaysia and the Philippines after 1975.
Source: UNHCR, 2000a, p. 98.

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Table 4.A3.2. **Resettlement of Indochinese refugees by destination, 1975-95**

Resettlement territory	Cambodians	Laotians	Vietnamese	Total 1975-95
Australia	16 308	10 239	110 996	137 543
Belgium	745	989	2 051	3 785
Canada	16 818	17 274	103 053	137 145
Denmark	31	12	4 682	4 725
Finland	37	6	1 859	1 902
France	34 364	34 236	27 071	95 671
Western Germany	874	1 706	16 848	19 428
Japan	1 061	1 273	6 469	8 803
Netherlands	465	33	7 565	8 063
New Zealand	4 421	1 286	4 921	10 628
Norway	128	2	6 064	6 194
Sweden	19	26	6 009	6 054
Switzerland	1 638	593	6 239	8 470
United Kingdom	273	346	19 355	19 974
United States	150 240	248 147	424 590	822 977
Others	8 063	4 688	7 070	19 821
Total	**235 485**	**320 856**	**754 842**	**1 311 183**

Note: The resettlements in the United States exclude arrivals under the Orderly Departure Programme (ODP).
Source: UNHCR, 2000a, p. 99.

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Evaluations of the CPA have been decidedly mixed. McConnahie (2014) points out that, while it has been described as a "successful international response to a desperate humanitarian emergency", it also had a number of problematic aspects and adverse effects, such as forced repatriations and the consolidation of Southeast Asia as a region outside the global refugee regime. McConnahie concludes her assessment with this remark: "while the CPA established the potential for burden sharing, its precedential value is questionable" (McConnahie, 2014). Similarly, Courtland Robinson (2004) contends that the CPA was both a

success in "burden-sharing" and an example of "international buck-passing and questionable compromises". In a critical assessment, Hathaway (1993) argued that "for Vietnamese asylum seekers, neither the 1979 nor the 1989 international agreement resulted in the *de facto* implementation of the Convention definition of refugee status". Betts (2006) identifies a range of policy lessons from the CPA for developing comprehensive regional approaches to protracted refugee situations in other parts of the world.

Break-up of Yugoslavia: Kosovo (1998-99) and Bosnia (1992-95)

Bosnia (1992-95)

The Bosnian War broke out in 1992 and lasted until 1995. It was part of the break-up of the Yugoslav Federation which had included six constituent federal units: the former Yugoslav Republics of Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Slovenia and Serbia. In 1992, UNHCR asked European countries to provide temporary protection to people fleeing the fighting in Bosnia. In the ensuing years, almost a million refugees received protection outside the Yugoslav republics. In Europe, Germany accepted the largest number of refugees – 320 000 (Table 4.A3.3).

Bosnians who escaped to European countries were the first large refugee group to be protected under a temporary protection regime. Koser and Black (1999) argue that the prevailing political and economic conditions (e.g. public opposition and rising unemployment) played a key role in shaping such a policy response at the time.

European and other OECD countries hoped that, after the Dayton peace Agreement was signed in 1995, Bosnian refugees and internally displaced people would be able to return home. While many did, large numbers stayed abroad partly because "ethnic cleansing" during the war meant that many Bosnians could not return to the places that they originally fled (Koser and Black, 1999). Accordingly, many host countries in the EU changed the status of Bosnian refugees from temporarily protected to permanent residence.

As Table 4.A3.3 shows, a total of 1.2 million people were displaced during the Bosnian War (1992-95), 220 000 changed country of first asylum, 480 000 were repatriated to Bosnia-Herzegovina between 1996 and 2005, and half a million had settled in other countries in 2005 (Valenta and Ramet, 2011).

Kosovo (1998-99)

The Kosovo War lasted from February 1998 until June 1999. It broke when the Kosovo Liberation Army rebelled against Serbian rule. The conflict quickly escalated and led to the internal displacement (within Serbia) of over 200 000 people. In March 1999, NATO began air-strikes on specific targets in Kosovo in support of the rebels against the Federal Republic of Yugoslavia. Over 850 000 Kosovo Albanians fled after the bombings and a great majority escaped to Albania, the former Yugoslav Republic of Macedonia (FYROM) and Montenegro. By June 1999, there were 450 000 Kosovars in Albania, 250 000 in the former Yougoslav Republic of Macedonia, and over 50 000 in Montenegro (Figure 4.A3.1).

Given the tensions with its own ethnic Albanian minority, the Macedonian government was concerned about the adverse impacts of the inflow of a quarter million Kosovo Albanians. It called on the international community to "share the burden" in response to which the UNHCR and IOM launched the "Humanitarian Evacuation Programme" (HEP) in early April 1999. The HEP helped evacuate just under 100 000 refugees

Table 4.A3.3. **Bosnia refugees, 1992-2005**[1]

Recipient country of refugees from Bosnia and Herzegovina 1992-95	Recorded number of refugees from Bosnia and Herzegovina 1992-95	Changed country of reception	Repatriation to Bosnia and Herzegovina 1996-2005	Number of refugees from Bosnia and Herzegovina in host country 2005
Australia	15 000	..	800	14 200
Austria	86 500	5 500	10 100	70 900
Belgium	5 500	..	500	5 000
Czech Republic	5 000	1 000	1 000	3 000
Denmark	17 000	..	1 600	15 400
France	6 000	100	900	5 000
Greece	4 000	400	600	3 000
Netherlands	22 000	2 000	4 000	16 000
Croatia	170 000	50 000	56 000	62 000
Italy	12 100	2000	2 000	8 100
Canada	20 000	1 000	600	18 400
Hungary	7 000	1 000	2 500	3 500
Former Yugoslav Republic of Macedonia	9 000	4 800	3 750	450
Norway	12 000	1 300	2 500	8 200
Germany	320 000	52 000	246 000	22 000
United States	20 000	1 000	1 500	17 500
Slovenia	43 100	23 200	15 000	4 900
Serbia and Montenegro	297 000	50 000	110 000	137 000
Spain and Portugal	4 500	1 000	1 000	2 500
Sweden	58 700	..	1 900	56 000
Switzerland	24 500	2 600	11 000	10 900
Turkey	23 500	17 800	4 650	1 050
United Kingdom and Ireland	4 100	100	1 000	3 000
Other Countries	13 500	1 200	1 100	11 200
Total	**1 200 000**	**220 000**	**480 000**	**500 000**

Note: For the United States, the numbers presented are much lower than those given by the U.S. Census Bureau. According to this latter source, in the period 1992-2000, 37 000 Bosnian Refugees and Asylum seekers obtained legal permanent resident status. According to the U.S. Census Bureau the numbers were even larger in the period 2001-08 when 81 000 Bosnian Refugees and Asylum seekers obtained legal permanent resident status (see U.S. Census Bureau, 2001).

.. Non available.

1. According to the official data from *Secrétariat d'Etat aux migrations* (SEM) there are great discrepancies with the data from Valenta & Ramet (2011), which could be due to the inclusion of temporary admissions in the latter. The recorded number of refugees from Bosnia and Herzegovia in 1992-95 according to SEM data is around 14 861. The number of refugees in 2005 according to SEM data is 3 423. The number of repatriation to Bosnia and Herzegovia in 1996-2005 according to SEM data is around 1 400.

