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Making Human Rights a Reality for Refugees

2022 GLOBAL REFUGEE WORK RIGHTS REPORT

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About Asylum Access
Asylum Access supports forcibly displaced individuals and communities as they reclaim their rights, agency, and power. We advocate for a response to forced displacement that honors refugees' freedom, dignity, and autonomy, while also strengthening the communities that welcome them.

www.asylumaccess.org

About Refugees International
Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.

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Cover Photo: Syrian instructor Rita Butman (in striped shirt), 31, teaches a workshop at the ReDI school in Berlin. Photo credit: Gordon Welters

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FOREWORD

Throughout the world, refugees and other forced migrants lack the basic rights to work, move, and thrive. A range of legal, administrative, and practical barriers prevent their equitable economic inclusion. Removing these barriers would give displaced people greater agency and power, enabling them to more fully rebuild their lives and contribute to their host communities. Asylum Access, the Center for Global Development (CGD), and Refugees International are among the organizations at the forefront of this effort.

Asylum Access began their Refugee Work Rights campaign in 2010, aiming to catalyze global action to dismantle legal barriers to refugee labor market access. As UNHCR, the World Bank, and other powerful institutions began to address refugees' access to work, Asylum Access expanded its work on refugees' rights *at* work, responding to wage theft, sexual harassment, and other workplace abuses against refugees.

CGD and Refugees International launched their "Let Them Work" initiative three years ago to expand labor market access for refugees and forced migrants in low- and middle-income countries. Let Them Work identifies barriers to refugees' economic inclusion and provides recommendations to host governments, donors, and the private sector for how to overcome them.

Our shared efforts have had an impact. A new norm is emerging: including refugees in national labor markets is increasingly regarded as good practice. States increasingly acknowledge that honoring refugees' work rights is good for refugees and good for those who live alongside them. As a result, they are beginning to adjust their laws so refugees can access jobs and benefit from work rights protections.

Much remains to be done, however. This groundbreaking new report documents the extent to which refugees and other forced migrants continue to face barriers in achieving equitable economic inclusion around the world. The data shows that laws protecting refugees' work rights are often adequate. But in practice, progress is slow and, for many refugees, deeply inadequate.

By highlighting the gap between the rights that refugees and forced migrants have in law and in practice, this report demonstrates the need to focus on implementation. Paper promises are not enough. We must make refugee work rights a reality.

Such efforts are even more important as the world looks to economically recover from COVID-19. While the pandemic has created unprecedented challenges, it has also highlighted the importance of expanding economic inclusion. Refugees and other forced migrants can, and do, play a crucial role within labor markets. Given the opportunity, they can help their host countries recover from this crisis.

We hope this report will be a resource for policymakers, practitioners, and researchers alike, as we all work to realize the moral imperative and practical benefits of refugees' equitable participation in labor markets. To learn more about our initiatives, please visit our websites and get in touch.

Masood Ahmed, President, Center for Global Development (CGD)
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The views expressed in this report are the views of the authors alone and do not reflect the views of the survey respondents or their organizations, Asylum Access, CGD, Refugees International, or funders.

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1 See our website, www.refugeeworkrights.org, for an interactive map, additional information, and further updates.

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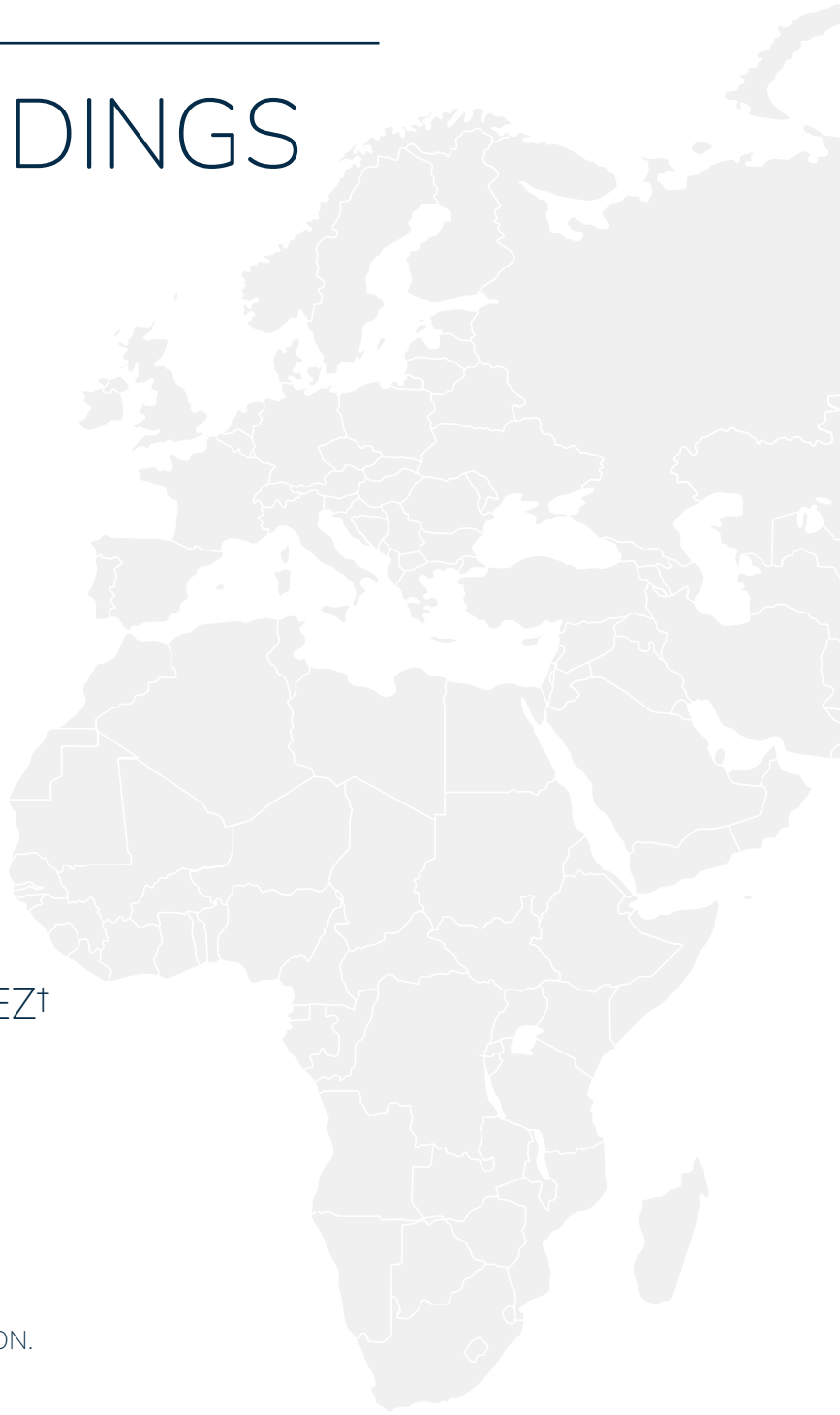
ACRONYMS

CESCR	Committee on Economic, Social, and Cultural Rights (UN)
CGD	Center for Global Development
DWRAP	Developing World Refugee and Asylum Policy
EU	European Union
GCFF	Global Concessional Financing Facility
GDP	Gross domestic product
GNI	Gross national income
GRF	Global Refugee Forum
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IDA	International Development Association
NGO	Non-governmental organization
PROSPECTS	Partnership for improving prospects for forcibly displaced persons and host communities
RPRF	Refugee Policy Review Framework (World Bank)
RRI	Refugee Response Index
RSRI	Refugee Self-Reliance Initiative
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WHR	IDA19 Window for Host Communities and Refugees (World Bank)

PART 1

GLOBAL FINDINGS



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EXECUTIVE SUMMARY

Refugees' right to work has been repeatedly recognized in international agreements—from the 1951 Convention Relating to the Status of Refugees to the 2018 Global Compact on Refugees—and research continues to demonstrate the benefits of this right for refugees and their host countries alike. Yet most refugees today face significant legal and practical barriers to full economic inclusion in the labor markets of their host countries.[2]

While these barriers are widely discussed in general terms, a systematic, public documentation of these barriers is important to advance the efforts toward economic inclusion. For instance, under Objective 2 of the Global Compact on Refugees, to "enhance refugee self-reliance," two of the four indicators are the proportion of refugees with access to decent work and the proportion of refugees who are able to move freely within the host country.[3] In addition, advocates and researchers have called for a Refugee Policy Index to factor into funding decisions.[4]

Measuring these indicators, however, is a significant challenge. In its 2021 Indicator Report, the United Nations High Commissioner for Refugees (UNHCR) notes that "there is a need to strengthen the measurement of decent work, including by . . . developing the measurement of de facto access to work (e.g., using household surveys)."[5] We view this report and accompanying dataset as contributing to this effort.

In this project, produced by researchers at the Center for Global Development (CGD), Asylum Access, and Refugees International, we assess refugees' work rights across the globe. We examine different dimensions of work rights both in law (de jure) and in practice (de facto) across 51 countries that were collectively hosting 87 percent of the world's refugee population at the end of 2021. Combining legal documents, country-level reports, news articles, and input from more than 200 practitioners with knowledge of refugees' livelihoods and use of services, we evaluate the de jure and de facto situation within a standardized framework. We believe that the findings and accompanying dataset will be critical tools for policymakers, practitioners, and researchers on refugees' work rights.

2 In this report, we use the term "refugees" as shorthand to refer to all foreign-born people forcibly displaced by persecution or conflict and their descendants who are not citizens. Please see Box 1 for more information.

3 UNHCR, *Global Compact on Refugees: Indicator Report* (Geneva: UNHCR, 2021), 5, https://www.unhcr.org/global-compact-refugees-indicator-report/wp-content/uploads/sites/143/2021/11/2021_GCR-Indicator-Report_spread_web.pdf.

4 Lauren Post, Cindy Huang, and Sarah Charles, *World Bank Financing to Support Refugees and Their Hosts: Recommendations for IDA19* (Washington, DC: Center for Global Development, 2019), https://www.cgdev.org/publication/world-bank-financing-support-refugees-and-their-hosts-recommendations-ida19.

5 UNHCR, *Global Compact on Refugees: Indicator Report* (Geneva: UNHCR, 2021), 70, https://www.unhcr.org/global-compact-refugees-indicator-report/wp-content/uploads/sites/143/2021/11/2021_GCR-Indicator-Report_spread_web.pdf.

Box 1. Who are refugees?

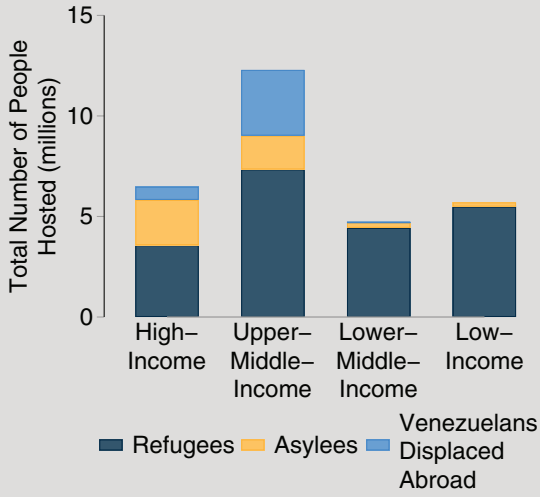
We use the term "refugees" in this report to refer to ***all foreign-born people forcibly displaced by persecution or conflict and their descendants who are not citizens***. The term includes those who are recognized or unrecognized refugees, asylum seekers, and other forcibly displaced populations, such as "Venezuelans displaced abroad," in the country. We adopt this definition in order to standardize across countries, since the proportion of refugees, asylum seekers, and individuals in other categories varies significantly, and a comparison of standards for status determination is outside the scope of this report. Based on UNHCR data, which likely undercount everyone included in this defintion, the world's refugee population stands at 29.2 million people.

However, in some countries, legal refugee status is one of the main barriers to work rights. Asylum seekers are often prohibited from working while they wait for their cases to be heard, a process that can take years in some places. Some countries go further, limiting residence and movement, and even detaining people seeking asylum. These barriers are most common in high-income countries—places that often extend full work rights to those granted asylum. According to UNHCR data, only 55 percent of the people who fit our definition of a refugee have refugee status in high-income countries, compared to 96 percent in low-income countries (Figure 1).[6]

We account for this issue by adopting the above definition of refugees, which is independent of a country's asylum decisions, for the assignment of the de facto scores. For the de jure scores, we examine all laws that are relevant to this population.

Our scores cover refugees residing in host countries, but some governments are enacting additional barriers by restricting access to the territory. Border closures, expulsions, and pushbacks, and the detention or internment of asylum seekers have been employed for decades to contain refugee populations and deter new arrivals, mostly by low- and lower-middle-income countries. Today, however, such coercive tactics are increasingly used by upper-middle-income and high-income countries, including across Europe and the United States.[7] These tactics are factored into the freedom of movement assessments for de jure and de facto scores, though obtaining accurate information on the full sample of countries is difficult.

Figure 1. Status of displaced people by hosting country income group



Sources: *UNHCR Refugee Data Finder and World Bank.*

6 Other factors may also contribute to this difference, including variation in reporting to UNHCR and rates of naturalization.

7 UNHCR, "UNHCR Warns Asylum under Attack at Europe's Borders, Urges End to Pushbacks and Violence against Refugees," press release, January 28, 2021, https://www.unhcr.org/en-us/news/press/2021/1/601121344/unhcr-warns-asylum-under-attack-europes-borders-urges-end-pushbacks-violence.html; Lorenzo Tondo, "Revealed: 2,000 Refugee Deaths Linked to Illegal EU Pushbacks," *The Guardian*, May 5, 2021, https://www.theguardian.com/global-development/2021/may/05/revealed-2000-refugee-deaths-linked-to-eu-pushbacks; Amnesty International, "The US government . . . ," accessed July 8, 2022, https://www.amnesty.org/en/latest/news/2018/10/usa-treatment-of-asylum-seekers-southern-border/; European Council on Refugees and Exiles, "Balkan Route: Years of Pushbacks Condemned, Ombudsman Slams Commission Failure on Croatian Funding, Asylum Shortcomings in Serbia, Hungarian Border Violence," March 11, 2022, https://ecre.org/balkan-route-years-of-pushbacks-condemned-ombudsman-slams-commission-failure-on-croatian-funding-asylum-shortcomings-in-serbia-hungarian-border-violence; Amnesty International, "Malaysia: Deportation to Myanmar Puts Lives in Danger," February 18, 2021, https://www.amnesty.org/en/latest/news/2021/02/myanmar-deportation-malaysia-danger/.

MAIN FINDINGS

- Every country in this study imposes barriers to refugees' work rights in practice.
- There is a stark difference between refugees' overall work rights in law and in practice.
    - At least 62 percent of refugees live in countries where the legal framework for work rights is adequate or better (a 4 or 5 on our five-point scale).
    - Yet many of these laws are not widely implemented: at least 55 percent of refugees live in a country that significantly restricts their work rights in practice (a 3 or below on our scale), and at least 19 percent of refugees live in a country that *severely* restricts their right to work in practice (scoring a 1 or 2). This represents at least 16 million and 5.5 million people, respectively.
- High-income countries often offer strong work rights—both de jure and de facto—to recognized refugees. However, they also prevent access to these work rights in practice by significantly limiting refugee status (i.e., asylum), restricting the work rights of asylum seekers, and limiting the territorial access of would-be asylum seekers in some cases (see Box 1). Other countries that offer strong de jure work rights frequently fail to issue the necessary work or business permits to refugees specifically or impose other administrative or enforcement barriers.
- While the law is not enough to guarantee refugees' right to work, it is oftentimes a necessary starting point; de jure and de facto scores are strongly correlated, and only 3 of the 19 countries in our sample that have adequate access in practice do not have adequate access in law.
- Amid hope for the Global Compact on Refugees and fear over the impact of COVID-19, we do not see a significant net change in the right to work over the last five years. Approximately 28 percent of the global refugee population lives in a country where access to wage employment in practice has improved, while 29 percent lives in a country where it has worsened.
- We also study additional factors that are critical to refugees' work rights and economic inclusion in practice, such as access to services and documentation.
    - Education is the most accessible factor in our data: at least 64 percent of refugees live in countries that provide adequate access to basic schooling in practice, with similar access—for at least 60 percent of the refugee population—to secondary school.
    - In contrast, formal financial services and credential certification are the least accessible factors: only 2 percent of the refugee population live in countries we score with adequate access to formal financial services, and only 11 percent can generally certify academic and professional credentials from their country of origin.

Our de jure findings are based on analyses of national, regional, and international law that mandate the work conditions in host countries for people who have been forcibly displaced. Our de facto findings are based on a survey of practitioners in the 51 refugee-hosting countries, as well as supplemental desk research. Countries were scored on questions regarding wage employment, self-employment, mobility, and

access to services, in most cases relative to host-country citizens' access. We use a government's treatment of its citizens as the benchmark in order to isolate the discrimination faced by refugees in particular.

Our focus is on the actions (or inactions) of host governments. Our aim is to catalog issues such as an inability to access work or business permits, the potential for fines or arrest while traveling or living outside a camp, or differential enforcement of labor protections for refugees relative to host-country citizens. These are practices that are under the direct control of governments and specific to refugees. They contribute to, but are distinct from, self-reliance outcomes such as employment or wages, where poor outcomes, or even differences between host communities and refugees, do not necessarily signal government barriers.

Both access to and rights within the labor market are important to refugees, enabling them to support themselves and their families, build their skills, promote mental health, and contribute to their host country during periods of displacement. Refugees' labor market access also benefits host communities on net, opening new employment avenues for host workers, generating additional consumer spending, and expanding the tax base, oftentimes without displacing host workers. The full benefits can only be achieved, however, if refugees can work without sector or geographic limits, move freely, and enjoy robust protections both in law and in practice.

Our findings encompass many factors that influence equitable labor market access (see Box 2 for terminology). In the following sections, we review the results of our de jure research and de facto survey and analyze how labor market access interacts with country characteristics such as the number of refugees hosted and political systems. In Part 2, we provide narrative summaries for each of the 51 countries' laws and environments in practice.[8]

RECOMMENDATIONS

We also provide a series of recommendations targeted at both refugee-hosting countries and donors that would reduce the many barriers identified in our data.

Refugee-hosting countries should:

- Ensure that domestic laws grant refugees the right to work and freedom of movement, and that these rights are upheld in practice. Refugees should be included as constituents in work rights policymaking and accountability mechanisms.
- Automatically include the right to work and freedom of movement as integral aspects of refugee status and state these rights clearly on documentation issued to refugees. Requiring separate work permits creates an unnecessary barrier that adds bureaucratic delays and sows confusion among employers and refugees alike.
- Safeguard refugees' rights at work through enforcement and support legal aid for refugees who experience workplace violations.

8 See our website, www.refugeeworkrights.org, for an interactive map, additional information, and further updates.

Donors should:

- Incentivize host governments to expand refugees' right to work. Some concessional funding should be tied to policies and implementation of refugees' rights. Initiatives like the World Bank's IDA19 Window for Refugees and Host Communities, which is accompanied by a framework to document each host country's progress on refugees' rights, should be strengthened and expanded.
- Strengthen accountability mechanisms for Global Refugee Forum (GRF) pledges and involve experts (including refugees) in designing and implementing these accountability mechanisms.
- Support local organizations advocating for refugees' work rights.
- Provide support to host communities in addition to refugees. While most research finds refugees have small average effects on hosts' economic outcomes, some groups can be negatively affected. External support can mitigate negative effects and reduce opposition to labor market access for refugees.[9]

Box 2. Terminology and definitions

Throughout this report, we use the following definitions for key terms:

- **Right to work:** The right of a refugee to access wage-earning employment or self-employment.
- **Freedom of movement:** The right of a refugee to be able to choose where to live and travel.
- **Rights at work:** The inclusion of refugee workers in protections that ensure that work is safe, fair, and decent. These protections include requirements regarding minimum wages, maximum working hours, workplace safety and worker well-being, prompt payment, and the right to organize (e.g., to form or participate in a union or collective bargaining efforts).
- **Work rights:** An overall measure encompassing all three dimensions above.

We also use the terms "labor market access" and "economic inclusion." The former refers to refugees' legal right to work as well as their actual ability to access and participate in the labor market. The latter is a broader concept that could also include access to financial services, social protection, and other such government- and private-sector-led services that affect economic outcomes.

9 Travis Baseler, Thomas Ginn, Robert Hakiza, Helidah Ogude, and Olivia Woldemikael. "Can Aid Change Attitudes toward Refugees? Experimental Evidence from Uganda", 2022, https://www.jointdatacenter.org/wp-content/uploads/2022/01/Baseler-et-al.-Uganda-Attitudes.pdf.

INTRODUCTION

The rights of refugees were first enshrined at the global level within the 1951 Convention Relating to the Status of Refugees; 149 countries are now party to the 1951 Refugee Convention, its 1967 Protocol, or both. These instruments establish obligations for host countries to allow refugees to participate in both wage-earning employment and self-employment, and to safeguard refugees' labor-related rights. Other international and regional instruments have since attempted to include similar provisions, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR, or Economic Covenant) (see Box 3). As a result, even countries that are not party to the 1951 Refugee Convention have pledged to uphold some form of refugee work rights. National, regional, and international institutions have also continuously reiterated the need for equitable labor market access for people who have been displaced.

Research continues to demonstrate that work rights for refugees can benefit both refugees and host communities. Despite the widespread fear that refugees will take jobs from citizens, the evidence often indicates that refugees' access to the labor market benefits host communities as well. Refugees can create jobs as complementary workers, entrepreneurs, taxpayers, consumers, and investors—and much more so when the host government does not stand in their way. We discuss this evidence below.

Given that most refugee situations last for years, refugee work rights can also allow international assistance to be used more efficiently for new crises. Without the ability to fully participate in the labor market, refugees may need to rely on external forms of support. Yet such support is neither reliable nor sustainable; donors funded only 52 percent of the total UNHCR global appeal in 2021.[10]

Despite repeated affirmations of refugees' right to work and the clear socioeconomic benefits, this right is still not afforded to many refugees in practice. Barriers range from internment in remote camps to slow, complicated bureaucracies that require documentation from refugees' inaccessible origin countries. Our goal in this report is describe the work rights environments where the majority of the world's refugee population lives and wants to work.

In 2014, Asylum Access published the first *Global Refugee Work Rights Report*, analyzing refugees' work rights in 15 countries hosting 30 percent of the world's refugee population.[11] The report also articulated a concise synopsis of the international legal foundations of refugees' work-related rights (see Box 3). In 2019, the Center for Global Development (CGD) and Refugees International launched the "Let Them Work" initiative, which aims to analyze the impact of expanding labor market access for refugees

10 UNHCR, *Global Appeal* 2022 (Geneva: UNHCR, 2021), 15, https://reporting.unhcr.org/globalappeal2022?page=8#_ga=2.199623275.49404439.1643306031-193517923.1617725436.

11 Asylum Access, *The Global Refugee Work Rights Report* (Oakland, CA: Asylum Access, 2014), https://asylumaccess.org/global-refugee-work-rights-report/.

Box 3. What work rights have countries already committed to?

Like other workers, refugees are entitled to work-related rights under a wide variety of international and regional instruments, some of which are detailed below.

The 1951 Refugee Convention

The 1951 Convention Relating to the Status of Refugees defines the term "refugee" and the rights specific to refugee status, articulating how other human rights apply to people in refugee situations.[12] It requires host countries to grant refugees access to wage-earning employment on par with "the most favorable treatment accorded" to other foreigners. A refugee whose spouse or child who is a citizen, or who has lived in the host country for three years, is exempt from labor market restrictions enacted to preserve jobs for citizens—meaning that refugees and citizens should have equal access to wage-earning employment except where jobs are restricted to citizens for other reasons (e.g., jobs requiring access to state secrets) (Article 17). Moreover, refugees must have access to self-employment on par with other foreigners (Article 18).

Per the 1951 Refugee Convention, countries must treat refugees in the same manner as nationals in regard to work rights such as minimum wages, maximum hours, and working conditions, as well as social security programs such as financial support for people with disabilities or for family care (Article 24). Refugees likewise have a wide range of other rights that may impact their equitable access to work: the right to free movement, protection against expulsion or forcible return to the countries they fled, the right to asset ownership, the right to work-related organizing, and access to courts, among others.

International Covenant on Economic, Social, and Cultural Rights

A seminal international human rights instrument, the International Covenant on Economic, Social, and Cultural Rights (ICESCR, or Economic Covenant), together with the International Covenant on Civil and Political Rights, builds on the Universal Declaration of Human Rights by establishing a concrete set of human rights and corresponding obligations. It took effect in 1976 after more than three decades of deliberation and country consideration.[13]

12 United Nations Treaty Collection, "Convention Relating to the Status of Refugees," 1951, accessed July 8, 2022, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en.

13 United Nations, International Covenant on Economic, Social and Cultural Rights, December 16, 1966, https://legal.un.org/avl/ha/icescr/icescr.html.

The Economic Covenant requires that countries "take steps to safeguard" "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts" in "just and favorable conditions" (Articles 6 and 7). It also prohibits discrimination, including on the basis of "national origin . . . or civil, political, social or other status" (Committee on Economic, Social, and Cultural Rights [CESCR] General Comment 18).[14] This means countries "should enact legislation enabling refugees to work . . . under conditions no less favorable than for nationals" (CESCR General Comment 23).

The Organization of African Unity Convention and the Cartagena Declaration

In addition to the international instruments mentioned above, two regional instruments address refugees' rights in Africa and in Latin America and the Caribbean. The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa extends 1951 Refugee Convention rights to people forced to flee "external aggression, occupation, foreign domination or events seriously disturbing public order" in Africa. Similarly, the Cartagena Declaration on Refugees reflects a consensus among countries in Latin America (and, more recently, the Caribbean) to extend refugee rights to people whose "lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order."

It is important to note that these international instruments do not apply in all countries covered by this report. Of the 51 countries covered, 39 are party to the 1951 Refugee Convention and 40 are party to its 1967 Protocol. Moreover, some have entered reservations to the convention, declining to accept some or all of its work rights provisions. Similarly, 49 of the 51 countries covered by this report are party to the Economic Covenant. However, 50 of the 51 countries (Malaysia being the only exception) are party to at least one of these three instruments, meaning that refugees in all of those countries are entitled to work rights under international law.

and forced migrants in low- and middle-income countries.[15] The initiative has drawn on quantitative and qualitative research in several studies on refugees' economic inclusion, including case studies on Colombia, Peru, Kenya, and Ethiopia.

14 While the Economic Covenant permits so-called "developing countries" some leeway in extending economic rights to non-nationals, a complete reading of the Economic Covenant and its interpretive guidance makes clear that this permission cannot be used to deny refugees access to labor markets or work-related protections (see, e.g., Article 2(1); CESCR General Comment 18, paragraphs 19, 20, and 31; CESCR General Comment 23, paragraph 47(i)).

15 Center for Global Development, "Expanding Labor Market Access for Refugees and Forced Migrants," accessed June 2, 2022, https://www.cgdev.org/project/expanding-labor-market-access-refugees-and-forced-migrants; Refugees International, "Labor Market Access Program," accessed June 2, 2022, https://www.refugeesinternational.org/labor-market-access-program.

In this report, our three organizations assess the current state of refugees' work rights and chart a way forward. We break down the domestic legal (de jure) frameworks that support refugees' right to work and survey findings on how easily work rights can be accessed in practice (de facto). Through an in-depth analysis of national, regional, and international legal frameworks, we set forth a baseline of expectations that host countries have established for themselves. With our survey of more than 200 practitioners to assess the de facto realities, we find that countries often do not meet these commitments.

Box 4. "Respect" and "Protect"

The "respect, protect, and fulfill" international legal framework, developed by the UN Committee on Economic, Social, and Cultural Rights (CESCR), is frequently cited in international human rights theory and refugee law.[16] In the 2014 *Global Refugee Work Rights Report*, for instance, the terms "respect" and "protect" were used to refer to the extent to which refugee host countries support refugee work rights in law (de jure) and in practice (de facto), respectively. For simplicity, we use the terms "de jure" and "de facto" within this report, though the concepts of "respect" and "protect" are closely linked.

We expand upon the research conducted for the 2014 *Global Refugee Work Rights Report* in several ways. First, we expand the scope. The 2014 report was based primarily on legal research, with supplementary de facto findings where appropriate. Here, we have conducted a novel survey on de facto conditions to more deeply interrogate the reality of refugees' access to work rights. Second, we expand the coverage from 15 to 51 countries and, consequently, from 30 percent to 87 percent of the global refugee population. Third, we build on the methodology, including adjusting the scoring system to a 5-point instead of a 4-point scale to increase precision (see Box 4). We outline other related research, including past publications and ongoing initiatives, in Annex 2.

Our de facto survey was designed to capture a range of variables that may impact refugees' right to work in practice, such as the ability to be hired without a work permit, freedom to travel domestically, and the accessibility of legal recourse in the event of workplace violations. In the findings below, we examine an overall work rights score, the factors that contribute to this score, and other factors of economic inclusion that impact livelihoods, such as access to education and formal financial services.

Our findings highlight the many barriers to employment that refugees face and the opportunities for the refugee-serving community to intervene and expand access to work rights. This report provides a global overview of refugees' work rights today and how they may be improved upon in the years to come.

16 David Jason Karp, "What Is the Responsibility to Respect Human Rights? Reconsidering the 'Respect, Protect, and Fulfill' Framework," *International Theory* 12, no. 1 (March 2020): 83–108, https://doi.org/10.1017/S1752971919000198.

THE EVIDENCE ON REFUGEES' WORK RIGHTS

While refugees should have access to the labor market as a basic right, economic inclusion can in addition benefit host communities as well as refugees themselves. Clemens, Huang, and Graham (2018) provide the most extensive review of the evidence on refugees' labor market access to date.[17] They discuss the expected effects of formal labor market access; how the effects depend on contextual factors like the skillsets and locations of refugees and hosts; and policies that are likely to maximize the benefits of labor market access to refugees and hosts alike. They conclude:

> *When refugees are allowed to work, they have the potential to more fully contribute to their host communities as employers, employees, taxpayers, and innovators. This enables them to better provide for themselves while also contributing to the economy—to the benefit of their hosts. And when refugees work and become self-reliant, the cost to host governments and donors of hosting refugees declines or disappears. The more restricted they are from labor markets, the less they can contribute and the greater the costs may be to refugees and those supporting them.*

In related surveys of the research, Legrain (2016)[18] and Bahar and Dooley (2019)[19] reach similar conclusions: refugees in the labor market can create jobs for hosts, increase productivity, boost tax revenues, reduce government expenditures, and earn higher incomes for themselves across a variety of contexts—and more so when their work rights are protected in practice. This section summarizes these findings and highlights additional research conducted since those reviews were published.

Effects of work rights on refugees

Clemens, Huang, and Graham's review argues that formal labor market access leads to higher incomes over time, better jobs, and increased investment in skills for immigrants and refugees, although they note the effects vary across demographics. They draw on evidence from amnesties in the United States and Spain that significantly increased immigrants' earnings (Kaushal 2006 and Amuedo-Dorantes et al 2013 are two examples), as well as Dustmann and colleagues (2017), who find that undocumented immigrants consume 40 percent less than otherwise similar documented immigrants, among many other studies.[20]

17 Michael Clemens, Cindy Huang, and Jimmy Graham, "The Economic and Fiscal Effects of Granting Refugees Labor Market Access", CGD Working Paper 496 (Washington, DC: Center for Global Development, 2018), https://www.cgdev.org/publication/economic-and-fiscal-effects-granting-refugees-formal-labor-market-access.

18 Legrain, Philippe, "Refugees Work: A Humanitarian Investment that Yields Economic Dividends", May 2016, https://www.tent.org/wp-content/uploads/2016/05/Tent-Open-RefugeesWork_VFINAL-singlepages.pdf.

19 Bahar, Dany and Meagan Dooley, "No Refugees and Migrants Left Behind". In H. Kharas, J. McArthur and Ohno, I. (Eds.), *Leave No One Behind: Time for Specifics on the Sustainable Development Goals* (79—104). Washington, DC: Brookings Institution Press, 2019, https://www.brookings.edu/wp-content/uploads/2019/09/LNOB_Chapter5.pdf.

20 Kaushal, Neeraj. "Amnesty programs and the labor market outcomes of undocumented workers." *Journal of Human Resources* 41, no. 3 (2006): 631–647. http://jhr.uwpress.org/content/XLI/3/631.short; Amuedo-Dorantes, Catalina, Miguel A. Malo, and Fernando Muñoz-Bullón. "New Evidence on the Impact of Legal Status on Immigrant Labor Market Performance: The Spanish Case." *Labour* 27, no. 1 (2013): 93–113, https://doi.org/10.1111/labr.12002; and Dustmann, Christian, Francesco Fasani, and Biagio Speciale. "Illegal migration and consumption behavior of immigrant households." *Journal of the European Economic Association* 15, no. 3 (2017): 654–691, https://doi.org/10.1093/jeea/jvw017.

Some of the clearest evidence on the effects of regularization comes from Colombia, where almost 500,000 Venezuelans were granted work rights through an amnesty program in 2018. This sudden policy change allowed researchers to study the effects of refugee work rights on both refugees and the host communities. Multiple studies, described further in Box 5, find that the regularization program led to large, positive effects among refugees and had minimal effects on hosts.

Box 5. Colombia and the PEP program: Effects on hosts and refugees

As of March 2021, an estimated 1.7 million Venezuelans had fled ongoing conflict and instability to neighboring Colombia. To support them, the government of Colombia created the *Permiso Especial de Permanencia* (PEP), a temporary and ad hoc special permit. Issued in 2018, this permit granted Venezuelans two years of regular status, work authorization, and access to public services and could be renewed once.[21] In January 2020 the government created a new permit—the *Permiso Especial de Permanencia para el Fomento a la Formalización* (PEP-FF)—which allowed Venezuelans in an irregular situation with a formal job offer to regularize their status. Finally, in February 2021, the government decided to provide 10-year temporary protection status to all Venezuelans in the country.[22]

These efforts, which are virtually unprecedented among refugee-hosting countries, have had a positive impact on Venezuelans themselves and on the Colombian economy. Ibáñez and colleagues (2022) find that the incomes of Venezuelans who participated in the program increased by 31 percent, consumption increased by 60 percent, and both physical and mental health significantly improved as well.[23] Further, Bahar, Cowgill, and Guzman (2022) find that access to the PEP increased entrepreneurship among eligible Venezuelans and, after four years, led to similar levels of entrepreneurship as Colombians.[24] Finally, Bahar, Ibáñez, and Rozo (2021) find that the PEP rollout had only negligible effects on the formal employment of Colombians.[25]

21 Stephanie López Villamil and Helen Dempster, "Why Colombia Granted Full Rights to Its 1.7 Million Venezuelans, and What Comes Next," *Center for Global Development Blog*, January 26, 2021, https://www.cgdev.org/blog/why-colombia-granted-full-rights-its-17-million-venezuelans-and-what-comes-next.

22 UNHCR and International Organization for Migration, "UNHCR and IOM Welcome Colombia's Decision to Regularize Venezuelan Refugees and Migrants," press release, February 8, 2021, https://www.unhcr.org/uk/news/press/2021/2/60214cf74/unhcr-iom-welcome-colombias-decision-regularize-venezuelan-refugees-migrants.html.

23 Ana María Ibáñez, Andres Moya, María Adelaida Ortega, Sandra Rozo, and María José Urbina, "Life out of the Shadows: Impacts of Amnesties in the Lives of Refugees", World Bank Working Paper WPS9928 (Washington, DC: World Bank, 2022), https://documents.worldbank.org/en/publication/documents-reports/documentdetail/972051644257549046/life-out-of-the-shadows-impacts-of-amnesties-in-the-lives-of-refugees.

24 Dany Bahar, Bo Cowgill, and Jorge Guzman. "The Economic Effects of Immigration Pardons: Evidence from Venezuelan Entrepreneurs in Colombia." SSRN Working Paper, 2022, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4155358.

25 Dany Bahar, Ana María Ibáñez, and Sandra V. Rozo, "Give Me Your Tired and Your Poor: Impact of a Large-Scale Amnesty Program for Undocumented Refugees", *Journal of Development Economics*, 151, 102652, https://doi.org/10.1016/j.jdeveco.2021.102652.

Similar results emerge from studies on work bans for refugees and asylum seekers in Europe. Marbach, Hainmueller, and Hangartner (2018) compare refugees in Germany before and after an employment ban was reduced by seven months.[26] They show that after five years, employment rates among refugees who faced the shorter ban were 20 percentage points higher than refugees who faced the longer ban. Fasani, Frattini, and Minale (2021) find similar effects when looking at variation in policies across European countries.[27] They estimate that bans on asylum seekers who arrived in Europe in 2015 led to an output loss of 37.6 billion euros. In another paper, the same authors find that policies restricting freedom of movement for asylum seekers lead to persistent, negative economic effects on the displaced.[28]

In addition to the right to work, accreditation plays a vital role in securing additional employment and educational opportunities, particularly for those who have professional credentials from their home country. Damelang, Ebensperger, and Stumpf (2020) find that formal recognition of foreign credentials significantly increases the likelihood of an employer inviting a foreign-born applicant for an interview.[29]

Going beyond economic outcomes, researchers have documented the importance of access to work on mental health. Hussam, Kelley, Lane, and Zahra (2022) find that eight weeks of part-time work for Rohingya refugees in Bangladesh led to large improvements in psychosocial outcomes, and they show these effects were not driven by income.[30] The improvements in mental health were larger in magnitude than a 40-week counseling program in the same setting, and 66 percent of their sample were even willing to forgo payment and work for free.

In the absence of labor market access, refugees are more vulnerable to exploitation and abuse. Zetter and Ruaudel (2016) warn that people who have been displaced are "in particularly weak negotiation positions and face more acute pressure to accept substandard and exploitative working conditions and low-paying work in the informal economy."[31] Even when the government makes a concerted effort to formalize refugees' employment, there is rarely sufficient oversight. For example, Kattaa and Byrne (2018) find that despite a government-led effort in Jordan to issue work permits to Syrian refugees, only 8 percent of

26 Moritz Marbach, Jens Hainmueller, and Dominik Hangartner, "The Long-Term Impact of Employment Bans on the Economic Integration of Refugees," *Science Advances* 4, no. 9 (September 2018), https://doi.org/10.1126/sciadv.aap9519.

27 Francesco Fasani, Tommaso Frattini, and Luigi Minale. "Lift the ban? Initial employment restrictions and refugee labour market outcomes." *Journal of the European Economic Association* 19, no. 5 (2021): 2803–2854. https://doi.org/10.1093/jeea/jvab021.

28 Francesco Fasani, Tommaso Frattini, and Luigi Minale. "(The Struggle for) Refugee integration into the labour market: evidence from Europe." *Journal of Economic Geography* 22, no. 2 (2022): 351–393. https://doi.org/10.1093/jeg/lbab011.

29 Andreas Damelang, Sabine Ebensperger, and Felix Stumpf, "Foreign Credential Recognition and Immigrants' Chances of Being Hired for Skilled Jobs—Evidence from a Survey Experiment among Employers," *Social Forces* 99, no. 2 (2020): 648–671, https://doi.org/10.1093/sf/soz154.

30 Reshmaan Hussam, Erin M. Kelley, Gregory Lane, and Fatima Zahra, *The Psychosocial Value of Employment*, NBER Working Paper 28924 (Cambridge, MA: National Bureau of Economic Research, 2021), November 5, 2021, https://www.nber.org/papers/w28924.

31 Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment* (Washington, DC: World Bank KNOMAD, 2016), 26, https://www.knomad.org/sites/default/files/2017-03/KNOMAD%20Study%201%20Part%20I-%20Assessing%20Refugees%27%20Rights%20to%20Work_final.pdf.

those with work permits who were interviewed said their work conditions were actually verified during labor inspections.[32]

Finally, Schuettler and Caron (2020) review livelihoods programming for displaced populations and argue that greater labor market access would increase the effectiveness of some livelihoods programs.[33] For instance, they note that cash grants can be more effectively invested by refugee entrepreneurs when they can legally own their business. Furthermore, additional job opportunities in the formal market increases the returns to skills, and therefore the gains from some skill trainings, though the review finds that training programs that only target skills are "not promising".

Effects of refugee work rights on host communities

Host communities often fear that refugees will negatively affect jobs, wages, and other outcomes for hosts, and this fear is a common justification for restricting work rights. While refugees and immigrants do compete in labor markets, the evidence shows that the economy is not a zero-sum game. As Clemens, Huang, and Graham describe, refugees represent additional consumer spending and often fill labor shortages, bring skills that complement hosts, and allow hosts to upgrade into higher paying, often managerial, roles.

Verme and Schuettler (2021) review 59 empirical studies on the effects of refuges on host community markets. They find that "on average, host households are most likely to experience an increase in well-being following a forced displacement crisis".[34] For example, Alix-Garcia and colleagues (2018) show that when more people arrived to Kakuma refugee camp, economic activity in the surrounding area increased due to the availability of new employment and increased prices in agricultural and livestock markets.[35] Özden and Wagner (2014) find that for every 10 immigrants newly employed in Malaysia, employment of host workers increases by 4.1.[36] Other studies find no effects. Fallah, Krafft, and Wahba (2019), for instance, find that labor market outcomes for Jordanians in areas with more Syrian refugees were similar to Jordanians in areas with fewer refugees.[37]

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32 Maha Kattaa and Meredith Byrne, "Quality of Work for Syrian Refugees in Jordan," *Forced Migration Review* 58 (June 2018): 45–46, https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/kattaa-byrne.pdf.

33 Schuettler, Kirsten and Laura Caron. "Jobs interventions for refugees and internally displaced persons." Jobs Working Paper No. 47, 2020, https://openknowledge.worldbank.org/handle/10986/33953.

