

**GLOBAL  
TASK FORCE**  
ON REFUGEE LABOUR MOBILITY



# **Labour Pathways for Refugee Solutions: Guiding Principles and Recommended Attributes**

Developed by the Global Task Force on Refugee Labour Mobility  
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# ACKNOWLEDGMENTS

Talent Beyond Boundaries collaborated with our partners on the [Global Task Force on Refugee Labour Mobility](#) and the Refugee Advisory Group, and consulted a wide range of stakeholders, to develop these guiding principles for our work. These principles provide consistent parameters for our enablers and serve as effective advocacy.

## PURPOSE

**Legal economic migration can provide refugees with pathways out of displacement, complementary to traditional resettlement programmes.** The Global Task Force on Refugee Labour Mobility has developed the following set of Guiding Principles and Recommended Attributes to support all actors involved in complementary employment pathways, so as to maximize protection outcomes and enable the growth of labour mobility solutions while avoiding unintended negative consequences.

This document is relevant to labour mobility programmes designed specifically for individuals who meet the refugee definition,<sup>1</sup> including those who do not have legal refugee status but are in need of international protection, as well as economic migration programs that seek to be inclusive of refugees and other displaced, stateless and vulnerable migrant groups. These principles are intended for both states and other actors, and to apply to both developed and developing countries as destinations. As complementary pathways policy is an evolving field, they will be updated as required.

These Guiding Principles and Recommended Attributes take note of existing human rights instruments; they are not intended to create new rights or obligations under international or domestic law.

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1 See “refugee” definition in <https://www.unhcr.org/glossary>

## CONTEXT

Labour or employment pathways to third-country solutions are called for in the New York Declaration for Refugees and Migrants (2016) and affirmed by the UN General Assembly through the Global Compact on Refugees, which called on states to “facilitate effective procedures and clear referral pathways for... labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries.” The Compact recognized that:

*“As a complement to resettlement, other pathways for the admission of persons with international protection needs can facilitate access to protection and/or solutions. There is a need to ensure that such pathways are made available on a more systematic, organized, sustainable and gender-responsive basis, that they contain appropriate protection safeguards, and that the number of countries offering these opportunities is expanded overall.”<sup>2</sup>*

The Global Task Force on Refugee Labour Mobility<sup>3</sup> was established as part of a wider effort to spur innovation and growth of complementary pathways, with a focus on employment-based solutions.

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2 Global Compact on Refugees, 2018, para 94-96, <https://www.unhcr.org/media/global-compact-refugees-booklet>

3 Overview of the Global Task Force on Refugee Labour Mobility: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/corporate-initiatives/global-task-force-refugee-labour-mobility.html>

The principles underpinning such pathways are also consistent with and in practice reliant on a number of the objectives of the Global Compact for Safe, Orderly and Regular Migration, which likewise has its roots in the New York Declaration, including objectives to enhance the availability and flexibility of pathways for regular migration; facilitate fair and ethical recruitment to safeguard decent work; and reduce vulnerabilities in migration.<sup>4</sup>

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4 Global Compact for Safe, Orderly and Regular Migration, objectives 5, 6 and 7, [https://refugeesmigrants.un.org/sites/default/files/180713\\_agreed\\_outcome\\_global\\_compact\\_for\\_migration.pdf](https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf)



## **PART A**

# **Guiding Principles**

The following Guiding Principles help ensure that refugee labour mobility programmes do not cause inadvertent harm to refugees and their families or to existing norms and systems that aim to protect all displaced people.



## A1

### Safeguarding Protection

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**Labour mobility pathways must uphold protection against refoulement** and not increase the risk of statelessness. While it is expected that most refugees will not claim asylum in the new country of employment, following a labour mobility pathway should not prejudice access to asylum. Refugees following labour mobility pathways should acquire clear and documented legal status in the receiving state, with the same access to rights and social services as other legal workers.

## A2

### Durable Solutions

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**Labour mobility pathways should offer avenues for refugees and their families to a durable solution.** Ideally, a pathway gives access to stable residence status in a safe third country, in line with national legislation. Access to permanent status will often not be immediate, or may occur via several steps, but should contribute to realizing permanent protection.

## A3

### Responsibility Sharing

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**Stakeholders should work collaboratively to assist refugees and displaced persons and share responsibility for developing labour complementary pathways,** including with sending and receiving states, international organizations, the private sector and civil society.

## A4

### Additionality

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**Labour mobility pathways for refugees are intended as an addition to, not a replacement of, traditional refugee resettlement.**

## A5

### Non-discrimination

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**Refugees and displaced persons will not be discriminated against on the basis of protected characteristics like race, gender, sexual orientation, ethnicity, political opinion or family size.** Specific measures should be included in programming to increase participation by under-represented groups.

## A6

### Ethical Recruitment and Non-Exploitation

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**Programme design and partnerships should respect the principles of non-exploitation, ethical recruitment and international labour law, and result in legal employment** under the workplace standards available to nationals of the new host state. Programme design should include due diligence and risk management measures to reduce the risk of exploitation.



## A7

### Family Unity

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**Family unity is a right, embedded in national, regional and international law.** It is also a key element of successful integration and emotional well-being for refugees, such that labour mobility pathways should particularly reinforce family unity, for example by providing opportunities for workers to bring their families with them and/or reunite with them after a period of time, while recognizing that where this is not the case well-informed refugees will make their own decisions in this respect.