Source: Valenta and Ramet, 2011.

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to 28 countries. Other countries, for their part, received over 120 000 applications for asylum in 1999, with refugees arriving either under the HEP and/or "spontaneous arrivals" (i.e. regular asylum procedures) (Figure 4.A3.2). Almost all the host countries that took part in the HEP offered temporary rather than permanent protection to refugees from Kosovo. The sole exception was the United States, which offered both temporary and permanent.

While temporary protection has long existed as a potential policy tool, the refugee crises caused by the break-up of the former Yugoslavia saw temporary protection become a principal way of providing protection to refugees. As Gibney (1999) points out, temporary protection aims to meet two objectives: a control objective and a humanitarian objective. A key aspect of the control objective is to ensure that temporarily protected refugees return to their home countries after the conflict has ended or at least subsided.

Figure 4.A3.1. **Kosovo refugee inflows by destination during the emergency, 23 March-9 June 1999**
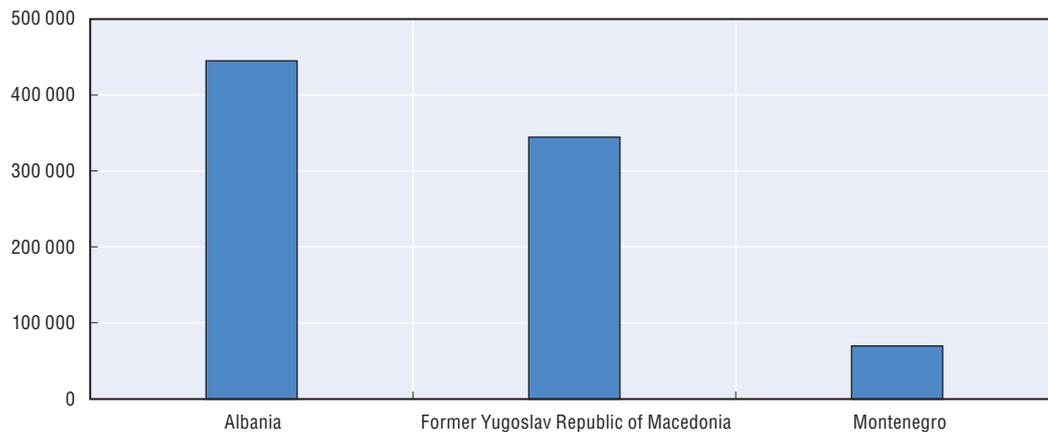
Source: UNHCR, 2000.

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Figure 4.A3.2. **Humanitarian Evacuation Programme and total number of asylum application lodged in 1999**
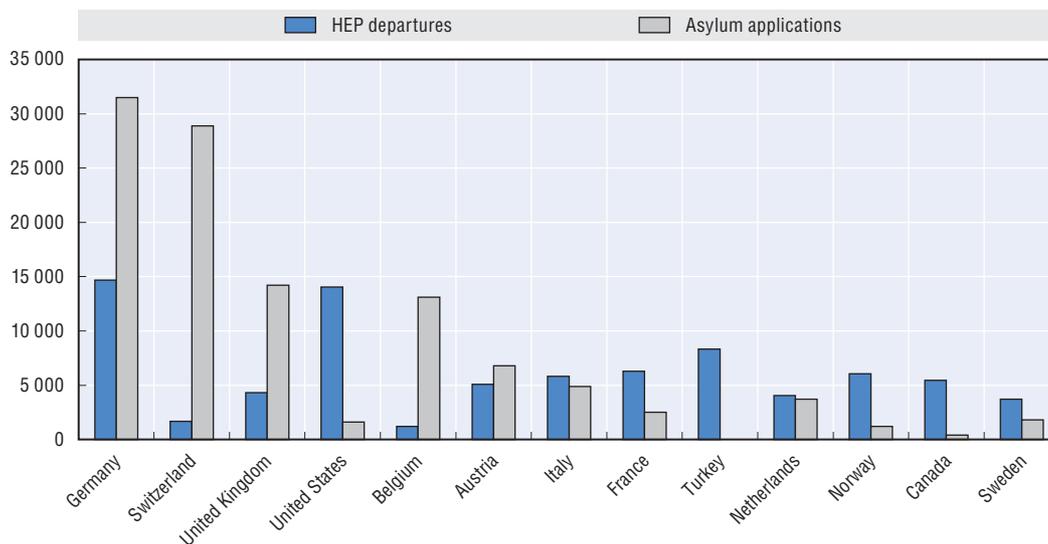
Source: UNHCR (1999b).

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The large-scale of return of refugees from Kosovo in 1999 stands in stark contrast to the experience with Bosnian refugees admitted during the Bosnian war in 1992-95. Most countries were able to meet their control objectives under HEP and, according to UNHCR (1999), "within three weeks of the signing of a peace accord, more than 600 000 refugees had flooded back into Kosovo in one of the fastest returns in modern history".

Libya (2011-)

The first Libyan Civil War, also referred to as the Libyan Revolution, broke out in February 2011. It resulted in over half a million internally displaced people (IDP), who included considerable numbers of migrant workers. According to the Internal

Displacement Monitoring Centre, the peak number of IDPs was 550 000 (about 8% of the total population) in 2011. About 490 000 displaced people eventually returned home, "but little is known about the nature and sustainability of their return" (IDMC, 2014). The latest number available was 435 000 in July 2015 – up from 363 000 at the start of 2015.[1] Estimates suggest that, before the uprising in early 2011, Libya hosted about 2.5 million migrant workers, including 1.5 million workers without legal status (Koser, 2011).

Most of those who fled the conflicts in Libya initially escaped to neighbouring countries, particularly Egypt and Tunisia. Just under 800 000 migrant workers and their families escaped Libya to neighbouring countries between 2011 and 2012 (IOM, 2012). Accordingly, 40% of migrants fled to Tunisia, while Egypt was the second biggest destination. In addition, over 300 000 Libyans fled to Tunisia and over 150 000 to Egypt (Koser, 2011), though most returned after a relatively short time. At the end of September 2011, the IOM also evacuated over 40 000 migrant workers trapped in Libya.

As part of the policy response, the IOM developed the Migration Crisis Operational Framework (MCOF). "The MCOF is a practical, operational, institution-wide tool for improving and systematizing the way in which the organisation supports its member states and partners to better prepare for and respond to migration crises." More recently, the United States and the Philippines launched the Migrants in Countries in Crisis Initiative to meet the needs of migrants physically present in countries in conflict.

Migration to OECD countries

The available data suggest that the Libyan conflict displaced Libyan nationals to OECD countries, mainly in Europe, in 2011 and has done so again since 2014. The number of new applications for asylum filed by Libyan nationals in OECD countries had increased by a factor of four in 2011 (3 684 compared to 821 in 2010). In most of the OECD countries receiving the largest inflows, new applications by Libyan nationals rose in 2011, then declined or remained relatively stable in 2012 and 2013 (Figure 4.A3.3 and Table 4.A3.3). But in 2014 and 2015, they rose again very sharply to 5 800. The main OECD destination countries were Germany (1 100), the United Kingdom (900), France (700) and Canada (500).