34 Verme, Paolo, and Kirsten Schuettler. "The impact of forced displacement on host communities: A review of the empirical literature in economics." *Journal of Development Economics* 150 (2021): 102606, https://doi.org/10.1016/j.jdeveco.2020.102606.

35 Jennifer Alix-Garcia, Sarah Walker, Anne Bartlett, Harun Onder, and Apurva Sanghi, "Do Refugee Camps Help or Hurt Hosts? The Case of Kakuma, Kenya," *Journal of Development Economics* 130 (2018): 66–83, https://doi.org/10.1016/j.jdeveco.2017.09.005.

36 Caglar Özden and Mathis Wagner, *Immigrants versus Natives? Displacement and Job Creation*, Policy Research Working Paper 6900 (Washington, DC: World Bank, 2014), https://documents1.worldbank.org/curated/en/112381468182367504/pdf/WPS6900.pdf.

37 Belal Fallah, Caroline Krafft, and Jackline Wahba, "The Impact of Refugees on Employment and Wages in Jordan," *Journal of Development Economics* 139 (June 2019): 203–216, https://doi.org/10.1016/j.jdeveco.2019.03.009.

Refugees can negatively affect some groups in the host community, though many of the effects disappear over time. Verme and Schuettler find that where negative effects occur, they are often among informal, "low-skilled", young, or female workers, which is important to know when targeting adjustment programs for hosts. For instance, Del Carpio and Wagner (2015) find that men with medium levels of education in Turkey move to higher-paying jobs when Syrian refugees arrive, while men with low levels of education and women are displaced from the labor force altogether.[38] Lebow (2022) similarly finds large negative effects from Venezuelan refugees on less-educated Colombian hosts.[39] However, both studies suggest that occupational downgrading among refugees—often in response to limited labor market access—put unnecessary pressure on the informal labor market. Improved refugee work rights, like access to accreditation and to work in the formal sector, can mitigate negative effects on hosts in the informal sector.

Aksoy and Ginn (2022) compare countries with more inclusive and more restrictive legal frameworks for refugees, examining economic and social outcomes in a sample of most low- and middle-income countries.[40] They isolate regions with a large, rapid increase in the refugee population and find that areas with the right to work evolve similarly in the four years after the refugee arrival as areas without the right to work. Overall, they find no evidence that host communities pay an economic penalty or experience social or political backlash in response to increased refugee economic inclusion.

Multiple papers simulate the economic effects of increased integration of refugees. Sanghi, Onger, and Vemuru (2016) study Turkana, Kenya.[41] They estimate that limited economic integration would increase incomes in the surrounding host communities by 1.6 percent, while full economic integration would increase incomes by 6.1 percent. Todd, Amirullah, and Shin (2019) estimate that extending the right to work for refugees in Malaysia would generate 700 million USD in annual GDP within five years and create over 4,000 jobs for Malaysians.[42] Finally, Graham, Guerrero Ble, Panayotatos, and Leghtas, in a study through the "Let Them Work" initiative, posited that if all Venezuelan-specific barriers

38 Del Carpio, Ximena V., and Mathis C. Wagner. "The impact of Syrian refugees on the Turkish labor market." *World Bank policy research working paper* 7402 (2016). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2650218.

39 Jeremy Lebow, "Immigration and Occupational Downgrading in Colombia," working paper, 2022, https://static1.squarespace.com/static/6064ff1093aaa5277d9d8df9/t/62d716006b114a5c65eb70bf/1658263060424/Lebow2021.pdf.

40 Aksoy, Cevat Giray and Thomas Ginn. "Attitudes and Policies toward Refugees: Evidence from Low- and Middle-Income Countries." World Bank Group Policy Research working paper; no. WPS 9985, 2022, http://documents.worldbank.org/curated/en/099736203242266938/IDU018ed89c00b-34c04bb00ad9f04fb78818b0e3.

41 Purva Sanghi, Harun Onder, and Varalakshmi Vemuru, *"Yes" in My Backyard? The Economics of Refugees and Their Social Dynamics in Kakuma, Kenya* (Washington, DC: World Bank, 2016), https://www.refugee-economies.org/publications/yes-in-my-backyard-the-economics-of-refugees-and-their-social-dynamics-in-kakuma-kenya.

42 Laurence Todd, Adli Amirullah, Wan Ya Shin. "The Economic Impact of Granting Refugees in Malaysia the Right to Work." *Institute for Democracy and Economic Affairs*. April 2019: https://www.tent.org/wp-content/uploads/2021/09/IDEAS-Malaysia.pdf.

to economic inclusion were lowered, Venezuelans would contribute an additional US$1 billion to Colombia's economy annually.[43]

Formal labor market access can also increase tax revenue, both indirectly, as increasing economic activity is taxed, and directly, as formal refugee-owned businesses and refugee employees pay taxes. Furthermore, when refugees are allowed to work and not forced to rely on the host government or NGOs for basic needs, fiscal expenditures and aid program budgets can be significantly reduced or reallocated. For instance, Marbach, Hainmueller, and Hangartner (2018), in the study described above, also find that shortening the employment ban for refugees in Germany saved taxpayers approximately 40 million euros each year.[44]

43 Jimmy Graham, Martha Guerrero Ble, Daphne Panayotatos, and Izza Leghtas, *From Displacement to Development: How Colombia Can Transform Venezuelan Displacement into Shared Growth* (Washington, DC: Center for Global Development and Refugees International, 2020), https://www.cgdev.org/publication/displacement-development-how-colombia-can-transform-venezuelan-displacement-shared.

44 Moritz Marbach, Jens Hainmueller, and Dominik Hangartner, "The Long-Term Impact of Employment Bans on the Economic Integration of Refugees," *Science Advances* 4, no. 9 (September 2018), https://doi.org/10.1126/sciadv.aap9519.

METHODOLOGY

Country selection

The responses to our survey on the de facto right to work determined the sample of countries covered in this report. Between March and December 2021, we circulated the survey among practitioners with knowledge of refugees' livelihoods and use of services. We received 260 responses from 83 countries. Given the subjective nature of the questions, we include only countries from which we received at least three responses. Fifty-one countries, with 216 survey responses in total, met this criterion and are therefore included in the report sample.[45]

The 51 countries covered in the report account for 87 percent of the global population of refugees, asylum seekers, and Venezuelans displaced abroad in 2021, according to UNHCR statistics.[46] Our sample includes the top 22 refugee-hosting countries globally and 37 of the top 50. Nevertheless, this set of countries is not fully representative of the global refugee population, as the remaining 13 percent of refugees may face circumstances that differ from those in our sample. We therefore do not make inferences about the remaining populations, nor the refugee population as a whole. Additionally, see Box 6 for a discussion on refugees from Ukraine, where war began in February 2022.

The sample is geographically diverse, including 13 countries in Europe, 12 in Africa, 11 in Latin America and the Caribbean, 5 in the Middle East, 3 in South Asia, and 3 in Southeast Asia. With regard to income levels, 17 countries in the sample are classified as high-income countries by the World Bank, 20 are upper-middle-income, 6 are lower-middle-income, and 8 are considered low-income countries.[47]

De jure scoring

To analyze the legal environment for refugees' work rights, we first assessed whether a country is party to relevant international law, including the 1951 Refugee Convention and the Economic Covenant, and whether it has made reservations to either.[48] We next examined regional instruments, including legally

45 This sample from the de facto survey also determined the countries included in the de jure assessment.

46 UNHCR, Refugee Data Finder, accessed July 11, 2022, https://www.unhcr.org/refugee-statistics/download/?url=rVpdj6.

47 For the current 2022 fiscal year, low-income economies are defined as those with a gross national income (GNI) per capita, calculated using the World Bank Atlas method, of US$1,045 or less in 2020; lower-middle-income economies are those with a GNI per capita between $1,046 and $4,095; upper-middle-income economies are those with a GNI per capita between $4,096 and $12,695; and high-income economies are those with a GNI per capita of $12,696 or more. For more information on World Bank income rankings, see https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups.

48 Reservations to the Convention of articles 13 (right to own property), 17 (right to wage earning employment), 18 (right to self-employment), 19 (right to practice a liberal profession), 24 (right to benefit from labour regulations), 26 (right to move freely) were noted. Reservations to the ICESCR of articles 6 (right to work), 7 (right to the enjoyment of just and favourable conditions of work), 8 (right to form join trade unions and to strike) and 9 (right to social security) were noted.

Box 6. Refugees from Ukraine

Russia invaded Ukraine in February 2022 and caused one of the world's largest refugee flows almost immediately. Within five months, more than 5.6 million people had left Ukraine. For the first time in its history, the European Union (EU) invoked the Temporary Protection Directive, which provided Ukrainians residency and the right to work, housing, healthcare, and education throughout the EU for one year, with the possibility of renewal. The directive does not provide Ukrainians with refugee status but eliminates the need for individual asylum applications and allows Ukrainians to avoid employment and movement bans that apply to asylum seekers in many member states.

The Ukraine refugee situation is not included in this report for multiple reasons. First, because of the recency of the event, the environment and information availability in the main host countries, and even where refugees are staying, are changing rapidly—significantly faster than in most other contexts. Second, nearly all of our survey data were collected before the Russian invasion. Although some of the primary host countries are not in the sample, other countries that are in our sample are now hosting Ukrainians, which may have affected the responses. The data and scores in this report are therefore as of December 2021. The situation will be important to monitor and could have far-reaching impacts on how refugees are received in Europe.

binding documents such as the European Convention on Human Rights and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and nonbinding expressions of intent such as the Cartagena Declaration on Refugees and the Bangkok Principles on the Status and Treatment of Refugees.

The last aspect of the de jure research focused on the availability of a specific national law that respects and guarantees refugees' right to work. Legal consultants initially conducted the de jure research and assigned scores based on the definitions in Table 1 and each country's summary and score were reviewed by a group of Asylum Access staff with experience in refugee work rights issues to ensure that scores were standard across countries.

The de jure analysis was performed using primary documents and secondary data published online. UNHCR was a frequent source of information, given that its country data are publicly available and periodically updated. We also cited reputable local and international nongovernmental organizations (NGOs) operating in the 51 countries. This methodology has limitations, particularly if a country or relevant legal or judicial body has not published its laws online. Further, we did not standardize specific search terms, but rather led with the national, regional, and international frameworks in our search. Aware of these limitations, we relied on reporting from organizations such as UNHCR, the World Bank, the International Labor Organization, and Human Rights Watch to validate the de jure data.

Table 1. Definitions for overall de jure scores

To what extent does the law respect a refugee's fair and equitable right to work and to labor protections?	
5	Fully-functioning national policies support refugees' right to work without restrictions and extend labor protections to refugees.
4	There are national policies, but they limit full access to work rights, there are bureaucratic barriers that make the process onerous and/or untimely for livelihood purposes, and/or many labor protections are not extended to refugees.
3	No existing national policies establish refugees' right to work or their rights as workers, but ad hoc policies have allowed certain groups of displaced populations to work. Alternatively, the state mandates internment of refugees, preventing their lawful access to markets; the state's legal recognition procedures create significant barriers to accessing the status needed to qualify for the right to work; and/or many labor protections are not extended to refugees.
2	Existing national policies prohibit refugees from working by barring access to either work authorization or legal status. However, some inconsistencies among the policies can be read to provide certain limited de jure work rights.
1	Existing national policies prohibit refugees from working. There is no law respecting refugees' right to work or their rights as workers, and very few, if any, ad hoc policies exist permitting certain groups of refugees to work.

De facto scoring

We designed the Refugee Access to Work Rights Survey in English and translated it into French and Spanish. The survey was circulated to international and local NGOs, refugee-led organizations, NGO networks, and multilateral institutions to reach a variety of people with different perspectives. This was an iterative process in which some individuals forwarded or referred the survey to other individuals they knew. The survey sample is not representative of the sector; however, we attempt to reach objective conclusions, as further detailed below.

The questions covered a range of topics relating to refugees' rights and access to services within their host country, as reported in detail in subsequent sections of the report.[49] We use a government's treatment of

49 Additional survey questions that covered topics other than work rights (e.g., assistance) were not included in this report, nor were questions that produced responses with significant missing information or inconsistencies.

its citizens as the benchmark in order to isolate the discrimination faced by refugees in particular. We ask, for instance, how easily refugees can acquire business permits *relative to citizens*; comparing the broader ease of acquiring business permits across countries is outside the scope of this report.

Many questions ask for a rating on a 1 to 5 scale, and we accompany the numerical choices with a general definition to standardize across respondents and contexts.[50] For example, one question is:

On a scale of 1 to 5, how free are refugees to travel in practice?

1. *Refugees cannot leave their neighborhood or camp and permits to travel are nearly impossible to obtain.*
2. *(The situation is between 1 and 3.)*
3. *Refugees travel, but they are regularly harassed and occasionally arrested by authorities when outside their residence. Alternatively, some refugees travel freely, while others have their movements restricted by camp boundaries, checkpoints by authorities, etc.*
4. *(The situation is between 3 and 5.)*
5. *Refugees travel freely in practice without interference from the government.*

Other questions on changes over time have three answer choices: the situation for refugees has improved, has worsened, or is the same.

Respondents could skip any question.

Even with our attempts at standardizing, the responses are subjective. Furthermore, the situations often vary substantially within countries across locations, nationalities, legal statuses, and so on.[51] In the responses, we received numerous comments that provided additional context and contributed significantly to the final scores and narrative descriptions in Part 2. We interpret the scores as an average across all foreign-born displaced people within the country.

The individuals who responded represent a range of experiences in the humanitarian and development sectors. Thirty-six percent have worked in the country for 11 years or more, and 21 percent have worked in the country between 6 and 10 years. Ninety-two percent have worked with refugee populations for at least 2 years, including 29 percent who have worked for 11 years or more. Respondents' positions include advocacy officers, CEOs, country directors, program managers, professors, community workers, among others.

50 The instructions read, "Some questions ask for your assessment on a 1 to 5 scale. Definitions are provided to roughly standardize across countries. However, the situation in every country is unique and the definitions will not match exactly. Please use your judgment and perception relative to other host countries to assign a score between 1 and 5, and then provide details in the comments where possible."

51 The availability and variety of legal contexts can differ widely between countries, which makes standardizing appropriate and relevant questions challenging. In certain countries, there are quite disparate de jure and de facto conditions for people of various immigration statuses, such as refugees, parolees, or asylees, whereas in other countries, the questions posed around de facto conditions were predicated on legal conditions that are nonexistent (e.g., asking whether refugees have legal recourse for workplace violations in a country that does not recognize refugees).

The large and diverse global response, however, still leaves a number of limitations on the ability to directly interpret these data within each country. The people who chose to respond potentially have different opinions than might have emerged from a full survey of the country-based humanitarian sector, and even these practitioners have limited insights into most refugees' daily experiences with some of the question topics. The ideal data would include responses to a survey of a representative sample of refugees and asylum seekers themselves, using a standard questionnaire to compare experiences across contexts.[52] Nevertheless, these responses from people working in the local environments were an invaluable foundation for our final scoring.

To address the limitations, we used the median response for questions with answers on a 1-to-5 scale and the most common, or modal, response for questions with three answer choices as a starting point for each score. This reduces the influence of the highest and lowest scorers on each question. Two staff members then independently reviewed each country situation using available secondary sources such as news articles, NGO profiles, and government reports.[53] We reviewed questions where answers varied significantly across respondents, where there were fewer than three responses, and where the median was a fraction that needed to be resolved. Using the survey responses as a guide, the two staff members independently proposed a score and then compared answers to decide on a final score. In limited cases, we also assigned scores outside the review criteria that we felt were necessary to improve international comparability.

A country's overall de facto score is a weighted average of the main work rights measures. The score incorporates the right to wage employment, the right to self-employment, the freedom to travel domestically, the freedom to choose a place of residence, and rights at work. See Box 7 for the survey questions that contribute to the overall de facto score.

To calculate the score, we first generate measures for access to wage employment and self-employment in practice. We use two survey questions for each type of work: access to permits (A1 and B1) and enforcement (A2 and B2). Higher scores denote increased access or less enforcement. Our goal is to capture access in practice, which can happen where either permits are easily available or, if permits are difficult to access, where enforcement is low. For scoring, this means we take the maximum of the access and enforcement variables. Strong enforcement is therefore not penalized if permits are available. In addition, since informality represents a risk even in environments with minimal current government enforcement, we subtract 1 from the enforcement scores before taking the maximum.

52 The closest such survey, to our knowledge, is the Syrian Refugee and Host Community Survey, conducted across Lebanon, Jordan, and the Kurdistan Region of Iraq in 2015 and 2016. These data are available on the World Bank's microdata library website: https://microdata.worldbank.org/index.php/catalog/3471.

53 The US Department of State's Country Reports on Human Rights Practices, and Section F on the protection of refugees in particular, were especially helpful. For an example, see here for the report on Kenya: https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kenya/.

Since the focus of the index is on the right to work, these wage employment and self-employment measures are then assigned twice the weight of the other inputs (C1, C2, and D1), and the five inputs are averaged.[54] The scores are rounded to the nearest whole number, with 0.5 rounded up. The resulting scores are characterized in Table 2.

Box 7. Overall de facto work rights score

The de facto score includes the following questions from the survey:

Right to wage employment

- **A1. Access to work permits:** On a scale of 1 to 5, how easily can refugees acquire work permits (or other necessary forms of work authorization for foreigners) for formal, wage employment in practice?
- **A2. Enforcement of work permits:** On a scale of 1 to 5, how free are formal (registered) businesses to hire refugees without permits in practice?

Right to self-employment

- **B1. Access to business permits:** On a scale of 1 to 5, how easily can refugees acquire business permits relative to citizens in practice?
- **B2. Enforcement of business permits:** On a scale of 1 to 5, how free are refugees to operate businesses without permits in practice?

Freedom of movement

- **C1. Freedom to travel domestically:** On a scale of 1 to 5, how free are refugees to travel domestically in practice? (Note: We are referring only to government enforcement and not, for instance, to whether refugees can afford to travel.)
- **C2. Freedom to choose residence:** On a scale of 1 to 5, how free are refugees to choose their place of residence in practice? (Note: We are asking about government enforcement only, and not, for instance, whether refugees can afford to live in the same locations.)

Rights at work

- **D1. Recourse for workplace violations:** Can refugees access recourse for workplace violations through government institutions?[55] (E.g., if their employers do not pay them.)

Higher scores denote more access to permits, more freedom, or less enforcement. For the answer choices and other questions in the dataset, see Annex 3.

54 The formula for the overall de facto score is [2 max(A1, A2−1) + 2 max(B1, B2−1) + C1 + C2 + D1]/7.

55 This question was scored on a 3-point scale and coded to 1, 3, or 5 to calculate the overall score.

Table 2. Definitions for overall de facto scores

To what extent does a refugee have the right to work and to labor protections in practice?	
5	Refugees are able to access their right to work in practice, face little discrimination from government officials, and have access to recourse for labor rights violations.
4	Refugees face some discrimination from government officials in accessing employment or other barriers to their right to work in practice.
3	Refugees face restrictive barriers to their right to work in practice. Alternatively, refugees are unable to access lawful employment but have some access to justice for workplace violations.
2	Refugees face significant restrictive barriers to their right to work, such as little guarantee to work rights or little to no access to practical justice relating to the workplace.
1	Refugees are unable to access lawful employment due to practical barriers and/or face significant discrimination from government officials, and they have little access to justice.

Ultimately, both the de jure and de facto scores are the opinions of the authors of this report, with the survey responses as well as external comments serving as an influential foundation. Different authors independently assessed the de jure and de facto scores. Though the team reviewed the final rankings, it should be noted that we are all subject to our own implicit biases and limited information.

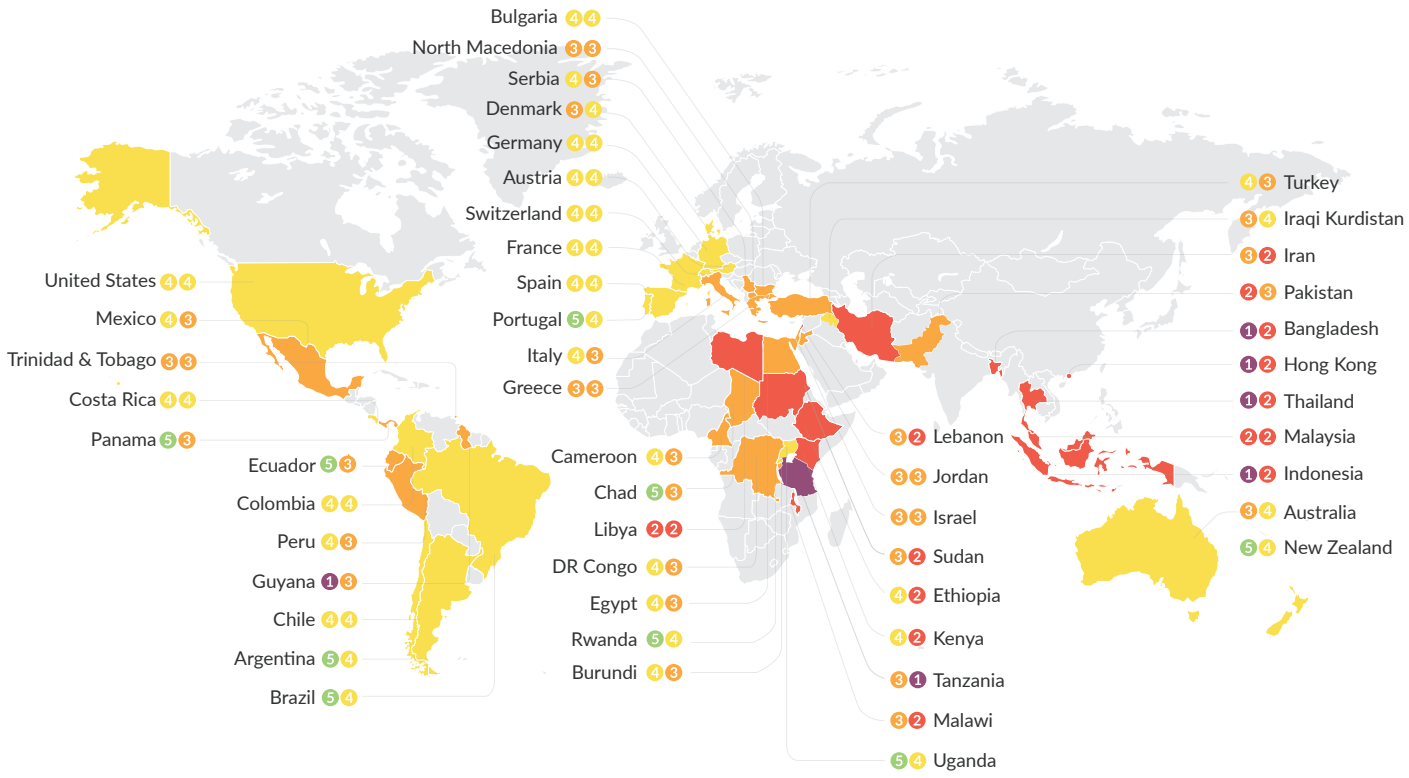
The de jure and de facto data, collected in 2021, was merged with external datasets, namely the 2018 Polity5 dataset and 2020 economic indicators from the World Bank, for the purposes of the following analysis. These datasets were not all collected in the same year, which may pose complications if a political system changed significantly from 2018 to 2021, such as Brazil, or if a country's economy grew significantly during 2021, such as Guyana. The datasets used here were the most recent iterations available at the time of analysis, but we seek to update our analysis once later versions are released.

The quantitative scores also condense critical details about each country context. To provide further perspective, we include brief narrative descriptions on both the de jure and de facto situations, as well as references for further reading. These narratives, covering the 51 countries in the sample, are captured as scorecards, which are available in Part 2 of this report.

MAIN FINDINGS

In this section, we summarize our data on refugee work rights in law (de jure) and in practice (de facto). We evaluate the situation as of 2021, explore how de jure and de facto conditions correlate, and examine the relationship with other factors such as the number of refugees a country hosts. The following conclusions are solely drawn from the sample in our data (see Figure 2).

Figure 2. Map of refugees' work rights



Note: *Countries are shaded based on their overall de facto score in the 2021 Refugee Access to Work Rights dataset. Countries are listed with their de jure score, left, and de facto score.*

DE JURE SCORE SUMMARY

For refugees' de jure work rights, 9 out of 51 countries in the sample received a score of 5 (green), meeting the criteria that "fully-functioning national policies support refugees' right to work without restrictions and extend labor protections to refugees." These 9 countries host 12 percent of the global refugee population (Figure 3). Another 50 percent of refugees live in the 21 countries that scored a 4 (yellow), which means more than half of the world's displaced population lives in countries that generally respect refugees' work rights by law. We consider a country to be significantly restricting refugees' work rights in law and policy if it scores a 3 (orange), 2 (red), or 1 (purple) on de jure rights.

Notably, income levels do not correlate with de jure scores. In fact, low-income countries in this sample had the strongest performance on refugee work rights in law, with 3 out of the 8 low-income countries

Figure 3. Overall de jure score

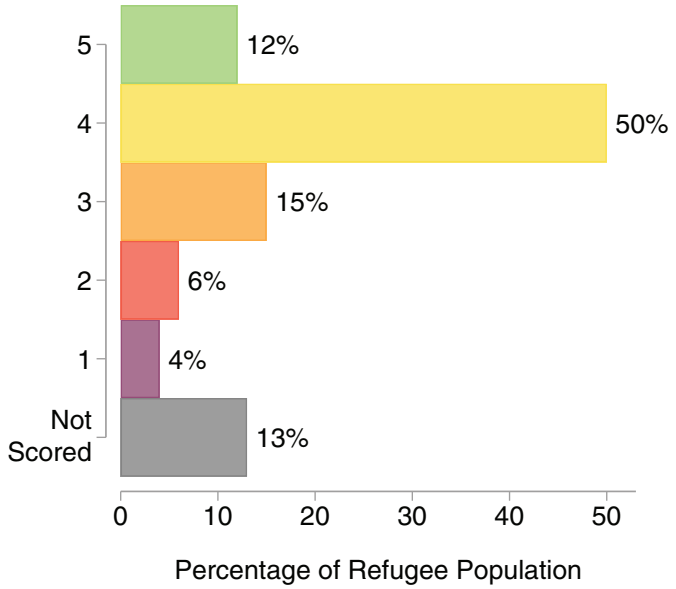
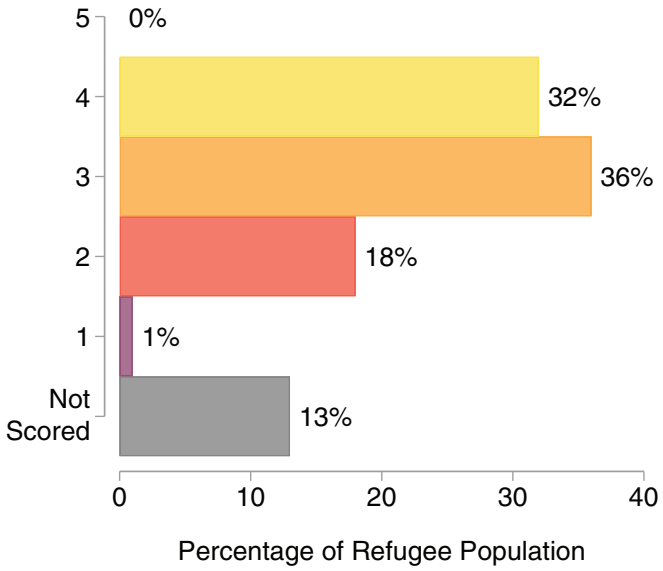


Figure 4. Overall de facto score



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Refugee Data Finder.*

receiving the top score (5/green) and 3 more receiving a 4 (yellow). None of the low-income countries received either of the lowest two scores.

Middle-income countries had the lowest de jure scores, on average, in the sample. Seven of the the 8 countries that received the two lowest de jure scores (1/purple or 2/red) are middle-income. Three of 6 lower-middle-income countries scored a 4 and none scored a 5, while 10 of 20 upper-middle-income countries scored a 4 or 5.

Only 3 of 17 high-income countries received the top score. Eight received the second-highest score and 5 received a 3. For most of the high-income countries on this list, their score of 4 (yellow) reflects a waiting period of two to nine months before asylum seekers can lawfully access work, sometimes accompanied by other bureaucratic obstacles. The remaining high-income country, Hong Kong, received the lowest score.

DE FACTO SCORE SUMMARY

On average, de facto scores are lower than de jure scores. No country in the sample received the top score for labor market access in practice. Instead, at least 55 percent of the global refugee population lives in a country that significantly restricts refugees' work rights in practice, scoring a 3 (orange) or below (Figure 4). This includes 19 percent living in countries that severely restrict work rights—18 percent in countries scoring a 2 (red) and 1 percent in Tanzania, the only country to receive the lowest score. These figures likely underestimate the extent of restrictions globally, as 13 percent of the refugee population was not covered by our survey.

In contrast to de jure scores, de facto scores are correlated with income level. High-income countries have the highest average scores, with 11 out of the 17 scoring 4 out of 5. Five countries received a score of 3, while Hong Kong scored a 2. The 6 lower-middle-income countries scored the lowest, on average, with none receiving a score of 4 or 5. Upper-middle-income and low-income countries scored similarly, averaging about 3. While there is a correlation between income and de facto score, low-income countries Rwanda and Uganda scored as high as any high-income country.

DE JURE SCORES BY REGION

Latin America and the Caribbean is the region with the strongest legal (de jure) work rights for refugees, with 4 of 11 countries receiving a top score of 5 (green): Argentina, Brazil, Ecuador, and Panama. Five countries—Chile, Colombia, Costa Rica, Mexico, and Peru—received the second-highest score of 4 (yellow). Colombia and Costa Rica have the strongest work rights regimes among this group, but they require asylum seekers to wait three months before they may lawfully work. Chile's and Mexico's laws permit, respectively, summary deportation or indefinite detention of refugee claimants who entered irregularly, while Peru has recently appeared to adopt unwritten policies that summarily deny asylum to Venezuelans presenting claims at the Peruvian border. Chile's, Mexico's, and Peru's policies formally limit refugees' freedom of movement into and within these countries, resulting in lower ratings. Trinidad and Tobago received a score of 3, as the country has no legislation granting asylum or work rights to refugees; however, since 2020 it has implemented various ad hoc policies granting Venezuelan refugees permission to reside and work in the country. Guyana, an outlier in the region, scored a 1 (purple) because it offers no de jure rights to refugees, despite its ratification of the Economic Covenant.

Africa and Europe perform moderately in de jure work rights for refugees, with 9 countries in each region, out of 12 and 13 countries, respectively, receiving the top two scores. In Africa, 3 countries surveyed—Chad, Rwanda, and Uganda—received the top score, while in Europe only Portugal met the highest standard.

Six African countries and 8 European countries received scores of 4: Burundi, Cameroon, the Democratic Republic of Congo, Egypt, Ethiopia, and Kenya; and Austria, Bulgaria, France, Germany, Italy, Serbia, Spain, and Switzerland. For most of the European countries on this list, their score of 4 (yellow) reflects a waiting period of two to nine months before asylum seekers can lawfully access work, sometimes accompanied by other bureaucratic obstacles. For most of the African countries on this list, the yellow score reflects internment policies: Burundi, Cameroon, the Democratic Republic of Congo, Ethiopia, and Kenya[56] have policies requiring at least some groups of refugees and/or asylum seekers to reside in internment camps unless granted a free-movement permit, creating a legal barrier to work rights access.

56 In 2021, Kenya passed a new Refugees Act, for which regulations are currently being developed. These regulations likely will more precisely address refugees' rights to movement and thus will have a significant impact on refugees' de jure access to work (see Box 9).

Denmark, Greece, Malawi, North Macedonia, Sudan, and Tanzania, which scored a 3 (orange), all have laws or policies significantly restricting labor market access, effectively making it impossible for at least some groups of refugees and/or asylum seekers to access work rights. In Libya, which scored a 2 (red), refugees cannot lawfully remain in the country and thus cannot access the work rights accorded to other foreigners.

The Middle East lags behind, with most of the 5 countries in this study receiving a score of 3 (orange). Iraqi Kurdistan and Jordan scored a 3 largely on the basis of their limitations on the de jure right to work; in Iraqi Kurdistan, most refugees' right to work is not guaranteed by law but instead subject to ministerial discretion, while in Jordan, the right to work is significantly limited by nationality and sector.

East, South, and Southeast Asia together form the worst region for refugees with regard to de jure work rights. Four of the 7 countries received the lowest score of 1 (purple), with 2 more receiving the second-lowest score of 2 (red). Iran, which received a 3 (orange), is the only country in this region to have legislation or policies permitting refugees to work, although Malaysia scored a 2 (red), given that the country has occasionally implemented ad hoc policies allowing small groups of refugees to work.

DE FACTO SCORES BY REGION

While Latin America and the Caribbean provide the strongest de jure work rights for refugees, Europe is the strongest region for refugees' de facto work rights, with 8 out of 12 countries scoring a 4 on our 5-point scale. The other European countries—Greece, Italy, North Macedonia, and Serbia,—scored a 3, reflecting significant restrictions to the right to work in practice. Refugees in Greece, for example, are often confined to camps, where it is difficult to leave and secure employment.

In Latin America and the Caribbean, a majority of those in our sample scored a 3, reflecting restrictive access to the right to work. Costa Rica is one of the highest scoring countries in the world, but there is a legal limit on the foreign-born workers businesses can hire. Guyana, Trinidad and Tobago, and Peru—all of whom are hosting many Venezuelans displaced abroad, score a 3 (orange). Guyana, for example, does not have a law on the books that governs employment of refugees, yet Venezuelans displaced abroad there do often work in practice.

Countries in Africa generally do not provide adequate de facto conditions for refugees to work. Rwanda and Uganda have performed relatively well, both scoring a 4 (yellow). Yet all other countries scored a 3 or below, which we define as restrictive. Tanzania received the lowest score due to practices including crackdowns on work even within camps.

Countries in the Middle East were similarly restrictive on de facto refugee work rights; Iraqi Kurdistan is the sole country that scored a 4, while Lebanon received the second-lowest possible score of 2, due to refugees' inability to access work permits and fear of arrest during movement.

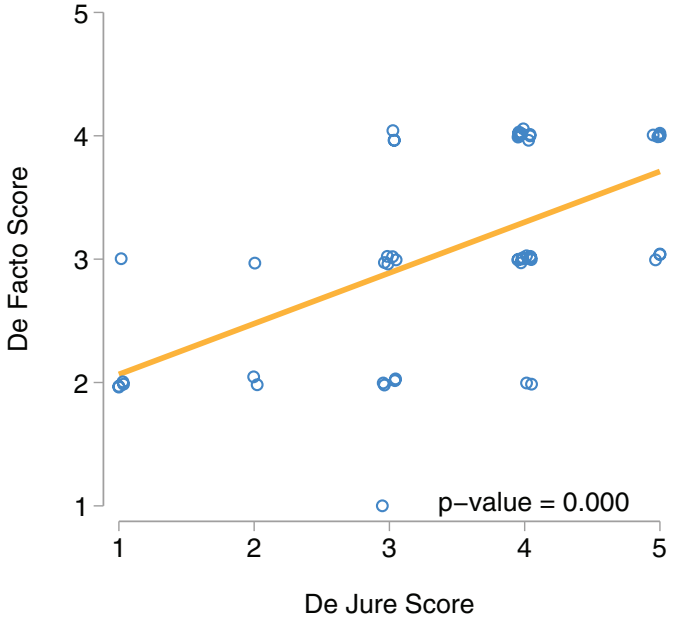
Lastly, South, Southeast, and East Asia score the lowest in de facto refugee work rights. All countries in East and Southeast Asia in our sample—Hong Kong, Indonesia, Malaysia, and Thailand—scored a 2 (red). This results from conditions, such as those in Malaysia, in which refugees generally—and the Rohingya people in particular—are rarely, if ever, able to be employed. The Malaysian government did launch a pilot program to employ 300 Rohingya refugees but this was a minor project that did not have any long-lasting impacts on the de facto situation confronted by the displaced population as a whole. Two of the 3 South Asian countries, Bangladesh and Iran, also scored a 2, reflecting working environments that are hostile toward refugees, as well. Pakistan received the highest score in the region of 3 (orange), which is still significantly restrictive.

RELATIONSHIP BETWEEN DE JURE AND DE FACTO SCORES

The 5-point scoring criteria for de jure and de facto environments were designed to be comparable, to the extent possible, so that fully applying the law in practice leads to an equal de jure and de facto score. While environments in practice are more restrictive than the established laws on average, we also find that the de facto environment correlates strongly with the de jure environment (Figure 5). Implementation and bureaucratic facilitation are critical, but laws are often the foundation upon which better de facto conditions can be built.

In addition to being lower than de jure scores on average, de facto scores are also more concentrated. No country received a top de facto score, and only one country received the lowest score. Countries with strong legislation, both positive and negative, are not fully applying the law in practice. Countries with the most inclusive legislation enact some barriers in practice, and countries with the most exclusive legislation allow some access through incomplete enforcement.

Figure 5. De facto and de jure scores



Source: *2021 Refugee Access to Work Rights dataset.*

The difference between de jure and de facto scores is largest for low-income countries. The de facto score is lower than the de jure score in all 8 low-income countries in our sample—by one point for 6 countries and two points for Chad and Ethiopia. Lower-middle-income countries have the second-largest gap between environments in law and practice. Four of these countries have more restrictive environments in practice than in law, including two-point gaps in Kenya and Tanzania. However, 2 countries in this group have marginally better practices than the law suggests, Bangladesh and Pakistan.

Upper-middle- and high-income countries have smaller differences between environments in law

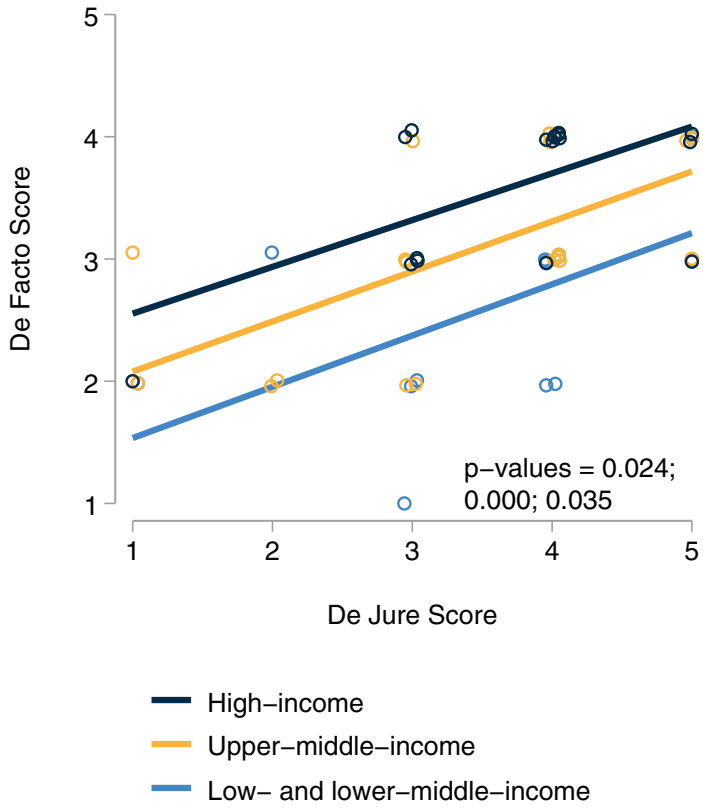
and in practice. Of these 37 countries, 17 have equal de jure and de facto scores, 11 score one point worse in practice, and 6 score one point worse in law. Ecuador and Panama both score two points worse in practice than in law (3 and 5, respectively), and Guyana scores two points better in practice than in law (3 and 1, respectively).

At every income level, however, de jure scores are strongly related to de facto scores (Figure 6). Although the gap is widest in low-income countries, a stronger legal framework predicts a better environment in practice in low-, middle-, and high-income settings. Even when not fully implemented, legal environments send signals to bureaucrats and can provide refugees recourse in some situations.

While it is possible for refugees to have labor market access in practice without the proper legal environment, we find only 3 countries that fit this description. In most cases, the law appears to be a necessary condition for access in practice. The law, however, is certainly not sufficient; 14 countries have adequate legal environments but implement significant barriers in practice (Table 3).

Overall, 25 countries in our sample have better environments in law than in practice, while 9 countries register better de facto conditions than de jure conditions. Seventeen countries have equal conditions in practice and in law, indicating that those countries are fulfilling the conditions for refugees' work rights they set out in domestic law—whether good or bad.

Figure 6. De facto and de jure scores by income group



Sources: *2021 Refugee Access to Work Rights dataset and World Bank.*

Table 3. De jure and de facto scores, by level of restriction

		De Facto	
		Adequate	Restricted
De Jure	Adequate	16	14
	Restricted	3	18

Notes: *Based on the 2021 Refugee Access to Work Rights dataset. "Adequate" is defined as 4 or 5, and "Restricted" is defined as 3 or below.*

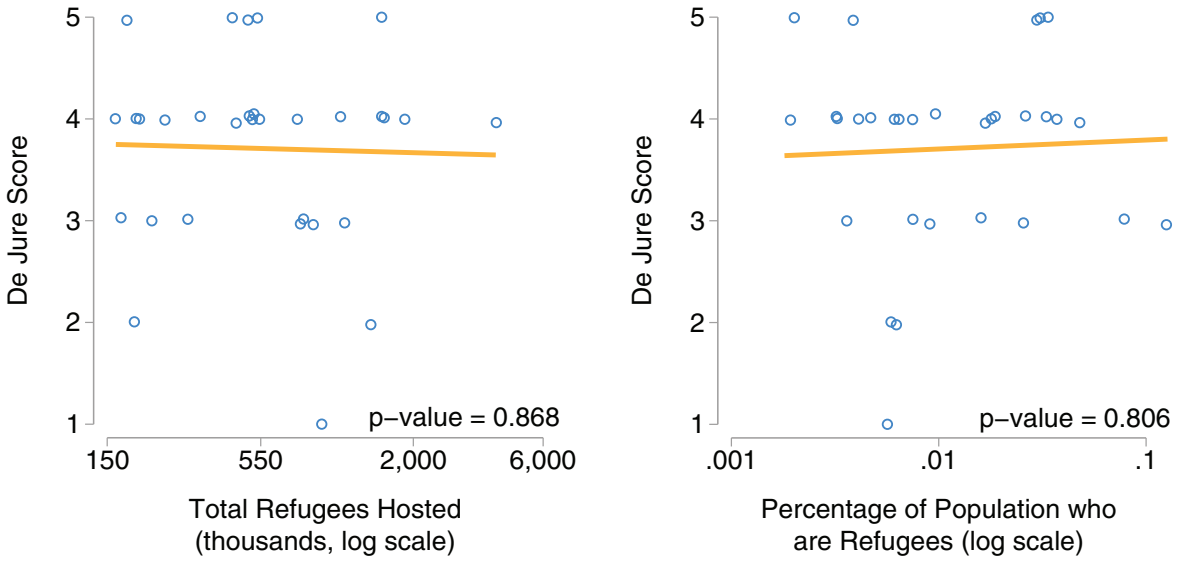
CORRELATION WITH SIZE OF REFUGEE POPULATION AND POLITICAL SYSTEM

To further characterize the state of refugees' labor market access, we explore correlations between refugee rights and two additional characteristics: the number of refugees hosted and the political system.