## A8

### Refugee Autonomy and Empowerment

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**Refugees and their communities should be included as active participants, analysts and evaluators of labour pathways.** The design of pathways should seek to enable refugees to access them independently but safely, while providing support as needed. The meaningful, non-tokenistic integration of refugee and refugee-led organization perspectives into the design and implementation of programmes, and in feedback mechanisms to assess and improve processes, is fundamental in developing safe and accessible solutions that empower refugees.

## A9

### Confidentiality and Privacy of Data

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Bearing in mind the sensitive nature of refugees' personal data and information, labour mobility programmes should follow the principles of the ***Policy on the Protection of Personal Data of Persons of Concern to UNHCR*** and other relevant data-protection rules at national and international levels.



## PART B

# Recommended Attributes

The Members of the *Global Task Force on Refugee Labour Mobility* recommend the following Attributes as a result of lessons learned in refugee labour mobility pilot programmes to date. Evidence shows that these Recommended Attributes contribute to making refugee labour mobility programmes effective, inclusive and scalable.

## B1

### Labour Market Driven

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**Labour pathways for refugees should meet labour market needs and contribute to the economic objectives of the destination country.** To be sustainable and scalable over time, and to gain and maintain public support and not undermine local labour forces, they should target the occupations and/or human capital that employers have difficulty sourcing locally. Employer demand is the engine that powers refugee labour mobility programmes, and therefore employers bring important perspectives to the design of these schemes.

## B2

### Flexible Identification Mechanisms

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**All those in need of international protection should be able to pursue economic migration opportunities that accord with their skills,** irrespective of whether they are registered with the UNHCR, have received an affirmative refugee status determination from UNHCR or their country of first asylum, or are working with or through a particular NGO.

Refugee status is declaratory, meaning any person is a refugee if they meet the criteria, whether or not a formal recognition process has taken place (see UNHCR EC/SCP/5). As such, it is not necessary for refugee status to be determined by States or UNHCR for a scheme to be considered a complementary labour mobility pathway. Many people in need of international protection are unable to access a formal Refugee Status Determination.

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States should try to avoid eligibility criteria that place onerous requirements on refugees, stateless persons, or UNHCR, or which create significant bottlenecks in registration or referral processes. States are encouraged to be flexible when confirming eligibility for complementary pathways, which may include: developing internal assessment mechanisms for independent applicants; and/or broadening the types of documentation they accept from applicants as proof of being a refugee or in need of international protection; and/or working with referring partners.

## B3

### Fair and Equitable Access

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**Labour mobility programmes for refugees work on the premise that no person should be excluded from a skilled migration opportunity on the basis of their displacement.** Programmes should be designed to provide refugees and other forcibly displaced people with equitable access to regular economic migration pathways, that is, to level the playing field. At the same time, pursuing potential pathways based on skills should not prejudice eligibility for resettlement.

While recognizing that during start-up phases labour mobility initiatives may focus on particular source countries or particular occupations, under the principle of non-discrimination partners and stakeholders should work over time to develop a broad set of programmes to increase equality of access geographically, in a variety of occupations with differing educational/training requirements, in both developed and developing countries, and to seek gender equality. Similarly, effective competency-based systems for skills and qualifications recognition are important to broaden access and promote fairness.

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Financial obstacles faced by displaced individuals should be mitigated to the extent possible, for example through grants, loans, pay-it-forward funds, and other mechanisms (including contributions by employers), to manage administrative, travel and reinstallation costs.

## B4

### Transparent

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**Programmes should have transparent designs and processes**, and be communicated broadly, to facilitate fair access, including autonomous access. Where feasible, livelihoods and self-reliance programs in countries of first asylum should seek to educate refugees about labour mobility opportunities available to them.

## B5

### Financially Sustainable

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**Labour pathways should be designed to be commercially viable, sustainable and scalable over time, and to be reliant as little as possible on external sources of funding.** While it is recognized that during pilot and start-up phases external funding will be needed to, among other things, put necessary infrastructure and partnerships in place, to enable capacity building and advocacy, and to make targeted investments in innovation, ongoing programmes should be self-sustaining, ideally funded by the beneficiaries.

Specifically, programmes should:

- Use the principle that employers pay for the normal costs of recruitment, in accordance with ethical recruitment practices.

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**PART B - RECOMMENDED ATTRIBUTES**

- Endeavour not to exceed the costs of other international employee recruitment processes in similar occupations.
- Endeavour to be reasonably supported by public funds, in recognition of the immediate and long-term economic benefits skilled refugees bring to the destination country. This ideally includes funding for settlement and integration of refugees arriving on labour pathways, in accordance with their needs.

## **B6**

### **Practical Facilitation Measures**

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**Receiving states should try to remove or adjust administrative barriers that disproportionately disadvantage refugee applicants.** This can be achieved through practical facilitation measures such as accepting or providing travel documents, flexibility in how background verifications are conducted, providing more accessible skills assessment procedures for refugees, or putting dedicated or tailored visa and work permit processing channels in place. Governments may also opt to waive visa fees in order to make labour mobility schemes more affordable for refugees and businesses. The specific facilitation measures envisaged in each State will depend on their existing skilled migration system and applicable laws.

## **B7**

### **Monitoring and Evaluation**

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**Programmes should have mechanisms in place to monitor and evaluate impact and performance.** Feedback from refugees and employers involved should inform learnings and continuous improvement of programme design.