Figure 4.A3.3. **Applications for asylum by Libyan nationals in selected OECD countries (top 4 in 2015)**
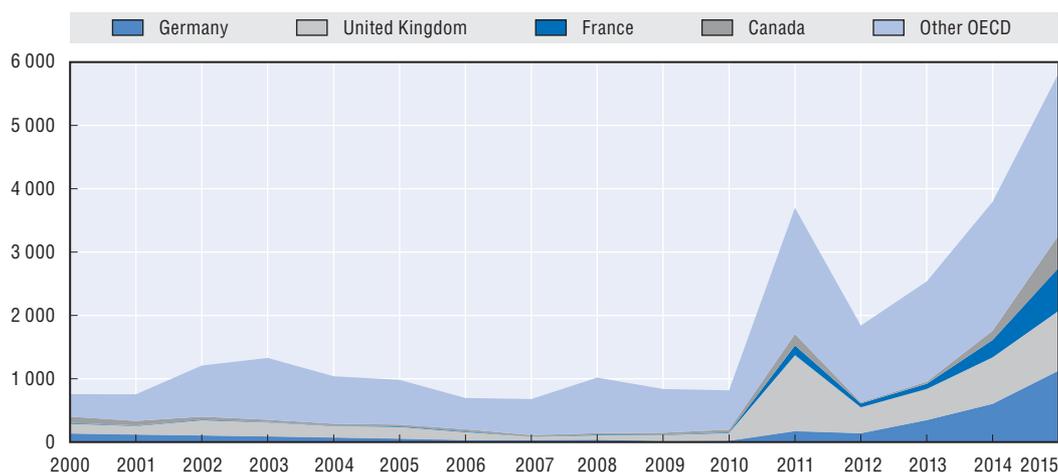
Source: UNHCR; OECD International migration database.

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Has the Libyan conflict generated irregular migration flows to OECD countries, especially in the EU? Frontex, the European border management agency, provides statistics on detected illegal border crossings on certain migration routes to the European Union. As with all enforcement data, great care needs to be taken when interpreting them. Importantly, a change in the numbers of detected illegal crossings may reflect a change in the actual number of migrants trying to cross, a change in enforcement activities, or both.

Frontex data suggest that the number of overall detections of illegal crossings on the Central Mediterranean route (Italy and Malta) increased considerably, with spikes in 2011 and 2013, and a sharp rise to 75 000 in the third quarter of 2014 (Figure 4.A3.4). In 2015, illegal border-crossing detections on this route numbered 150 000, down from 170 000 in 2014. However, Libyans were not among the main nationalities in the Frontex statistics. In 2014, Syrians accounted for a quarter of all detections, while in 2015 Eritreans, Nigerians and Somalis were the top three nationalities.

Figure 4.A3.4. **Detections of illegal border crossings in the Central Mediterranean route, 2008-15**
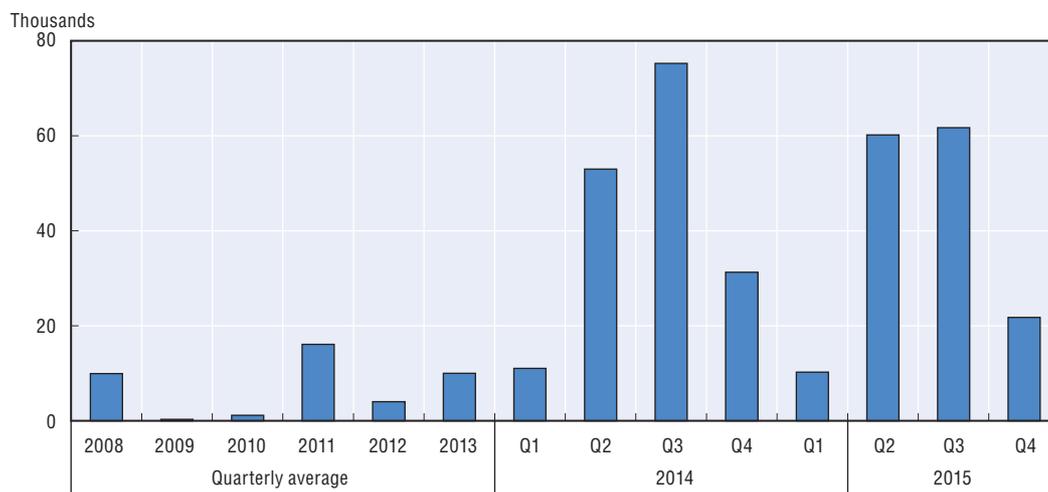
Source: Frontex.

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The conflict in Libya initially prompted a relatively small displacement of Libyan nationals to OECD countries in Europe and elsewhere. However, the sharp increase in movements observed in 2014 and 2015 deserves attention. It is also possible that some of the migrant workers displaced from Libya to neighbouring countries moved to Europe – though it is difficult to analyse what could be their onward migration with the existing data.

When assessing post-2011 migration flows (i.e. after the Arab Spring) from Northern Africa to Europe, it is important to keep in mind that there are well established trends and patterns of migration from Africa to Europe. Both Fargues and Fandrich (2012) and de Haas (2012) concur that migration to Europe is part of an ongoing trend and was only slightly accelerated by the Arab Spring.

Policy responses

European countries have been at the forefront and isolated in their policy response to the Libyan crisis. With a few exceptions, in the context of the Libyan crisis, most European

countries very much emphasised border protection and enforcement as well as assisting countries in Northern Africa to manage displacement and migration flows over admitting migrants for protection. They have also sought to address the root cause of migration, particularly through mobility partnerships and co-operation with African countries at the Valletta Summit on Migration in 2015. A plan to relocate migrants from Italy was agreed in June 2015 and expanded in September 2015, but no resettlement programme has been envisaged so far either for Libyan nationals or for third-country national workers displaced from Libya.

In 2011, Frontex was strengthened and launched the Joint Operation EPN Hermes Extension to help Italy intercept vessels carrying migrants and refugees. EUROPOL also deployed a team of experts to Italy to help the country's law enforcement authorities identify possible criminals among the arriving irregular migrants.

In October 2013, a boat from Libya carrying around 500 migrants sank off the coast of Lampedusa. In response the Italian government launched the naval Operation Mare Nostrum to save lives at sea. In a year more then 150 000 migrants, mainly from Africa and the Middle East, were rescued at sea. When the Mare Nostrum operation was phased out (October 2014), the EU launched Frontex Plus/Triton with a similar objective and geographical coverage, but lower capacity. In April 2015, after fresh tragedy in the Mediterranean, the EU tripled its budget for the Frontex joint-operations Triton and Poseidon.

In May 2015, the EU approved the crisis management concept for a military operation to disrupt networks in the human smuggling and trafficking trade in the Southern Central Mediterranean and launched Operation Sophia (EUNAVFOR MED). The aim of this military venture was a systematic drive to identify, arraign and dispose of vessels and assets used or, suspected of being used, by migrant smugglers and traffickers.