Refugee population and density

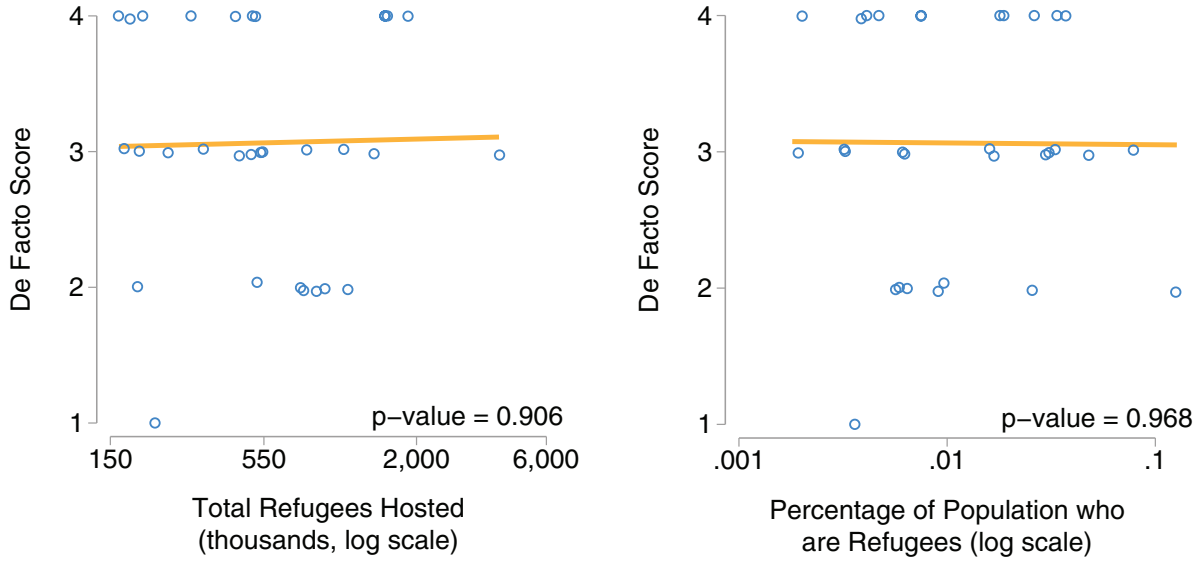
Do countries with larger refugee populations impose more restrictions? Larger displaced populations may increase host community fears of negative effects but also attract increased international attention and resources for support. Blair, Grossman, and Weinstein (2021) find that lower-income countries change their policies when there is a neighboring conflict, and the changes are more likely to be inclusive when the arriving refugees are co-ethnics of the host country's political elites.[57]

Figure 7. De jure score and refugee population size



Sources: *2021 Refugee Access to Work Rights dataset, UNHCR Refugee Data Finder, and World Bank.*

Figure 8. De facto score and refugee population size



Sources: *2021 Refugee Access to Work Rights dataset, UNHCR Refugee Data Finder, and World Bank.*

57 Christopher W. Blair, Guy Grossman, and Jeremy Weinstein, "Forced Displacement and Asylum Policy in the Developing World," *International Organization*, August 31, 2021, 1–42, https://doi.org/10.1017/S0020818321000369.

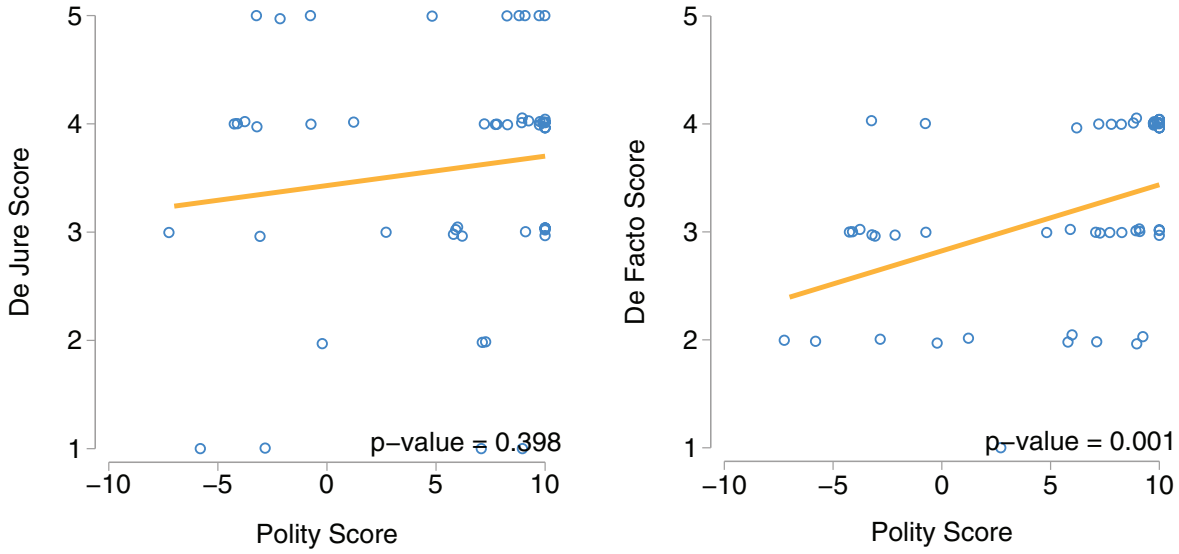
Overall, we do not find a relationship between the size of the refugee population and the de jure work rights score (Figure 7).[58] The same pattern holds when looking at the number of refugees per capita.

We also do not find a significant correlation between the size of the refugee population and the de facto score (Figure 8). In other words, the size of the refugee population suggests little about refugees' rights in law or in practice.

Political system

Do democracies impose more restrictions on refugees than autocracies, which are less constrained by public opinion? To examine this correlation, we merge our data with the Polity IV Project's index of democracy, using the "Polity5" version, which evaluates where a country's political system lies on a spectrum ranging from autocratic to democratic (a range of −10 to +10).[59] In our sample, we find no evidence that de jure scores differ across political systems (Figure 9). In other words, democracies are equally as likely to provide work rights by law as autocracies.

Figure 9. De jure and de facto scores and political system



Sources: *2021 Refugee Access to Work Rights dataset and the Polity5 dataset.*

However, there is a significant correlation between work rights being upheld in practice and the political system of the host country (Figure 9). If a country is more democratic (higher Polity score), it is more likely to have a higher de facto score. This pattern holds when controlling for income level as well. While this correlation is not evidence of a causal relationship, it does suggest that pressure on democratic governments (i.e., public opinion) does not need to constrain refugees' right to work in practice.

58 In the full sample, there is a positive correlation between the de jure score and the size of the refugee population, but this is largely driven by countries that host relatively few refugees, for which our sample is less representative at the global level. In the "Refugee population and density" section we therefore restrict the sample to the top 40 refugee-hosting countries, where our sample is more complete.

59 Monty G. Marshall, "Polity5 Annual Time-Series (5)" (Vienna, VA: Center for Systemic Peace, 2018), https://www.systemicpeace.org/inscrdata.html.

RIGHT TO WORK

DE JURE

Although on paper the 1951 Refugee Convention and the Economic Covenant guarantee refugees' access to national labor markets, only 9 of the 51 countries in our sample have a fully functioning national policy that supports refugees' right to work without restrictions.

Forty countries in our sample have a national law or policy under which at least some refugees may access the labor market (see, for example, Chad's law in Box 8). However, some of these laws and policies may be inaccessible to refugees because they apply to foreign workers generally and thus impose hurdles such as access to origin-country documentation and payment of permit fees. Thirty countries, all of which received overall de jure scores in the top two tiers, have laws that permit refugees to work.

Box 8. Chad's new asylum law

In December 2020, Chad passed legislation that granted the right to work to refugees and asylum seekers.[60] The legislation fulfills a pledge made by the government of Chad, toward the implementation of the Global Compact on Refugees, to adopt a law on asylum.[61] As the law states, "The Republic of Chad shall grant to any refugee lawfully residing in its territory the most favorable treatment accorded, in the same circumstances, to nationals of a foreign country with respect to the exercise of a salaried, self-employed, and/or liberal professional activity." This new law also guarantees the right to housing, legal redress, public benefits, education, and travel, among other guarantees (although it prohibits refugees or asylum seekers from engaging in "political activities").

The work rights guaranteed to refugees, however, are not yet fully realized. As in many countries around the world, de facto implementation of new legislation has been slow to meet expectations. Survey respondents reported that refugee access to work has not changed much in recent years. They particularly highlighted that formal work is difficult to obtain and that refugee women and girls are particularly vulnerable due to the types of work they do, which can include housework and prostitution.[62] It will take time and accountability mechanisms for the rights outlined in the new law to be fully recognized by actors at the local level.

60 Government of Chad, Law No 027/PR/2020, Portant Asile en Republique du Tchad, December 23, 2020, https://www.refworld.org/docid/606334e04.html.

61 Global Compact on Refugees, "Pledges and Contributions Dashboard," accessed July 8, 2022, https://globalcompactrefugees.org/channel/pledges-contributions.

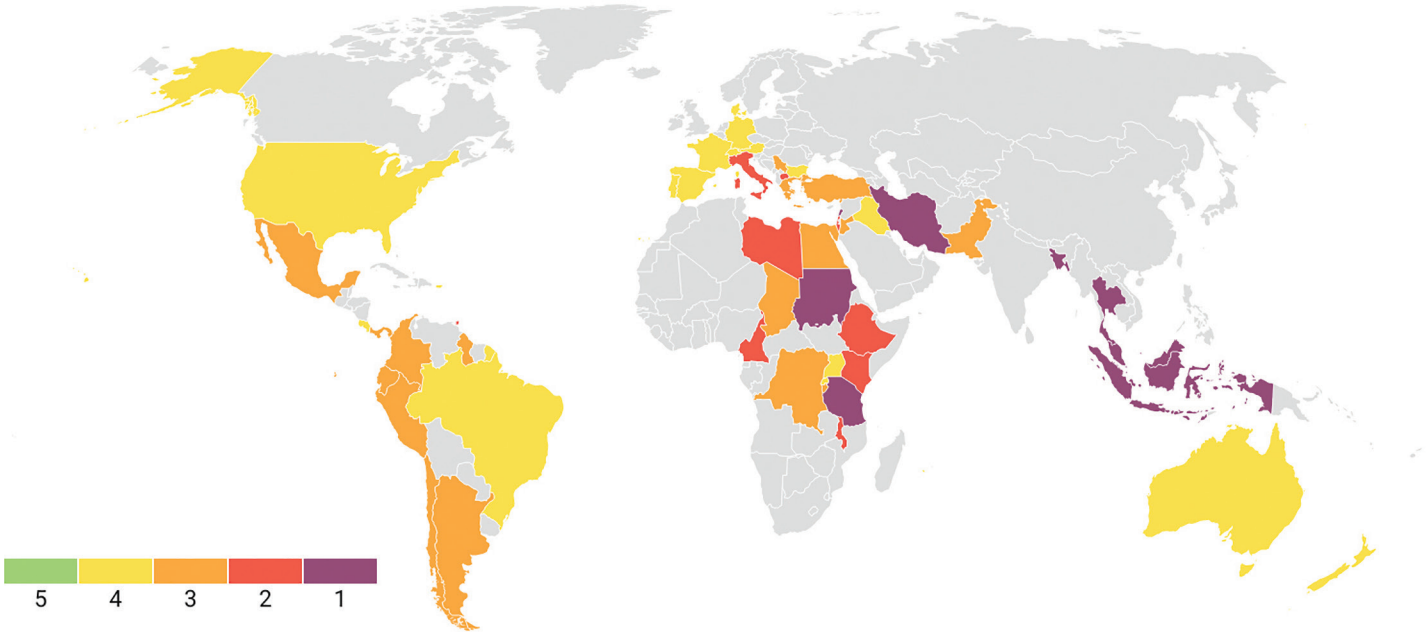
62 See also Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment, Part II: Country Cases* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-12/KNOMAD%20Study%201-%20Part%20II-%20Refugees%20Right%20to%20Work%20-%20An%20Assessment.pdf.

DE FACTO

Our de facto data captures two main types of work. Wage employment is defined as contracted work for an employer that is registered with the government. Self-employment is defined as owning a business—keeping the profits and responsible for the losses—instead of receiving wages.

We examine access to each type of work with two measures: access to permits and enforcement. Either easy access to permits or low enforcement leads to a high score for each type of work, as described in the methodology section. The right to work index is the average of the wage employment and self-employment measures (Figure 10).

Figure 10. Right to work index



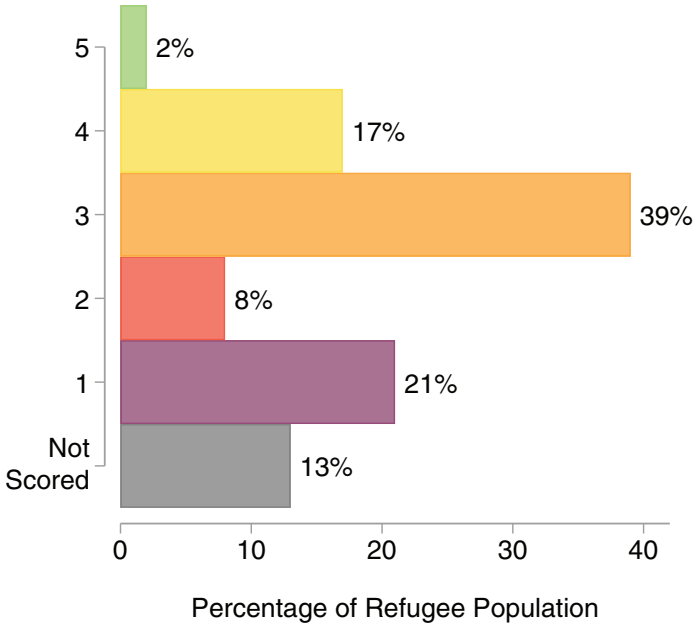
Source: *2021 Refugee Access to Work Rights dataset.*

Thirty-five countries score a 3.5 or below, imposing significant restrictions in practice on the right to work. Twenty-eight countries score a 3 (orange) or below on both the wage employment and self-employment measures. The two employment measures are highly correlated overall, with 30 countries receiving the same wage and self-employment scores and another 15 with a one-point difference, leaving six countries where either wage or self-employment are significantly different to access in practice.

Wage Employment

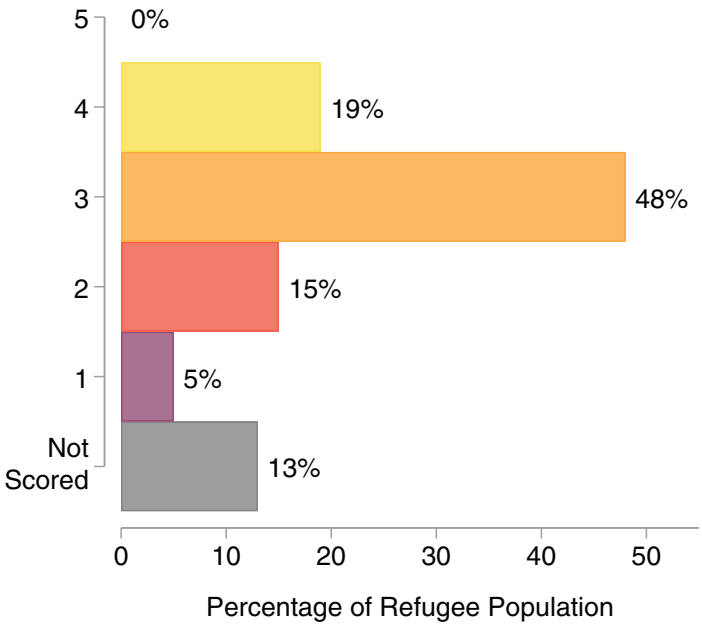
Most countries have some de facto barriers to accessing work permits for formal wage employment, scoring a 3 or below on permit accessibility (Figure 11). Low-income countries generally scored either a 1 or 2, reflecting that, even if work permits are available by law in these countries, fees can be exorbitant, and bureaucracies are often slow and under-staffed.

Figure 11. Access to work permits



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question A1 in Annex 3 for the survey question and answer choices.*

Figure 12. Enforcement of work permits

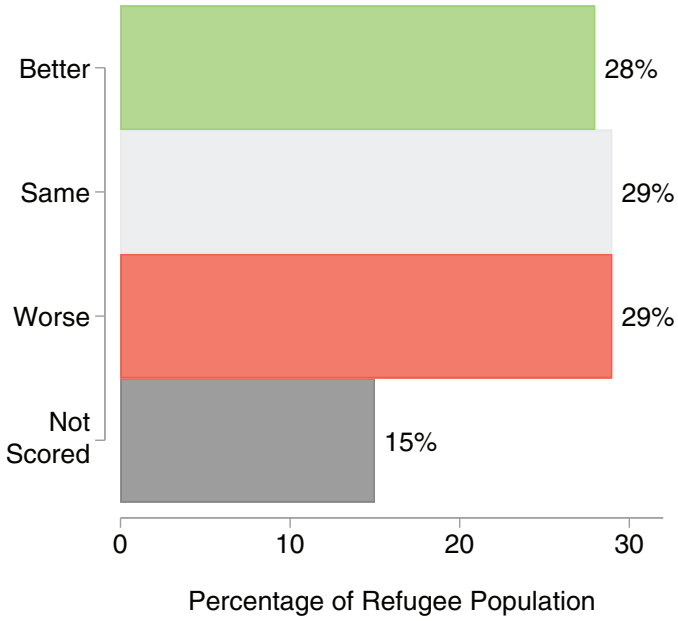


Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question A2 in Annex 3 for the survey question and answer choices.*

In the absence of work permits, refugees often turn to informal wage employment. This is not a substitute for formal work; exploitation and abuse are more likely, and informal workers and their employers risk penalties from authorities. However, this enforcement varies across countries; sixty-eight percent of refugees live in a country that received a 3 or lower on enforcement, meaning documentation status was checked "sometimes" or more and expected punishment was "moderate" or worse (Figure 12).[63] We document that low-income countries, where refugees often struggle to access permits as described above, conduct less enforcement.

Lastly, we find that in the past five years, roughly equal percentages of the global refugee population live in countries where access to wage employment improved, worsened, or stayed the same (Figure 13).

Figure 13. Five-year change in access to wage employment



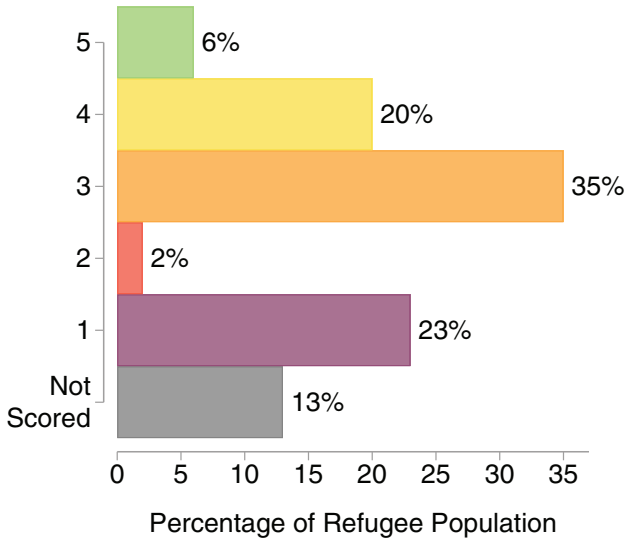
Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question A3 in Annex 3 for the survey question and answer choices.*

63 Lower scores indicate stricter enforcement, though if work permits are available, enforcement is not itself a barrier.

Self-Employment

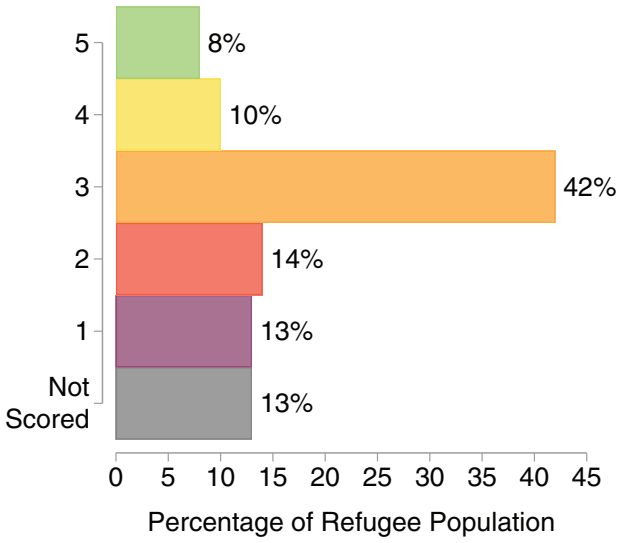
The other main avenue for work is owning a business. As with wage employment, we asked survey respondents about both access to permits—in this case relative to host citizens, who also need a permit—and enforcement of those permits.

Figure 14. Access to business permits



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question B1 in Annex 3 for the survey question and answer choices.*

Figure 15. Enforcement of business permits

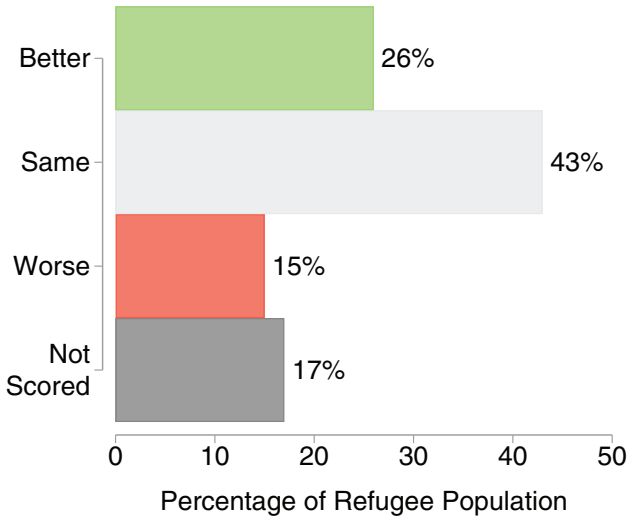


Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question B2 in Annex 3 for the survey question and answer choices.*

For permit availability, we find that at least sixty percent of refugees lives in a country where refugees encounter significant barriers in practice relative to citizens (Figure 14). This is similar to access to wage employment, as is enforcement; 69 percent of the refugee population faces significant barriers to operating a business without a permit (Figure 15). In some places like Indonesia, refugee entrepreneurs, UNHCR, and other agencies have tried to adapt to the barriers by partnering refugees with citizens to start businesses together. However, refugees still have little autonomy in this arrangement and face harassment from local officials.

Finally, over the past five years, we find a slight improvement in access to self-employment (Figure 16). We find at least 26 percent of refugees live—in 2021—in a country that has improved access to self-employment in the last five years, compared to 15 percent who live in a country where access to self-employment has declined in practice.

Figure 16. Five-year change in access to self-employment



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question B3 in Annex 3 for the survey question and answer choices.*

FREEDOM OF MOVEMENT

Freedom of movement is critical to look for gainful employment, seek out economic resources, and generally support livelihoods through access to markets. The right to work is of little use if one cannot commute to a job. We look at the ability to travel domestically and the freedom to choose where to live.

DE JURE

Thirty-one of the 51 countries in this study impose significant de jure limitations on refugees' free movement. Of those 31 countries, 14 intern at least some portion of their refugee or asylum seeker population, directly curtailing free movement. Six countries bar significant numbers of refugees from accessing their territory, impeding refugees' lawful movement across borders. Eleven prevent at least some groups of refugees from accessing legal status and the right to stay, which curtails free movement by subjecting refugees to potential legal consequences if their presence is detected by authorities. Two countries limit the regions where refugees can live. Yet there have been some examples of improvements at the national legislative level (see Box 9).

Box 9. Kenya's Refugee Act

Since late 2021, with the passage of the Refugee Act, Kenya has made gains in providing refugees access to the labor market. The new law provides for increased refugee economic inclusion, integration, and opportunities to contribute to Kenya's economy. It is hoped that the act will help refugees overcome obstacles to accessing decent work like limitations on freedom of movement.

However, the government of Kenya is still developing regulations around the law, and determining how it will be implemented at the local level will be critical.[64] In April 2022, the government released a policy paper outlining its intention to improve refugee participation in labor markets and to give refugees from the East African Community citizenship.

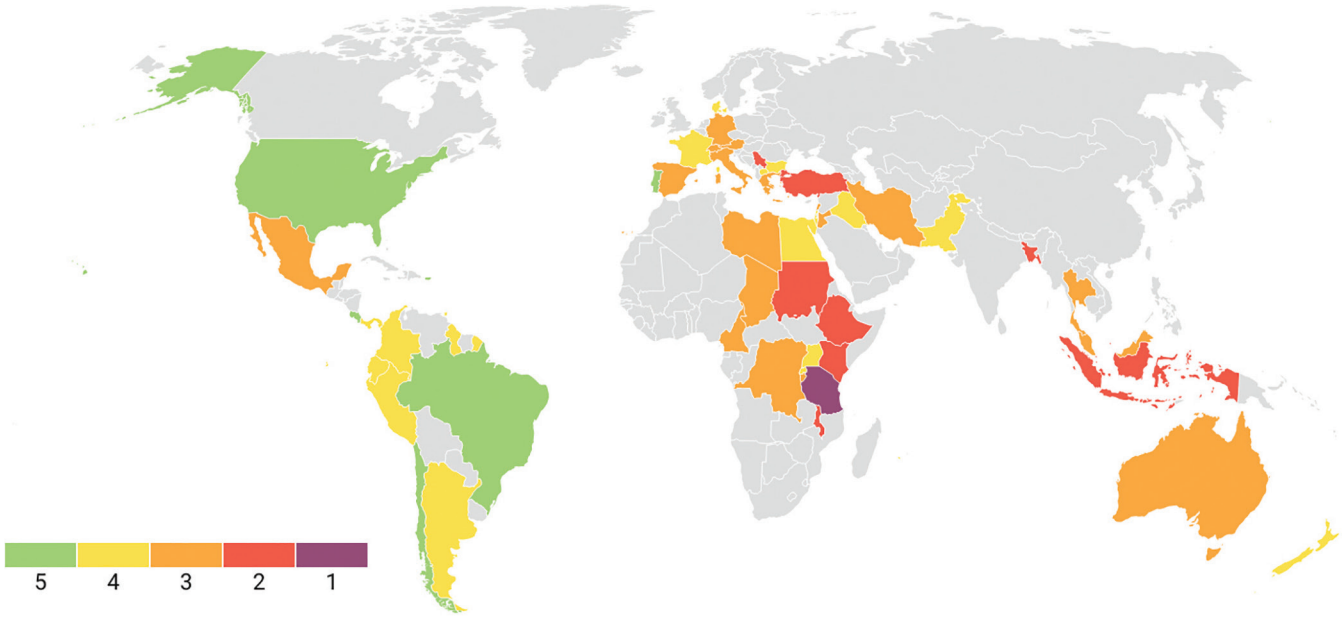
This potential progress comes in stark contrast to numerous announcements in recent years about camp closures and the desire to push refugees—particularly Somalis—out of Kenya. These announcements, which frame refugees as a security risk, clash with legal progress that promotes greater integration. Therefore, it remains to be seen if and how the new law will be implemented and whether it will be able to overcome tendencies to scapegoat refugees and call for their departure.

64 Izza Leghtas and David Kitenge, "What Does Kenya's New Refugee Act Mean for Economic Inclusion?", May 4, 2022, https://www.refugeesinternational.org/reports/2022/4/29/what-does-kenyas-new-refugee-act-mean-for-economic-inclusion.

DE FACTO

International law provides for the right for refugees to move freely within a country. However, refugees face a range of barriers to movement in practice, including encampment that requires exit passes, other restrictions on areas of residence, harassment from officials and even arrest while traveling, and curfews that are specific to refugees, among others. In our survey, we ask about the freedom to travel domestically and the freedom to choose one's place of residence in practice. The freedom of movement index averages these two measures.

Figure 17. Freedom of movement index



Source: *2021 Refugee Access to Work Rights dataset.*

We find that 50 percent of refugees live in countries that scored 3.5 or less on the freedom of movement index (Figure 17). Barriers to movement in practice are significant impediments to refugees' labor market access. Low- and lower-middle-income countries generally are more restrictive relative to upper-middle-income and high-income countries on both measures in the index. However, asylum seekers in high-income countries often face significant movement restrictions, including assignment to specific regions or detention until cases are resolved.

At least 45 percent of refugees live in countries with adequate freedom to travel domestically, defined as a 4 (yellow) or 5 (green) on our scale (Figure 18). Approximately equal proportions, 20 and 21 percent, live in countries that score a 3 (orange) or a 2 (red), respectively, imposing significant barriers like requiring movement passes from camps or fear of arrest during travel.

Fewer refugees live in countries with adequate choice of residence in practice. Thirty-seven percent of refugees worldwide live in countries that score a 5 (green) or 4 (yellow) on choice of residence, while

Figure 18. Domestic travel

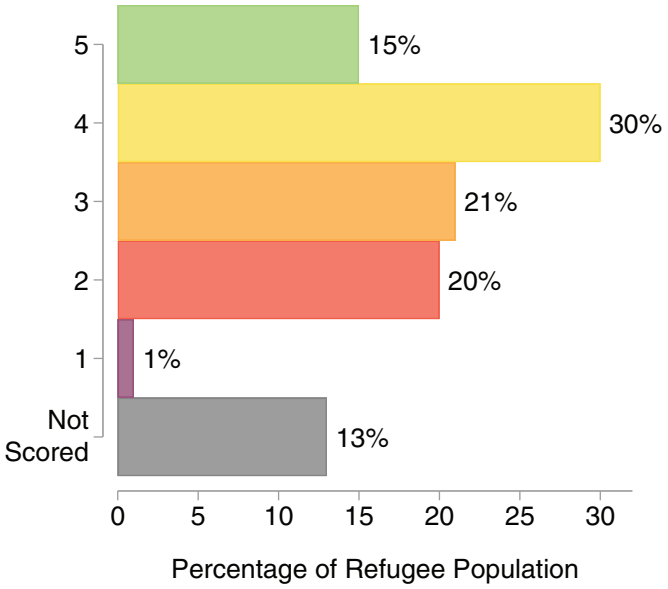
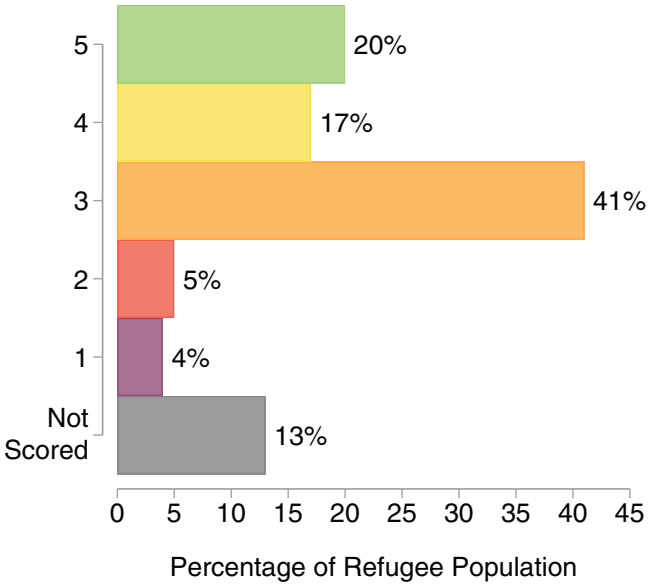


Figure 19. Choice of residence

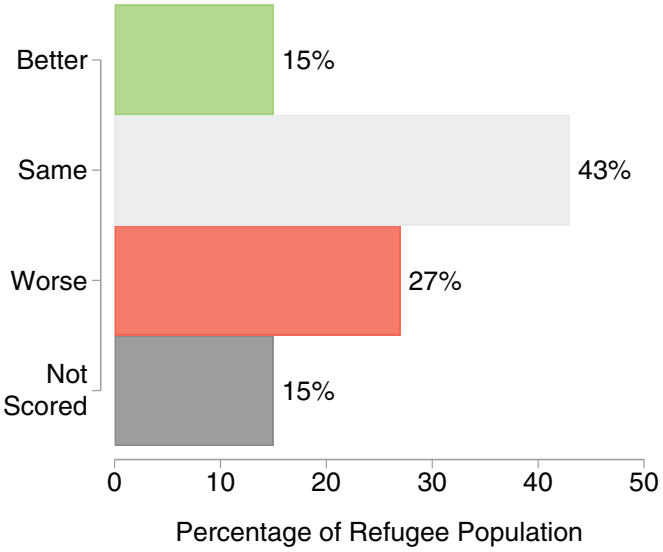


Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question C1 and C2 in Annex 3 for survey questions and answer choices for Figures 18 and 19, respectively.*

at least 50 percent live in countries that impose significant barriers like encampment or requirements to register and live in only certain areas (Figure 19).

Finally, we find a slight increase in the barriers to movement over the last five years. While 43 percent of refugees live in countries where freedom of movement has not changed according to respondents, 27 percent live in countries where freedom of movement has declined for refugees, relative to 15 percent living in countries where freedom of movement has improved. (Figure 20).

Figure 20. Five-year change in freedom of movement



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question C3 in Annex 3 for the survey question and answer choices.*

RIGHTS AT WORK

Both the right *to work* and rights *at work* are necessary to ensure that refugees can participate in the labor economy on fair and equitable terms. Guaranteeing the right to work is critical, but it is often only the first step to "decent work," defined by the International Labor Organization as productive work for women, men, and youth "in conditions of freedom, equity, security, and human dignity."[65]

Once employment is secured, refugees (and other migrants) may be subject to exploitation, harassment, sexual abuse, wage theft, underpayment or delayed payment of wages, and forced labor. Additionally, they may be barred or otherwise deterred from collective organizing.[66] Refugees' rights in the workplace must be guaranteed and enforced regardless of their legal status or movement rights within a host country—not only to ensure that refugees can work safely and on fair terms but to protect all workers from an erosion of labor standards that results in lower wages and worse working conditions for everyone.

Legal protections at work are imperative for all workers, including refugees, whether documented or not, in both formal and informal sectors of the labor economy. Moreover, to adequately ensure refugees' rights at work, national laws and practices upholding work rights must extend to, and account for, the particular situation of refugee workers. For example, refugees must have the right to work even if they cannot secure the identity documents from their home country that might otherwise be required for labor market participation. Similarly, labor enforcement must not result in refugees' being penalized for undocumented status or movement outside internment camps.

DE JURE

Our research shows that countries that grant refugees legal status, free movement, and the formal right *to* work also extend de jure rights *at* work. Where status and movement rights are limited, however, refugees typically—although not always—lack legal protections in the workplace.

"Rights at work" represents a broad category of rights that may be contained in myriad legal instruments. Our de jure assessment examined a few central questions as an indicator of whether refugees have access to rights at work. First, does the law recognize refugees as having legal status and the right to lawful residence? Where it does not, we presume refugees do not have de jure rights at work unless the law explicitly protects undocumented workers. Second, does the law require internment of refugees? If so, we presume refugees do not have de jure rights at work because they cannot lawfully access most jobs and because jobs in camps often pay less than minimum wage and often violate refugees' rights at

65 International Labor Organization, "Decent Work," June 1999, https://www.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm.

66 International Labor Rights Foundation, "Workers Are on the Move, Often into Uncertain and Potentially Exploitative Labor," accessed June 5, 2022, https://laborrights.org/issues/migrant-labor.

work.[67] Third, are refugees allowed to work, and, when they do, does the law extend workplace rights to them, either by specifically including refugees in workplace rights or by extending the same rights to anyone authorized to work? The answers to these questions offer a reasonable basis for understanding the state of refugees' rights at work.

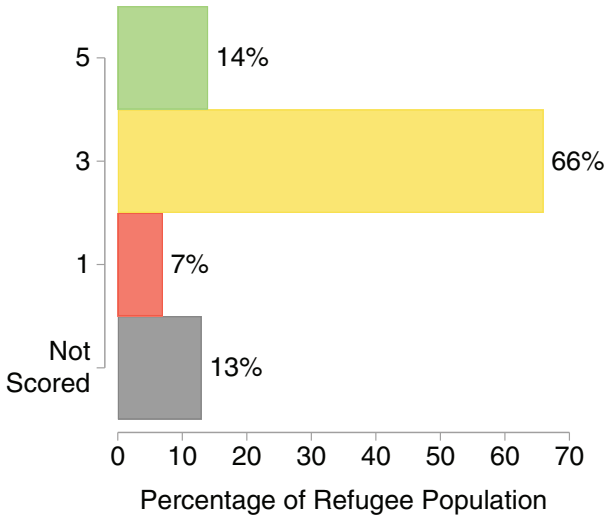
The laws of 23 countries provide refugees access to legal status, free movement, and the right to work. These countries either specifically extend workplace rights to refugees or implicitly include refugee workers among a general category of those entitled to workplace protections. In many cases, refugee workers receive de jure protections on par with nationals, but in at least two cases (North Macedonia and Serbia) these protections are only on par with other foreign resident workers. This situation offers a promising indication that, when rights to legal status, free movement, and labor market access are granted, refugees tend to have rights at work too—at least in law.

In 7 countries, however, the law subjects refugees to internment and thus denies them work rights; in a further 6 countries, asylum seekers are interned, although recognized refugees are not. Ten countries do not provide de jure access to legal status and lawful stay, although one (Malaysia) offers a degree of legal protection of workplace rights to undocumented workers. The remaining handful of countries impose other de jure limitations on refugees' rights at work, such as prohibiting refugees from working, allowing only certain nationalities to work, or denying certain workplace rights such as a minimum wage or the right to organize (e.g., to participate in a union).

DE FACTO

The primary question in the de facto survey considering rights at work is whether or not refugees can access recourse for violations through government institutions. We found that, in practice, at least 66 percent of refugees live in countries that scored a 3 (Figure 21), meaning that workplace recourse is available but bureaucratic barriers, such as wait times or fear of deportation, prevent many from accessing it. This was consistent across income levels and refugee-hosting ranks. Austria, Costa Rica, Israel, and Rwanda received generally high marks for de facto access to government recourse, while Bangladesh, Indonesia, and Tanzania fared the worst.

Figure 21. Recourse to workplace violations



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question D1 in Annex 3 for the survey question and answer choices.*

67 Helen Morris and Frances Voon, *Which Side Are You On?* (Geneva: UNHCR, 2014), https://reliefweb.int/sites/reliefweb.int/files/resources/5491577c9.pdf. See also Seif Athamneh, "Labor and Employment in Refugee Camps: The Case of Zaatari" (paper presented at WEI International Academic Conference, Barcelona, Spain, March 2018), https://www.researchgate.net/publication/324845207_Labor_and_Employment_in_Refugee_Camps_The_Case_of_Zaatari; "Are Refugees Entitled to Equal Pay for Equal Work?" *Kakuma News Reflector*, January 31, 2009, https://kanere.org/are-refugees-entitled-to-equal-pay-for-equal-work/; and Qaabata Boru and Baluu W. Makuach, "Kakuma Teachers' Strike," *Kakuma News Reflector*, September 30, 2021, https://kanere.org/kakuma-teachers-strike/#more-2754.

OTHER FACTORS OF ECONOMIC INCLUSION

Access to and rights within the labor market are inherently connected to refugees' ability to access public education, health services, official documentation, and financial services. The 1951 Refugee Convention establishes basic minimum standards for refugees, which include access to courts, primary education, and work. The Refugee Convention also requires states to provide identity documents and other "administrative assistance."[68]

We included questions about access to these rights in practice in the survey. The survey questions are provided in full in Annex 3, and the final scores for these questions are determined by the process outlined in the methodology section. Although these additional factors are important for refugees' work rights, they are not included in the overall work rights score.

Each measure does, however, strongly correlate with the overall de facto score.[69] In general, countries that offer more access to the labor market also offer more access to education, healthcare, documentation, and financial services. In addition, the factors correlate with each other. When a law on refugees' economic inclusion is passed, it often covers multiple factors. Furthermore, the factors are related in practice, for instance when documentation is required to open a bank account or attend school.

EDUCATION

De jure

Education enhances economic potential. Access to education is a basic human right established in the 1989 Convention on the Rights of the Child and embedded in the 1951 Refugee Convention. Article 22 of the Refugee Convention requires that refugees have equal access with nationals to primary (elementary) education; Article 28 of the Convention on the Rights of the Child mandates free, compulsory primary education for all.[70] Nevertheless, many refugees do not have access to primary education, even in countries that are party to the Convention on the Rights of the Child.[71] Lack of legal recognition, internment or detention, and requirements that refugee children pay fees or show difficult-to-obtain documents all contribute to the widespread exclusion of refugees from even basic education.