The EU had already – in 2013 – formed Task Force Mediterranean (at a meeting of Justice and Home Affairs Council of 7-8 October 2013). The taskforce's objective is to reinforce co-operation with third countries and address the root causes of migration to prevent migrants from undertaking the dangerous crossing to the shores of the European Union. In that context, the EU has promoted new EU mobility partnerships with countries in North Africa – Morocco in June 2013 and Tunisia in March 2014, so far. They seek to reinforce co-operation in preventing irregular migration and trafficking, strengthen the migration-development nexus and build the capacity of North African countries in asylum and international protection.

Another aspect of the EU response to the Libyan crisis has been to provide financial assistance to help Northern African countries manage the regional displacement and forced migration caused by the Arab Spring uprisings. Since mid-2011, the EU has channelled EUR 100 million into work to manage the inflows of refugees and displaced persons in the countries neighbouring Libya.

The uprisings in North Africa have also fuelled debate in the EU on the Schengen Treaty at a time of large, sudden inflows – real or perceived – of third country nationals. In 2011, France temporarily closed its border with Italy and carried out checks on trains in response to Italy's decision to issue residence permits to over 20 000 Tunisian migrants, which allowed them to move on to France or other countries within the Schengen system. More detailed information on the EU policy response to the refugee crisis induced by the Libyan and Syrian crises can be found in Annex 4.A3.

Table 4.A3.4. **Libyan asylum seekers in selected OECD countries, 2005-15**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Germany	49	30	31	33	14	18	170	138	346	602	1 127
United Kingdom	182	128	56	69	101	117	1 204	408	497	733	939
Malta	9	5	1	1	1	7	66	54	108	417	890
France	10	11	0	7	5	13	151	61	82	276	682
Canada	28	38	28	22	32	43	177	24	30	148	517
Sweden	451	318	420	646	367	311	404	352	399	478	309
Italy	0	0	0	18	15	2	444	68	51	91	278
United States	8	2	6	2	9	7	165	52	69	152	264
Australia	1	0	0	1	7	12	202	188	318	322	178
Switzerland	53	34	25	20	34	31	243	183	140	161	122
Norway	23	13	40	71	61	32	116	59	70	81	42
OECD total	**964**	**689**	**675**	**1 000**	**822**	**810**	**3 770**	**1 848**	**2 389**	**3 379**	**4 796**

Source: UNHCR Statistics database, *http://popstats.unhcr.org/en/asylum_seekers_monthly.*

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Syria (2011-)

The Syrian conflict started in the spring 2011 with nationwide unrest that surfaced within the context of the Arab Spring protests. A UN Human Rights Office (OHCHR) reported that 191 369 people had been killed between March 2011 and the end of April 2014. Like Libya, Syria has long hosted large numbers of migrant workers and refugees. An estimated 1.8 million migrant workers, at least 135 000 Iraqi refugees and 240 000 Palestinian refugees were in Syria before the conflict began in 2011. Koser (2013) suggests there were about 150 000 migrant workers still in Syria in 2013.

Displacement to neighbouring countries of Syria

Since 2011, the conflict in Syria has affected millions of people. Within the country more than 6.5 million have been displaced (IDMC, 2015)[2] and, outside, 4.8 million Syrians are registered as refugees with the UNHCR in neighbouring countries, of whom almost 3 million in Turkey (Figure 4.A3.5). In addition, more than half a million Syrians have

Figure 4.A3.5. **Syrian nationals in main host countries in 2014-15**
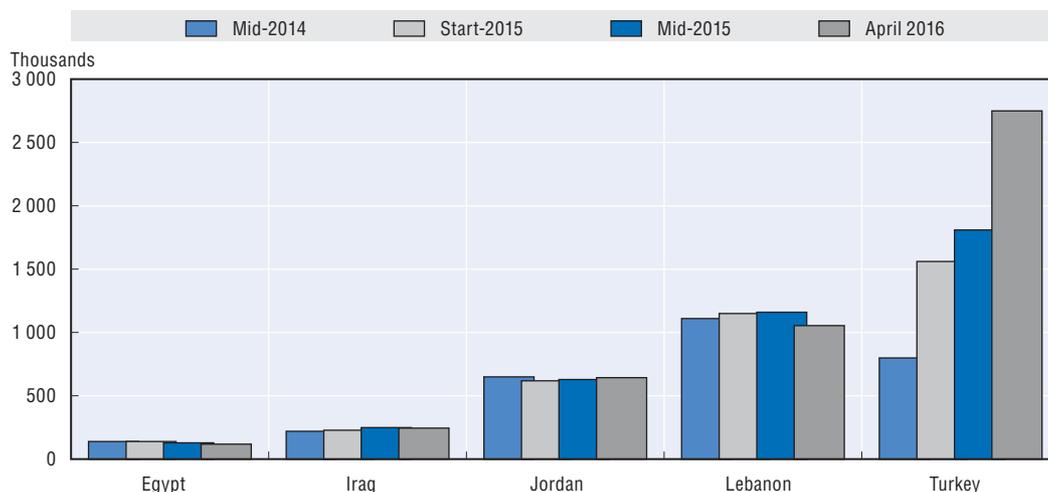
Source: UNHCR, except for Turkey (Government estimate).

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sought protection in Europe and the number of in the Gulf states has increased by up to one million (de Bel-Air, 2016). Altogether, more than half of the Syrian population are currently living outside their home country. According to available information, the make-up of the Syrian refugee populations in Turkey, Lebanon and Jordan differ significantly, although children account for half in all destinations:

- **Turkey**. The Syrian population in Turkey increased by 50% between mid-2015 and April 2016 to reach 2.75 million people. Of that number 20% of them are children, of whom nearly 4.2% are between 5 and 12 years old and 14% between 12 and 18. Some 1 160 000 refugees, or 42%, are aged between 18 and 59. Data on the educational attainment of Syrian refugees, based on surveys in 2013, show that among those aged 6 and over, 10% had reached higher education.

- **Lebanon**. According to the UNHCR,[3] the under-18s account for more than half of the 1.1 million Syrians in Lebanon – 18% are aged between 0 and 4, 23% between 5 and 11, and 13% are in the 12-to-17 age bracket. Altogether, 462 000, or 44%, are between 18 and 59 years old. A 2014 ILO assessment of the impact of Syrian refugees on Lebanon reported very similar figures. It found that, overall, Syrians in Lebanon had relatively low educational attainment, with only 3% having been educated to university level. Almost half (47%) were economically active and only one in three unemployed. Most Syrians who had found work were employed in personal services (27%) and agriculture (24%), while 13% of those surveyed worked in skilled jobs. The others were equally distributed in unskilled and semi-skilled jobs.