68 UN, Convention Relating to the Status of Refugees, July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

69 All p-values are less than 0.01 with the exception of credential validation, where the p-value is 0.27.

70 UN, Convention Relating to the Status of Refugees, July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees; UN, Convention on the Rights of the Child, November 20, 1989, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

71 Helen Griffiths, "Migrant Children Denied an Education," Human Rights Watch, May 18, 2017, https://www.hrw.org/news/2017/05/18/migrant-children-denied-education#; Bahar Makooi, "Far Too Many Migrant Children Denied Proper Education by Host Countries, UNESCO Report Shows," *InfoMigrants*, November 23, 2018, https://www.infomigrants.net/en/post/13492/far-too-many-migrant-children-denied-proper-education-by-host-countries-unesco-report-shows.

The Refugee Convention also indicates that refugees should be treated as favorably as possible in regard to postprimary education (e.g., secondary, tertiary, and vocational education), and at a minimum equally with other similarly situated foreigners.[72] The Convention on the Rights of the Child goes further, requiring countries to make secondary education "available and accessible to every child."[73] Similar principles are also articulated in the 1960 Convention against Discrimination in Education and other legal instruments such as the Economic Covenant. When access to primary, secondary, tertiary and vocational education is limited in practice refugees' ability to make use of the right to work is impeded.

De facto

Overall, education is the most accessible factor in our de facto data. We ask about refugees' access in practice to primary, secondary, and tertiary education relative to host communities and find that, while many barriers exist, at least 37 percent of refugees live in countries with equal access to primary school as hosts (Figure 22). Another 27 percent live in countries that score a 4 (yellow) out of 5 on primary school access. Barriers to secondary school are higher, but overall at least 60 percent of the global refugee population has adequate access, living in a country scoring either a 4 (yellow) or 5 (green), to secondary school (Figure 23). Barriers to tertiary education, on the other hand, remain significant; at least 68 percent of refugees live in countries with significant barriers to tertiary education relative to hosts (Figure 24).

Figure 22. Access to primary education

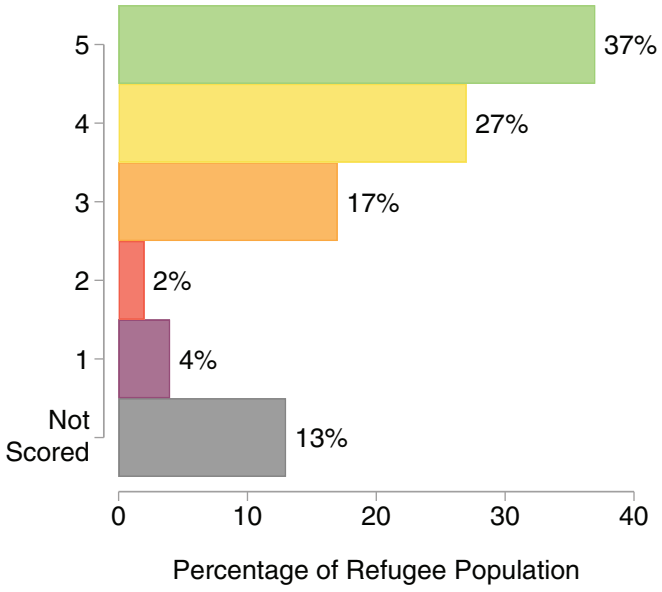
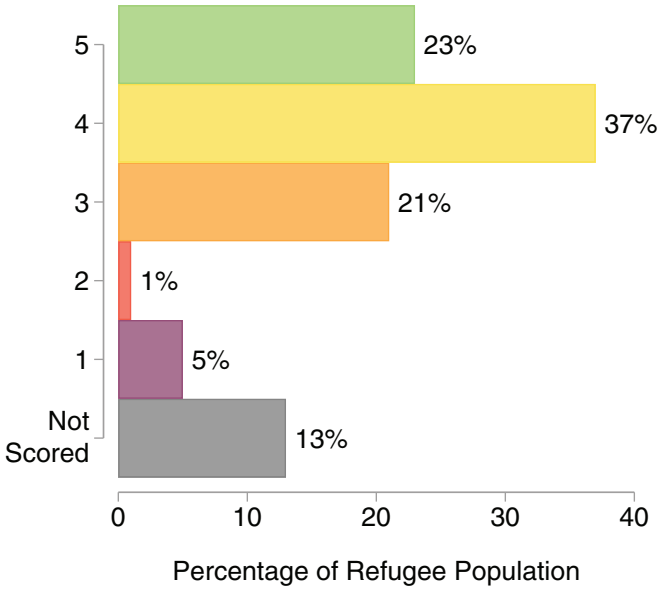


Figure 23. Access to secondary education



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E1.1 and E1.2 in Annex 3 for the survey question and answer choices for Figures 22 and 23, respectively.*

72 UN, Convention Relating to the Status of Refugees, July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

73 UN, Convention on the Rights of the Child, November 20, 1989, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

HEALTHCARE

De jure

Access to healthcare is important for many reasons, including to utilize labor market access and to redress work-related illnesses and injuries. For refugees, healthcare may be particularly important for economic inclusion, as the circumstances that force a person to become a refugee may lead to health needs as a result of their experiences. This has direct bearing on their ability to work and be self-reliant.

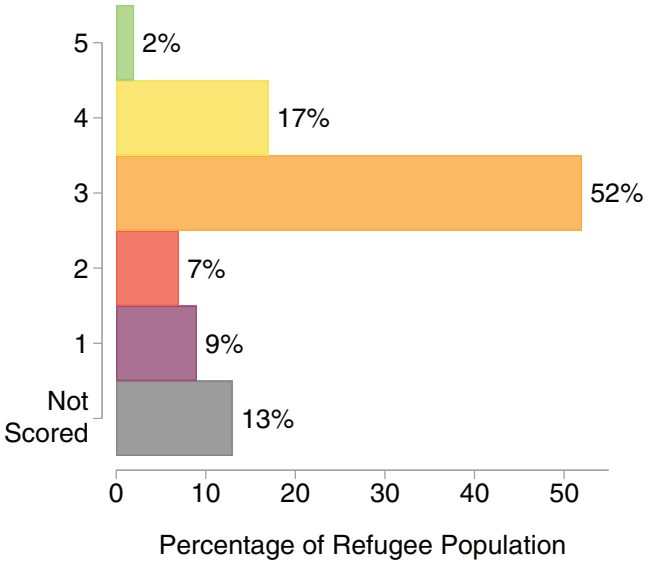
The right to health is enshrined in the Universal Declaration of Human Rights, as part of the right to an adequate standard of living, and in the Economic Covenant. The Economic Covenant also requires states to take steps to "assure to all medical service and medical attention in the event of sickness."[74]

In the Refugee Convention, refugees' right to health is clearly articulated: refugees are entitled to the same treatment as nationals in regard to "public relief and assistance," which includes medical assistance, and social security, which includes "legal provisions in respect of employment injury, occupational diseases [and] . . . family responsibilities."[75]

De facto

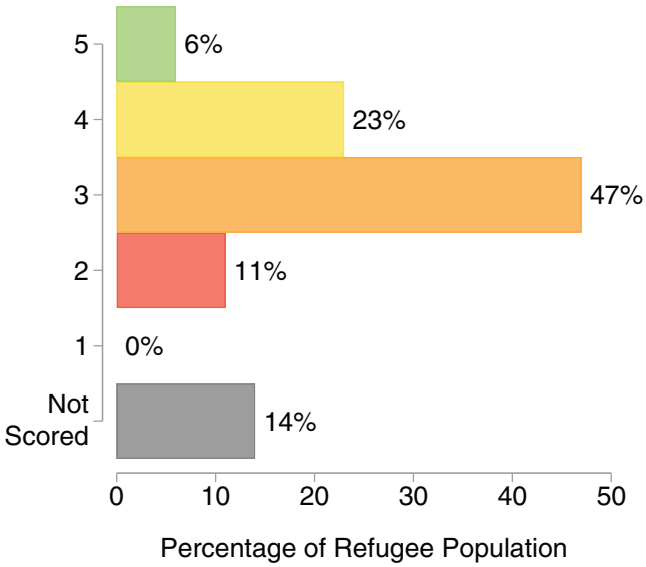
Overall, we find more significant barriers to healthcare access relative to citizens than for primary and secondary education. At least 58 percent of refugees face significant barriers to accessing healthcare relative to nationals, oftentimes in the form of higher fees (Figure 25). However, eight countries in our sample offer similar access for citizens and refugees in practice.

Figure 24. Access to tertiary education



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E1.3 in Annex 3 for the survey question and answer choices.*

Figure 25. Access to healthcare



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E1.4 in Annex 3 for the survey question and answer choices.*

74 UN, International Covenant on Economic, Social, and Cultural Rights, December 16, 1966, Article 12(d), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

75 UN, Convention Relating to the Status of Refugees, Articles 23 and 24(b), July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

The level of access did not significantly vary with whether host countries were hosting many refugees or few; the primary correlation was with the income level of the country. Refugees in low-income countries are more likely to face barriers to healthcare relative to citizens than those in middle- and high-income countries.

ACCESS TO DOCUMENTS

De jure

Documentation is one of the most important aspects of accessing rights. In another survey of organizations that work with refugees conducted by the Refugee Self-Reliance Initiative, the Global Refugee Youth Network, and the Refugee-Led Research Hub, respondents ranked documentation as the most important barrier to refugees' self-reliance by a wide margin.[76] Identity documents, residence permits, work permits, and proof of education credentials are all examples of documents that may be fundamental to accessing safe, fair, and lawful work for refugees.

The Refugee Convention specifically guarantees access to certain documents, including identity papers and travel documents. Furthermore, host country authorities are specifically required to provide "administrative assistance," which includes documents ordinarily provided by national authorities in a person's country of citizenship.[77]

This means that, under international law, host countries are required to take proactive steps to ensure that refugees can access the documents they need to transact the ordinary business of life. These may include not only identity documents but also documents pertaining to family status, such as marriage, birth, adoption, or divorce certificates; to property, such as deeds or titles; and others.[78]

De facto

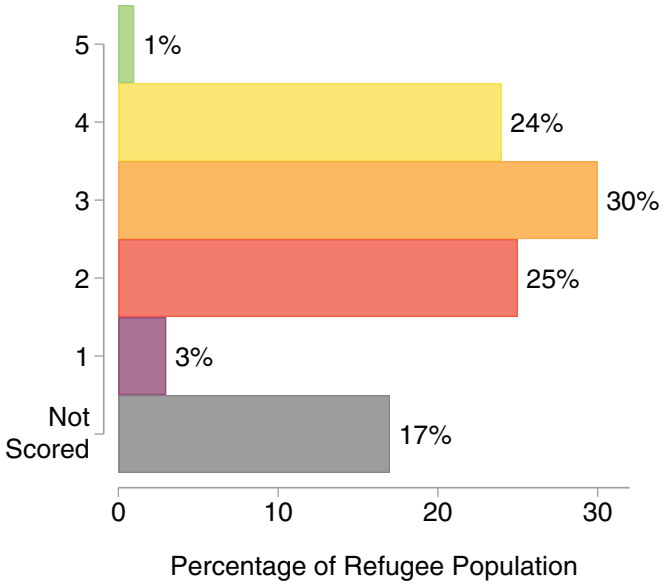
Survey respondents were asked whether refugees could acquire official documents like birth and death certificates relative to members of the host community and whether refugees could have academic or professional degrees validated by the host government. Both measures reveal significant barriers for a majority of refugees. At least 58 percent of refugees live in countries that score a 3 (orange) or below on access to official documents (Figure 26). Validating credentials is even more difficult; at least 69 percent live in countries that score a 3 (orange) or below (Figure 27).

76 Refugee Self-Reliance Initiative, The Global Refugee Youth Network, and the Refugee-Led Research Hub. "Refugee Self-Reliance and the Global Compact on Refugees: Unpacking Barriers and Opportunities for Success", 2021, https://reliefweb.int/report/world/refugee-self-reliance-and-global-compact-refugees-unpacking-barriers-and-opportunities.

77 UN, Convention Relating to the Status of Refugees, Articles 25, 27, and 28, July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

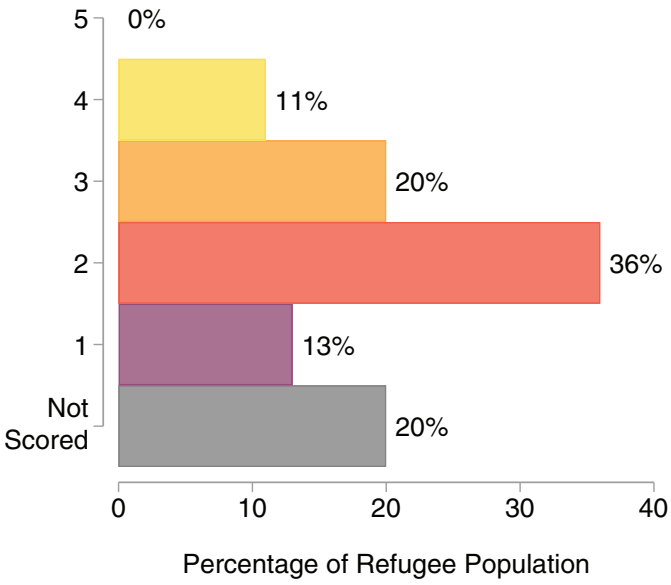
78 James Hathaway, *The Rights of Refugees under International Law* (Cambridge, UK: Cambridge University Press, 2005), 639.

Figure 26. Access to official documents



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E2.1 in Annex 3 for the survey question and answer choices.*

Figure 27. Validation of credentials



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E2.2 in Annex 3 for the survey question and answer choices.*

FORMAL FINANCIAL SERVICES

De jure

Access to financial services, such as bank accounts and loans, is central to enabling refugees to equitably participate in the economic life of their host countries and communities. In addition to direct benefits like securely storing savings and accessing loans, many respondents noted how employers needed a bank account to hire employees. However, financial inclusion is not clearly or comprehensively articulated as a right (or set of rights) in international law. No international legal framework specifically guarantees access to financial services, for refugees or anyone else.

Legal grounds for insisting on refugees' access to financial services can be found, however, in the provision of the Refugee Convention granting refugees property rights "not less favorable than" those held by similarly situated foreigners, as well as in the provision mandating that the state provide "administrative assistance,"[79] which was explicitly envisioned to support "the opening of bank accounts" among other personal business.[80] Moreover, the Convention on the Elimination of All Forms of Racial Discrimination prohibits racial discrimination, including on the basis of national origin, in "the right

79 UN, Convention Relating to the Status of Refugees, Articles 13 and 25, July 28, 1951, https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

80 James Hathaway, *The Rights of Refugees under International Law* (Cambridge, UK: Cambridge University Press, 2005), 639.

of access to any place or service intended for use by the general public,"[81] which in today's world includes banks.

The Global Compact on Refugees mentions financial inclusion in the context of one of the areas in need of support. It states:

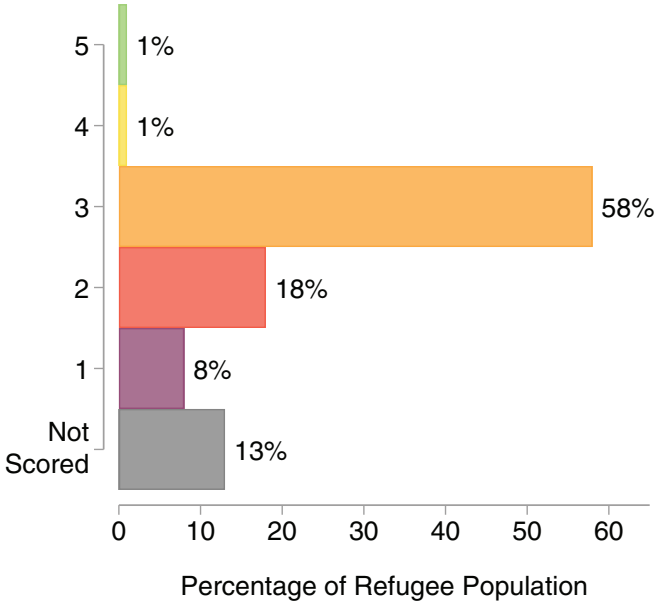
> *Efforts will be made to support access to affordable financial products and services for women and men in host and refugee communities, including by reducing associated risks and enabling low-cost mobile and internet access to these services where possible; as well as to support the transfer of remittances.*[82]

While the Global Compact on Refugees is an important document that represents the political will to support sustainable solutions to forced displacement, it is not legally binding.

De facto

Among the factors of economic inclusion in our data, financial services are the most difficult for refugees to access. Survey respondents were asked how accessible services like bank accounts and formal loans are for refugees relative to citizens in practice. Overall, at least 84 percent of refugees live in countries that impose significant barriers to financial services in practice (Figure 28).

Figure 28. Access to formal financial services



Sources: *2021 Refugee Access to Work Rights dataset and UNHCR Data Finder. See question E3 in Annex 3 for the survey question and answer choices.*

81 UN, International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(f),December 21, 1965, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial.

82 UNHCR, *Global Compact on Refugees* (Geneva: UNHCR, 2018), 27, https://www.unhcr.org/5c658aed4.

RECOMMENDATIONS TO EXPAND LABOR MARKET ACCESS

Refugees' right to work is repeatedly articulated in international legal instruments. In addition, most studies find that when refugees and asylum seekers are given the right to work, move, and thrive, they contribute to the socioeconomic development of their host countries. Our study documents numerous legal and practical barriers that deny refugees their rights and prevent refugees and host countries from fully realizing the economic gains.

The recommendations below are principles and ideas to address these barriers. They are targeted at refugee-hosting countries and donors, and outline ways in which they could improve both their policies and implementation to safeguard refugee rights.[83] They are not conclusions derived from our main data; instead, they are proposals to address the issues highlighted by our analysis based on the experience of our organizations and many others.

The recommendations target both laws and practices. Our study shows that refugees' access to labor markets in practice is correlated with policies that enable this access. While policies permitting labor market access are not enough, a lack of such policies—or policies directly prohibiting this access—can pose an insurmountable barrier to equitable labor market access for refugee populations. Every host country is different, and therefore specific recommendations should be tailored for each country. Yet, in general, enacting the right policies is a necessary first step toward ensuring refugees' equitable access to fair, safe, and lawful work.

Our study also shows that policy improvements alone are not sufficient to create pathways to refugees' equitable labor market access. Unless these policies are implemented and enforced, they will remain promises on paper, divorced from the daily lives of refugees.

83 Our recommendations target host countries and donors because we believe these two types of actors are positioned to achieve *systemic* improvement in refugees' equitable access to safe, fair, and lawful work. We recognize that others, such as private-sector and civil society actors, can make a meaningful difference in the lives of refugees. However, without changes in host country policies and practices, which sometimes require and can be incentivized through donor financing, other actors' ability to have systemic impact will be limited.

Refugee-hosting countries

- **Ensure domestic laws grant refugees the rights to work, move, and thrive without delay.** Domestic laws should enable refugees to enjoy the same legal rights to work in all sectors and to move freely. Refugees and host communities should benefit from equal rights in the workplace, including minimum wages, maximum hours, prompt payment, safe and fair working conditions, the ability to organize, and protection against retaliation for asserting or exercising rights.
- **Ensure refugee status comes with the automatic right to work and move without delay.** In many countries, even recognized refugees need to apply for work permits to be able to exercise their rights in practice. Instead of adding to refugees' and employers' burden by requiring work permits—a costly, inefficient additional barrier to refugee employment—refugees should be able to work automatically just as citizens are. Documentation issued to refugees should clearly state that they are free to move and eligible to work, to avoid confusion and information gaps with employers and state officials.
- **Include refugees as constituents in work rights policymaking.** Refugees should have equitable access to all opportunities for civic participation that influences the design and drafting of work rights policies, regardless of their citizenship status.
- **Ensure that refugees' rights to work, move, and thrive are upheld in practice without delay.** Laws are not enough to protect rights. In practice, governments should reduce administrative barriers, issue the permits provided for in law, and sufficiently staff the offices responsible for processing permits. What is understood at the national level may not translate to the local level, and host countries must ensure that laws are respected. Moreover, many needs are country specific, and we describe other resources on individual countries where available in Annex 2 and Part 2.
- **Safeguard refugees' rights at work through enforcement.** Refugees often face exploitation at work because their rights are not enforced, having a negative impact on citizens, driving down wages, and eroding working conditions. It also rewards exploitative employers while raising costs for those who treat their workers fairly. Investing in labor inspectorates and other work rights enforcement mechanisms can help prevent this. Refraining from impeding collective organizing by workers is also important.
- **Support legal aid for refugees.** State labor enforcement should be supplemented with legal support to refugees, so they can challenge policy violations that impede their access to safe, fair, lawful work. This helps all workers by increasing the likelihood that employers will comply with work rights policies overall. It also provides a means for refugees to receive redress for harms such as unpaid wages or sexual abuse.

Box 10. How is international assistance currently connected to refugees' work rights?

Amid increasing recognition of the need to support host communities alongside refugees and other displaced groups, some development actors and international financing institutions such as the World Bank, the Inter-American Development Bank, and the Islamic Development Bank have increased their engagement at the regional, country, and local levels. In particular, the World Bank has begun promoting refugee labor market access through the International Development Association (IDA) Window for Host Communities and Refugees (WHR) and the Global Concessional Financing Facility (GCFF).

The WHR provides concessional financing and grants over a three-year period to strengthen the capacity of low-income countries that host large numbers of refugees. This funding aims to mitigate shocks produced by refugee flows and create social and development opportunities; facilitate sustainable solutions to protracted refugee situations, including through refugees' socioeconomic inclusion; and strengthen the host country's preparedness to receive new refugee flows. In the latest period, the window committed up to $US2.2 billion to address the long-term development needs of both refugees and hosts. Some recipients of IDA funding include Chad, Ethiopia, and Pakistan.

Similarly, the GCFF provides concessional financing for middle-income countries that host large numbers of refugees. As of December 2021, the trust fund had received over $US786.74 million in pledges,[84] of which $US671 million have been disbursed, and have leveraged over $US5 billion in concessional finance support. The GCFF projects are implemented with the leadership of the host nation in countries such as Colombia, Ecuador, Jordan, and Lebanon.

While both financing mechanisms have produced results, they do not guarantee policy reform, which remains a key component to ensure economic inclusion. In response to this challenge, the World Bank developed the Refugee Policy Review Framework (RPRF) to track policy progress in low-income countries that benefit from the WHR. This tool has the potential to leverage policy progress to the benefit of refugee-hosting states. The RPRF measures several policy dimensions, including the right to work and rights at work, with the objective of analyzing the effectiveness of the funding in improving the inclusion of displaced persons. Still, additional paths to policy reform are needed to ensure de jure and de facto access to work.

84 Global Concessional Financing Facility Coordinating Unit, *Global Concessional Financing Facility Progress Report, July 1, 2019–April 15, 2020* (Washington, DC: World Bank, 2020), https://globalcff.org/wp-content/uploads/2020/05/GCFF-Progress-Report_Jul-2019-Apr-2020_May28_final-version.pdf.

Donors

- **Support and incentivize host governments to improve policies and implementation.** The World Bank's IDA19 Window for Refugees and Host Communities (WHR) and the Global Concessional Financing Facility (GCFF) already incentivize improvements to refugee policy in select countries through provision of add-on concessional funding (see Box 10). These initiatives (or appropriate analogues) should be made available to a wider range of countries. Other actors such as regional and national development banks and donor governments should create similar avenues for financial support tied to refugee policy improvements. Progress could be tracked through the World Bank's Refugee Policy Review Framework (RPRF) or similar tools.

- **Strengthen the Global Refugee Forum pledging mechanism.** The Global Compact on Refugees and its companion process, the quadrennial Global Refugee Forum (GRF), include a pledging mechanism currently used to promote and assess progress on solutions for refugees. Donors should invest in strengthening this mechanism as an accountability tool, for example by developing a more robust and widely-accepted assessment mechanism for reviewing progress; making progress assessments publicly available; and encouraging dialogue about them. Donors should also consider supporting development of a peer recommendation component in the GRF process, such as that used in the Universal Periodic Review.

- **Involve experts, including refugees, in investment design.** Currently, large-scale investments intended to improve refugees' labor market access are designed without inclusion of refugee-led organizations and other civil society groups with direct expertise in the barriers that these investments aim to address.[85] Further, multilateral investors such as development banks often lack staff with expertise in forced displacement, or do not adequately involve staff with such expertise in their investment decisions. Inclusion of these actors would increase the likelihood that investments aimed at improving national policies on refugee work rights achieve their intended impact. It would also be a first step toward ensuring these investments are accountable to the people they purport to benefit.

- **Support local advocacy for policy improvements.** Policy improvements are unlikely without domestic pressure for change. Donors should invest more in local civil society organizations and campaigns for refugee rights in host countries. Just as donors support local organizations that advocate for women's rights, gay rights, and improved governance, donors should fund local campaigns that encourage governments to adopt policies that strengthen refugees' equitable access to safe, fair, lawful work.

85 See, e.g., Resourcing Refugee Leadership Initiative, *An Open Letter to UNHCR*, June 2022, at https://www.refugeeslead.org/unhcr-open-letter; Global Refugee-led Network and Asylum Access, *Meaningful Refugee Participation As Transformative Leadership: Guidelines for Concrete Action*, December 2019, at https://www.asylumaccess.org/wp-content/uploads/2019/12/Meaningful-Refugee-Participation-Guidelines_Web.pdf; and High-Level Panel on Humanitarian Financing Report to the Secretary General, *Too important to fail—addressing the humanitarian financing gap*, January 2016, at https://interagencystandingcommittee.org/system/files/hlp_report_too_important_to_failgcoaddressing_the_humanitarian_financing_gap.pdf.

- **Provide support to host communities in addition to refugees.** Host communities often fear that offering work rights to refugees will negatively affect their own economic outcomes. Although most empirical research finds small or null average effects, some groups—often those with the most similar skillsets to refugees—may be negatively affected by refugees and their access to the labor market especially in the short-run. These groups need support to find new jobs and acquire new skills.[86] Furthermore, perceptions of refugees' effects on host communities matter, through both pressure on government officials and discrimination refugees face in daily interactions. Including host communities in assistance programs—and clearly communicating that the programs are part of the refugee response—can increase support among hosts for refugees' labor market access and facilitate refugee work rights as a win-win for refugees and host communities alike.[87]

86 Michael Clemens, Cindy Huang, and Jimmy Graham, *The Economic and Fiscal Effects of Granting Refugees Labor Market Access*, CGD Working Paper 496 (Washington, DC: Center for Global Development, 2018), https://www.cgdev.org/publication/economic-and-fiscal-effects-granting-refugees-formal-labor-market-access.

87 Travis Baseler, Thomas Ginn, Robert Hakiza, Helidah Ogude, and Olivia Woldemikael. "Can Aid Change Attitudes toward Refugees? Experimental Evidence from Uganda", 2022, https://www.jointdatacenter.org/wp-content/uploads/2022/01/Baseler-et-al.-Uganda-Attitudes.pdf.

ANNEX 1. COUNTRIES COVERED

Refugee-hosting country	Number of survey responses	Income ranking[88]	Refugees under UNHCR's mandate[89]	Asylum seekers	Venezuelans displaced abroad	Total foreign-born displaced population
Argentina	3	Upper-middle	4,007	10,354	167,853	182,214
Australia	3	High	56,229	79,819	0	136,048
Austria	3	High	146,025	18,308	0	164,333
Bangladesh	5	Lower-middle	889,775	27	0	889,802
Brazil	3	Upper-middle	60,848	206,000	179,736	446,584
Bulgaria	3	Upper-middle	21,770	1,691	0	23,461
Burundi	5	Low	76,837	4,929	0	81,766
Cameroon	3	Lower-middle	446,101	6,059	0	452,160
Chad	8	Low	508,304	4,548	0	512,852
Chile	5	High	2,060	6,451	483,343	491,854
Colombia	6	Upper-middle	964	30,599	1,742,927	1,774,490
Costa Rica	3	Upper-middle	9,976	95,275	21,995	127,246
Democratic Republic of Congo	3	Low	519,819	16,595	0	536,414
Denmark	3	High	36,431	844	0	37,275
Ecuador	12	Upper-middle	55,424	6,565	446,679	508,668
Egypt	4	Lower-middle	277,665	57,320	0	334,985

88 World Bank, World Bank Country and Lending Groups, https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups. We use classifications from the 2021 Fiscal Year.

89 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=rVpdj6.

Refugee-hosting country	Number of survey responses	Income ranking[88]	Refugees under UNHCR's mandate[89]	Asylum seekers	Venezuelans displaced abroad	Total foreign-born displaced population
Ethiopia	5	Low	782,896	2,110	0	785,006
France	3	High	457,153	82,032	0	539,185
Germany	3	High	1,235,160	232,481	0	1,467,641
Greece	6	High	112,022	49,397	0	161,419
Guyana	3	Upper-middle	23	111	23,307	23,441
Hong Kong	5	High	265	0	0	265
Indonesia	5	Upper-middle	10,076	3,309	0	13,385
Iran	3	Upper-middle	800,025	34	0	800,059
Iraq	4[90]	Upper-middle	272,215	11,167	0	283,382
Israel	4	High	1,860	29,156	0	31,016
Italy	3	High	134,499	53,686	0	188,185
Jordan[91]	4	Upper-middle	708,308	48,368	0	756,676
Kenya	8	Lower-middle	466,286	54,878	0	521,164
Lebanon[92]	5	Upper-middle	856,758	8,932	0	865,690
Libya	3	Upper-middle	3,701	39,434	0	43,135
Malawi	5	Low	16,359	34,461	0	50,820
Malaysia	6	Upper-middle	131,101	52,012	0	183,113
Mexico	6	Upper-middle	58,050	114,536	59,942	232,528

90 This study covers Iraqi Kurdistan, a semi-autonomous region that sets its own laws and hosts nearly all of the foreign-born displaced people in Iraq. UNHCR statistics described in this table, however, cover all of Iraq.

91 Jordan also hosted 2,334,789 Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in 2021. Most had full citizenship.

92 Lebanon also hosted 482,676 Palestinian refugees under UNRWA's mandate in 2021.

Refugee-hosting country	Number of survey responses	Income ranking[88]	Refugees under UNHCR's mandate[89]	Asylum seekers	Venezuelans displaced abroad	Total foreign-born displaced population
New Zealand	3	High	1,785	662	0	2,447
North Macedonia	3	Upper-middle	296	17	0	313
Pakistan	3	Lower-middle	1,438,523	10,192	0	1,448,715
Panama	4	High	2,542	11,630	121,870	136,042
Peru	3	Upper-middle	4,895	536,779	515,162	1,056,836
Portugal	4	High	2,650	303	0	2,953
Rwanda	4	Low	122,806	228	0	123,034
Serbia	3	Upper-middle	25,641	220	0	25,861
Spain	3	High	115,258	91,585	0	206,843
Sudan	4	Low	1,068,339	25,102	0	1,093,441
Switzerland	4	High	117,169	5,612	0	122,781
Tanzania	3	Lower-middle	202,635	27,829	0	230,464
Thailand	6	Upper-middle	96,175	756	0	96,931
Trinidad and Tobago	4	High	3,458	21,089	4,663	29,210
Turkey	3	Upper-middle	3,696,831	322,188	0	4,019,019
Uganda	5	Low	1,475,311	23,126	0	1,498,437
United States of America	5	High	337,870	1,247,223	0	1,585,093

ANNEX 2. RELATED RESEARCH

Other organizations have studied the de jure and de facto rights provided to refugees in countries around the world. These efforts vary in a number of ways, including their geographic coverage, whether they analyze de jure or de facto environments, and whether countries are "scored" or compared with each other. See Table A2.1 for a summary and geographic coverage of each initiative.

The two most related prior publications are the 2014 *Global Refugee Work Rights Report* by Asylum Access[93] and the 2016 *Refugees' Right to Work and Access to Labor Markets—An Assessment* by Zetter and Ruaudel.[94] These projects build on the World Refugee Survey by the US Committee for Refugees and Immigrants, which was last conducted in 2008.

The 2014 *Global Refugee Work Rights Report* examined the legal framework supporting refugees' right to work in 15 countries hosting 30 percent of the global refugee population. It highlighted the struggles refugees face in accessing safe and lawful employment and suggested ways in which the refugee-serving community could better support refugee work rights. Notably, the *Global Refugee Work Rights Report* also scored host countries on how well they "respect," "protect," and "promote" refugee work rights and created both country scorecards and a global map.

Zetter and Ruaudel's 2016 assessment investigated the legal and practical restrictions on refugees' right to work in 20 countries hosting 70 percent of the world's refugee population. While they do not score or rank the countries assessed, they do find that most restrict the right to work, leading refugees to largely work within the informal sector.

Additional publications aim to analyze both the de jure and de facto conditions of refugee-hosting countries across multiple countries. The Global Compact on Refugees developed an indicator framework to provide a global overview of refugee issues and improve data collection and sharing. Many of its indicators dovetail with those analyzed in this report, including the proportion of refugees able to access decent work, move freely, and enroll in education. The first indicator report provides basic statistics from UNHCR's Global Livelihoods Survey from 2021, which surveyed 25 countries hosting 54 percent of refugees. The authors find that 75 percent of these refugees have access to decent work in law, while only 35 percent have unrestricted access in practice. Further results, including assessments of individual countries, are not publicly available.[95]

93 Asylum Access and Refugee Work Rights Coalition, *Global Refugee Work Rights Report* (Oakland, CA: Asylum Access, 2014), https://asylumaccess.org/global-refugee-work-rights-report/.

94 Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-03/KNOMAD%20Study%201%20Part%20I-%20Assessing%20Refugees%27%20Rights%20to%20Work_final.pdf.

95 UNHCR, *Global Compact on Refugees: Indicator Report* (Geneva: UNHCR, 2021), https://www.unhcr.org/global-compact-refugees-indicator-report/wp-content/uploads/sites/143/2021/11/2021_GCR-Indicator-Report_spread_web.pdf.

The World Bank conducted a systematic review of refugee policies and institutional environments in 14 countries eligible for the IDA19 Window for Host Communities and Refugees (WHR).[96] This analysis, the Refugee Policy Review Framework (RPRF), included five policy dimensions and measured indicators such as freedom of movement; right to work; access to education, healthcare, and social protection; and access to documentation, along with the legal and regulatory framework. Broadly, the researchers find that the countries analyzed have made important policy improvements in recent years, though the degree of implementation varies.

The "Partnership for improving prospects for forcibly displaced persons and host communities" (PROSPECTS) is organized by the International Finance Corporation, the International Labor Organization, UNHCR, UNICEF, and the World Bank and is funded by the Ministry of Foreign Affairs of the Netherlands.[97] The partnership aims to foster durable solutions for refugees in eight countries and is conducting legal and policy mapping in each of these contexts to inform its programming.

The Asylum Information Database (AIDA) is produced by the European Council on Refugees and Exiles for 23 countries in Europe. The reports are detailed analyses of the de jure and de facto hosting environments and updated annually.[98]

The Refugee Response Index (RRI) is led by DARA and supported by partners including the Danish Refugee Council, the International Council of Voluntary Agencies, Asylum Access, Premise, and DevStat.[99] The index is designed to monitor and assess a country's response to refugees under six pillars, including access to rights and access to self-reliance, and 160 indicators. The RRI has been piloted in Costa Rica and Kenya and is working to expand to Australia and other locations.

Two ongoing initiatives focus on de jure policies. First, the Developing World Refugee and Asylum Policy (DWRAP) dataset led by Blair, Grossman, and Weinstein explores de jure policies in 92 low- and middle-income countries within five main categories: access, services, livelihoods, movement, and participation.[100] The researchers document 229 migration laws between 1951 and 2016 and are expanding the geographic and temporal scope.

96 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

97 International Labor Organization, "Partnership for Improving Prospects for Forcibly Displaced Persons and Host Communities (PROSPECTS)," accessed July 8, 2022, https://www.ilo.org/global/programmes-and-projects/prospects/lang--en/index.htm. For publications, see https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_850331.pdf.

98 European Council on Refugees and Exiles, Asylum Information Database (AIDA), accessed July 8, 2022, https://asylumineurope.org/.

99 Refugee Response Index, "Refugee Response Index," accessed July 8, 2022, https://refugeeresponseindex.org/ and https://daraint.org/refugee-response-index/.

100 Christopher W. Blair, Guy Grossman, and Jeremy Weinstein, "Forced Displacement and Asylum Policy in the Developing World," *International Organization*, August 31, 2021, 1–42, https://doi.org/10.1017/S0020818321000369. The dataset is available at https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/OB6FHX.

Second, the Refugee Self-Reliance Policy Platform, led by the Refugee Self-Reliance Initiative (RSRI), scores countries on a 3-point scale across six de jure indicators: access to regularize, freedom of movement, right to work, right to education, right to healthcare, and the right to housing. To date, eight countries are scored.[101]

Finally, we are aware of two related forthcoming publications. First, the Refugee Opportunity Index is a partnership between the Refugee Investment Network and the Economist Intelligence Unit.[102] It aims to compare policies impacting refugees across countries to incentivize reforms, with the initial sample including 7 Latin American and 3 African countries. There are 45 subindexes under three broad themes: refugee policies, basic rights and access to services, and employment conditions. To date, the partnership has published a review that outlines the policies the initiative intends to assess and why, along with other relevant literature.[103]

Second, Betts and Sterck utilize five indicators on 112 countries.[104] Two of the authors of this report (Dempster and Ginn) contributed to that data collection exercise. Betts and Sterck note some limitations of their data, including reliance on online resources that were sometimes outdated or unavailable, the exclusion of asylum seekers and Venezuelans displaced abroad, and the coarse scoring system (oftentimes binary), which we believe differentiate that dataset and the one presented in this report.

Overall, we believe our study fills a gap in the current literature and among ongoing initiatives by providing country-level assessments of both de jure and de facto outcomes for a large proportion of the world's refugee population and major host countries as of 2021. Our aim is to cover a wide geographic area while maintaining sufficient depth and descriptions for each included country. We have utilized many of the analyses described here and look forward to contributing to further efforts in this space.

101 Refugee Self-Reliance Initiative, "Refugee Self-Reliance Policy Platform", accessed July 8, 2022, https://www.refugeeselfreliance.org/policy-platform.

102 Refugee Investment Network, "Refugee Opportunity Index," accessed July 8, 2022, https://refugeeinvestments.org/refugee-opportunity-index/.

103 Economist Intelligence Unit, *Enabling Refugee Integration and Opportunity: A Literature Review* (Washington, DC: Refugee Investment Network, 2019) https://rin.wpengine.com/wp-content/uploads/2020/03/EIU_ROI_Literature-review_FINAL.pdf.

104 Alexander Betts and Olivier Sterck, "Bargains of Inclusion," *Oxford Review of Economic Policy* (forthcoming).

Table A2.1. Other analyses of refugee work rights

Analysis	Country coverage
World Refugee Survey (US Committee for Refugees and Immigrants, 2009)	Algeria, Bangladesh, Botswana, Brazil, Burundi, Cameroon, Canada, Chad, China, Costa Rica, Democratic Republic of Congo, Ecuador, Egypt, Ethiopia, "Europe," Ghana, Guinea, India, Iran, Iraq, Israel, Ivory Coast, Jordan, Kenya, Kuwait, Lebanon, Libya, Malawi, Malaysia, Mauritania, Nepal, Niger, Pakistan, Palestine, Panama, Republic of the Congo, Russia, Rwanda, Saudi Arabia, Senegal, Serbia, South Africa, Sudan, Syria, Tanzania, Thailand, Turkey, Uganda, the United States, Venezuela, Yemen, and Zambia
Global Refugee Work Rights Report (Asylum Access and the Refugee Work Rights Coalition, 2014)	Canada, Ecuador, Egypt, Germany, Greece, Hong Kong, Iran, Kenya, Malaysia, Morocco, Pakistan, South Africa, Tanzania, Thailand, and the United States
Refugees' Right to Work and Access to Labor Markets—An Assessment (Zetter and Ruaudel, 2016)	Bangladesh, Chad, Ecuador, Ethiopia, Germany, India, Iran, Italy, Jordan, Kenya, Lebanon, Pakistan, South Africa, Sudan, Turkey, Uganda, the United Kingdom, the United States, Venezuela, and Zambia
Global Compact on Refugees Indicator Report (UNHCR, 2021)	Varies. Questions on education covered 97 countries, while those on documentation covered only 5. Country-level results are not public.
World Bank Refugee Policy Review Framework (2021)	Bangladesh, Burkina Faso, Burundi, Cameroon, Chad, Democratic Republic of Congo, Djibouti, Ethiopia, Mauritania, Niger, Pakistan, Republic of the Congo, Rwanda, and Uganda
Partnership for improving prospects for forcibly displaced persons and host communities (PROSPECTS, 2022)	Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Sudan, and Uganda
Asylum Information Database (2022)	Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Greece, Hungary, Italy, Malta, the Netherlands, Poland, Portugal, Republic of Ireland, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Turkey, and the United Kingdom

Table A2.1. (*Continued*)

Analysis	Country coverage
Refugee Response Index (DARA, 2021)	Australia, Costa Rica, Kenya
Developing World Refugee and Asylum Policy (DWRAP) Dataset (Blair, Grossman, and Weinstein, 2021)	92 countries in Africa, Western Asia, and South Asia, from 1951 to 2016. Global coverage and updates through 2020 are forthcoming.
Refugee Self-Reliance Initiative Policy Platform (Refugee Self-Reliance Initiative, 2022)	Bangladesh, Colombia, Germany, Jordan, Kenya, Lebanon, Pakistan, Peru, Turkey, and Uganda
Refugee Opportunity Index (Refugee Investment Network and Economist Intelligence Unit, forthcoming)	Belize, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, Ethiopia, Kenya, Peru, Uganda
Bargains of Inclusion (Betts and Sterck, forthcoming)	Countries hosting over 1,000 refugees in 2017 (112 countries in total)

ADDITIONAL RESOURCES

Additional sources are useful in exploring refugees' right to work:

- The "Let Them Work" initiative, implemented by the Center for Global Development (CGD) and Refugees International, https://www.cgdev.org/project/expanding-labor-market-access-refugees-and-forced-migrants.
- Asylum Access's Refugee Work Rights Campaign, https://asylumaccess.org/what-we-do/policy-change/.
- The Asia Pacific Refugee Rights Network (APRRN), https://sites.google.com/view/aprrn-frdp/home.
- The US Department of State's Country Reports on Human Rights Practices, https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/.
- The Global Compact on Refugees Digital Platform, https://globalcompactrefugees.org/channel/countries.
- The International Labor Organization's NATLEX database of national labor, social security, and related human rights legislation, https://www.ilo.org/dyn/natlex/natlex4.byCountry?p_lang=en.