- **Jordan**. There are 650 000 Syrians in Jordan -7% of the country's population.[4] The age pyramid of Syrians in Jordan is very similar to the one in Lebanon, with a little more than half being minors and almost identical distribution by age group (16% under 5 years old, 22% between 5 and 11, and 13% over 12).[5] Some 292 000 (45%) are aged between 18 and 59. Most Syrians in Jordan are relatively poorly educated, with only 15% of 15s-and-over having completed secondary education or higher (Stave and Hillesund, 2015). However, the distribution of Syrians by educational attainment is similar to that of the overall Syrian population in 2009. Between 35% and 40% of the Syrians in Jordan worked as craft-and-related workers when they were still in Syria, 20% as service and sales workers, 12% as plant and machine operators, while 10% were employed in skilled jobs. The labour force participation of Syrians in Jordan is quite low at 28%, partly due to legal restrictions.

Asylum application in OECD countries

Detected illegal crossing into the EU by Syrian nationals increased from fewer than 1 000 in 2009 to over 25 000 in 2013, 75 000 in 2014 and almost 600 000 in 2015. Frontex and UNHCR data for 2016 suggest that the trend reversed in the course of the first quarter of 2016, however. Most of those who arrive in Europe from Syria claim asylum. In 2015 about 370 000 formal applications for asylum from Syrian citizens were registered in OECD countries, which comes to 580 000 since 2011. Virtually all the applications filed in 2015 will have positive outcomes.

Obviously, Syrians who make the journey to Europe are not representative of the overall pre-war Syrian population or of those who have fled to neighbouring countries. They tend to be more highly qualified, and middle and higher social groups are over-represented. A recent UNHCR survey profiling the Syrians who landed in Greece in

Table 4.A3.5. **Syrian asylum seekers in selected OECD countries, 2005-15**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Germany	878	608	604	744	819	1 490	2 634	6 201	11 851	39 332	158 657
Hungary	18	32	48	16	19	26	91	145	960	6 749	64 081
Sweden	392	433	440	551	587	427	646	7 814	16 317	30 313	50 909
Austria	78	88	166	140	279	194	423	922	1 991	7 661	24 314
Netherlands	280	293	36	48	101	125	168	454	2 673	8 748	18 675
Norway	79	49	48	114	271	110	189	312	868	1 978	10 520
Belgium	228	167	199	281	335	302	494	798	944	2 524	10 185
Denmark	46	55	74	105	383	821	428	907	1 702	7 185	8 604
Bulgaria	15	10	15	20	30	52	67	436	4 447	6 202	5 950
Spain	35	15	31	97	30	19	97	255	725	1 666	5 627
France	32	21	45	32	61	192	119	629	1 303	3 129	5 110
Switzerland	82	125	285	357	370	387	688	1 146	1 852	3 768	4 649
Greece	57	143	1 311	808	965	167	352	275	485	791	3 319
United Kingdom	388	179	188	181	173	158	508	1 289	2 020	2 353	2 841
United States	1 216	1 276	1 760	987	260	137	296	744	710	1 130	1 784
OECD total	**2 846**	**2 422**	**3 724**	**3 815**	**4 804**	**4 803**	**8 265**	**23 328**	**47 747**	**128 141**	**372 282**

Source: UNHCR Statistics database, *http://popstats.unhcr.org/en/asylum_seekers_monthly.*

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February 2016 (736 people interviewed in four main islands) found that 20% of the adults held a university degree and an additional 28% had completed high school. Still, 25% had no, or at most, primary education.[6]

Policy response

Despite many initiatives at EU and international levels to promote a global, co-ordinated response to the Syrian crisis, the policy response has not been able, so far, to cope with the needs or to provide a sustainable answer to the humanitarian crisis. The Syrian crisis has somehow exposed the weakness of the common asylum system which was never meant for such large inflows of people in need of protection.

Although the European Union has been very active on the policy front,[7] it has struggled to find the common ground required for a bold, global, comprehensive response. Since April 2015, EU heads of state and government have met more than 10 times – almost once a month – on migration issues.

In May 2015, the European Commission proposed its European Agenda on Migration. It lays the foundations for a comprehensive response that includes relocation and resettlement plans, provisions for reinforcing returns, co-operation with third countries and the management of legal labour migration. The proposed measures were agreed in June 2015 on the basis of an emergency plan to relocate over a period of 2 years 40 000 people in need of protection from Italy and Greece and to resettle 20 000 outside the EU.

In September 2015, the European Commission put forward a second package of proposals to address the refugee crisis which the Council adopted. They included expanding the relocation plan to 120 000 (also to be implemented over a period of 2 years), though not all member states supported the package. In October, a first conference at ministerial level was held with counterparts from Turkey, Lebanon, Jordan and the Western Balkans. A second meeting brought together heads of state and government level, but only from selected EU countries and the Western Balkans.

Table 4.A3.6. **Refugee and other humanitarian statuses granted to Syrians,**
2010-15

	2010	2011	2012	2013	2014	2015	Total
Australia	11	5	51	210	1 057	2 321	3 655
Austria	121	409	781	1 091	3 928	8 305	14 635
Belgium	222	95	504	1 189	1 278	2 730	6 018
Canada	33	76	85	152	1 290	8 842	10 478
Chile	0	0	5	5	6	8	24
Czech Republic	11	26	68	209	113	130	557
Denmark	409	460	753	1 382	4 126	6 017	13 147
Estonia	0	0	0	0	0	0	0
Finland	0	0	0	0	0	0	0
France	49	74	189	539	1 069	1 963	3 883
Germany	0	0	0	0	0	0	0
Greece	2	7	11	171	702	3 205	4 098
Hungary	..	..	..	..	..	..	0
Iceland	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0
Israel	..	..	..	..	..	..	..
Italy	30	65	200	390	310	330	1 325
Japan	0	0	7	26	15	9	57
Korea	..	..	..	..	..	..	..
Luxembourg	0	0	2	3	54	118	177
Mexico	..	..	..	..	..	..	..
Netherlands	0	0	0	0	0	0	0
New Zealand	0	0	1	12	53	190	256
Norway	35	8	245	691	1 247	1 550	3 776
Poland	0	4	2	84	68	91	249
Portugal	0	0	0	0	0	0	0
Slovak Republic	1	1	1	1	11	8	23
Slovenia	0	0	2	7	2	10	21
Spain	1	0	1	124	1 120	546	1 792
Sweden	142	190	5 152	12 539	17 601	19 390	55 014
Switzerland	134	464	385	715	3 522	3 476	8 696
Turkey	..	..	..	..	..	..	..
United Kingdom	40	147	919	1 455	1 423	2 053	6 037
United States	278	459	780	1 209	1 808	..	4 534
Total	**1 519**	**2 490**	**10 144**	**22 204**	**40 803**	**61 292**	**138 452**

Source: National sources.

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In November, the Presidency of the EU decided to fully activate the Integrated Political Crisis Response. At the end of that month, the EU and Turkey adopted a joint action plan which included a financial deal and timeline for the concrete application of the existing readmission agreement and measures to end visa restrictions and speed up EU accession.

In December 2015, the European commission put forward a package of proposals aimed at securing the EU's external borders and managing migration more effectively. In February 2016, concrete action was agreed on financing the EU-Turkey action plan and in 2016 the president of the European Council announced a EUR 3 billion humanitarian contribution for Syrians in Turkey at the London Conference.