ANNEX 3. SURVEY QUESTIONS

Our goal is to document the hosting environments for refugees ***in practice*** around the world.[105] By "in practice," we mean the day-to-day realities that the government enforces (de facto), which may differ substantially from the legal framework (de jure). We know these assessments will be subjective, and we therefore greatly appreciate additional information you provide in the comments that gives more context. For instance, if the situation varies significantly by nationality or location, a note in the comments would be very helpful.

We use "refugees" to refer to ***all foreign-born people displaced by conflict and their descendants who are not citizens.*** Since our focus is on the hosting environment in practice, this may not coincide with legal refugee status in some countries. For example, please consider people with legal statuses like "Venezuelans displaced abroad" or "visitors" in your assessments if they are foreign-born and displaced by conflict.

Some questions ask for your assessment on a 1 to 5 scale, and definitions are provided to roughly standardize across countries. However, the situation in every country is unique, and the definitions will not match exactly. Please use your judgement and perception relative to other host countries to assign a score between 1 and 5, and then provide details in the comments where possible.

Finally, any question may be skipped, and no responses will be attributed to you as an individual. You can choose whether to be included in the acknowledgements section at the end of this survey once you have seen the questions.

A.	**Formal, wage employment in practice.** *Formal, wage employment here means contracted work for an employer that is registered with the government. The next page will ask about self-employment separately.*
A1.	On a scale of 1 to 5, how easily can refugees acquire work permits (or other necessary forms of work authorization for foreigners) for formal, wage employment? ○ 1: Formal work authorization is rarely given for refugees. ○ 2: (The situation is between 1 and 3.) ○ 3: Some refugees have work permits, but they are unaffordable for many, the wait time is substantial, and/or the sectors are limited.

105 Annex 3 and the data presented in this report represent a subset of the questions asked to respondents. Some questions are being analyzed for future work, and others were too inconsistent to publish. Annex 3 has also been reordered to the order they appear in the report.

	○ 4: (The situation is between 3 and 5.) ○ 5: Work permits are readily available for all sectors or not necessary for refugees. ○ Don't know.
A2.	On a scale of 1 to 5, how free are formal (registered) businesses to hire refugees without permits in practice? ○ 1: Documentation status of employees is often checked by government authorities, and expected punishments are a significant deterrent. ○ 2: (The situation is between 1 and 3.) ○ 3: Documentation status of employees is sometimes checked by government authorities, and expected punishments are moderate. ○ 4: (The situation is between 3 and 5.) ○ 5: Documentation status of employees is rarely checked by government authorities. ○ Don't know.
A3.	How has access to formal, wage employment changed over the last five years? ○ The situation has worsened for refugees. ○ The situation is the same for refugees. ○ The situation has improved for refugees. ○ Don't know.
B.	**Self-employment in practice.** *Self-employment here means owning a business—keeping the profits and responsible for the losses—instead of receiving wages.*
B1.	On a scale of 1 to 5, how easily can refugees acquire business permits relative to citizens in practice? ○ 1: Business permits are easy to obtain for citizens but rarely, if ever, given to refugees. ○ 2: (The situation is between 1 and 3.) ○ 3: Refugees are able to get business permits, but they are more difficult to acquire for refugees than for citizens due to higher fees, longer wait times, sector limitations, etc. ○ 4: (The situation is between 3 and 5.) ○ 5: Business permits are equally attainable for refugees and citizens in practice. ○ Don't know.

B2.	On a scale of 1 to 5, how free are refugees to operate businesses without permits in practice? ○ 1: Registration status of small businesses is often checked by authorities throughout the country (including in camps, if applicable), and expected punishments are a significant deterrent. ○ 2: (The situation is between 1 and 3.) ○ 3: Registration status of small businesses is sometimes checked by authorities, or checked only in some places, and expected punishments are moderate. ○ 4: (The situation is between 3 and 5.) ○ 5: Registration status of small businesses is rarely checked by authorities. ○ Don't know.
B3.	How has the freedom to operate a business changed over the last five years? ○ The situation has worsened for refugees. ○ The situation is the same for refugees. ○ The situation has improved for refugees. ○ Don't know.
C.	**Freedom of movement in practice**
C1.	On a scale of 1 to 5, how free are refugees to travel domestically in practice? *(Note: we are referring only to government enforcement, and not, for instance, whether refugees can afford to travel.)* ○ 1: Refugees cannot leave their neighborhood or camp, and permits to travel are nearly impossible to obtain. ○ 2: (The situation is between 1 and 3.) ○ 3: Refugees travel, but they are regularly harassed and occasionally arrested by authorities when outside their residence. Alternatively, some refugees travel freely, while others have their movements restricted by camp boundaries, checkpoints by authorities, etc. ○ 4: (The situation is between 3 and 5.) ○ 5: Refugees travel freely in practice without interference from the government. ○ Don't know.

C2.	On a scale of 1 to 5, how free are refugees to choose their place of residence in practice? *(Note: we are asking about government enforcement only, and not, for instance, whether refugees can afford to live in the same locations.)* ○ 1: Refugees cannot live outside of a few designated areas. ○ 2: (The situation is between 1 and 3.) ○ 3: Some refugees can live wherever citizens live, while other refugees are restricted in practice. ○ 4: (The situation is between 3 and 5.) ○ 5: Refugees can live wherever citizens live in practice, and assistance does not depend on place of residence. ○ Don't know.
C3.	How has freedom of movement changed in the last five years? ○ The situation has worsened for refugees. ○ The situation is the same for refugees. ○ The situation has improved for refugees. ○ Don't know.
D.	**Rights at work**
D1.	Can refugees access recourse for workplace violations through government institutions? (i.e., if their employers do not pay them) ○ 1: No, refugees cannot access recourse for workplace violations. ○ 3: Recourse for workplace violations is available, but bureaucratic or practical barriers prevent many refugees from accessing it (i.e., waiting times, fear of deportation). ○ 5: Yes, refugees can access recourse for workplace violations regardless of legal status. ○ Don't know.
E.	**Other factors of economic inclusion in practice**
E1.	On a scale of 1 to 5, how accessible are the following public (government-provided) services for refugees relative to citizens? **E1.1.** Primary Education **E1.2.** Secondary Education **E1.3.** Tertiary Education **E1.4.** Healthcare

	○ 1: Easy to obtain for citizens, but rarely accessible to refugees. ○ 2: (The situation is between 1 and 3.) ○ 3: More difficult to access for refugees than for citizens, but available to refugees. ○ 4: (The situation is between 3 and 5.) ○ 5: Equally accessible for refugees and citizens in practice. ○ Don't know.
E2.	On a scale of 1 to 5, how easily can refugees: **E2.1.** Acquire official documents like birth and death certificates (relative to the host communities) **E2.2.** Have academic or professional degrees validated by the host government or third parties ○ 1: Very difficult ○ 2: Difficult ○ 3: Neither difficult nor easily ○ 4: Easily ○ 5: Very easily ○ Don't know.
E3.	On a scale of 1 to 5, how accessible are formal financial services, i.e. a bank account or loan, for refugees relative to citizens? ○ 1: Easy to obtain for citizens, but rarely accessible to refugees. ○ 2: (The situation is between 1 and 3). ○ 3: More difficult to access for refugees than for citizens, but available to refugees. ○ 4: (The situation is between 3 and 5.) ○ 5: Equally accessible for refugees and citizens in practice. ○ Don't know.

PART 2

COUNTRY SCORECARDS

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ARGENTINA 54

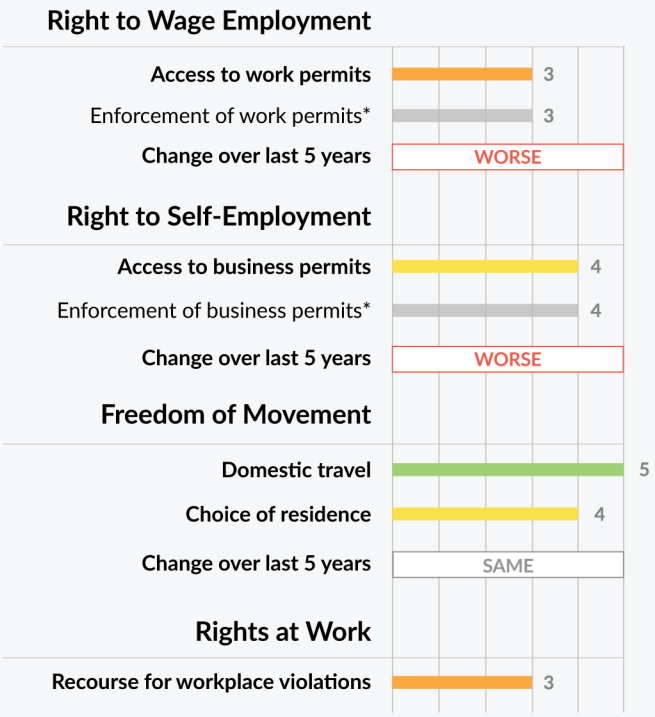
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

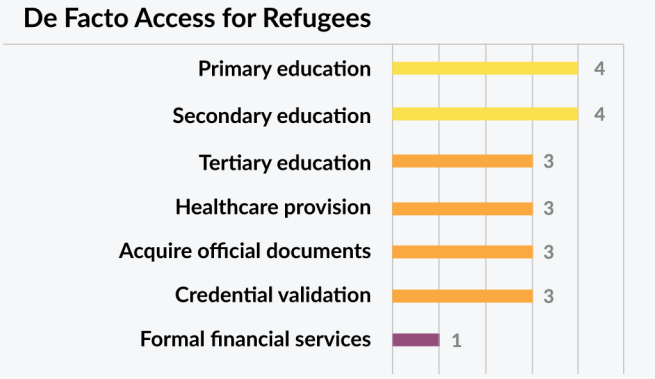
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Argentina hosted 4,007 refugees and 10,354 asylum seekers as well as 167,853 Venezuelans displaced abroad in 2021.[1] The most common countries of origin for refugees and asylum seekers were Senegal and Cuba.

De Jure Summary

Argentina is a party to the 1951 Convention and its 1967 Protocol, as well as the ICESCR. Within the General Law for the Recognition and Protection of Refugees (Law 26.165), Argentina enshrines work rights for refugees in its domestic legislation.

Law 26.165 provides asylum seekers the right to work within 20 days of applying for refugee status.[2] While their asylum application is underway, refugees are allowed to work legally, move freely, and access public health and education services.[3] When refugees are recognized they are then able to obtain a two-year temporary residency visa and national identity document (known as a DNI in Spanish). Refugees may apply for citizenship after two years.[4]

1 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

2 Government of Argentina, Ley No. 26.165 de 2006, Ley general de reconocimiento y protección al refugiado, November 8, 2006, https://www.refworld.org/docid/46d559e92.html.

3 UNHCR, *Informative Guide for Refugees and Asylum Seekers in Argentina*, n.d., http://www.migraciones.gov.ar/pdf/conare/guia_ingles.pdf.

4 Micol Pistelli, "Argentina Amplía el Acceso a Servicios Financieros Para Solicitantes de Asilo y Refugiados," *FinDev Blog*, FinDev Gateway, December 18, 2018, https://www.findevgateway.org/es/blog/2018/12/argentina-amplia-el-acceso-servicios-financieros-para-solicitantes-de-asilo-y.

"Patria Grande" (Law 25.781) provided legal status for immigrants from full and associate MERCOSUR members.[5] It guaranteed work rights for immigrants residing in the country without legal status, the right to stay, exit, and enter the country, and a pathway to permanent residency.[6] While not specifically for refugees, the law enabled more than 650,000 previously unauthorized migrants to regularize their status and gain access to legal employment.

De Facto Summary

The legal procedures assuring refugees' right to work, as described above, are generally upheld in practice. There are rare instances of police officers repeatedly asking for refugees' documentation when it is no longer necessary, but there are no extralegal detentions. Businesses ask that refugees present a DNI for hiring purposes, and, according to survey respondents, the COVID-19 pandemic has caused significant delays in the processing of DNIs, which limits formal labor market access.

Refugees and asylum seekers may live wherever they choose. Often, economic conditions dictate that refugees and asylum seekers live in peripheral neighborhoods, which makes accessing government services more difficult. Big cities such as Buenos Aires host many displaced individuals who work informally. Additionally, while resettled refugees are offered housing opportunities from implementing partners, they often lack de facto access to national housing programs, according to a survey respondent.

Administrative delays in regularization have implications for access to other government services. Access to certain government services depends on years of residency, so delays in processing documentation can have secondary impacts.

5 MERCOSUR, Mercosur Countries, Accessed May 06, 2022, https://www.mercosur.int/en/about-mercosur/mercosur-countries/.

6 Paulo Cavaleri, "Argentina: Resettling Refugees within the Context of an Open Migration Policy," *Forced Migration Review* 40 (August 2012), https://www.fmreview.org/young-and-out-of-place/cavaleri.

AUSTRALIA 34

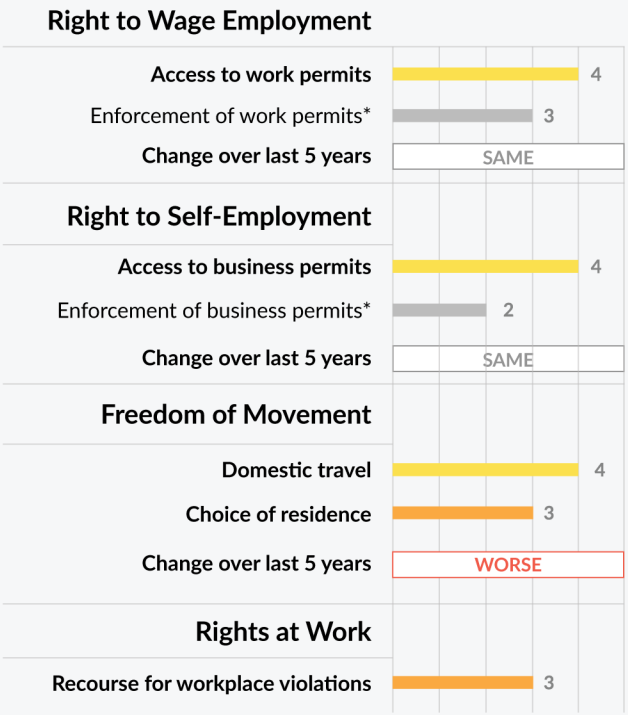
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

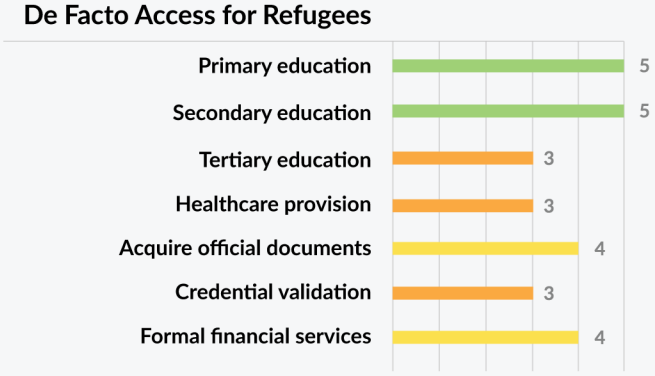
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Australia hosted 56,229 refugees and 79,819 asylum seekers in 2021.[7] The most common countries of origin for refugees and asylum seekers were Malaysia, China, and Iran.

De Jure Summary

Australia is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. Recognized refugees have the right to work under domestic law, yet access to refugee status recognition depends on visa status, which is often determined by method of arrival.

As part of the onshore protection program, which requires arrival with a valid visa and not by boat or without legal status, refugees have the right to apply for a permanent protection visa to legally reside and lawfully work. Those arriving by boat or without a valid visa may not apply for recognition of refugee status unless the government exercises discretion to do so,[8] and they are subject to mandatory detention.[9] Those arriving by boat or without a valid visa are subject to interception and push-back policies, and sent to offshore processing sites[10] or onshore detention sites.

7 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

8 Kaldor Centre for International Refugee Law, "Refugee Status Determination in Australia," November 2, 2020, https://www.kaldorcentre.unsw.edu.au/publication/refugee-status-determination-australia.

9 Refugee Council of Australia, "Australia's Detention Policies," May 20, 2020, https://www.refugeecouncil.org.au/detention-policies/.

10 Jesuit Refugee Service, "A Fair Refugee Status Determination (RSD) Process for People Seeking Asylum in Australia," June 2021, https://ausjrs.net/wp-content/uploads/sites/20/2021/07/Fair-Process-Policy-Brief-June-2021_Updated-1.pdf.

Separately, asylum seekers in offshore resettlement programs (those referred to Australia with refugee status already or proposed for a protection visa) may apply for refugee status, a global special humanitarian visa, a community support program, or family reunification.[11] These pathways are not available to asylum seekers in offshore processing sites. These visas provide recognized refugees the right to stay and work but are subject to a total annual cap set by the Australian government.

While domestic law respects refugees' right to work, this right is afforded in only a few circumstances, for those seeking refuge with a valid visa upon entry or under resettlement programs.

De Facto Summary

As described above, the extent to which a refugee or asylum seeker can access the labor market in Australia depends on their legal status. Recognized refugees are granted permanent residency and therefore have full access to the labor market, while others have temporary visas that force them into specific geographic areas to find employment. Regardless of their status, however, there are institutional, financial, intellectual, societal, and language barriers that prevent refugees from finding work, and discrimination among employers that may be prevent hiring. For example, between 2000 and 2016, only 38 percent of recognized refugees were employed, and of those who do manage to find employment, most are casual rather than permanent jobs.[12] There are some state and federal government programs that aim to support the transition to permanent jobs, though only for recognized refugees.[13]

Access to education and healthcare also differs by status. People seeking asylum struggle to access government-funded programs and tend to rely on services provided by NGOs, including cash assistance, food vouchers, and emergency support. These individuals are not able to access government support to attend university or tertiary education. Yet even recognized refugees often struggle to access education and obtain degree recognition. For example, a survey of around 2,400 refugees found that only one in five were able to get their qualification recognized in Australia 2.5 years after arrival.[14]

11 Department of Home Affairs, "Resettle in Australia," accessed April 17, 2022, https://immi.homeaffairs.gov.au/what-we-do/refugee-and-humanitarian-program/about-the-program/resettle-in-australia.

12 Tent Partnership for Refugees, *Australian Employers' Guide to Hiring Refugees* (New York: Tent Partnership for Refugees, 2019), https://www.tent.org/wp-content/uploads/2019/02/Tent_Australia_V6.pdf.

13 Settlement Services International, "Refugee Employment Support Program," accessed January 20, 2022, https://www.ssi.org.au/services/refugee-employment-support-program.

14 Australian Government Department of Social Services. *Building a New Life in Australia, the Longitudinal Study of Humanitarian Migrants, Findings from the first three waves*, 2017. https://www.dss.gov.au/about-the-department/longitudinal-studies/building-a-new-life-in-australia-bnla-longitudinal-study-of-humanitarian-migrants-overview. For more statistics and analysis, see https://www.refugeecouncil.org.au/statistics/.

AUSTRIA 44

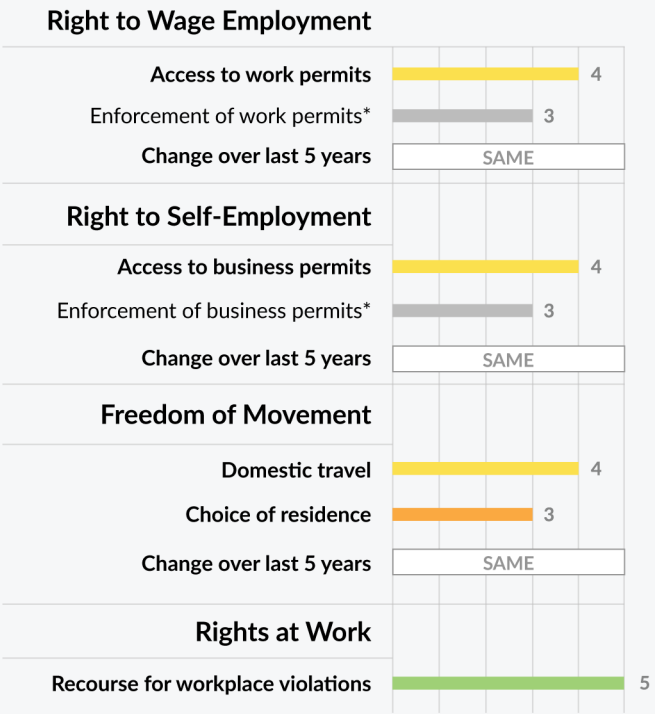
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

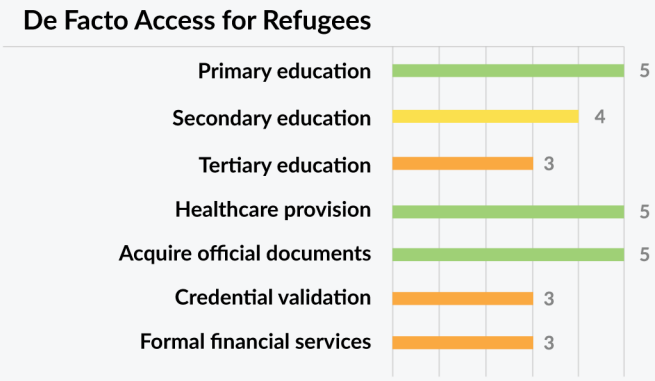
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Austria hosted 146,025 refugees and 18,308 asylum seekers in 2021.[15] The most common countries of origin for refugees and asylum seekers were Syria, Afghanistan, and Iraq.

De Jure Summary

Austria is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. While Austria has a generally good record on allowing recognized refugees full access to employment opportunities, asylum seekers are denied the right to undertake employment for the first three months after lodging their asylum application in Austria.[16]

Employers of asylum seekers must complete a labor market test to access gainful employment, proving that the job cannot be filled by an Austrian citizen, an EU citizen, or another third-country national who is a lawful resident.[17]

A 2004 ordinance (Bartenstein-Erlass) restricting the sectors of employment available to asylum seekers and term limits for employment was repealed in July 2021.[18] Asylum seekers are no longer

15 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

16 Government of Austria, Austrian Aliens Employment Act, Article 4(1), 1975, https://www.migration.gv.at/fileadmin/downloads/gesetzestexte/AuslBG_englisch_1_10_2017.pdf.

17 Lukas Gahleitner-Gertz, *Asylum Information Database Country Report: Austria* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-AT_2020update.pdf.

18 Asylkoordination, "Asylum Coordination Austria Welcomes the Long Overdue Repeal of the Bartenstein Decree by the Constitutional Court," press release, July 14, 2021, https://asyl.at/de/info/presseaussendungen/endedesverordnetennichtstunsfuerschutzsuchende/.

barred from certain sectors and do not have term limits on their work permits, but they are still required to prove that their position cannot be filled by another European citizen.[19]

Refugees and beneficiaries of subsidiary protection have free access to the labor market. Moreover, the Act on Recognition and Evaluation of 2016[20] has improved refugees' ability to obtain recognition of their education and professional qualifications by relaxing documentation requirements.[21]

De Facto Summary

Austria has a generally strong track record of upholding work rights for refugees, though asylum seekers face restrictions. Asylum seekers' movement, for instance, is restricted to their district during admission proceedings. Furthermore, opportunities for asylum seekers employment were significantly reduced in 2018 when the Ministry of Social Affairs eliminated access to apprenticeships in shortage occupations for those under the age of 25.[22]

Refugees and those with subsidiary protection have more access to the labor market. They are free to move within Austria, though financial support and accommodation may be limited to a state. They are able to open businesses in the same manner as citizens, facing the same qualification requirements that vary by state. They are also eligible for public benefits, which also depend on the state.

19 Asylkoordination Österreich, *Country Report: Overview of the Main Changes since the Previous Report Update* (Vienna: Asylkoordination, 2021), https://asylumineurope.org/reports/country/austria/overview-main-changes-previous-report-update/.

20 Anerkennungs und Bewertungsgesetz, *Bundesgesetzblatt f*ür *die Republik Österreich,* Nr 55/2016, https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2016_I_55/BGBLA_2016_I_55.pdfsig.

21 Lukas Gahleitner-Gertz, *Asylum Information Database Country Report: Austria* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-AT_2020update.pdf.

22 David Martin, "Austria to ban asylum-seekers from taking up apprenticeships", *Deutsche Welle (DW)*, August 27, 2018, https://www.dw.com/en/austria-to-ban-asylum-seekers-from-taking-up-apprenticeships/a-45249042.

BANGLADESH 12

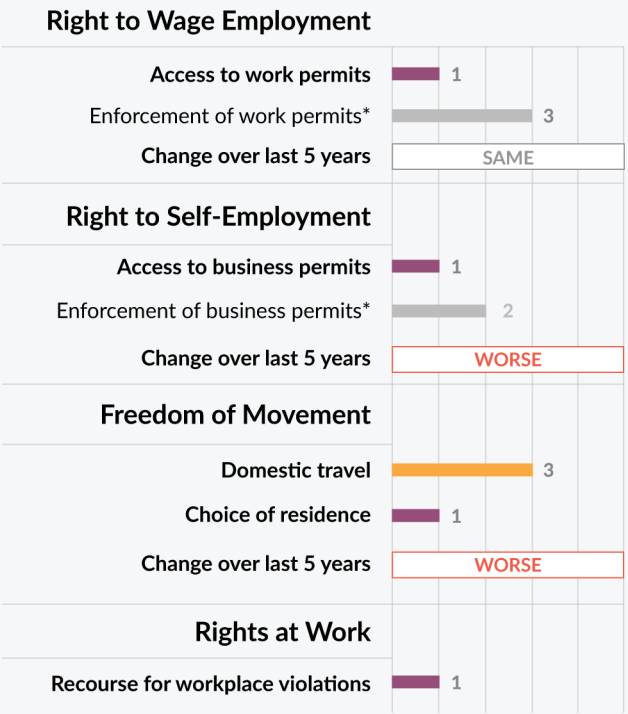
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

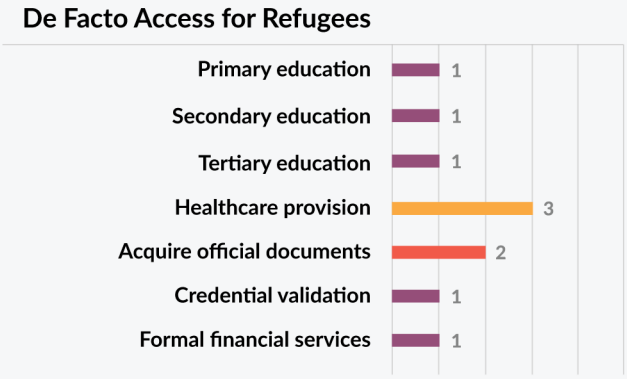
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to articles 7 and 8**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Bangladesh hosted 889,775 refugees and 27 asylum seekers in 2021.[23] Nearly all refugees were from Myanmar, with only 11 refugees from elsewhere.

De Jure Summary

Bangladesh is not a party to the 1951 Refugee Convention nor its 1967 Protocol. However, in a 2017 ruling, the Supreme Court held that the 1951 Refugee Convention was part of customary international law and therefore binding, notwithstanding formal ratification.[24] Bangladesh is party to the UN Convention Against Torture of 1984 and as such respects the principle of non-refoulement (Article 2). The Constitution of Bangladesh guarantees all persons on the nation's territory the right to enjoy protection of the law and prohibits forced labor beyond citizens, including all those within its boundaries.[25]

The country has no domestic law relating to refugees, and as such refugees are not guaranteed formal legal status, are not guaranteed the right to work. They are considered 'illegal foreigners' under the Foreigners Act of 1946, though classified as "Forcibly Displaced Myanmar Nationals" by the government.[26] Refugees are guaranteed access

23 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

24 Bangladesh Supreme Court, *Refugee and Migratory Movements Research Unit (RMMRU) v Government of Bangladesh,* Writ Petition No. 10504 of 2016 (Dhaka: Bangladesh Supreme Court, 2017), www.refworld.org/cases,BAN_SC,5d7f623e4.html.

25 The Constitution of the People's Republic of Bangladesh (Act No. of 1972), Article 31 and 34, http://bdlaws.minlaw.gov.bd/act-367.html.

26 Government of Bangladesh, The Foreigners Act, 1946,

to legal aid through the Legal Aid Services Act of 2000.[27]

Rohingya refugees in Bangladesh are interned in camps in Cox's Bazar.[28] UNHCR and the government jointly register Rohingya refugees with the aims of enabling access to essential services and future voluntary repatriation to Myanmar.[29]

De Facto Summary

In Bangladesh, the rights of Rohingya refugees are significantly curtailed. Legally, they are not able to work, meaning many revert to volunteering with the UN or local NGOs, or setting up small informal businesses both within and just outside the camps.[30] These shop owners are frequently harassed, and their shops, which are run without obtaining commercial licenses or paying taxes, are frequently destroyed by local officials.[31] Rohingya are also informally employed by locals to work outside the camps—mostly as day laborers in the fields or as domestic help.[32]

These informal arrangements have been threatened by an increasing militarization of the camps; the Bangladeshi government has taken steps to build barbed wire fencing and guard towers.[33] The government also periodically restricts Internet access and confiscates cell phones. Aid groups have argued that these measures seriously hampered their ability to provide emergency health services during the COVID-19 pandemic.

Most Rohingya want to return to Myanmar and have their citizenship rights restored when it is safe to do so.[34] The Bangladeshi government and UNHCR have tried to organize repatriation opportunities, but refugees still feel that it is unsafe to return. Instead, the Bangladeshi government has begun moving tens of thousands of the Rohingya population, potentially involuntarily, to Bhasan Char Island, which provides limited livelihood opportunities.[35]

http://bdlaws.minlaw.gov.bd/act-details-216.html; Azad, Ashraful. "Foreigners Act and the Freedom of Movement of the Rohingyas in Bangladesh," *Griffith Journal of Law & Human Dignity* 5.2, 2018. https://griffithlawjournal.org/index.php/gjlhd/article/view/986/899; World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

27 Government of Bangladesh, Legal Aid Services Act, 2000, https://wecan-bd.org/wp-content/uploads/2018/02/legal-aid-service-act-2000.pdf.

28 UNHCR, "The Displaced and Stateless of Myanmar in the Asia-Pacific Region," January 2021, https://reporting.unhcr.org/document/412.

29 UNHCR, "Over 250,000 Rohingya refugees get identity documents, for many a first," May 17, 2019, https://www.unhcr.org/en-us/news/briefing/2019/5/5cde6fd34/250000-rohingya-refugees-identity-documents-first.html; World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

30 See the Cox's Bazar Panel Survey for more information on economic and social outcomes of Rohingya refugees and hosts, i.e. https://www.poverty-action.org/study/impact-large-scale-forced-displacement-rohingya-refugees-and-host-communities-cox%E2%80%99s-bazar.

31 Agence France-Presse, "Thousands of Rohingya Shops Demolished in Bangladesh, Leaving Refugees Desperate," *The Guardian*, January 5, 2022, https://www.theguardian.com/world/2022/jan/05/thousands-of-rohingya-shops-demolished-in-bangladesh-leaving-refugees-desperate.

32 International Organization for Migration, "IOM Bangladesh: Rohingya Refugee Crisis Response," October 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/bangladesh_sr_201810.pdf.

33 Human Rights Watch, "Myanmar: Rohingya Await Justice, Safe Return 3 Years On," August 24, 2020, https://www.hrw.org/news/2020/08/24/myanmar-rohingya-await-justice-safe-return-3-years.

34 Veronique Barbelet, *Rohingya Refugees' Perspectives on Their Displacement in Bangladesh: Uncertain Futures* (London: Overseas Development Institute, 2019), https://www.odi.org/publications/11353-rohingya-refugees-perspectives-their-displacement-bangladesh-uncertain-futures.

35 Helen Dempster and Nurul Huda Sakib, "Few Rights and Little Progress: The Rohingya in Bangladesh," *Center for Global Development Blog*, January 21, 2021, https://www.cgdev.org/blog/few-rights-and-little-progress-rohingya-bangladesh. See also Inter Sector Coordination Group Bangladesh, *2022 Joint Response Plan: Rohingya Humanitarian Crisis* (Cox's Bazar, Bangladesh: Inter Sector Coordination Group Bangladesh, 2022), https://reliefweb.int/report/bangladesh/2022-joint-response-plan-rohingya-humanitarian-crisis-january-december-2022; Hanh Nguyen and Themba Lewis, "Bhasan Char and Refugee 'Warehousing,'" *The Diplomat*, February 8, 2022, https://thediplomat.com/2022/02/bhasan-char-and-refugee-warehousing/.

BRAZIL 54

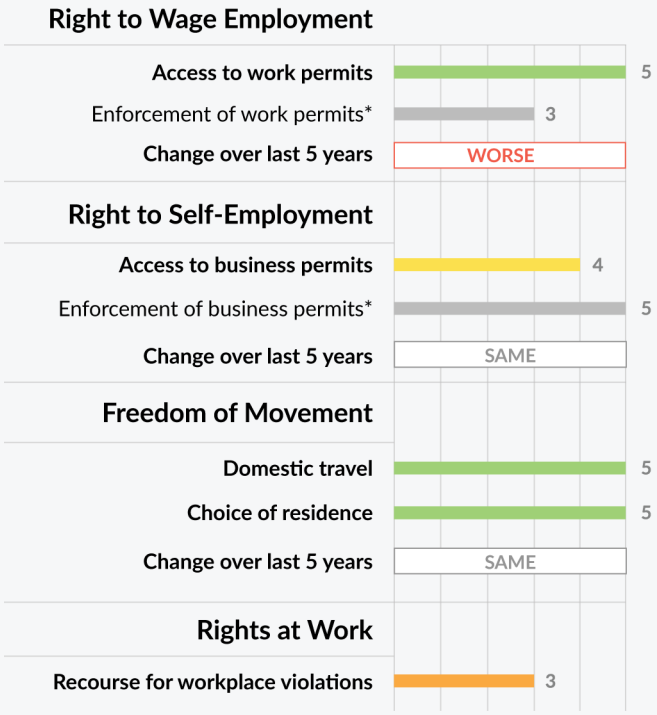
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

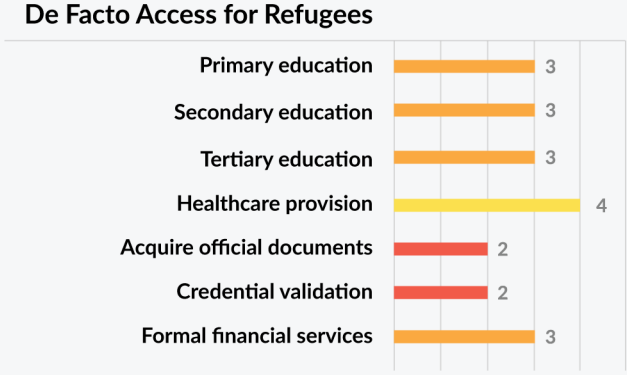
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Brazil hosted 60,848 refugees and 206,000 asylum seekers as well as 179,736 Venezuelans displaced abroad in 2021.[36] The most common countries of origin for refugees and asylum seekers were Haiti, Cuba, and Syria.

De Jure Summary

Brazil is a party to the main international instruments concerning refugees,[37] including the 1984 Cartagena Declaration.[38] The National Refugee Act, which was passed in 1997, implements the 1951 Refugee Convention and its related provisions.[39]

The 1997 National Refugee Act establishes that once a refugee application is submitted, the refugee and their family will be issued an authorization ticket that guarantees the right to remain while their application is being processed.[40] This ticket is valid for one year and enables refugees access to a temporary work permit issued by the Ministry of Labor.[41] Recognized refugees are guaranteed access to the National Migration Registration Card,

36 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

37 United Nations Treaty Collection, "Convention Relating to the Status of Refugees," 1951, accessed May 06, 2022, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&-Temp=mtdsg2&clang=_en.

38 Gilberto M.A. Rodrigues, "South America and the Cartagena Regime: A Comprehensive Approach to Forced Migration Responses," ASILE Forum, November 10, 2020, https://www.asileproject.eu/south-america-and-the-cartagena-regime/.

39 Presidência da República, Define mecanismos para a implementação do Estatuto dos Refugiados de 1951, e determina outras providências, 1997, http://www.planalto.gov.br/ccivil_03/leis/L9474.htm.

40 Ibid.

41 Ibid.

the Work and Social Security Card, an Individual Tax Identification Number, and a passport from the government of Brazil.[42]

In 2019, the government's refugee agency granted over 20,000 Venezuelan refugees the right to asylum. This decision applied to roughly 10 percent of the Venezuelan refugee population in Brazil at the time, protecting their rights to refugee status and enabling the right to work.[43]

De Facto Summary

Survey respondents note that refugees and asylum seekers in Brazil have easy access to work permits, freedom of movement, and choice of residence. However, most are still limited to working informally, where protections are limited.

There is no programming to promote formal employment among refugees, which is seen by many as tacit approval of the large number of refugees who work in the informal sector. Further, according to a survey respondent, there is a dearth of information available for employers with respect to the hiring of refugees—many do not know that they can hire refugees.

There is also a lack of information in key service sectors such as banking and education. The clerical workers often do not know what documents refugees need in order to access services for which they are eligible, such as formal financial lending or basic education.

42 UNHCR, "Documents," accessed April 17, 2022, https://help.unhcr.org/brazil/en/documents/.

43 Human Rights Watch, "Brazil Grants Asylum to 21,000 Venezuelans in a Single Day," December 6, 2019, https://www.hrw.org/news/2019/12/06/brazil-grants-asylum-21000-venezuelans-single-day.

BULGARIA 44

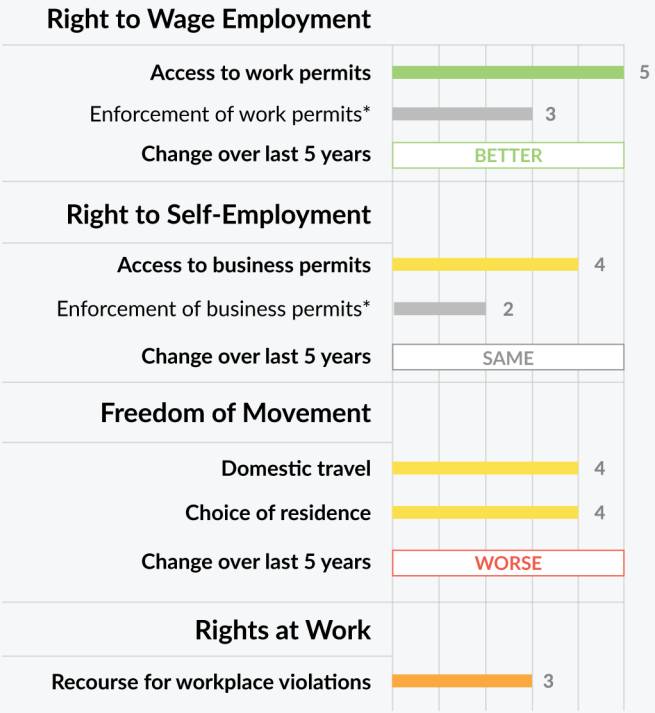
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

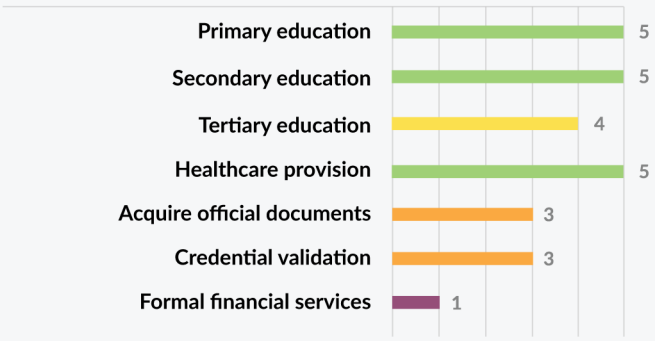
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Bulgaria hosted 21,770 refugees and 1,691 asylum seekers in 2021.[44] The most common countries of origin for refugees and asylum seekers were Syria and Iraq. A large number of refugees were stateless, as well, comparable to the number of refugees from Iraq.

De Jure Summary

Bulgaria is a party to both the 1951 Refugee Convention and its 1967 Protocol, as well as the ICESCR. These obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to work on par with nationals. Bulgaria also has passed national legislation setting forth the rights of refugees, in particular its Law on Asylum and Refugees.[45]

Bulgaria grants recognized refugees full access to employment opportunities in every sector, per the Law for Employment Promotion.[46] However, asylum seekers are denied the right to undertake employment for the first three months.[47] Recognized refugees have access to employment and social benefits when unemployed. Under the law, asylum seekers and refugees also have access to vocation-

44 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

45 Iliana Savova, *Asylum Information Database Country Report: Bulgaria* (Geneva: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf.

46 Government of Bulgaria, Bulgaria Employment Promotion Act, 2001, https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/60386/134944/F1134714288/BGR60386%20Eng.pdf.