In March 2016, EU leaders held a meeting with Turkey to strengthen co-operation on the migration crisis and fully implement the agreement signed in November 2015. In March, the Council also adopted a regulation and approved EUR 100 million for emergency assistance within the EU.

In mid-March, the EU and Turkey signed a joint statement aiming at stopping the flow of illegal migrants through Turkey to Europe. Both parties agreed that, as of 20 March 2016, all irregular migrants would be returned to Turkey and that, for every Syrian national sent to Turkey from the Greek islands, the EU would take one from Turkey. If that arrangement is to function, there will have to be a sufficient number of resettlement places. Existing commitments used for that purpose will include the 18 000 places left over from the July 2015 EU resettlement scheme of 22 504 places. They could be completed by the 54 000 unallocated places under existing relocation decisions.

In April 2016, the European Commission presented options for reforming the Common European Asylum System and developing safe, legal pathways to Europe. This proposal also includes harsh financial penalties for EU countries that refuse to comply with their relocation obligations.

In June 2016, the European Commission announced several initiatives:

● A New Migration Partnership Framework with third countries to better manage migration.

● An Action Plan on Integration of non-EU nationals residing legally in the EU.

● Reform to the 'Blue Card' scheme for highly skilled workers from outside the EU.

● A staff working document, "An economic take on the refugee crisis".

Generally speaking, the response to this major humanitarian crisis has been timid. Much of the effort so far has concentrated on the resilience of refugees in countries of first asylum. The first joint UNHCR-UNDP Regional Refugee and Resilience Plan (3RP) is a good example of an innovative approach to the issue in this area. The 3RP plan seeks to combine humanitarian and development capacities in a regionally coherent strategy. It builds on the plans drawn up under the leadership of national authorities – namely, Egypt, Iraq, Jordan, Lebanon, and Turkey – to ensure protection, humanitarian assistance and strengthen resilience.[8]

Another example is the World Humanitarian Summit, the first event of its kind. It took place in Istanbul in May 2016 and initiated a new co-ordinated, integrated approach for use by development and humanitarian actors in addressing situations of protracted displacement. The European Commission espoused that approach in a recent communication in May 2016.[9]

Resettlement has become a priority for UNHCR. It estimates that, to address the needs of the most vulnerable refugees and relieve the strain on Syria's neighbours, well over 450 000 resettlement places will be needed before the end of 2018, in addition to the 100 000-plus which have been pledged already.[10] Yet despite its repeated calls, the resettlement effort has met with mixed response. The UNHCR has also encouraged states to consider other solutions for admitting Syrian refugees – such as individual sponsorship, the admission of relatives outside family reunification arrangements and even under labour mobility, student and investor migration schemes (UNHCR, 2014a, 2016b). Several OECD countries have significantly increased their resettlement effort, including Canada and Germany, but the overall response has so far fallen short of needs.

Finally, the UN Secretary General has, for the first time, convened a high-level plenary meeting on refugees as part of the General Assembly in September 2016. In his report, "Addressing large movement of refugees and migrants",[11] he calls for a new global compact on responsibility-sharing in response to the need to offer refugees protection.

Notes

1. *www.internal-displacement.org/middle-east-and-north-africa/libya/figures-analysis*.

2. *www.internal-displacement.org/middle-east-and-north-africa/syria/figures-analysis*.

3. *http://data.unhcr.org/syrianrefugees/country.php?id=122*.

4. According to the preliminary results of the 2015 Census.

5. *http://data.unhcr.org/syrianrefugees/country.php?id=107*.

6. https://data.unhcr.org/mediterranean/download.php?id=874.

7. *http://europa.eu/rapid/press-release_MEMO-16-222_fr.htm*.

8. *www.unhcr.org/syriarrp6/docs/Syria-rrp6-full-report.pdf* and *http://data.unhcr.org/syrianrefugees/regional.php*.

9. *http://ec.europa.eu/echo/files/policies/refugees-idp/Communication_Forced_Displacement_Development_2016.pdf*.

10. Regular updates of all pledges for resettlement and other forms of admission of Syrian refugees can be found here *www.unhcr.org/52b2febafc5.pdf*.

11. *www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/21-Apr_Refugees-and-Migrants-21-April-2016.pdf*.

ANNEX 4.A4

Conditions for family migration for humanitarian migrants by status

Table 4.A4.1. **Conditions for family migration for Conventional Refugees**

| | Required duration of residence | Nuclear family allowed | Extended family allowed | Requirements after exemption period | | | Duration of exemption period *(from granting of status to sponsor)* | Specific conditions during exemption period | Fees |
				Economic resources	Accommodation	Health insurance			
Australia	0 month (people resettled from overseas by UNHCR)	Yes (family members must have been declared in original application except for new-born children and marriages concluded after visa grant)	Yes (but only given priority in specific circumstances)	No	No	No	Not limited	..	No fee (except in specific circumstances)
Austria	0 month	Yes	No	Yes (for sponsor's and family's costs)	Yes	Yes	3 months	..	No fee
Belgium	0 month	Yes	Yes (disabled adult children)	Yes	Yes	Yes	12 months	No exemption if family member is a disabled adult child or if family relationship did not exist before arrival	EUR 180
Canada	0 month	Yes (spouse/ common-law partner at least 18 years of age and single dependent children and grandchildren under 19)	Yes (de facto family members and parents and grandparents)	Yes (except for spouse/ partner/ dependent children)	Yes	No	0 month	..	CAD 550 (CAD 150 for children)
Czech Republic	0 month	Yes (spouse at least 20 years of age)	Yes (parents over 65 years of age and foster children)	Yes for sponsor's and family's costs	Yes	Yes	3 months	..	CZK 2500 (~EUR 100)

Table 4.A4.1. **Conditions for family migration for Conventional Refugees** (cont.)

	Required duration of residence	Nuclear family allowed	Extended family allowed	Requirements after exemption period			Duration of exemption period *(from granting of status to sponsor)*	Specific conditions during exemption period	Fees
				Economic resources	Accommodation	Health insurance			
Denmark	0 month	Yes (spouse at least 24 and children at least 15 years of age)	No	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	0 month	..	DKK 6000 (~EUR 805); can be waived on a case-by-case basis
Estonia	0 month	Yes	Yes	Yes	Yes	Yes	6 months	No exemption if family reunification is possible in another country	No fee
Finland	0 month	Yes	Yes	No except if family was established after sponsor's arrival (but planned)	No (but planned)	No (but planned)	Not limited (but planned: 3 months)	..	EUR 455 for adult and EUR 230 for child family members
France	0 month	Yes (except family formation)	No	No	No	No	Not limited	..	EUR 19
Germany	0 month	Yes	No	Yes	Yes	Yes	3 months	No exemption if family reunification is possible in another country	No fee
Greece	0 month	Yes	Yes (unmarried adult children, parents, unmarried partner)	Yes	Yes	Yes	3 months	No exemption for parents of sponsors	EUR 450 (except for minor applicants)
Hungary	0 month	Yes	Yes	Yes	Yes	Yes	6 months	..	EUR 60
Iceland	0 month	Yes (except family formation)	Yes (ascendants)	No	No	No	0 month	..	ISK 12000 (~ EUR 86) (ISK 6000 for minors)
Ireland	0 month	Yes (except family formation)	No	No	No	No	0 month	..	EUR 300
Italy	0 month	Yes	Yes	No	No	No	Not limited	..	EUR 16
Luxembourg	0 month	Yes	Yes	Yes for sponsor's and family's costs	Yes	Yes	3 months	..	No fee
Netherlands	0 month	Yes (except family formation)	Yes (adult children)	Yes	No	No	3 months	..	No fee
New Zealand	0 month	Yes (spouse, single dependent children under the age of 24)	Yes (should be alone and/or sole caregiver in NZ)	Yes	No	Yes	0 month	..	No fee

Table 4.A4.1. **Conditions for family migration for Conventional Refugees** (cont.)

	Required duration of residence	Nuclear family allowed	Extended family allowed	Requirements after exemption period			Duration of exemption period (from granting of status to sponsor)	Specific conditions during exemption period	Fees
				Economic resources	Accommodation	Health insurance			
Norway	0 month	Yes (but plans to, among other things, introduce a min. age of 24 years for family formation)	Yes	Yes	No (except extended family and family formation)	No	12 months exemption from income requirement (but plans to reduce the exemption period)	No exemption from income requirement for extended family and family formation	NOK 5900 (~EUR 630) (no fee for minor applicants)
Poland	0 month	Yes	No	Yes for sponsor's and family's costs	Yes	Yes	6 months	..	PLN 340 (~EUR 80); possibility to apply for exemption
Portugal	0 month	Yes	Yes	No	No	No	Not limited	..	No fee
Slovak Republic	0 month	Yes except family formation	Yes	Yes	Yes	No	3 months	..	No fee
Slovenia	0 month	Yes	Yes	Yes	No	Yes	3 months	..	No fee
Spain	0 month	Yes (except family formation; or if fm is in third country or has different nationality)	Yes (except family formation or if fm is in third country or has different nationality)	No	No	No	Not limited	..	EUR 26
Sweden	0 month	Yes (except family formation, minimum age of 21 for spouse)	No	Yes	Yes	No	3 months	..	No fee
Switzerland	0 month	Yes	No (but: humanitarian visa; temporary opening for Syrians in 2013)	No (but for beneficiaries of subsidiary protection)	No (but for beneficiaries of subsidiary protection)	No (but for beneficiaries of subsidiary protection)	0 month	..	No fee (but travel/visa costs, in certain cases costs of proof of descent)
Turkey	12 months	Yes	Yes	Yes	Yes	No	0 month	..	Varies
United Kingdom	0 month	Yes (except family formation)	No	No	No	No	Not limited	..	No fee
United States	0 month	Yes	Parents through filing of an affidavit of relationship	No	No	No	No	No	No fee

Note: Sweden: According to a temporary law that entered into force 20 July 2016 restricting the possibilities of being granted a residence permit in Sweden. The temporary law will apply for three years.

Switzerland: Swiss law grants the so-called temporary admission (a form of subsidiary protection) to conventional refugees excluded from asylum under domestic law as well as to other foreigners, whose removal cannot be carried out for other legal reasons.

United States: US law allows for a refugee to complete a "follow-to-join" petition within 2 years of arrival in the US. Approval of this petition grants derivative refugee status to the spouse and unmarried child (under age 21) of a refugee who was the Principal Applicant on a case. In addition, certain refugee nationalities are eligible to file for parents, spouses and unmarried children under the age of 21 under the Priority 3 of US Refugee Processing priorities. In this instance, the relatives will be required to establish their own refugee claim. Refugees who have adjusted status to Permanent Residents or become naturalized US citizens may also file immigrant visa petitions to the same extent as other Permanent Residents or citizens - there are fees attached and family members enter as immigrants not refugees.

Table 4.A4.2. **Conditions for family migration for beneficiaries of subsidiary protection**

| | Required duration of residence | Nuclear family allowed | Extended family allowed | Requirements after exemption period | | | Duration of exemption period *(from granting of status to sponsor)* | Specific conditions during exemption period | Fees |
				Economic resources	Accommodation	Health insurance			
Australia	0 month (Permanent Protection Visa holders who arrived as Irregular Maritime Arrivals have the lowest processing priority among family stream applicants)	Yes	Some extended family may qualify	Yes	Yes	No	0 months	..	Fee depends on visa subclass
Austria	36 months	Yes	No	Yes (for sponsor's own costs and family's costs)	Yes	Yes	0 months	..	No fee
Belgium	0 month	Yes	Yes (disabled adult child)	Yes	Yes	Yes	12 months	No exemption if family member is a disabled adult child or if family relationship did not exist before arrival	EUR 180
Czech Republic	15 months	Yes (spouse at least 20 years of age)	Yes (parents over 65 year of age and foster children)	Yes for sponsor's and family's costs	Yes	Yes	0 month	..	CZK 2500 (~EUR 100)
Denmark	36 months	Yes (spouse at least 24 and children at least 15 years of age)	No	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	0 months	..	DKK 6000 (~EUR 805)
Estonia	0 month	Yes	Yes	Yes	Yes	Yes	6 months	Requirements may apply if family reunification is possible in another country	No fee
Finland	0 month	Yes	Yes	No except if family was established after sponsor's arrival (but planned)	No (but planned)	No (but planned)	Not limited (but planned to introduce requirements without exemption period)	..	EUR 455 for adult and EUR 230 for child family members
France	0 month	Yes (except family formation)	No	No	No	No	Not limited	..	EUR 19

Table 4.A4.2. **Conditions for family migration for beneficiaries of subsidiary protection** (cont.)

	Required duration of residence	Nuclear family allowed	Extended family allowed	Requirements after exemption period			Duration of exemption period (from granting of status to sponsor)	Specific conditions during exemption period	Fees
				Economic resources	Accommodation	Health insurance			
Germany	24 months	Yes	No	Yes	Yes	Yes	3 months	No exemption if family reunification is possible in another country	No fee
Greece	No right to family reunification	...	...	...	...	...	...	..	...
Hungary	0 month	Yes	Yes	Yes	Yes	Yes	0 months	..	EUR 60
Iceland	0 month	Yes (except in cases of family formation)	Yes (ascendants)	Yes	Yes	Yes	0 months	..	ISK 12000 (~ EUR 86) (ISK 6000 for minors)
Ireland	0 month	Yes (except family formation)	No	No	No	No	0 months	..	EUR 300
Italy	0 month	Yes	Yes	No	No	No	Not limited	..	EUR 16
Luxembourg	0 month	Yes	Yes	Yes	Yes	Yes	3 months	..	No fee
Netherlands	0 month	Yes (except family formation)	Yes (adult children)	Yes	No	No	3 months	..	No fee
Norway	0 month	Yes (but plans to, among other things, introduce a min. age of 24 years for family formation)	Yes	Yes	No (except extended family and family formation)	No	12 months exemption from income requirement (but plans to reduce the exemption period)	No exemption from income requirement for extended family and family formation	NOK 5900 (~EUR 630) (no fee for minor applicants)
Poland	0 month	Yes	No	Yes for sponsor's and family's costs	Yes	Yes	6 months	..	PLN 340 (~EUR 80); possibility to apply for exemption
Portugal	0 month	Yes	Yes	No	No	No	Not limited	..	No fee
Slovak Republic	0 month	Yes except family formation	Yes	Yes	Yes	No	3 months	..	No fee
Slovenia	0 month	Yes	Yes	Yes	No	Yes	3 months	..	No fee
Spain	0 month	Yes (except family formation; or if fm is in third country or has different nationality)	Yes (except family formation or if fm is in third country or has different nationality)	No	No	No	Not limited	..	EUR 26