47 Government of Bulgaria, Law on Asylum and Refugees, Article 29(3), 2002, http://www.refworld.org/pdfid/47f1faca2.pdf.

al training,[48] and education is free of charge.[49]

Recognized refugees are not restricted in their freedom of movement. Asylum seekers, by contrast, may be restricted to a particular area or administrative zone, as determined by the asylum authority.[50]

Refugees and asylum seekers face difficulty in obtaining recognition of their credentials. There is a legal process for recognition of foreign diplomas; however, the process is convoluted and requires retaking exams and schooling in certain circumstances.[51]

De Facto Summary

Very few refugees seek employment because they consider Bulgaria to be a transit country.[52] According to one survey respondent, many receive remittances from relatives, enabling them to continue westward. Those who seek work tend to find temporary and irregular jobs, mostly in restaurants and retail stores. Professional qualifications or university degrees from refugees' countries of origin are not generally recognized in Bulgaria,[53] and it is difficult to open a business because of barriers to opening bank accounts.

Initial restrictions on asylum seekers' right to work and mobility often force them to work informally. In September 2017, Bulgaria restricted registered asylum seekers' movement to four zones.[54] Asylum seekers cannot leave their assigned zone without official permission from the State Agency for Refugees. While there are exceptions, this regulation is generally enforced.

Furthermore, Bulgaria employs accelerated asylum procedures and sometimes relies on unwritten assumptions that certain countries are "safe," resulting in the rejection of 100 percent of claims from countries such as Turkey, Morocco, Tunisia, Algeria, and others.[55] These barriers to territorial access and legal status impede refugees' access to work rights in the country.

In 2013, the Program for Employment and Education of Refugees established the employment of refugees as a priority for the Labor Offices.[56] The program included teaching Bulgarian, training, and subsidized employment, all funded by the state. However, these efforts were intended to benefit only 200 refugees and ultimately only one secured employment. An impediment was that the advertisements, application procedures, and documentation were available only in Bulgarian.[57]

In 2016, the Labor Offices initiated a specialized refugee employment and training program for those with international protection. The program is set to run through the end of 2022.[58]

48 Government of Bulgaria, Law on Asylum and Refugees, Article 39(1)(2), 2002, http://www.refworld.org/pdfid/47f1faca2.pdf.

49 Government of Bulgaria, Law on Asylum and Refugees, Article 26(1), 2002, http://www.refworld.org/pdfid/47f1faca2.pdf.

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

54 MigrantLife, "Restrictions on Your Movement," 2017, http://migrantlife.bg/articles/restrictions-your-movement-0.

55 Iliana Savova, *Asylum Information Database Country Report: Bulgaria* (Geneva: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/02/AIDA-BG_2021update.pdf.

56 Government of Bulgaria, *National Social Report of the Republic of Bulgaria 2013–2014* (Sofia: Government of Bulgaria, 2013), https://ec.europa.eu/social/BlobServlet?docId=11770&langId=en.

57 Iva Gumnishka, *The Right to Work of Asylum-Seekers and Refugees in Bulgaria: Rethinking Integration* (New York: Columbia University, 2017), https://doi.org/10.7916/D8PV7S58.

58 Ministry of Labor and Social Policy, "Refugee Employment and Training Program," accessed January 20, 2022, https://www.az.government.bg/pages/programa-za-zaetost-i-obuchenie-na-bejanci; European Commission, "Bulgaria: National Refugee Employment and Training Programme 2021–2022," 2021, https://ec.europa.eu/migrant-integration/library-document/bulgaria-national-refugee-employment-and-training-programme-2021-2022_en.

BURUNDI 43

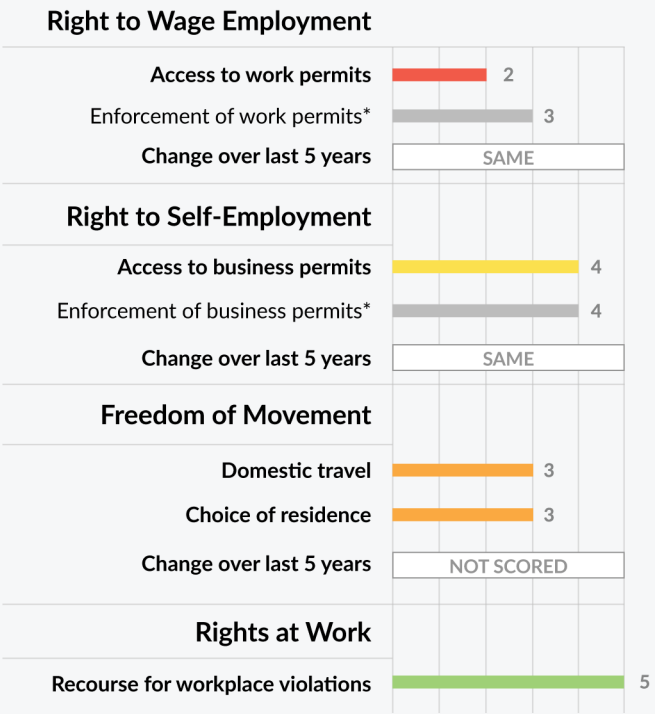
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

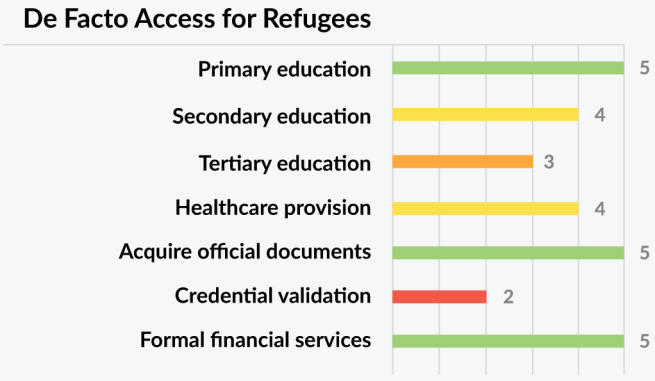
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Burundi hosted 76,837 refugees and 4,929 asylum seekers in 2021.[59] The majority of refugees and asylum seekers were from the Democratic Republic of Congo.

De Jure Summary

Burundi is a party to the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, and the Organization of African Unity regional convention.

Refugees in Burundi are given the right to work with a valid work permit, which may be obtained with a current employment contract and a valid refugee ID card.[60] Work permits are free to obtain, and refugees may register their own businesses.[61]

However, Articles 88 and 89 of the 2008 Asylum Act require refugees in Burundi to live in refugee camps.[62] While this restriction is paired with the requirement that work permit holders be allowed to move freely outside the camp, legally mandated internment poses a significant barrier to full exercise of work rights for a majority of refugees in the country.[63] All refugees have access to identity cards

59 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

60 UNHCR, *Refugee Policy Review Framework Country Summary as at 30 June 2020* (Gitega: UNHCR, 2020), https://reliefweb.int/sites/reliefweb.int/files/resources/Burundi%20-%20Refugee%20Policy%20Review.pdf.

61 UNHCR, "Opportunités économiques," accessed May 06, 2022, https://help.unhcr.org/burundi/services/opportunites/.

62 Government of Burundi, Loi No. 1/32 de 2008 sur l'asile et la protection des réfugiés au Burundi, 2008, http://www.refworld.org/docid/49eef2572.html.

63 UNHCR, "Burundi," accessed May 06, 2022, https://www.unhcr.org/

and travel documents provided by the Burundian administration.[64] Work permit requirements, camp restrictions, and high unemployment rates make the formal labor market challenging for refugees to access.

De Facto Summary

Burundi's record in practice is mixed. More than half of refugees live in camps, and freedom of movement is curtailed; refugees must have passes to travel and authorization to change their addresses, which impacts their access to employment.[65] However, a significant number (estimated at 41 percent in 2018) live in urban areas and report few issues in dealing with authorities.[66] Work permits for formal employment are somewhat difficult to come by, but business permits are available and self-employment is accepted both in the camps and in urban areas. According to a survey respondent, some refugees are able to leave the camps to participate in economic cooperatives, as well.

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en-us/burundi.htm.

64 Government of Burundi, *Loi No. 1/32 de 2008 sur l'asile et la protection des réfugiés au Burundi,* Articles 71 and 72, 2008, http://www.refworld.org/docid/49eef2572.html.

65 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

66 UNHCR, *Congolese Situation: Responding to the Needs of Displaced Congolese and Refugees* (Gitega: UNHCR, 2018), https://reporting.unhcr.org/sites/default/files/2018%20congolese%20Situation%20SB%20-%20Burundi.pdf.

CAMEROON 43

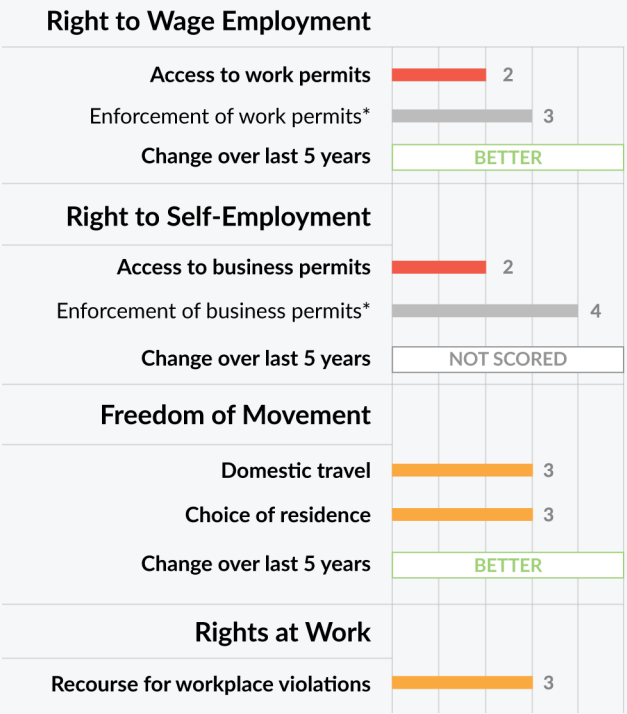
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

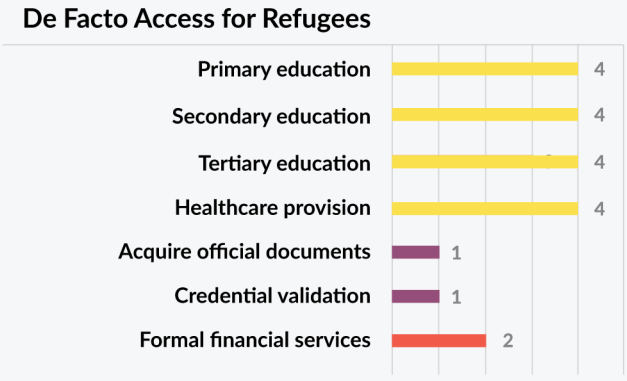
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Cameroon hosted 446,101 refugees and 6,059 asylum seekers in 2021.[67] The majority of refugees and asylum seekers originated from the Central African Republic and Nigeria.

De Jure Summary

Cameroon is a party to the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, and the Organization of African Unity regional convention, whose principles on the definition of refugees, non-refoulement, and exemption from sanctions for illegal entry have been incorporated into the country's 2005 Refugee Law (Act No. 2005/006).

The 2005 Refugee Law requires that refugees be treated the same as nationals in terms of access to work, education, housing, social assistance, property, justice, naturalization and freedom of movement.[68] All refugees are entitled to identity cards and travel documents provided by the Cameroonian administration, giving them the right to freely move within the country. Refugees in Cameroon are also allowed to start businesses and register them in their own names.[69] In 2018, Law 2018/010 was enacted which enabled the government to verify refugees' credentials and access vocational training.

67 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

68 Government of Cameroon, Loi n°2005/006 du 27 juillet 2005, Portant statut des réfugiés au Cameroun, Article 8(3) and Article 9, 2005, https://www.refworld.org/pdfid/44eb242e4.pdf.

69 Government of Cameroon, Loi n°2005/006 du 27 juillet 2005, Portant statut des réfugiés au Cameroun, Article 10, 2005, https://www.refworld.org/pdfid/44eb242e4.pdf.

The 2005 Refugee Law guarantees asylum seekers the right to remain while their asylum application is being processed, without term limits or renewal periods.[70] The right to work is not expressly granted to asylum seekers in the 2005 Refugee Law. Notwithstanding the legislation, freedom of movement is restricted for refugees by unwritten administrative policies, including the internment of Nigerian refugees in closed camps, a refusal to grant legal recognition to Nigerian refugees who do not submit to internment,[71] and administrative practices requiring refugees to obtain a permit for travel outside the district where they have been authorized to reside.[72]

De Facto Summary

While Cameroon has historically been a generous host of refugees, the situation has changed significantly in recent years. Since 2015, authorities have deported more than 100,000 Nigerian asylum seekers and refugees, according to Human Rights Watch.[73] The forced repatriations appear to be motivated by the threat of Boko Haram and worries about Cameroon's own conflict, which has internally displaced more than one million people.

For refugees who remain in Cameroon, the crackdown has also restricted freedom of movement. Refugees traveling outside their home villages report harassment and nonrecognition of their IDs.[74] While there are large camps—including Minawao in the Far North, which was hosting more than 100,000 refugees at one point—most refugees live in villages in the Far North and East regions. Obtaining documentation for many basics such as birth certificates, identification cards, and business and work permits is a significant issue.

70 Ibid.

71 Human Rights Watch, "'They Forced Us onto Trucks Like Animals': Cameroon's Mass Forced Return and Abuse of Nigerian Refugees," September 27, 2017, https://www.hrw.org/report/2017/09/27/they-forced-us-trucks-animals/cameroons-mass-forced-return-and-abuse-nigerian.

72 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

73 Human Rights Watch, "'They Forced Us onto Trucks Like Animals': Cameroon's Mass Forced Return and Abuse of Nigerian Refugees," September 27, 2017, https://www.hrw.org/report/2017/09/27/they-forced-us-trucks-animals/cameroons-mass-forced-return-and-abuse-nigerian.

74 Philip Obaji Ji, "Cameroon Used to Welcome Refugees. Now It Forcibly Expels Them," *Foreign Policy*, February 12, 2019, https://foreignpolicy.com/2019/02/12/cameroon-used-to-welcome-refugees-now-it-forcibly-expels-them-nigeria-refoulement/.

CHAD 53

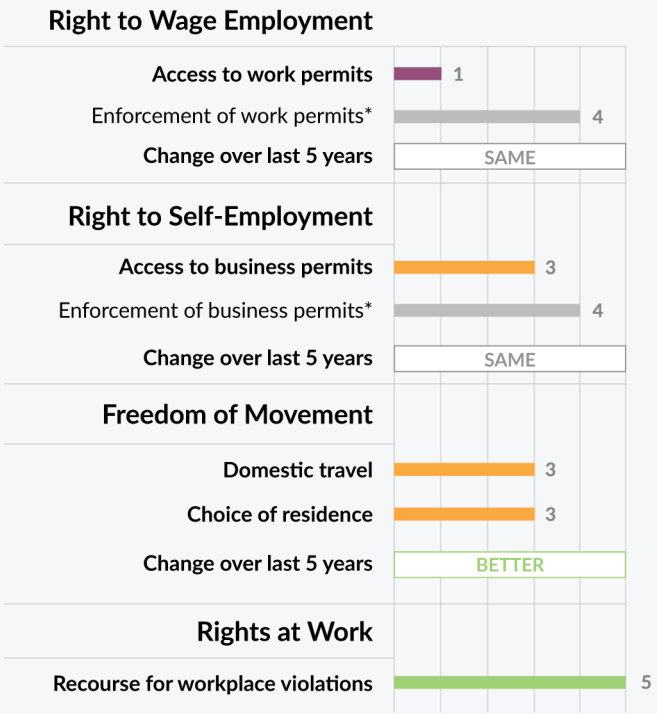
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

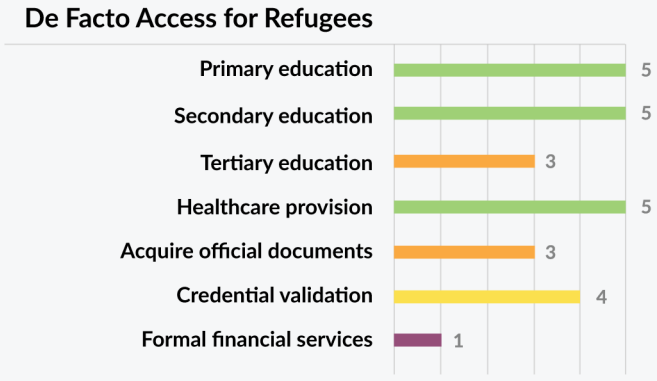
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Chad hosted 508,304 refugees and 4,548 asylum seekers in 2021.[75] The majority of refugees originated from Sudan. Asylum seekers were most commonly from the Central African Republic.

De Jure Summary

Chad is a party to the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, and the Organization of African Unity regional convention. The country has incorporated the key principles of international protection into its 2020 Refugee Law. It assures refugees and asylum seekers fundamental protections, including freedom of movement; the right to work; and access to healthcare, education, social assistance, and justice.[76]

The law also requires that refugees be treated with the most favorable treatment accorded to nationals of a foreign country in terms of housing, naturalization, movable and immovable property, intellectual property, and trade unions.[77] It also guarantees the right of refugees to wage-earning employment, to self-employment, and to the practice of a liberal profession.[78]

75 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

76 Government of Chad, Loi 0027/PR/2020 portant asile en République du Tchad, Article 21, 2020, https://www.refworld.org/pdfid/606334e04.pdf.

77 Government of Chad, Loi 0027/PR/2020 portant asile en République du Tchad, Articles 25, 26, and 29, 2020, https://www.refworld.org/pdfid/606334e04.pdf.

78 Government of Chad, Loi 0027/PR/2020 portant asile en République du Tchad, Article 28, 2020, https://www.refworld.org/pdfid/606334e04.pdf.

According to the 2020 Refugee Law, all refugees are entitled to identity cards and travel documents provided by the Chadian administration.[79] Identity cards are valid for five years and are renewable. Asylum seekers with pending applications are guaranteed the right to remain throughout the duration of their application process and receive an Asylum Seeker's Certificate, valid for two months and is renewable.[80]

De Facto Summary

The majority of refugees in Chad are from Sudan's Darfur region. They are largely located in border areas that are isolated and economically lagging.[81] In some cases, refugees are able to settle with host communities and obtain arable land for agricultural production.[82] Broadly speaking, however, refugees are limited in terms of where they can live and work, with survey respondents noting that some face harassment and arrest, while others move more freely. The 2020 Refugee Law, which provides for freedom of movement; the right to work; and access to healthcare, education, and justice,[83] has not yet been fully realized in practice, and its application is inconsistent.

Respondents noted that refugees' access to work has not changed much in recent years. They particularly highlighted that formal work is difficult to obtain and noted that refugee women and girls are particularly vulnerable in the types of work they do, which can include housework and prostitution.[84] It will also take time for the rights outlined in the new law to be fully recognized by actors at the local level.

79 Government of Chad, Loi 0027/PR/2020 portant asile en République du Tchad, Article 31, 2020, https://www.refworld.org/pdfid/606334e04.pdf.

80 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

81 Joint Data Center on Forced Displacement, "Chad: Refugees in Chad: The Road Forward," accessed January 20, 2022, https://www.jointdatacenter.org/chad-refugees-in-chad-the-road-forward/.

82 Roger Zetter and Heloise Ruaudel, "Refugees' Right to Work and Access to Labour Markets: Constraints, Challenges and Ways Forward," *Forced Migration Review* 58 (June 2018), https://www.fmreview.org/economies/zetter-ruaudel.

83 UNHCR, "UNHCR Welcomes New Asylum Law in Chad," December 24, 2020, https://www.unhcr.org/en-us/news/press/2020/12/5fe45dc44/news-comment-unhcr-welcomes-new-asylum-law-chad.html.

84 See also Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment, Part II: Country Cases* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-12/KNOMAD%20Study%201-%20Part%20II-%20Refugees%20Right%20to%20Work%20-%20An%20Assessment.pdf.

CHILE 44

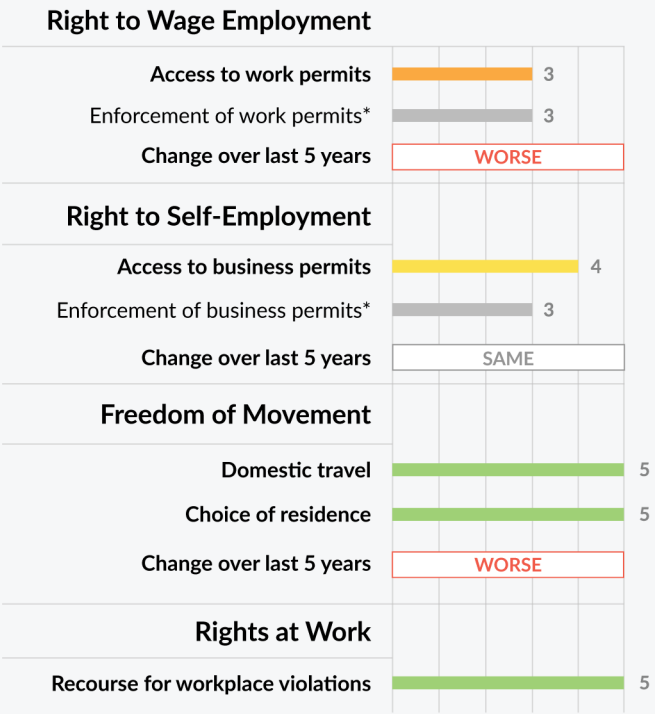
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 17**

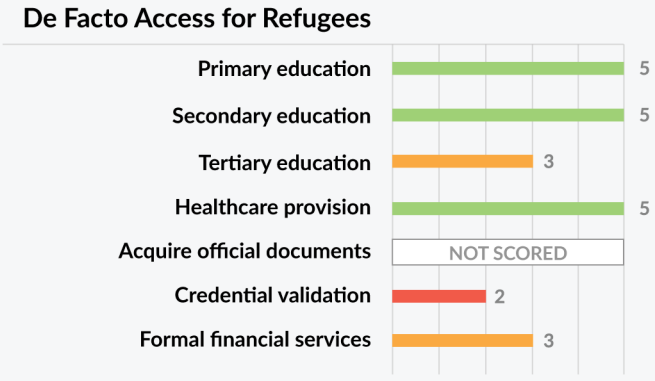
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Chile hosted 2,060 refugees and 6,451 asylum seekers as well as 483,343 Venezuelans displaced abroad in 2021.[85] Aside from Venezuelans displaced abroad, the majority of refugees were from Colombia.

De Jure Summary

Chile is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. The country's regional commitments are outlined in the Cartagena Declaration, the San José Declaration, and the Brazil Declaration and Plan of Action.

The Chilean government implemented Law No. 20.430 on Refugee Protection and its Decree No. 837, incorporating the main international standards on refugee protection, including the 1984 Cartagena regional definition. According to the law, asylum seekers and refugees are entitled to enjoy the rights and freedoms granted to every person by the Chilean Constitution, the country's laws and regulations, and the international human rights instruments to which Chile is a party.[86] Refugees and their families have the right to access work, via either wage-earning employment or self-employment.[87]

In 2021, Chile enacted Law No. 21.325, which places new limits on migrants' access to Chilean territory and increases the government's power to detain or deport refugees. The law also includes specific visa requirements for Venezuelans and Haitians. In 2022, this law is undergoing adjustment related to court decisions and the development of implementing regulations. However, it appears likely that, when it fully enters into force,

85 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

86 Government of Chile, Ley no. 20.430, 2010, Article 13, 2010, https://www.bcn.cl/leychile/navegar?idNorma=1012435.

87 Ibid.

the law will limit access to refugee status.[88]

De Facto Summary

The Chilean government grants all recognized refugees a national identity card that allows them to formally work and start a business.[89] To asylum-seekers, the government of Chile grants a temporary residency which also grants them work authorization.[90] Furthermore, forcibly displaced Venezuelans have access to a special visa that allows them to stay in the country and work for one year, with the possibility of extension.[91]

However, asylum seekers and Venezuelan visa holders face significant barriers that limit their economic inclusion. For instance, the waiting time to obtain the temporary residency permits is often more than six months, which leaves asylum seekers without the possibility to work.[92] As a result, many asylum seekers are pushed to work in the informal sector, where they are subject to exploitation and abuse. Chile seldom grants refugee status and that it is increasingly difficult to apply for asylum or obtain the special visa for Venezuelans.[93]

Displaced Venezuelans in Chile are facing growing obstacles to regularizing their status and work.[94] As the government of Chile has militarized the border and imposed a visa, Venezuelans are pushed to enter through irregular border crossings and constantly face harassment, persecution, and deportation.[95] The lack of regular status limits their ability to join the labor market and is their main obstacle to obtaining a job, as Chilean law dictates harsh punishments for those who hire undocumented migrants.[96] In 2021, the government of Chile started to conduct mass deportations, instilling fear among employers and displaced Venezuelans alike.[97]

Even those with the right to work face obstacles to validating their credentials. The high costs and convoluted process prevent forcibly displaced individuals from obtaining recognition.[98] As a result, many are forced to work in jobs that do not match their qualifications.

88 Cristián Doña-Reveco, "Chile's Retooled Migration Law Offers More Restrictions, Less Welcome," Migration Policy Institute Latin America and the Caribbean Migration Portal, May 2021, https://www.migrationportal.org/insight/chiles-retooled-migration-law-offers-more-restrictions-less-welcome/.

89 ACNUR. "Empleo Remunerado (Refugiados)." Accessed on March 10, 2022: https://acnur.org/fileadmin/Documentos/Proteccion/Buenas_Practicas/9227.pdf.

90 Karina Sarmiento et al. "El derecho al trabajo de las personas solicitantes de asilo y refugiadas en America Latina y el Caribe." Asylum Access. June 2018. https://asylumaccess.org/wp-content/uploads/2019/07/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf.

91 Gobierno de Chile, "Visa de Responsabilidad democrática." Departamento de Extranjería y Migracion, October 20, 2021, https://extranjeriachile.freshdesk.com/es/support/solutions/articles/60000706350-visa-de-responsabilidad-democr%C3%A1tica#:~:text=Descripci%C3%B3n,la%20Visa%20de%20Residencia%20Definitiva.

92 Alejandra Carreno and Baltica Cabieses, "Ser refugiado en Chile: Trayectorias institucionales y experiencias de salud de solicitantes de asilo de protección internacional de origen latinoamericano en Chile." Instituto de Ciencias e Innovacion de Medicina, Universidad del Desarrollo. page 55 (n.d.), https://repositorio.udd.cl/bitstream/handle/11447/3809/Ser%20refugiado%20en%20Chile_Trayectorias%20institucionales%20y%20experiencias%20de%20salud... Carre%C3%B1o%20A%20y%20Cabi%C3%A9ses%20B.pdf?sequence=1&isAllowed=y.

93 Human Rights Watch, "Chile: Rulings Uphold Rights of Deported Venezuelans." July 28, 2021, https://www.hrw.org/news/2021/07/28/chile-rulings-uphold-rights-deported-venezuelans.

94 Silvina Acosta, "A New Migration Law in Chile Threatens Venezuelans Seeking Protection," Center for Migration Studies, August 3, 2021, https://cmsny.org/venezuelans-chile-new-migration-law-acosta-080321/.

95 Martina Cociña-Cholaky and Marcos Andrade-Moreno, "Humanitarian Crisis in Northern Chile: Militarisation and Expulsion of Migrants," *Border Criminologies* (blog), Oxford University Center for Criminology, April 15, 2021, https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/04/humanitarian.

96 Dirección del Trabajo, "What Are the Consequences for the Employer and Worker in the Event That Foreign Workers Are Hired in an Irregular Condition?" October 7, 2021, https://www.dt.gob.cl/portal/1628/w3-article-110785.html.

97 Yurany Arciniegas, "What Is Known about the Largest Deportation Operation in Chile So Far This Year," *France 24*, May 11, 2021, https://www.france24.com/es/am%C3%A9rica-latina/20211105-chile-deportaciones-inmigrantes-pi%C3%B1era.

98 Diego Chaves-González, Jordi Amaral, and María Jesús Mora, *Integración socioeconómica de los migrantes y refugiados venezolanos: Los casos de Brasil, Chile, Colombia, Ecuador y Perú* (New York: International Organization for Migration, 2021), https://www.iom.int/sites/g/files/tmzbdl486/files/press_release/file/mpi-oim_integracion-socioeconomica-venezolanos_2021_final.pdf.

COLOMBIA 44

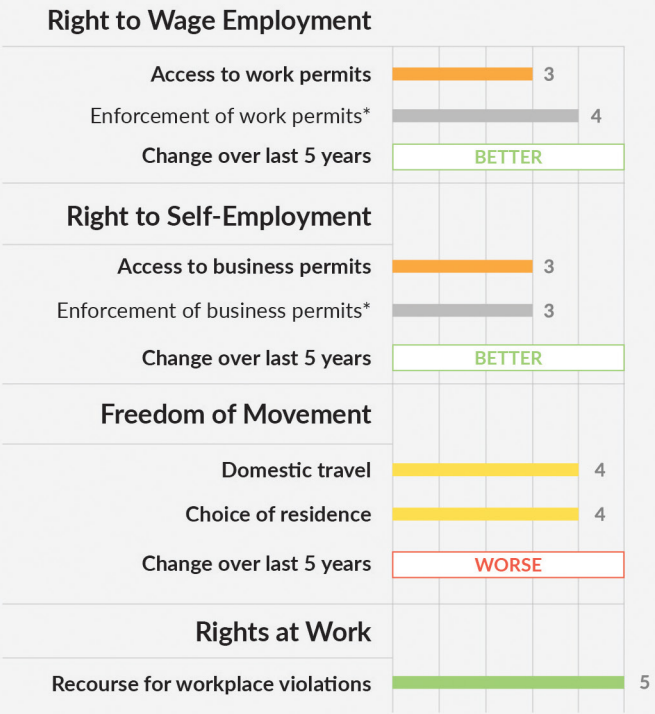
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

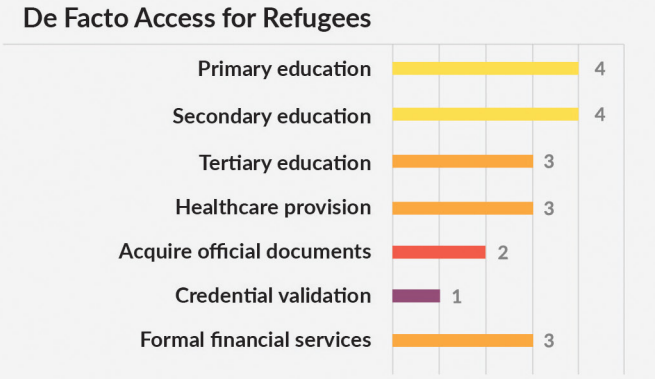
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Colombia hosted 964 refugees and 30,599 asylum seekers as well as 1,742,927 Venezuelans displaced abroad in 2021.[99] The majority refugees and asylum seekers were from Venezuela.

De Jure Summary

Colombia is a party to the 1951 Refugee Convention and its 1967 Protocol, as well as the ICESCR and regional instruments such as the 1984 Cartagena Declaration.[100] Colombia's domestic legislation, specifically Decree 1067 of 2015, incorporates refugees' rights to due process, recognition of refugee status, and access to work.[101]

Resolution 6045 of 2017 specifies that recognized refugees are entitled to a type M migrant visa, which are valid for three years. This visa enables recognized refugees to engage in lawful employment, pursue self-employment, and access education services. After three years expire, renewal is required, and after the fifth year of continuous residence, refugees are eligible to apply for the Resident Visa (type R visa).[102]

99 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

100 United Nations Treaty Collection, "Convention Relating to the Status of Refugees," 1951, accessed April 29, 2022, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en#:~:text=The%20Convention%20was%20adopted%20by,Nations%20on%2014%20December%201950.

101 Government of Colombia, Decreto numero 1067 de 2015, May 26, 2015, https://www.cancilleria.gov.co/sites/default/files/tramites_servicios/pasaportes/archivos/decreto_unico_re_.pdf.

102 Government of Colombia, Resolucion 6045 de 2017, August 2, 2017, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/resolucion_minrelaciones_6045_2017.htm?__cf_chl_jschl_tk__=RX-c4jmETyhjBA5lbl3ArXLB_5oc9PwOYI6V05JK1rSQ-1642999747-0-gaNycGzNC70.

A person seeking refugee status upon entering Colombia may receive a three-month laissez-passer with a pending asylum application. This laissez-passer may be renewed for an additional 3 months. During this time, the person may not legally work, unless they have another migratory status in Colombia that allows it.

In 2021, the Colombian government issued the Temporary Statue of Protection for Venezuelan Migrants which is valid for ten years and enables work authorization.[103] In 2020, Venezuelans were eligible for a Special Permit to Stay to Promote Formalization (PEP-FF) which enabled those to legalize their status if they were without lawful status in the country and held a formal job offer.[104] Prior to this, in 2017, the Colombian government offered Venezuelans a Special Permit to Stay (PEP), which was valid for two years, and also enabled the right to work.[105]

De Facto Summary

Currently, the majority of Venezuelans in Colombia work in the informal sector regardless of their status in the country.[106] Discrimination, lack of documentation, and inability to validate credentials are among the reasons preventing many Venezuelans from obtaining formal jobs.[107] On average, Venezuelans in Colombia earn less than locals and enjoy little job security.[108] Despite the challenges, the government of Colombia has implemented measures to improve the economic integration of Venezuelans. For example, the government has led programs to recognize the skills of Venezuelans, as well as to connect them with decent job opportunities, among other measures.[109]

There are no effective mechanisms available to Venezuelans (or locals) to protect their working conditions in the informal sector.[110] To avoid abuse, many Venezuelans in Colombia resort to self-employment as a livelihood strategy.[111] While the formalization of businesses is dependent on having a regular status in the country, self-employment in informal settings is common and allowed.[112]

To promote formalization, the government instituted a special visa for undocumented Venezuelans who receive a formal job offer. Nevertheless, the lack of understanding of all the types of visas and permits prevents many employers from hiring Venezuelans.[113] Furthermore, it is very difficult for Venezuelans to validate their professional credentials in Colombia, which further affects their ability to obtain formal employment.[114] Ultimately, those who obtain formal jobs have access to greater protections and safeguards in the labor market.

103 Government of Colombia, Decreto numero 216 de 2021, March 1, 2021, https://perma.cc/G6X3-CRKH.

104 Stephanie Lopez Villamil and Helen Dempster. *Why Colombia Granted Full Rights to its 1.7 Million Venezuelans, and What Comes Next*, (Washington, DC: Center for Global Development, 2021), https://www.cgdev.org/blog/why-colombia-granted-full-rights-its-17-million-venezuelans-and-what-comes-next.

105 Government of Colombia, "Documentos Que Permiten Trabajar En Colombia," accessed April 29, 2022. https://www.mintrabajo.gov.co/web/empleosinfronteras/documentos-que-permiten-trabajar-en-colombia.

106 Jimmy Graham, Martha Guerrero Ble, Daphne Panayotatos, and Izza Leghtas, *From Displacement to Development: How Colombia Can Transform Venezuelan Displacement into Shared Growth* (Washington, DC: Center for Global Development, 2020), https://www.cgdev.org/publication/displacement-development-how-colombia-can-transform-venezuelan-displacement-shared.

107 Ibid.

108 Ibid; Dany Bahar, Meagan Dooley, and Cindy Huang. *Integración de los Venezolanos en el Mercado* (Washington, DC: Brookings Institution, 2018), https://www.brookings.edu/wp-content/uploads/2018/12/Venezuelan-Migrants_spanish.pdf.

109 Presidencia de Colombia, *Acoger, Integrar y Crecer: Las Políticas de Colombia Frente a la Migración Proveniente de Venezuela* (Bogotà: Organización Internacional para las Migraciones–Misión Colombia, 1970), https://repository.iom.int/handle/20.500.11788/2315.

110 Maria Viviana Rubio Pabon, *El trabajo informal en Colombia e impacto en America Latina*. Observatorio Laboral Revista Venezolana 7, n. 13 (2014): 23-40. Redalyc, https://www.redalyc.org/articulo.oa?id=219030399002.

111 Mark Feierstein and Kalindi Winfield, *The Experience of Venezuelan Refugees in Colombia and Peru* (New York: Tent Partnership for Refugees, 2019), https://www.tent.org/wp-content/uploads/2019/09/Tent_VenezuelanReport_Eng.pdf.

112 Ibid.

113 Ibid.

114 "Venezolanos Podrán Convalidar Fácilmente el Título de Bachiller en Colombia," *infobae*, August 26, 2021, https://www.infobae.com/america/colombia/2021/08/26/venezolanos-podran-convalidar-facilmente-el-titulo-de-bachiller-en-colombia/.

COSTA RICA 44

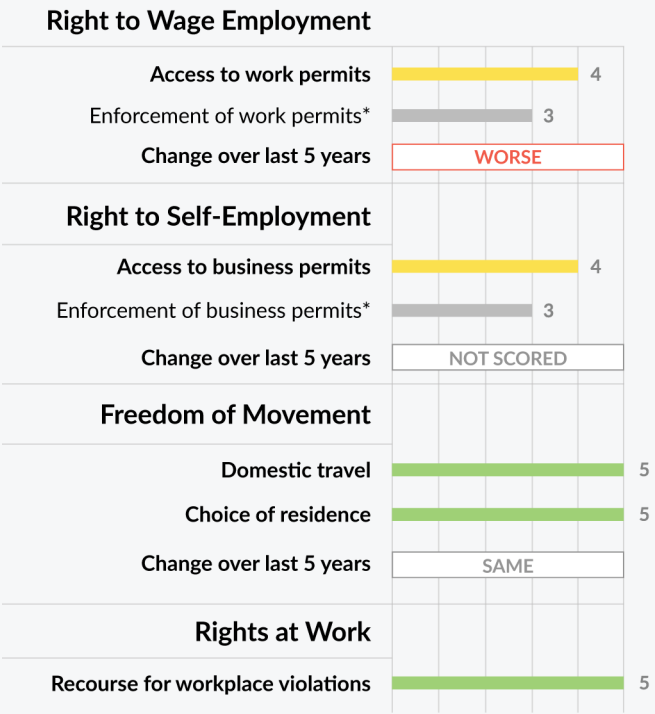
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

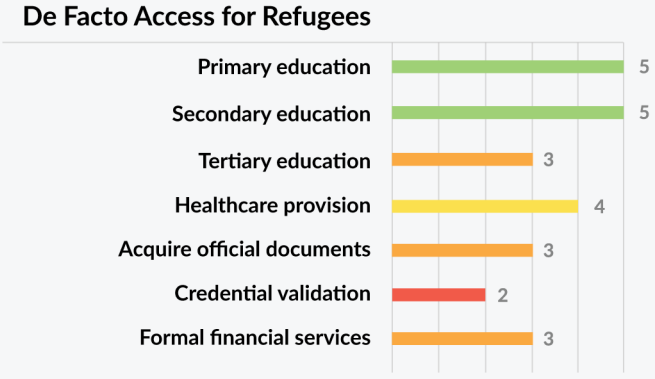
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Costa Rica hosted 9,976 refugees and 95,275 asylum seekers as well as 21,995 Venezuelans displaced abroad in 2021.[115] The majority of refugees and asylum seekers were from Nicaragua.

De Jure Summary

Costa Rica is a party to the 1951 Refugee Convention and its Protocol, and the ICESCR. The country has made regional commitments to refugees through the Cartagena Declaration, the San José Declaration, and the Brazil Declaration and Plan of Action.

Costa Rica's laws grant refugees legal status and the right to work, and enable an appeal process, enshrined in The General Law on Migration No. 8764.[116] Asylum seekers with their applications pending are granted the right to work and access education during this period.[117] Additionally, Costa Rica has an established integration program that helps refugees find jobs, start businesses, and adapt to the culture.[118]

115 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

116 Government of Costa Rica, Ley No. 8764 de 2009: Ley General de Migración y Extranjería, September 1, 2009, https://www.refworld.org/docid/4b0273cb2.html.

117 UNHCR, "Costa Rica Gives Refugees Opportunities to Succeed," September 3, 2017, https://www.unhcr.org/en-us/news/latest/2017/9/59aba6784/costa-rica-gives-refugees-opportunities-succeed.html.

118 Lindsay Fendt, "Costa Rica to Refugees: Come, Stay Awhile," *US News*, January 31, 2017, https://www.usnews.com/news/best-countries/articles/2017-01-31/costa-rica-becomes-an-alternative-for-refugees.

Under Costa Rica's national laws, all those with recognized refugee status are granted the right to work and be self-employed and may apply for work permits. Asylum seekers with pending applications for at least three months are granted the right to work and be self-employed, and may apply for a provisional work permit while the asylum application is being evaluated.[119] This process for obtaining a work permit and renewal is free.

In 2021, Costa Rica implemented the Asylum Seeker Card for Venezuelans, Nicaraguans, and Cubans which offers legal status for two years and the ability to obtain a work permit after three months.[120]

De Facto Summary

Overall, Costa Rica allows for significant labor market access in practice for refugees, although barriers remain.[121] Newly arrived asylum seekers must wait 90 days after submitting a refugee status application before they can request a work permit.[122] Individuals who are granted refugee status in Costa Rica are given a special ID card that allows them access to a variety of employment-related activities, such as opening a bank account.[123] After being granted status, refugees can request a work permit, which is normally granted for a specific job or job field.[124] Denial of work permits is rare.[125] Some businesses have a legal limit on the number or percentage of foreign-born workers that they can hire. However, after a refugee has resided in Costa Rica for three or more years, they automatically become entitled to a work permit and are exempt from any limits on foreign-born employment.[126]

While refugees are legally allowed to be employed by a business or to be self-employed, the strict requirements and large number of documents necessary to receive a business license often prevent refugees from legalizing their establishments. Refugees and asylum seekers are able to search for work opportunities throughout the country, as freedom of movement within Costa Rica is guaranteed.

119 UNHCR, "Costa Rica: Preguntas Frecuentes," accessed May 06, 2022, https://help.unhcr.org/costarica/preguntas-frecuentes.

120 Government of Costa Rica, La Gaceta No. 144, July 28, 2021, https://www.migracion.go.cr/Documentos%20compartidos/Categor%c3%ada%20Migratorias%20%28Extranjer%c3%ada%29/Categor%c3%ada%20Complementaria/Resoluci%c3%b3n%20N%c2%b0%20DJUR-0141-07-2021-JM%20Julio%202021.pdf.

121 Koen Voorend, Juan José Guilarte, Daniel Alvarado, and Tatiana Soto, "The Refugee Response Index: Costa Rica Country Report", July 2021, https://daraint.org/wp-content/uploads/2022/03/RRI-Costa-Rica-Report-web.pdf.

122 Diego Chaves-Gonzalez and Maria Jesus Mora, *The State of Costa Rican Migration and Immigrant Integration Policy*, (Washington, DC: Migration Policy Institute, 2021), https://www.migrationpolicy.org/sites/default/files/publications/mpi-costa-rica-report-2021-english_final.pdf.

123 Immigration and Refugee Board of Canada, "Costa Rica: Rights and Freedoms of Status Refugees in Costa Rica, Particularly Right to Work, Danger of Expulsion, Possibility of Exiting and Returning to Costa Rica and Right to Permanent Residence," March 1, 1991, https://www.refworld.org/docid/3ae6ac587f.html#:~:text=Some%20businesses%20have%20a%20legal,employment%20of%20Costa%20Rican%20nationals.

124 Ibid.

125 Ibid.

126 Ibid.

DEMOCRATIC REP. OF CONGO 43

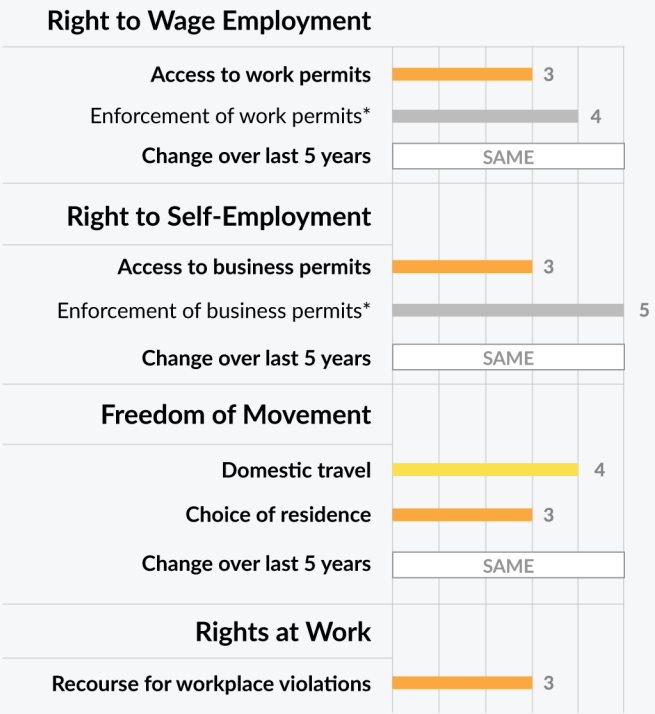
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

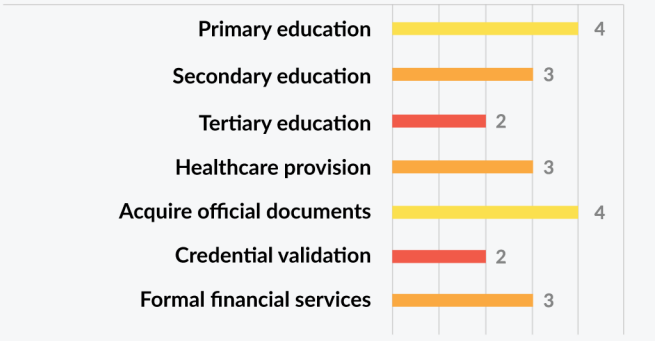
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, the Democratic Republic of Congo (DRC) hosted 519,819 refugees and 16,595 asylum seekers in 2021.[127] The majority of refugees and asylum seekers were from the Central African Republic and Rwanda.

De Jure Summary

DRC is a party to the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, and the 1969 Organization of African Unity regional convention. In 2002, DRC adopted the national Refugee Law consistent with its international obligations, providing refugees the right to work.

Under the country's domestic laws, refugees in DRC enjoy the same treatment as nationals with regard to the exercise of political, social, economic, and cultural rights. Refugees and asylum seekers have access to documentation. Indeed, the government of DRC has biometrically registered all refugees and issued refugee ID cards to all those in camps and urban areas.[128] Pursuant to the Refugee Law and the Foreigner Law, recognized refugees benefit from the right to freedom of movement, although asylum seekers must live in designated areas until they are recognized as refugees, which in practice can take years. Additionally, camp regulations state that refugees living in camps may not leave without permits, although in practice these

127 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

128 UNHCR, *Democratic Republic of Congo Country Refugee Response Plan, January 2019–December 2020* (Geneva: UNHCR, 2019), https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-country-refugee-response-plan-crrp.

regulations are not consistently enforced across the country.[129]

Refugees with a valid work permit are able to access the formal labor market as foreign workers, subject to sector quotas imposed by the National Commission of Hiring Expatriate Workers.[130] In 2019, the government pledged to provide ten-year residence permits for Rwandans whose refugee status was terminated.[131]

De Facto Summary

DRC maintains a range of barriers that prevent refugees from accessing formal work in host communities, camps, and settlements and that contribute to broader rights denials. The country faces immense political, economic, and security challenges in addition to hosting more than half a million refugees from neighboring countries.[132] It has well over 100 armed groups[133] and consistently produces some of the largest numbers of internally displaced persons and refugees in the world.[134]

Survey respondents noted that refugees are able to travel throughout the country but may face some harassment from officials or armed groups in doing so. While refugees have difficulty accessing work permits, respondents emphasized that permits are not needed in many contexts. They also noted that in cities, some refugees are able to receive some support from the government and international organizations. In some parts of the country, refugees can access land to farm like the local population and engage in petty trade. Nonetheless, refugees and the broader population still struggle to access decent work opportunities and other basic rights.[135]

129 USAID, "Democratic Republic of Congo—Complex Emergency," December 10, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/2021_12_10%20USG%20Democratic%20Republic%20of%20the%20Congo%20Complex%20Emergency%20Fact%20Sheet%20%231.pdf.

130 UNHCR, "The Democratic Republic of Congo," June 30, 2020, https://www.unhcr.org/en-us/democratic-republic-of-the-congo.html.

131 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

132 USA for UNHCR, "Democratic Republic of Congo: Refugee Crisis Explained," February 6, 2020, https://www.unrefugees.org/news/democratic-republic-of-the-congo-refugee-crisis-explained/.

133 Council on Foreign Relations, "Instability in the Democratic Republic of Congo," May 12, 2022, https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo.

134 Center for Preventative Action, "Instability in the Democratic Republic of Congo," May 12, 2022. https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo.

135 UNHCR, "Operational Update: Democratic Republic of Congo," November 2021, https://reporting.unhcr.org/document/1223.

DENMARK 34

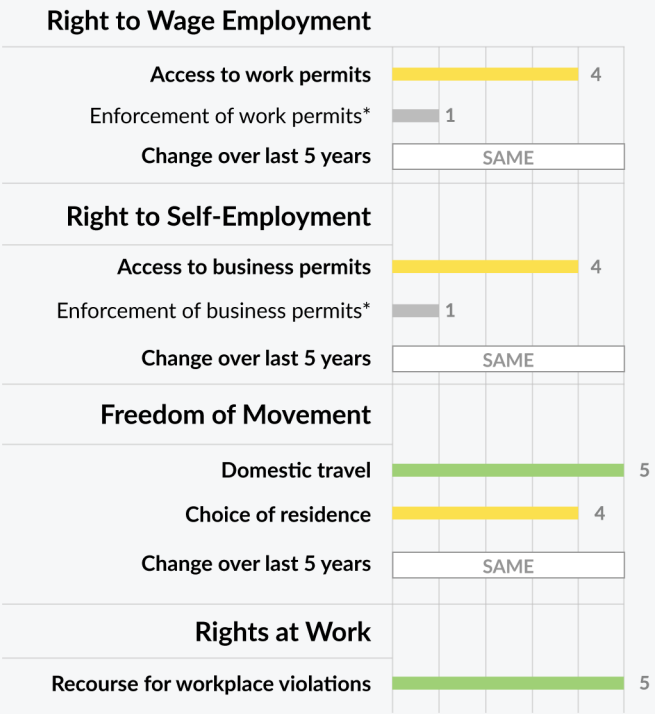
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 17**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

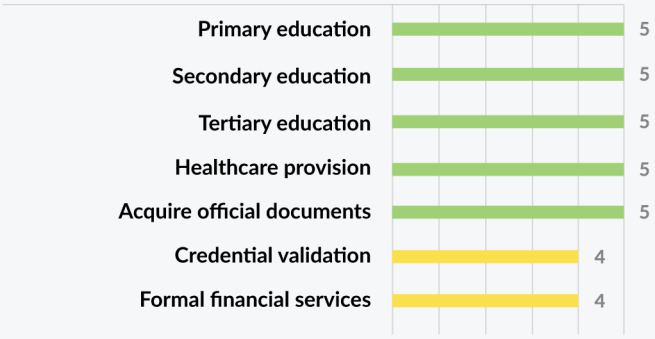
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to article 7**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Denmark hosted 36,431 refugees and 844 asylum seekers in 2021.[136] The majority of refugees and asylum seekers were from Syria.

De Jure Summary

Denmark has one of the stricter legislative regimes in Europe vis-à-vis refugees. Denmark is a party to the 1951 Refugee Convention and its 1967 Protocol, as well as the ICESCR, but maintains a reservation so that refugees are not entitled the same privileges of wage-earning employment as nationals of Finland, Iceland, Norway, and Sweden. Denmark has opted out of the EU *acquis* on asylum and thus is not bound by its principles.[137]

Asylum seekers are required to reside in asylum centers throughout the duration of their refugee status determination process. They cannot work or study during this process, but they do receive accommodations and a small living allowance.[138] They must wait at least six months after applying for asylum before applying for permission to work, and they then can work only after meeting certain

136 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

137 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 38th Session: Denmark," October 2020, https://www.refworld.org/type,COUNTRYREP,,DNK,6075f7e94,0.html.

138 Zachary Whyte, Birgitte Romme Larsen, and Mona Schaldemose, "The Role of Rural Grocery Stores in Refugee Reception," *Forced Migration Review* 58 (June 2018), https://www.fmreview.org/economies/whyte-larsen-schaldemose. https://www.nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/US/Housing/Conditions_for_occupation_of_an_asylum_seeker.

conditions.[139] Refugees granted protection have access to an integration program with Danish language courses and accommodation.[140]

In the last few years, Denmark has adopted a "no new asylum seekers" policy. This is evidenced by the fact that from 2016 to 2019, Denmark did not accept any new refugees.[141] In a Parliament vote in June 2021, the Danish government approved the establishment of offshore reception centers outside Danish borders, forcing asylum seekers to apply for asylum abroad. If their claim is rejected, they would be forced to leave; if successful, they would be flown to Denmark.[142] Although this program is not yet fully implemented, it effectively bars any new refugees from seeking legal status and work rights in Denmark.

De Facto Summary

Asylum seekers must meet several conditions to apply to the Danish Immigration Service for permission to work. Because this permission is only temporary, many employers are wary of hiring them. The government encourages companies to hire recognized refugees by providing job training and wage subsidies for the first few months. It has also initiated and improved an integration education package called IGU (integrationsuddannelsen) to increase labor force participation.[143]

Language lessons are provided for only a short period and do not enable refugees to achieve the language proficiency needed in most workplaces. The Danish state also appears to penalize people with insufficient language skills, for example, by withholding benefits unless migrants learn enough of the language.[144] For these reasons, long-term integration is poor. A study of 43,000 refugees conducted in 2019 found that only 40 percent of men and 25 percent of women were "self-sufficient" eight years after entry, compared with 75 percent of Danes.[145]

Recently, Danish refugee policy has begun to harden. In 2021, Denmark declared certain parts of Syria to be safe and revoked the residence permits of more than 1,200 Syrians who had come from those areas. These people could either return voluntarily, with a payout from the Danish state, or face lifelong detention in a "departure" center. Many are now appealing their cases in the courts.[146]

139 Danish Immigration Service, "Conditions Asylum Seekers Must Meet in Order to Work," last updated August 28, 2020, https://www.nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/US/Housing/Conditions_for_occupation_of_an_asylum_seeker.

140 Marie Preisler, "Denmark's Stricter Requirements Cut Refugee Employment Rates," *Nordic Labour Journal*, September 8, 2021, http://www.nordiclabourjournal.org/nyheter/news-2021/article.2021-08-31.9660731160.

141 Erin Gallagher, "The Danish Aliens Act and Denmark's Regressive Attitude towards Asylum Seekers," *Human Rights Pulse*, September 15, 2021, https://www.humanrightspulse.com/mastercontentblog/the-danish-aliens-act-and-denmarks-regressive-attitude-towards-asylum-seekers.

142 "Denmark Approves Plan to Locate Asylum Center Abroad," *DW*, June 3, 2021, https://www.dw.com/en/denmark-approves-plan-to-locate-asylum-center-abroad/a-57768603.

143 Uddannelses-og Forskingsministeriet, "Integrationsuddannelsen (IGU)," last updated April 20, 2022, https://ufm.dk/uddannelse/videregaende-uddannelse/personaleforhold-pa-de-videregaende-uddannelses-institutioner/ansaettelse/ansaettelsesformer/integrationsuddannelsen-igu.

144 See "Refugees with Jobs Miss Danish Lessons: Language Schools," *The Local*, December 3, 2018, https://www.thelocal.dk/20181203/refugees-finding-work-missing-danish-lessons-language-schools/; Nicole Doerr, "Migration and Civil Dialogue in Denmark: Is Speaking Danish a Precondition for Integration?" *Discover Society*, June 5, 2019, https://archive.discoversociety.org/2019/06/05/migration-and-civic-dialogue-in-denmark-is-speaking-danish-a-precondition-for-integration/; Laura Mowat, "Denmark Warns Migrants MUST Learn the Language or They Will NOT Receive Benefits," *The Express*, January 24, 2017, https://www.express.co.uk/news/world/758445/Denmark-migrants-learn-danish-language-not-receive-benefits.

145 Deloitte, *Analyse af flygtninges fastholdelse i beskæftigelse* (Copenhagen: Deloitte, 2019), https://integrationsbarometer.dk/tal-og-analyser/filer-tal-og-analyser/filer-yderligere-analyser/DeloitteAnalyseafflygtninges-fastholdelseibeskftigelse.pdf.

146 Adrienne Murray, "Denmark Asylum: The Syrian Refugees No Longer Welcome to Stay," *BBC,* May 19, 2021, https://www.bbc.co.uk/news/world-europe-57156835.

ECUADOR 53

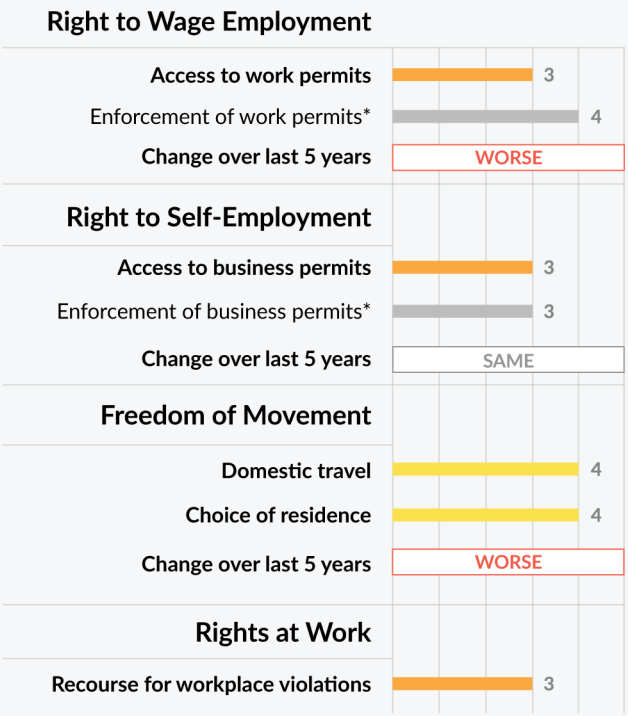
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

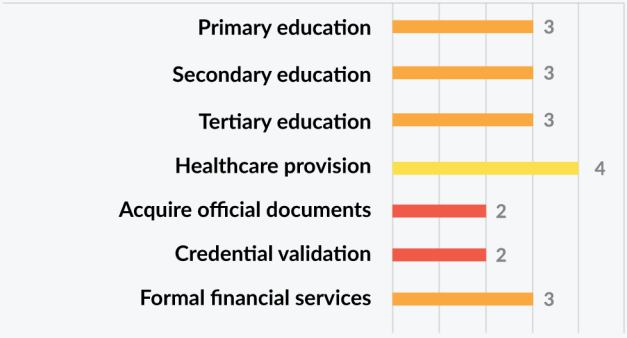
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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Facts

According to UNHCR, Ecuador hosted 55,424 refugees and 6,565 asylum seekers as well as 446,679 Venezuelans displaced abroad in 2021.[147] Aside from Venezuelans displaced abroad, the most common country of origin for refugees was Colombia.

De Jure Summary

Ecuador is a party to the main international instruments concerning refugees, such as the 1951 Refugee Convention and its 1967 Protocol, and the ICESCR, as well as regional instruments such as the 1984 Cartagena Declaration.[148]

Since 2008, Ecuador's constitution has guaranteed foreigners residing in the country the same rights as Ecuadorian nationals without discrimination of any kind.[149] This guarantee extends to the right to work.

Once a person has applied for refugee status, Ecuador grants a 90-day humanitarian visa (renewable for an additional 30 days) that allows the individual to stay and work in the country.[150] Once recognized as a refugee in Ecuador, the individual receives a temporary resident visa, valid for two years, after

147 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

148 United Nations Treaty Collection, "Convention Relating to the Status of Refugees," 1951, accessed April 29, 2022, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en#:~:text=The%20Convention%20was%20adopted%20by,Nations%20on%2014%20December%201950.

149 Constitucion de la Republica del Ecuador 2008, last modified July 13, 2011, https://www.oas.org/juridico/PDFs/mesicic4_ecu_const.pdf.

150 Ministerio de Relaciones Exteriores y Movilidad Humana, "Política de Movilidad Humana," accessed April 29, 2022, https://www.cancilleria.gob.ec/.

which they may apply for a permanent resident visa.[151] In both cases, the right to work is guaranteed.

While Ecuador has a strong legal foundation protecting the rights for refugees, the government implemented a temporary visa from 2019-2020 for Venezuelans which required them to obtain the humanitarian visa prior to entering the country, limiting access to legal status and work authorization.[152] The process required a valid passport, which many do not have, and has high costs.[153] The visa program was stopped in 2020 and a plan to regularize roughly half of the Venezuelans in Ecuador, offering legal status and the right to work, was announced in 2021.[154]

De Facto Summary

Despite the promising de jure framework in place for refugees in Ecuador, the de facto reality does not fulfill expectations. According to multiple survey respondents, employers generally do not know that the humanitarian or refugee statuses grant the right to work; if a refugee does not have a Temporary or Permanent visa, only a humanitarian visa, they often cannot find formal work. Access to obtaining regular status persists as a primary barrier to the labor market.[155]

The majority (88 percent) of foreigners in Ecuador work in the informal sector despite having the same legal right to work as Ecuadorian citizens.[156] The Center for International Relations of the Institute of Higher National Studies found that in Quito, local integration is a constant challenge for refugees, and refugee workers have reported labor exploitation, abuse of power, discrimination, and even the need to provide sexual favors to obtain employment.[157] However, a survey respondent highlighted the case study of Lago Agrio, a region on the border with Colombia, that identifies as a city of refuge and whose population consists of over 25 percent refugees.[158]

Further, an Ecuadoran ID card is needed to open a formal bank account, which impedes financial integration for people who have been displaced. Banks and economic cooperatives do not see refugees as clients of interest and thus are not proactive in their outreach toward those populations.

151 Government of Ecuador, Ley Orgánica de Movilidad Humana, 2017, https://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf.

152 Refugees International, "Visa Imposed by Ecuador on Venezuelan Migrants and Refugees Goes Against International Human Rights Obligations," August 27, 2019, https://www.refugeesinternational.org/reports/2019/8/27/visa-imposed-by-ecuador-on-venezuelan-migrants-and-refugees-goes-against-international-human-rights-obligations.

153 ACAPS, "*Ecuador: Entry Requirements and Legal Status," January 06, 2021,* https://www.acaps.org/country/ecuador/crisis/venezuelan-refugees.

154 UNHCR, "For Displaced Venezuelans, regularization is the key to building productive lives," June 23, 2021, https://www.unhcr.org/en-us/news/stories/2021/6/60d2ed814/displaced-venezuelans-regularization-key-building-productive-lives.html.

155 Refugees International, "A Fragile Welcome: Ecuador's Response to the Influx of Venezuelan Refugees and Migrants," June 17, 2019, https://www.refugeesinternational.org/reports/2019/6/17/a-fragile-welcome.

156 Diana Herrera, "Refugees and Migrants in Ecuador Face Rising Risks among Decreased Protections," *OpenGlobalRights*, August 13, 2020, https://www.openglobalrights.org/refugees-and-migrants-in-ecuador-face-rising-risks-among-decreased-protections/.

157 Daniela Célleri, *Situación laboral y aporte económico de inmigrantes en el norte de Quito-Ecuador* (Bonn: Friedrich-Ebert-Stiftung, 2019), https://library.fes.de/pdf-files/bueros/quito/15204.pdf.

158 R4V, "Ecuador – GTRM Lago Agrio: Informe Operacional Octubre – Diciembre 2021," January 28, 2022, https://www.r4v.info/es/document/ecuador-gtrm-lago-agrio-informe-operacional-octubre-diciembre-2021.

EGYPT 43

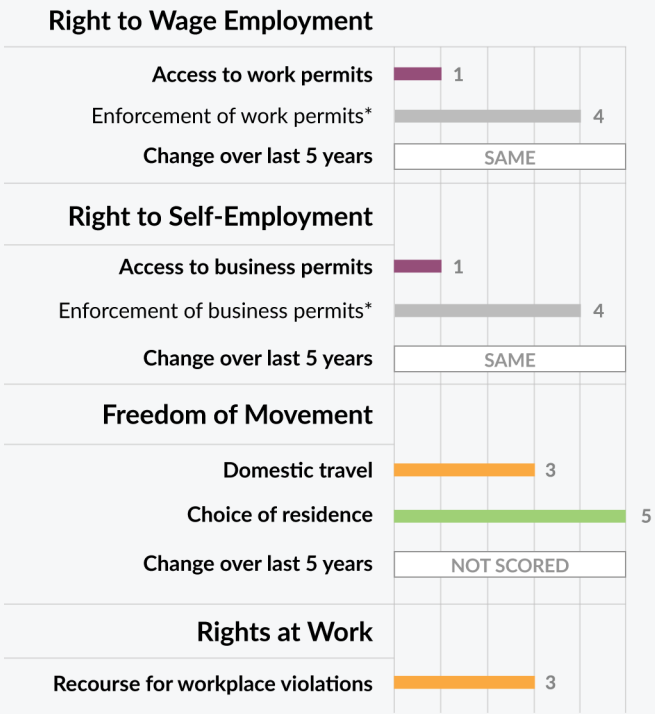
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 24**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

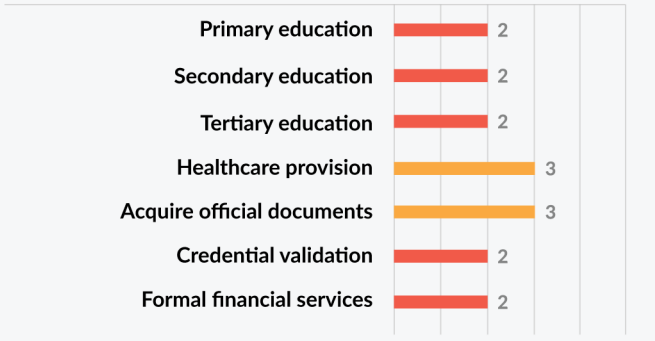
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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Facts

According to UNHCR, Egypt hosted 277,665 refugees and 57,320 asylum seekers in 2021.[159] The majority of refugees and asylum seekers were from Syria, Palestine, and Sudan.

De Jure Summary

Egypt is a party to the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, the Organization of African Unity regional convention, and the Arab Convention on Regulating Status of Refugees in the Arab Countries.[160]

Article 91 of the 2014 Egyptian Constitution gives asylum seekers the right to seek asylum and prohibits the extradition of political refugees. However, despite the large number of refugees in the country, Egypt has yet to develop a clear set of national procedures to regulate the arrival of refugees. Refugee responsibilities and asylum applications are handled by UNHCR, which translates to inconsistencies in accessing documentation and obtaining formal employment.

Refugees in Egypt are legally viewed as foreigners under the 1982 Ministerial Resolution (Article 11)[161] and are required to obtain a foreigner's work permit, which is costly and requires renewal. Addi-

159 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

160 League of Arab States, Arab Convention on Regulating Status of Refugees in the Arab Countries, 1994, https://www.refworld.org/docid/4dd5123f2.html.

161 Government of Egypt, Decree (No. 25 for 1982) Concerning the Issuance of Work Permits for Foreigners, 1982, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=56976&p_country=EGY&p_count=549.

tional regulations include employer proof that no Egyptian national can perform the intended work prior to hiring a foreigner, and that there may only be a maximum of 10 percent foreign labor employed.[162] Refugees have the right to establish or join a trade union organization in Egypt.

De Facto Summary

Most refugees and asylum seekers do not have legal residency in Egypt, and few—only nine percent in a recent study—have a valid passport.[163] Even when refugees are able to obtain a work permit, the restrictions placed on Egyptian employers when hiring non-nationals means it is difficult for refugees to access the formal labor market at all. In addition, some, such as Palestinians, are legally barred from formal employment.[164]

Refugees are legally able to register businesses, but the process is lengthy, complex, and requires a security clearance. Many therefore go through an Egyptian partner which can lead to exploitative practices in the long run. As a result of these restrictions, most refugees are forced to work in the informal sector. Women often become domestic workers, while men become drivers, gardeners, and manual laborers.[165] Men are more likely to be economically active, as are those with higher levels of education.[166]

Refugees are largely able to access the healthcare system though often find it difficult to financially cover the medical premium. Barriers to education are more substantial. Access to public education in Egypt is nationality-based, which means some refugees (largely Africans) are barred from the public system.[167] Most refugees also encounter low quality provision, high private education costs, and language barriers.

162 Ibid.

163 Marina Andrade, Lucas Sato, and Maya Hammad, *Improving Social Protection for Migrants, Refugees and Asylum Seekers in Egypt: An Overview of International Protection* (BrasÍlia and Cairo: International Policy Centre for Inclusive Growth and UNICEF, 2021), https://www.unicef.org/egypt/media/6881/file/Improving%20social%20protection%20for%20migrants,%20refugees%20and%20asylum%20seekers%20in%20Egypt%20%7C%20Full%20report.pdf.

164 International Labor Organization, *Refugees and the Egyptian Labour Market: An Analysis of the Potential Role of Employers' Organizations* (Cairo: International Labor Organization, 2021), https://www.ilo.org/global/programmes-and-projects/prospects/countries/egypt/WCMS_824111/lang--en/index.htm.

165 Neemat Sharafeldin, *Refugees in Egypt: practices and prospective law* (Cairo: The American University in Cairo, 2020). https://fount.aucegypt.edu/cgi/viewcontent.cgi?article=2488&context=etds.

166 Marina Andrade, Lucas Sato, and Maya Hammad, *Improving Social Protection for Migrants, Refugees and Asylum Seekers in Egypt: An Overview of International Protection* (BrasÍlia and Cairo: International Policy Centre for Inclusive Growth and UNICEF, 2021), https://www.unicef.org/egypt/media/6881/file/Improving%20social%20protection%20for%20migrants,%20refugees%20and%20sylum%20seekers%20in%20Egypt%20%7C%20Full%20report.pdf.

167 Neemat Sharafeldin, *Refugees in Egypt: practices and prospective law* (Cairo: The American University in Cairo, 2020). https://fount.aucegypt.edu/cgi/viewcontent.cgi?article=2488&context=etds.

ETHIOPIA 42

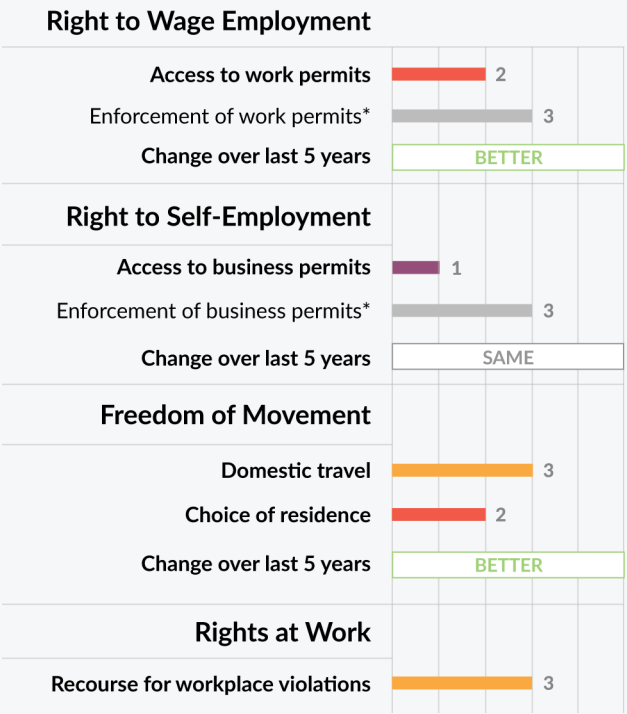
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 17**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

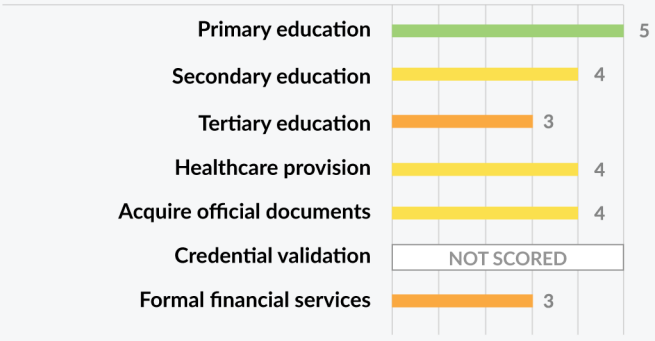
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Ethiopia hosted 782,896 refugees and 2,110 asylum seekers in 2021.[168] The majority of refugees and asylum seekers originated from South Sudan and Somalia.

De Jure Summary

Ethiopia is a party to the 1951 Refugee Convention and its Protocol, the ICESCR, and the Organization of African Unity regional convention.[169] Under the Refugee Proclamation 1110 of 2019, Ethiopia guarantees free movement and the right to work to refugees and establishes procedures for refugee status determination.[170]

Policy directives both elucidate and limit the rights set forth in the 2019 Refugee Proclamation.[171] Under the Right to Work Directive,[172] refugees can access employment via two channels. The first is through wage-earning employment on projects funded by the international community, which grants refugees labor market access on equal terms with Ethiopian nationals and is accompanied by a five-year residency permit. The second is

168 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

169 Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), September 10, 1969, 1001 U.N.T.S. 45, https://www.refworld.org/docid/3ae6b36018.html.

170 Government of Ethiopia, Proclamation No. 1110/2019, February 27, 2019, https://www.refworld.org/docid/44e04ed14.html.

171 Asylum Access, *Improving Refugees' Labor Market Access and Work Rights in Ethiopia: Gaps and Opportunities: Landscape Analysis,* 2021.

172 Federal Democratic Republic of Ethiopia, *Directive to Determine the Procedure for Refugees' Right to Work. Directive No. 02/2019,* December 30, 2019, https://www.refworld.org/pdfid/60a503084.pdf.

wage-earning or self-employment in the private or public sector on par with other foreign workers, no Ethiopian nationals are available to fill them.[173]

The Free Movement and Choice of Residency Directive[174] allows refugees to move outside of the camps for work. A limited number of refugees are offered Out of Camp permits to live outside camps in approved locations, and in 2019, the government had administered over 35,000.[175] Refugees who wish to seek a job may obtain a permit for temporary free movement.[176] In most cases a refugee may only access the right to long-term free movement if they can prove that they already have a sponsor, a job, or the financial means to support themselves.[177]

De Facto Summary

Ethiopia maintains a number of barriers that block refugee access to the labor market in practice. While some refugees are in urban centers such as Addis Ababa, most are in government-managed camps. Survey respondents indicated that refugees are regularly harassed or even arrested when traveling. Despite some initiatives to increase access to the labor market and variance across country of origin, most refugees still struggle to move freely and obtain official work documentation.

A number of NGOs financing institutions such as the World Bank, have invested in various programs to improve refugee economic inclusion.[178] For the most part, however, refugees in Ethiopia still struggle to access the formal labor market and earn livelihoods. The conflict over the last year, which has been most intense in the Tigray and Amhara regions, has only exacerbated these challenges.[179]

173 Federal Democratic Republic of Ethiopia, *Directive to Determine the Procedure for Refugees' Right to Work. Directive No. 02/2019,* December 30, 2019, https://www.refworld.org/pdfid/60a503084.pdf; World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

174 Federal Democratic Republic of Ethiopia, The Directive on Movement and Residence of Refugees Outside of Camps. Directive No. 01/2019, December 30, 2019, https://www.refworld.org/docid/609f1b924.html.

175 Jimmy Graham and Sarah Miller, *From Displacement to Development: How Ethiopia Can Create Shared Growth by Facilitating Economic Inclusion for Refugees* (Washington, DC: Center for Global Development and Refugees International, 2021), https://www.refugeesinternational.org/reports/2021/6/9/from-displacement-to-development-how-ethiopia-can-create-shared-growth-by-facilitating-economic-inclusion-for-refugees.

176 Asylum Access, *Improving Refugees' Labor Market Access and Work Rights in Ethiopia: Gaps and Opportunities: Landscape Analysis,* 2021.

177 Federal Democratic Republic of Ethiopia, *The Directive on Movement and Residence of Refugees Outside of Camps. Directive No. 01/2019,* December 30, 2019, https://www.refworld.org/docid/609f1b924.html.

178 Freddie Carver, *Refugees and host communities in Ethiopia: 2018-2019,* August 2020, https://odi.org/en/publications/refugee-and-host-communities-in-ethiopia-20182019/.

179 Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-12/KNOMAD%20Study%201-%20Part%20II-%20Refugees%20Right%20to%20Work%20-%20An%20Assessment.pdf; Germachu Adugna, "Once Primarily an Origin for Refugees, Ethiopia Experiences Evolving Migration Patterns," Migration Policy Institute, October 5, 2021, https://www.migrationpolicy.org/article/ethiopia-origin-refugees-evolving-migration; Jimmy Graham and Sarah Miller, *From Displacement to Development: How Ethiopia Can Create Shared Growth by Facilitating Economic Inclusion for Refugees* (Washington, DC: Center for Global Development and Refugees International, 2021), https://www.refugeesinternational.org/reports/2021/6/9/from-displacement-to-development-how-ethiopia-can-create-shared-growth-by-facilitating-economic-inclusion-for-refugees; Jennifer Gordon, *Refugees and Decent Work: Lessons Learned from Recent Refugee Jobs Compacts* (Geneva: International Labor Organization, 2019), https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_732602.pdf.

FRANCE 44

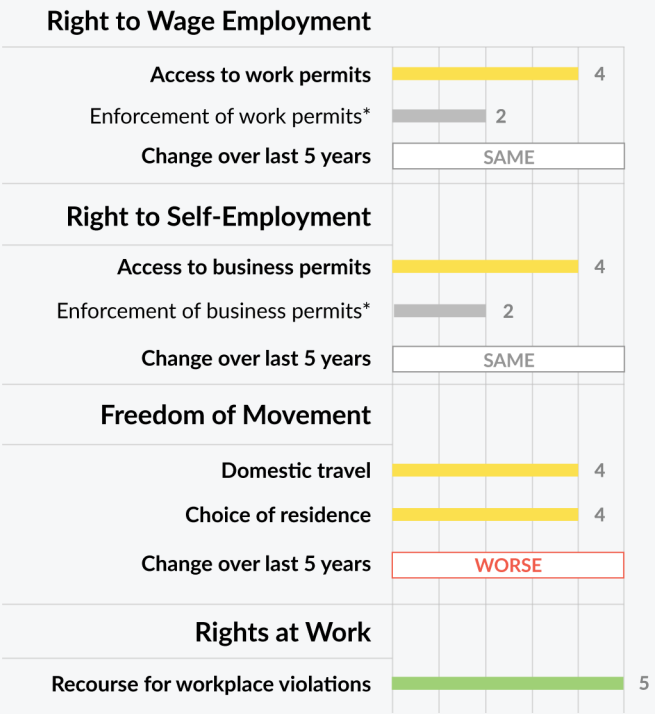
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 17**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

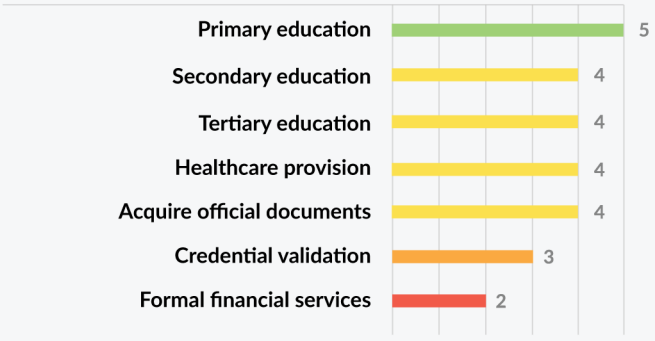
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, France hosted 457,153 refugees and 82,032 asylum seekers in 2021.[180] The most common countries of origin for people who were displaced were Afghanistan, Syria, Sri Lanka, Russia, and the Democratic Republic of Congo.[181]

De Jure Summary

France is a party to the 1951 Refugee Convention and its 1967 Protocol as well as the ICESCR. These international obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to work on par with nationals. France also has passed national legislation setting forth the rights of refugees, centrally its Code of Entry and Residence of Foreigners and Right of Asylum.[182]

Refugees and those with subsidiary protection are afforded the right to work and freedom of movement once their status has been recognized by the government. For those with pending asylum applications, formal employment is allowable only after the application has been in process for six months. Refugees able to access formal employment must have initially obtained a temporary work permit prior to filing for a work permit, and they must produce a contract of employment for this work permit.[183] Work permits are valid only for the duration

180 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

181 UNHCR, "France," access June 14, 2022. https://www.unhcr.org/en-us/france.html.

182 Laurent, Delbos and Claire Tripier, *Country Report: France* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-FR_2020update.pdf.

183 Ibid.

of the employment contract.[184] Prefectures have considerable authority in approving work permits to ensure that professions are adequately regulated, resulting in diversity in permit approvals across the country.[185]

Refugees also need a work permit to access vocational training.[186] Asylum seekers' freedom of movement is restricted to the region of their assigned reception area, where they receive food, housing, and clothing; these benefits can be lost when they leave.[187]

De Facto Summary

Refugees and asylum seekers are generally supported with employment services and corresponding social support, such as language classes and vocational training. However, the qualification recognition system is "poorly efficient," according to one survey respondent, which makes work in most occupations on the "shortage occupation" list more difficult to obtain. According to a study published by the French Institute of International Relations (IFRI), a majority of refugees work in jobs that are a "professional downgrade."[188] Work permit issuance is also dependent on these lists, and, in practice, it is very difficult for people who have been displaced to obtain a work permit in a timely manner that supports their livelihood. Many therefore accept jobs that are below their skill level and require fewer prerequisites.

The government does fund NGO programs that support refugee self-employment, such as those developed by Singa,[189] and there are many private initiatives doing the same. In practice, however, asylum seekers generally do not have efficient access to self-employment due to bureaucratic barriers regarding documentation and loans.

Additional services that support livelihoods, such as financial or healthcare services, are also different for those who have been displaced as compared to French citizens. After the first three months following their arrival, asylum seekers' health coverage is restricted to emergency care, whereas the care offered to citizens covers a wider array of services. Financial services can also be more difficult for refugees to access, though the government has published a tool kit to help banks engage better on this subject.

184 Gisti, "Demander l'asile en France: Le droit au travail," accessed April 29, 2022, https://www.gisti.org/spip.php?article5157.

185 Laurent Delbos and Claire Tripier, *Country Report: France* (Brussels, European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-FR_2020update.pdf.

186 Ibid.

187 Ibid.

188 Sophie Bilong and Frédéric Salin, *L'emploi des personnes réfugiées: des trajectoires professionnelles aux politiques de recrutement des entreprises* (Paris: Institut Français des Relations Internationales, 2022), https://www.ifri.org/fr/publications/etudes-de-lifri/lemploi-refugiees-trajectoires-professionnelles-aux-politiques-de.