Table 4.A4.2. **Conditions for family migration for beneficiaries of subsidiary protection** *(cont.)*

| | Required duration of residence | Nuclear family allowed | Extended family allowed | Requirements after exemption period | | | Duration of exemption period *(from granting of status to sponsor)* | Specific conditions during exemption period | Fees |
				Economic resources	Accommodation	Health insurance			
Sweden	0 months	No (unless sponsor had applied for asylum by 24 Nov. 2015 or a denial of reunification would be contrary to international commitments)	No	Yes	Yes	No	3 months	..	No fee
Switzerland	36 months (exceptions might apply; yet to be clarified)	Yes	No	Yes	Yes	Yes	0 months	..	No fee
Turkey	12 months	Yes	Yes	Yes	Yes	No	0 month	..	Varies
United Kingdom	0 month	Yes (except in cases of family formation)	No	No	No	No	Not limited	..	No fee

Note: Sweden: According to a temporary law that entered into force 20 July 2016 restricting the possibilities of being granted a residence permit in Sweden. The temporary law will apply for three years.
Switzerland: Swiss law grants the so-called temporary admission (a form of subsidiary protection) to conventional refugees excluded from asylum under domestic law as well as to other foreigners, whose removal cannot be carried out for other legal.

Table 4.A4.3. **Conditions for family migration for unaccompanied minors**

| | Required duration of residence | Nuclear family allowed | Extended family allowed | Requirements after exemption period | | | Duration of exemption period *(from granting of status to sponsor)* | Specific conditions during exemption period | Fees |
				Economic resources	Accommodation	Health insurance			
Australia	0 month	Yes (family members must have been previously declared in visa application)	Yes (but only given priority in specific circumstances)	No	No	No	Not limited	..	No fee (except in specific circumstances)
Austria	• 0 month if UAM has refugee status • 36 months if UAM is beneficiary of subsidary protection	Yes	No	No	No	No	Not limited regardless of UAM's status	Exemptions only apply for parents of minor sponsors	No fee
Belgium	0 month	Yes (parents)	No	No	No	No	Not limited	...	EUR 180
Czech Republic	0 month	Yes (parents)	No	Yes for sponsor's and family's costs	Yes	Yes	3 months	..	CZK 2500 (~EUR 100); CZK 1000 (~ EUR 40) for minors under 15 years of age

Table 4.A4.3. **Conditions for family migration for unaccompanied minors** (cont.)

	Required duration of residence	Nuclear family allowed	Extended family allowed	Requirements after exemption period			Duration of exemption period *(from granting of status to sponsor)*	Specific conditions during exemption period	Fees
				Economic resources	Accommodation	Health insurance			
Denmark	Not specific	Yes	No	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	Yes (can be waived on a case-by-case basis)	0 month	..	DKK 6000 (~EUR 805); can be waived on a case-by-case basis
Estonia	0 month	Yes (for asylum seekers, discretion for other minor children)	Yes	No	No	No	Until UAM reaches 18 years of age	..	No fee
Finland	0 month	Yes	Yes	No except if family was established after sponsor's arrival (but planned)	No (but planned)	No (but planned)	Not limited (but introduction of requirements without exemption period planned)	..	No fee
France	0 month	Yes (direct relatives in ascending line)	No	No	No	No	Not limited	..	EUR 19
Germany	0 month	Yes (parents)	No	No	No	No	Not limited	..	No fee
Greece	0 month	Yes (relatives in ascending line)	Yes	No	No	No	Not limited	..	EUR 450
Hungary	0 month	Yes (parents or legally appointed guardian)	Yes	Yes	Yes	Yes	0 month	..	EUR 60
Iceland	0 month	Yes (parents)	Yes (ascendants)	No	No	No	0 month	..	ISK 12000 (~ EUR 86) (ISK 6000 for minors)
Ireland	0 month	Yes (parents)	No	No	No	No	0 month	..	EUR 300
Italy	0 month	Yes	Yes	No	No	No	Not limited	..	~ EUR 21
Luxembourg	0 month	Yes	Yes (if UAM has no parents or legal guardian)	Yes for sponsor's and family's costs	Yes	Yes	3 months	..	No fee
Netherlands	0 month	Yes (parents)	No	Yes	No	No	3 months	..	No fee
Norway	0 month	Yes if UAM has refugee status	Yes (sibblings) if UAM has refugee status	No	No	No	12 months (sponsors under the age of 18 do not have to fulfill requirements for economic resources)	..	No fee
Poland	0 month	Yes (ascendts or legal guardian)	No	Yes for sponsor's and family's costs	Yes	Yes	6 months	..	PLN 340 (~EUR 80); possibility to apply for exemption
Portugal	0 month	Yes	No	No	No	No	Not limited	..	No fee
Slovak Republic	0 month	Yes (parents)	No	Yes	Yes	No	3 months	..	No fee
Slovenia	0 month	Yes	Yes	Yes	No	Yes	3 months	..	No fee

Table 4.A4.3. **Conditions for family migration for unaccompanied minors** (*cont.*)

| | Required duration of residence | Nuclear family allowed | Extended family allowed | Requirements after exemption period | | | Duration of exemption period *(from granting of status to sponsor)* | Specific conditions during exemption period | Fees |
				Economic resources	Accommodation	Health insurance			
Spain	0 month	Yes	Yes (except family formation or if fm is in third country or has different nationality)	No	No	No	Not limited	..	EUR 26
Sweden	0 month	Yes, parents (if UAM has refugee status or had applied for asylum by 24 Nov 2015 or if denial of reunification would be contrary to international commitments)	No	No	No	No	Not limited	..	No fee
Switzerland	Not specific	Yes	No (but temporary opening for Syrians in 2013)	Varies	Varies	No	Varies	..	Varies
Turkey	12 months	Yes	Yes	Yes	Yes	No	0 month	..	Varies
United Kingdom	Not possible (exceptions may be made for "compelling, compassionate circumstances")	..	..	..	..	..	..	..	..
United States	..	No	No	No. *Note:* the federal government does not have an "exemption period" for UC.	Yes UC receive accomodation while they are in federal government custody.	Health care provided while UC are in federal government custody.	The federal government does not have an "exemption period" for UC. Eligibility for benefits and services for the UC after release from federal custody and any family members depends on whether they are granted a lawful immigration status and the specific status they receive.	..	Fees for immigration status applications vary.

Note: Sweden: According to a temporary law that entered into force 20 July 2016 restricting the possibilities of being granted a residence permit in Sweden. The temporary law will apply for three years.