189 For more information on SINGA France, see the organization's website, https://singafrance.com/.

GERMANY 44

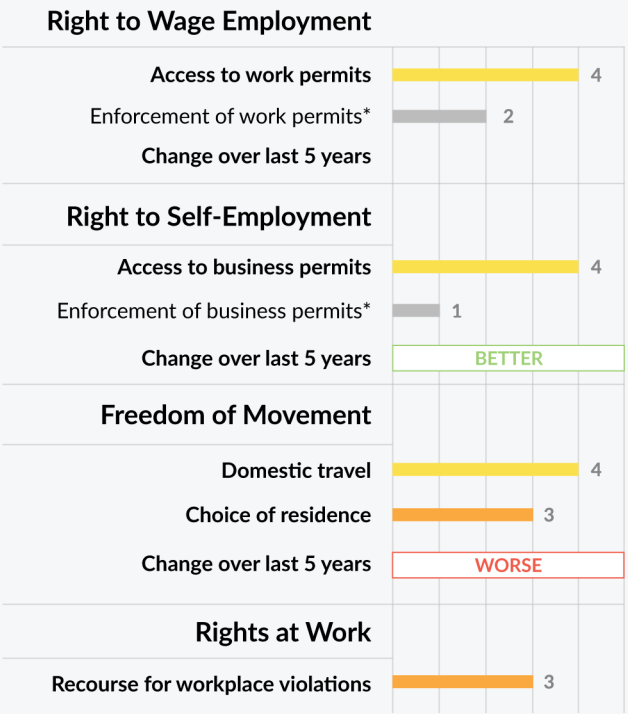
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

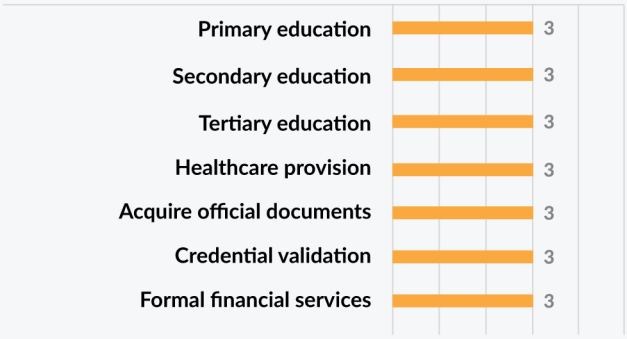
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Germany hosted 1,235,160 refugees and 232,481 asylum seekers in 2021.[190] The majority of refugees and asylum seekers originated from Syria, Afghanistan, and Iraq.

De Jure Summary

Germany is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. These international obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to work on par with nationals. Germany also has broad national legislation setting forth the rights of refugees.

Refugees are guaranteed the right to work and be self-employed under the four forms of protection offered: asylum, refugee protection, subsidiary protection, and deportation ban.[191] These forms of protection are codified in the Asylum Act, Basic Law, and Residence Act. In addition, the Labor Agency provides support for training programs and for fees required for qualifications recognition.[192] Germany provides the same social benefits to refugees that German citizens receive. Therefore, refugees are entitled to unemployment benefits.

190 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

191 Federal Office for Migration and Refugees, "The Stages of the German Asylum Procedure," accessed April 29, 2022, https://www.bamf.de/SharedDocs/Anlagen/EN/AsylFluechtlingsschutz/Asylverfahren/das-deutsche-asylverfahren.pdf?__blob=publicationFile&v=12.

192 Michael Kalkmann and Daniel Kamiab Hesari, *Country Report: Germany* (Brussels: European Council on Refugees and Exiles, 2019), https://www.asylumineurope.org/wp-content/uploads/2020/07/report-download_aida_de_2019update.pdf.

Since 2016, refugees with protection have been required to reside for three years in the state or town where their asylum procedure was conducted, which limits freedom of movement and work opportunities.

Asylum seekers are obligated to stay in reception centers during their initial asylum proceedings. They are not allowed to work for the first nine months of their stay in the centers. After they are released from the center and after three months have passed, they are permitted to work.[193] Work is restricted during this period: a permit must be obtained for a specific job, and self-employment is not allowed. Once recognition of refugee status has been granted, refugees are afforded the same rights to the labor market as German citizens.

De Facto Summary

The German government manages specific programs that promote formal employment of people with refugee status, such as the PROFI Program, which seeks to increase the likelihood that academically qualified refugees in Germany will gain employment that matches their level of education.[194] Vocational training is often provided by private enterprises, as well.

However, asylum seekers are restricted in certain respects. They generally cannot open their own businesses, as work permits are valid for employed work but not self-employment, and asylum seekers can face discrimination based on nationality or language in certain federal states according to a survey respondent.

In practice, recognized refugees are entitled to the same employment benefits as German citizens. Asylum seekers and various other groups are generally only granted reduced benefits called "asylum seekers' benefits." Further, a gray area exists for persons whose applications have been rejected and in cases in which Germany does not accept responsibility for the asylum process (usually because another European country is supposed to be responsible for carrying out the procedure). This leaves the person's legal status, and resulting labor market access and resources, in limbo.

193 Asylum Act in the version promulgated on September 2, 2008 (*Federal Law Gazette I*, p. 1798), last amended by Article 2 of the Act of March 11, 2016 (*Federal Law Gazette I*, p. 394).

194 Deutscher Akademischer Austauschdienst, "'PROFI' Programme—Promoting Professional Integration of Academics with a Refugee Background in the German Labour Market," accessed January 20, 2022, https://www.daad.de/en/information-services-for-higher-education-institutions/further-information-on-daad-programmes/profi/.

GREECE 33

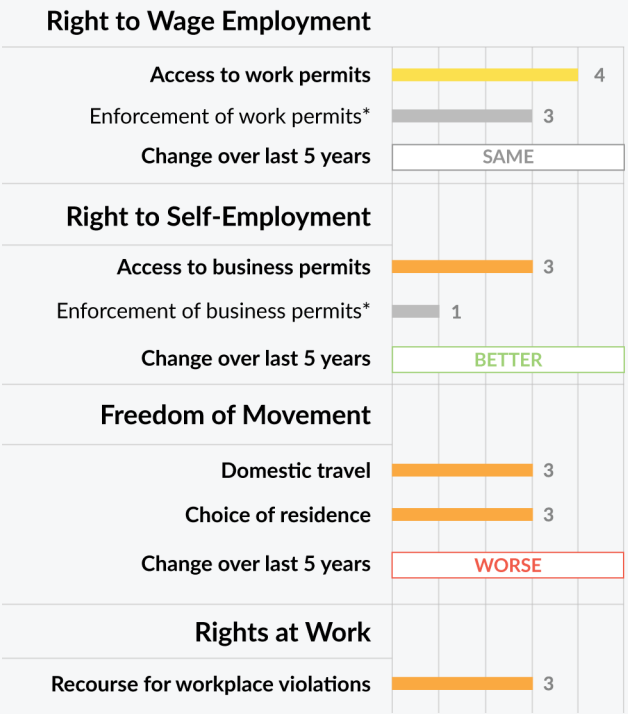
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 26**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

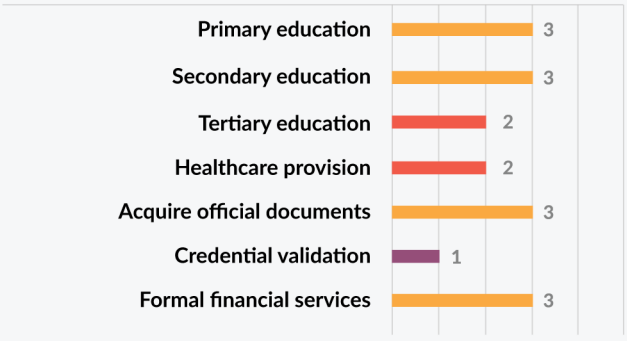
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Greece hosted 112,022 refugees and 49,397 asylum seekers in 2021.[195] The most common countries of origin for refugees and asylum seekers were Syria, Afghanistan, and Iraq.

De Jure Summary

Although Greece is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR, the country's national policies and practices do not fully align with its international commitments.

Asylum seekers with valid international protection cards are able to lawfully work after six months, with restrictions on self-employment.[196] Recognized refugees are able to lawfully work with a valid residency permit; no work permit is required.[197] The law provides access to vocational training programs for asylum applicants and refugees; in practice, however, the documentation needed to participate in such programs is often hard to produce.[198] Greece, however, has repeatedly suspended the asylum registration process since 2016, preventing refugees from accessing lawful protection. Furthermore, an EU-Turkey deal implemented in March 2016 required that all unregistered refugee arrivals

195 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

196 International Protection Act, Article 53(1); International Protection Act, Article 71 L 4375/2016, as amended by Article 116(10).

197 UNHCR, "Access to Employment," accessed April 29, 2022, https://help.unhcr.org/greece/living-in-greece/access-to-employment/.

198 Maria-Louiza Karagiannopoulou, Alkistis Agrafioti, Agapi Chouzouraki, Aikaterini Drakopoulou, Athanasia Georgiou, Eleni Kagiou, Zikos Koletsis, et al., *Country Report: Greece* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR_2020update.pdf.

be sent to Turkey, and in June 2021, Greece designated Turkey as a "safe third country" for asylum seekers from Afghanistan, Bangladesh, Pakistan, Somalia, and Syria.[199] Applicants from these countries can be rejected as "inadmissible" without their cases being examined on their merits, even though Turkey has not accepted readmissions from Greece since March 2020.[200]

De Facto Summary

While recognized refugees do have freedom of movement, in practice it is difficult and expensive for them to leave the camps.[201] To work or start a business, refugees need a bank account, but banks often refuse their requests to open an account because of insufficient documentation and discrimination.[202] Even if they manage to open a bank account, language barriers and bureaucracy make it very difficult for refugees to become entrepreneurs.[203]

It is even more difficult for asylum seekers to work. Businesses can legally hire them for only six months, leading to large gaps in employment due to delays in renewing their documents. Additionally, labor laws prohibit contract renewals after the third iteration, making it impossible for asylum seekers to stay with the same employer.

The situation regarding access to services is similar. For example, Greek government-run schools do not exist in the camps, yet there is insufficient transport to take refugee and asylum seeker children on the islands to the mainland, and language barriers persist.[204]

To support asylum seekers, cash assistance, accommodations, and food are provided by the state and partner organizations. Once their status is recognized, their assistance is cut off within 30 days. They can then access the Helios program, run by the International Organization for Migration and funded by the state, which provides further cash assistance, access to education, and training for 12 months.[205] But the procedure to access the program is long and requires complicated documentation.

199 Action for Education, Association for the Social Support of Youth, Better Days, Centre Diotima, Danish Refugee Council, ECHO100PLUS, ELIX, et al., "Greece Deems Turkey 'Safe', but Refugees Are Not," press release, June 14, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/PR_JMD%20Turkey_EN%20(final).pdf.

200 European Union Agency for Fundamental Rights, *Migration: Key Fundamental Rights Concerns* (Luxembourg: European Union Agency for Fundamental Rights, 2021), https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf.

201 International Rescue Committee, *Walling Off Welcome: New Reception Facilities in Greece Reinforce a Policy of Refugee Containment and Exclusion* (New York: International Rescue Committee, 2021), https://eu.rescue.org/report/walling-welcome-new-reception-facilities-greece-reinforce-policy-refugee-containment-and.

202 Generation 2.0 for Rights, Equality, and Diversity, "When the Greek Banks Deprive Asylum Seekers of Their Right to Work," January 16, 2019, https://g2red.org/when-the-greek-banks-deprive-asylum-seekers-of-their-right-to-work/.

203 Greek Council for Refugees, "Access to the Labour Market: Greece," June 10, 2021, https://asylumineurope.org/reports/country/greece/reception-conditions/employment-and-education/access-labour-market/.

204 See Maysa Jalbout, *Finding Solutions to Greece's Refugee Education Crisis* (London: Theirworld, 2020), https://theirworld.org/resources/detail/finding-solutions-to-greeces-refugee-education-crisis; Giorgos Simopoulos and Antonios Alexandridis, "Refugee Education in Greece: Integration or Segregation?" *Forced Migration Review* 60 (March 2019), https://www.fmreview.org/education-displacement/simopoulos-alexandridis; UNHCR, *Stepping Up: Refugee Education in Crisis* (Geneva: UNHCR, 2019), https://www.unhcr.org/steppingup/primary-education-closing-the-gap/; Human Rights Watch, "Greece: Stop Denying Refugee Children an Education," July 29, 2021, https://www.hrw.org/news/2021/07/29/greece-stop-denying-refugee-children-education.

205 International Organization for Migration, "Helios National Campaign," accessed January 20, 2022, https://greece.iom.int/helios-national-campaign.

GUYANA 13

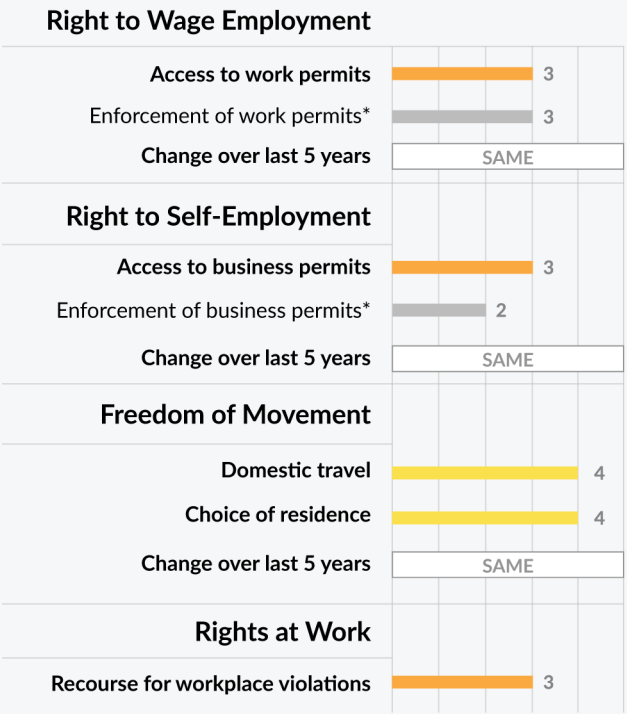
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

Party to the 1967 Protocol Relating to the Status of Refugees? **No**

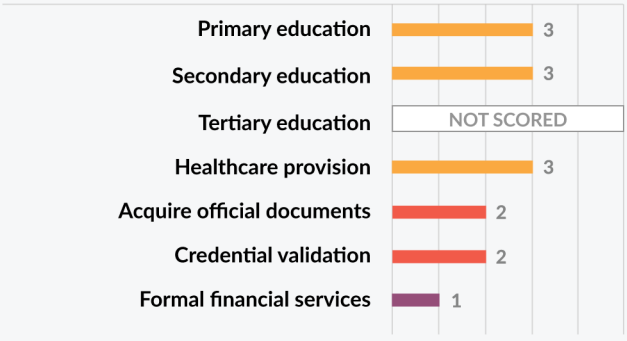
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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Facts

According to UNHCR, Guyana hosted 23 refugees and 111 asylum seekers as well as 23,307 Venezuelans displaced abroad in 2021.[206] Aside from Venezuelans displaced abroad, the majority of asylum seekers were from Cuba.

De Jure Summary

Guyana does not have national asylum and refugee legislation or a government-led asylum procedure but has nevertheless welcomed Venezuelan refugees.[207] Guyana is not a party to the 1951 Refugee Convention nor to its 1967 Protocol, but the country has ratified the ICESCR. Guyana is not a party to the American Convention on Human Rights.

The immigration authorities register Venezuelan migrants and provide them three-month stay permits, which afford them temporary protection. Venezuelans are not given the right to work with these permits. Beyond the initial three months, a Venezuelan can renew their permit; however, this process is lengthy and often results in a loss of legal status.[208] For non-Venezuelans, refugee status determination is carried out by UNHCR, and successful applicants are issued a UNHCR certificate

206 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

207 Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V), "Legal Framework: Asylum and Migration," June 2021, https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf.

208 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 35th Session: Guyana," accessed April 29, 2022, https://www.refworld.org/pdfid/5e1732dd2.pdf.

with limited protections that does not include the right to work.[209]

De Facto Summary

Lack of work rights and minimal protections to stay lawfully result in precarious situations for refugees, who frequently work informally and are often at risk of deportation.[210] The International Organization for Migration (IOM), through the Response for Venezuelans (R4V) Platform, also determined that Venezuelans living in Guyana experience limited access to formal employment and livelihoods.[211] The language barrier hinders Spanish-speaking Venezuelans from accessing services and integrating in the English-speaking country.[212] As a result, many workers, including migrants and refugees, work in the informal economy. A report from the International Labor Organization showed that in 2017 Guyana's informal employment comprised 48 to 53 percent of total employment in the country, with the majority occurring in the agricultural sector.[213] A 2019 IOM Displacement Tracking Matrix showed that 98 percent of Venezuelans interviewed in Guyana reported that income generation and employment were important needs that went unfulfilled.[214]

The lack of a formal right to work leaves limited opportunities for refugees to gain self-reliance, and women and children are particularly vulnerable to sexual exploitation and trafficking.[215] It has been reported that many displaced Venezuelans engage in sex work as a survival mechanism in Guyana.[216]

209 UNHCR, "Fact Sheet," February 2022, https://www.r4v.info/en/document/unhcr-guyana-factsheet-jan-feb-2022.

210 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 35th Session: Guyana," accessed April 29, 2022, https://www.refworld.org/pdfid/5e1732dd2.pdf.

211 International Organization for Migration, *Guyana Needs Assessment on Migration Governance* (San José, Costa Rica: International Organization for Migration, 2021).

212 Ibid.

213 Ibid.

214 Ibid.

215 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 35th Session: Guyana," accessed April 29, 2022, https://www.refworld.org/pdfid/5e1732dd2.pdf.

216 Ibid.

HONG KONG 12

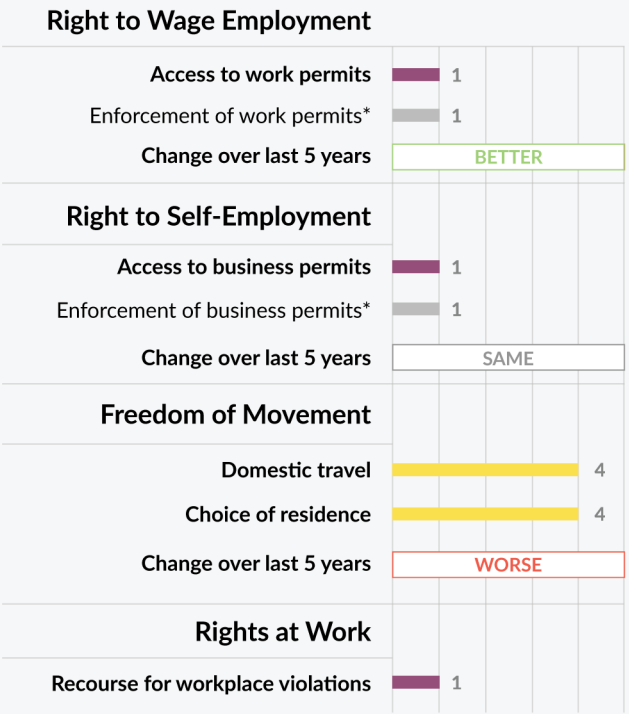
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

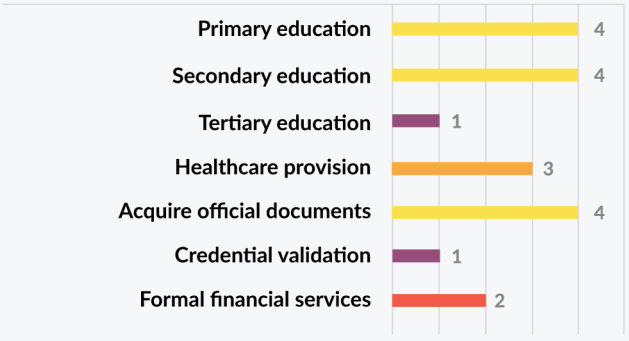
Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to articles 6 and 8**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion

De Facto Access for Refugees



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, the Hong Kong Special Administrative Region (HKSAR) hosted 265 refugees and no asylum seekers in 2021.[217] The most common countries of origin for asylum seekers were Somalia, Yemen, and Rwanda.

De Jure Summary

HKSAR is not a party to the 1951 Refugee Convention or its 1967 Protocol. HKSAR does not have any domestic legal framework providing the right to asylum or protection of refugees. The ICESCR is applicable in its territories.[218]

Since 2014, HKSAR has implemented the "unified screening mechanism" (USM) for determining claims for non-refoulement protection.[219] However, since the USM was launched in 2014, only one percent of applicants have been recognized.[220] In 2021 the Immigration Ordinance was passed, introducing "fast-track" procedures to the USM process; these are largely seen as additional barriers to successful recognition.

217 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

218 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 31st Session: People's Republic of China and the Special Administrative Regions of Hong Kong and Macao," accessed April 29, 2022, https://www.refworld.org/pdfid/5b56ffde9.pdf.

219 Part VIIC of the Immigration Ordinance (Cap. 115), with definitions referring to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 3 of Section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383); and the principle of non-refoulement under Article 33 of the 1951 Convention Relating to the Status of Refugees.

220 Rachel Li, "Hong Kong's Unified Screening Mechanism: Form over Substance," *Forced Migration Review* 67 (July 2021), accessed April 29, 2022, https://www.fmreview.org/issue67/li-shaffer-nam.

People seeking protection may apply only if they are subject to removal from HKSAR and do not have the right to reside in another foreign territory that could grant them non-refoulement protection.[221] During these proceedings, no temporary protection is afforded, and individuals are classified as "illegal immigrants."[222] If their application is successful, refugees are protected from removal on a temporary basis, as long as HKSAR deems the claim to be substantiated. This leaves refugees in a constant precarious and deportable state.

The 2021 Immigration Ordinance bars recognized non-refoulement claimants from any paid or unpaid lawful employment. There does exist, however, a discretionary process for recognized claimants to apply to the Immigration Department for a six-month work permit.

De Facto Summary

In practice, only a few non-refoulement claimants are able to obtain work permits.[223] Approvals have increased, but the permit process is complex, requires an employment contract, and is limited to six months at a time.[224] The few that have the permit also struggle to find formal jobs as the duration of the permit is too short to provide stability. Moreover, self-employment is not allowed.[225]

The government provides a monthly humanitarian assistance package to claimants.[226] The support includes food cards; housing allowance paid directly to the landlord; transportation support; and stipend to cover utilities and other basic needs.[227] If a refugee works, they can risk losing this support. However, the assistance does not grant enough cash to cover daily expenses, and refugees in commonly live below the poverty line. [228]

Despite the risks, many claimants resort to work informally in low-paid sectors.[229] Furthermore, due to the weak labor rights in HKSAR, refugees and migrant workers are often subject to exploitation and abuse without access to support to report violations.[230]

With the argument that HKSAR is not party to the Refugee Convention, immigration officers deny asylum seekers the access to the territory or force many to return. [231] Those that ultimately enter the country undergo significant violations to their rights like cavity searches, forced signing of documents without proper interpretation assistance, verbal abuse, and humiliation.

221 Government of Hong Kong, "Notice to Persons Making a Non-Refoulement Claim," August 1, 2021, https://www.immd.gov.hk/pdf/non-refoulement_claim_flow_chart.pdf.

222 Refugee Concern Network, *Parallel Report to the Committee on Economic Social and Cultural Rights Completing the Fourth Periodic Report Submitted by Hong Kong, China* (San Francisco: Refugee Concern Network, 2020), https://www.justicecentre.org.hk/framework/uploads/2020/12/Refugee-Concern-Network-ICESCR-parallel-report.pdf.

223 Ibid.

224 Refugee Concern Network, *Parallel Report to the Committee on Economic Social and Cultural Rights Completing the Fourth Periodic Report Submitted by Hong Kong, China* (San Francisco: Refugee Concern Network, 2020). https://www.justicecentre.org.hk/framework/uploads/2020/12/Refugee-Concern-Network-ICESCR-parallel-report.pdf.

225 Ibid.

226 Justice Centre Hong Kong, "Parallel Report to the Committee on the Elimination of Discrimination Against Women," February 2021. https://www.justicecentre.org.hk/framework/uploads/2021/02/Justice-Centre-Hong-Kong-CEDAW-LoI-submission_updated.pdf and Branches of Hope. "5 Things You Need To Know About Refugees in Hong Kong." Accessed on May 18, 2022, https://branchesofhope.org.hk/about-refugees.

227 Government of the Hong Kong Special Administrative Region, "Humanitarian Assistance for Non-refoulement Claimants," February 15, 2017, https://www.info.gov.hk/gia/general/201702/15/P2017021500554.htm.

228 Virginie Goethals and "Maria," "World Refugee Day: Hong Kong's asylum system is unfair, intentionally rigged and lacks humanity," *Hong Kong Free Press,* June 20, 2020, https://hongkongfp.com/2020/06/20/world-refugee-day-hong-kongs-asylum-system-is-unfair-intentionally-rigged-and-lacks-humanity/.

229 Mihir Melwani, "Driven by Desperation: Without the right to work, refugees in Hong Kong face impossible choices."

230 Rachel Cheung, "After crackdown, Hong Kong's low paid face hurdles to organising," *Aljazeera,* November 23, 2021, https://www.aljazeera.com/economy/2021/11/23/in-post-crackdown-hong-kongs-lowpaid-workers-stuggle-to-organise.

231 Justice Centre Hong Kong, "Parallel Report to the Committee on the Elimination of Discrimination Against Women."

INDONESIA 12

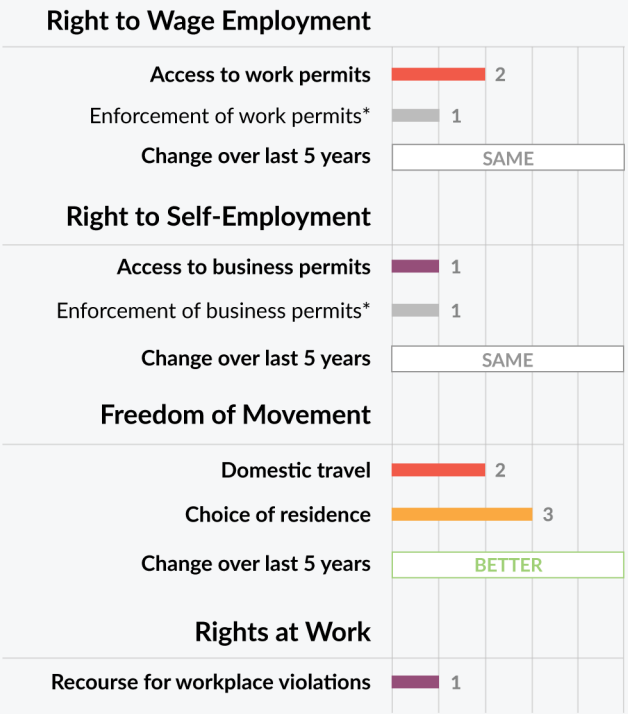
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

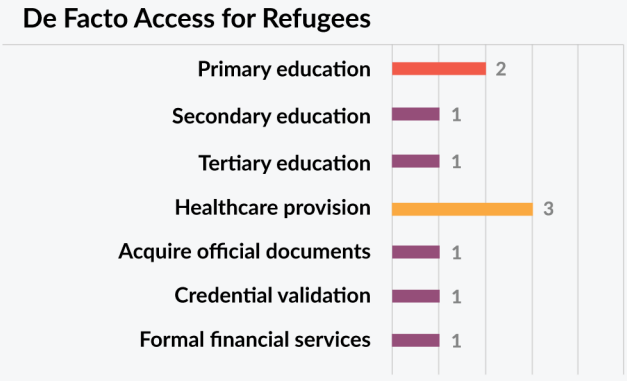
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Indonesia hosted 10,076 refugees and 3,309 asylum seekers in 2021.[232] The majority of refugees and asylum seekers were from Afghanistan and Somalia.

De Jure Summary

Indonesia is not a party to the 1951 Refugee Convention or its 1967 Protocol. The country does, however, have a legal human rights framework stemming from its commitments to other international and regional human rights conventions. There is no domestic law that protects refugee rights outright, although a constitutional amendment passed in 2000 recognizes the right to seek political asylum, and Law No. 37 of 1999 on foreign relations stipulates that the granting of asylum must be implemented in accordance with international law and practice.[233]

A Presidential Decree in 2016 adopts the definition of refugee presented in the 1951 Refugee Convention and describes procedures for processing asylum claims; however, it does not codify any rights for refugees.[234] The government has enabled UNHCR to implement the refugee status determi-

232 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

233 Susan Kneebone, Antje Missbach, and Balawyn Jones, "The False Promise of Presidential Regulation No. 125 of 2016?" *Asian Journal of Law and Society* 8, no. 3 (October 2021): 431–450, https://www.cambridge.org/core/journals/asian-journal-of-law-and-society/article/false-promise-of-presidential-regulation-no-125-of-2016/1B9D2F-47D373E8614F1A1B5E212DF9D9.

234 Government of Indonesia, Regulation of the President of the Republic of Indonesia Number 125 Year 2016 Concerning the Handling of Foreign Refugees, December 31, 2016, https://www.refworld.org/pdfid/58aeee374.pdf.

nation process. Refugees who are successful in this process are granted a UNHCR identification card. This card does not guarantee the right to work.[235]

Indonesian Immigration Regulation No. IMI0352. GR.02.07 of 2016 prohibits employment for refugees, stating that they must not engage in income-generating activities and must sign a letter agreeing to this condition.[236] This results in many refugees working in the informal sector; however, refugees pursuing this type of employment have been subject to detention and/or fines.[237]

De Facto Summary

NGOs have delivered some training programs and internships to refugees in Indonesia, but translating these programs into economic opportunity is difficult without full work rights. A very small number of refugees are able to open businesses by partnering with Indonesians, but they often face issues with documentation, harassment by local officials, and a lack of legal recourse for difficulties.

One area in which there has been some slight improvement in recent years is freedom of movement. Until 2019, refugees were confined to detention centers. Today, refugees are able to live in hostels run by the International Organization for Migration (IOM) within the community. However, they are still placed under curfew and are not able to travel outside of their city without permission. If they breach these conditions, they can be sent back to the detention center.[238] Within the hostel, refugees are given a monthly stipend by IOM. Those living outside these hostels receive no government support.

Refugee children are also eligible to attend state-run primary schools, but in practice they face difficulties in accessing education due to quotas (which prioritize locals over refugee children) and language obstacles. Even if they are able to enroll, they will not be able to obtain an official certification, as this is derived from a citizenship card, which refugees do not have. There is no right to secondary or tertiary education, and many students learn through NGOs.

235 Suaka Indonesia, *Know Your Rights: A Handbook for Refugees and Asylum Seekers* (Jakarta: Suaka Indonesia, 2018), https://suakaindonesia.files.wordpress.com/2018/12/know-your-rights-handbook.pdf.

236 Government of Indonesia, Regulation of Director General of Immigration No. IMI-0352.gr.02.07 (2016) on the Handling of Illegal Migrant Claiming to Be Asylum-Seeker or Refugee, 2016, https://www.refworld.org/docid/58aeef894.html.

237 Luthvi Nola, "Refugee Employment Prohibition in Indonesia," European Alliance for Innovation, January 11, 2021, https://eudl.eu/doi/10.4108/eai.1-7-2020.2303641.

238 Alfred Pek, "Indifference in Diversity: Ignorance and Apathy towards Refugees in Indonesia," *New Mandala*, October 8, 2021, https://www.newmandala.org/indifference-in-diversity-ignorance-apathy-towards-refugees-in-indonesia/.

IRAN 32

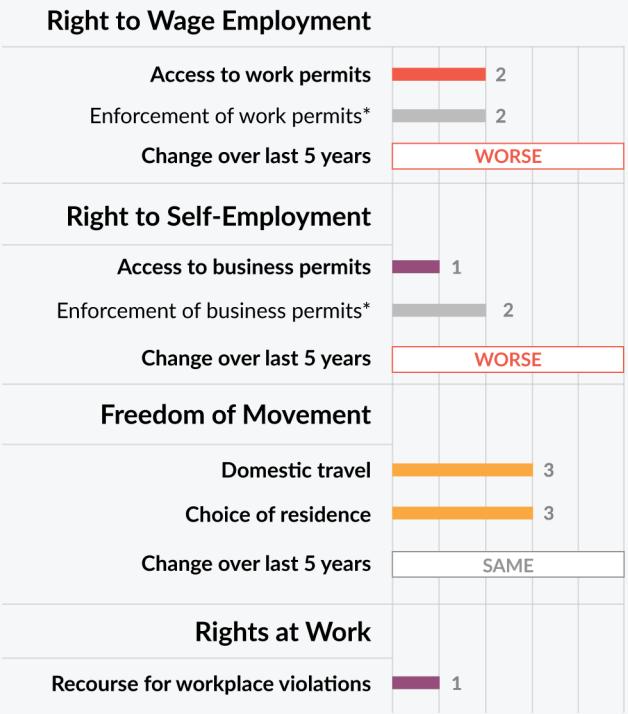
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to articles 17, 24 and 26**

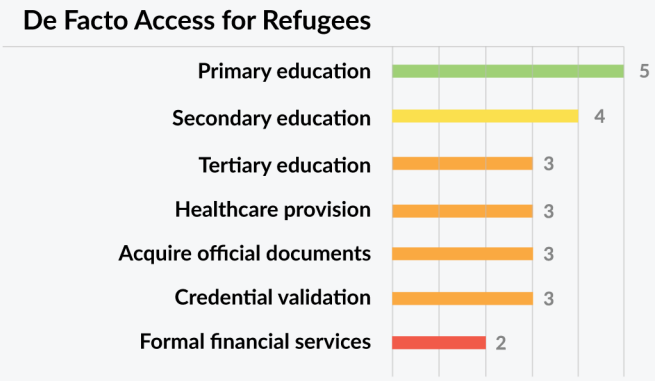
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Iran hosted 800,025 refugees and 34 asylum seekers in 2021.[239] The majority of refugees were from Afghanistan and Iraq.

De Jure Summary

Iran is a party to the 1951 Refugee Convention and its 1967 Protocol; however, the country maintains reservations to articles 17, 24, and 26. Iran is also a party to the ICESCR.

Under Iran's Labor Code, refugees are allowed to obtain a temporary work permit with a valid refugee card or immigration visa, which is valid for one year.[240] However, this right to work is limited because the permit is very costly, must be renewed every year, and limits the type of occupations available to refugees.[241]

Refugees' freedom of movement is limited; two-thirds of Iran's territory is designated as no-go areas for foreigners, imposing restrictions on areas where they may legally reside and work.[242] Prima facie status was implemented for Afghan and Iraqi refugees before 2002; however, in 2003 a

239 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

240 Government of Iran, Labour Code, November 20, 1990, https://www.ilo.org/dyn/natlex/docs/WEBTEXT/21843/64830/E90IRN01.htm.

241 UNHCR, "Iran: An Overview of How the Global Compact on Refugees Is Being Turned into Action in the Islamic Republic of Iran," March 12, 2021, https://globalcompactrefugees.org/article/iran.

242 Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment. Part II: Country Cases (Preliminary)* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-12/KNOMAD%20Study%201-%20Part%20II-%20Refugees%20Right%20to%20Work%20-%20An%20Assessment.pdf.

new process known as *Amayesh* was introduced to reregister all refugees. This process is complex, lengthy, and expensive and has resulted in many refugees losing their status.[243]

Iran has effectively closed its doors to asylum seekers, starting with the right to asylum. Since 2007, the registration process has been suspended for Afghans, and the Solutions Strategy for Afghan Refugees program has been implemented to facilitate the repatriation of Afghans back to Afghanistan.[244] Despite the ongoing crisis, the asylum process is still closed for Afghan refugees, repatriations are still ongoing, and refugees are being returned at the border by authorities.[245]

De Facto Summary

Iran has hosted large numbers of Afghan and other refugees for years, with a generally poor record on de facto access to rights. With the ongoing crisis in Afghanistan and the expected continuing outflow of refugees, there is concern that the situation will worsen.

In addition to blocking access to asylum, including by using detention and deportation for would-be asylum seekers, Iran has a long-standing record of physical abuse, detention in inhumane conditions, forced labor, forced separation of families, among other types of abuses.[246] Unaccompanied migrant children in particular have been subject to abuse and exploitation.

Even refugees who are fully registered face significant difficulties, as Iran has imposed a challenging process to maintain status, including regular re-registration with different government agencies, excessive fees, and bureaucratic hurdles. Refugees also risk losing status and deportation if they make even a small mistake, and refugees are not able to move freely, as many parts of Iran are considered "no go" zones.[247]

Afghan refugees in particular are often limited to low-paying, dangerous jobs, regardless of their education and skills. In addition, although children can technically access education, in reality bureaucratic obstacles mean that many refugee children cannot attend school. Refugees also face discrimination, scapegoating, and anti-foreigner sentiment.[248]

243 Ibid.

244 Ibid.

245 UNHCR, "Afghanistan Situation: Emergency Preparedness and Response in Iran, 11–31 March 2022," April 6, 2022, https://reliefweb.int/report/iran-islamic-republic/afghanistan-situation-emergency-preparedness-and-response-iran-11-31.

246 Human Rights Watch, "Unwelcome Guests: Iran's Violation of Afghan Refugee and Migrant Rights," November 20, 2013, https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights.

247 Ibid. See also Fatemeh Aman, "Afghan Migrants: Unwanted in Iran and at Home," Atlantic Council, May 15, 2020, https://www.atlanticcouncil.org/blogs/iransource/afghan-migrants-unwanted-in-iran-and-at-home/.

248 Fatemah Aman, "The Afghan Refugee Crisis: What Does It Mean for Iran?" Middle East Institute, September 20, 2021, https://www.mei.edu/publications/afghan-refugee-crisis-what-does-it-mean-iran.

IRAQI KURDISTAN 34

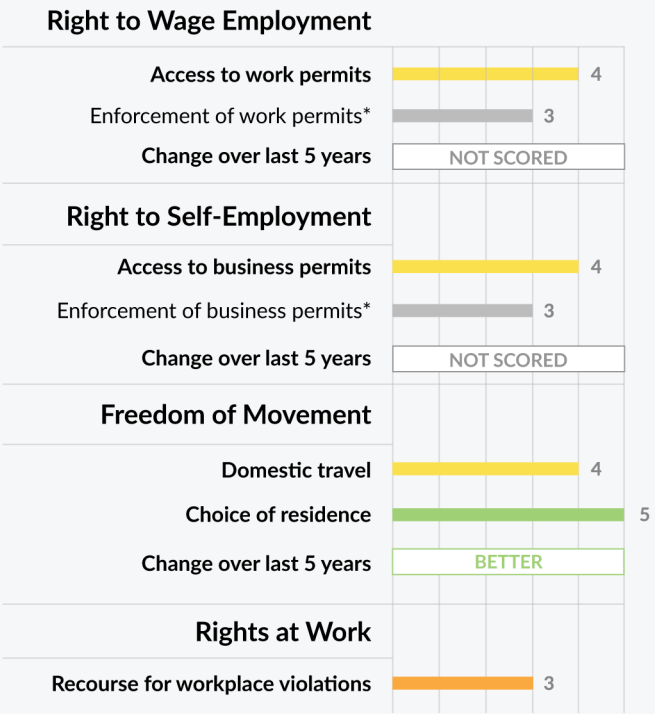
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

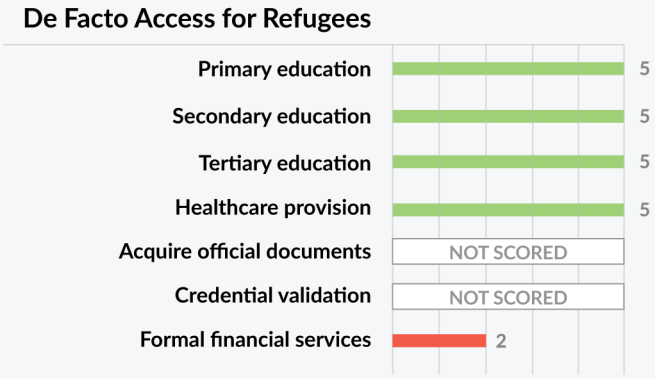
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, as part of Iraq**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Iraqi Kurdistan hosted over 266,000 Syrian refugees in 2021, which is 98 percent of the Syrian refugees in Iraq[249] and 92 percent of all refugees and asylum seekers in Iraq.[250]

De Jure Summary

Iraqi Kurdistan is not a party to the 1951 Refugee Convention or its 1967 Protocol as part of the State of Iraq.

In the Kurdistan Region of Iraq (KRI), there is no specific law that governs asylum seeker or refugee rights and the right to work for refugees is not guaranteed in domestic law.[251] The right to work is dependent on legal entry and residency status. Decree No. 7174 and Decree No. 10041 protect refugees and asylum seekers from detention for crossing borders without a visa or lawful status. Individuals seeking asylum are able to apply for a Refuge Asylum Application Certificate and temporary residency permit which must be renewed annually.[252] With this residency permit, refugees in KRI are able to work. However, refugees in KRI are not legally eligible for permanent residency, which presents a barrier to safe, decent, and sustainable

249 UNHCR, "Iraq: 2021 Participatory Assessment of Refugees and Asylum-Seekers June – August 2021," December 7, 2021, https://data2.unhcr.org/en/documents/details/89976.

250 UNHCR, "Global Focus: Iraq," accessed May 23, 2022, https://reporting.unhcr.org/iraq.

251 Naomi Petersohn, *Closing the Gap: From Work Rights to Decent Work for Syrian Refugees in KRI* (Oslo: Norwegian Refugee Council, n.d.), https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf.

252 Respond Migration, Refugees in Iraq: Access to Work and Stable Livelihoods, March 1, 2021, https://respondmigration.com/policy-briefs/refugees-in-iraq-access-to-work-and-stable-livelihoods.

work entrepreneurship opportunities.[253]

De Facto Summary

Although the measure is not enshrined in law, the Kurdistan Regional Government has adopted a de facto policy of labor market access for Syrian refugees, who make up the majority of refugees in Iraqi Kurdistan.[254] Syrians who register with UNHCR and pass a security check are provided with a one-year residency permit, which allows access to basic services such as healthcare and education and can be renewed.[255] In practice, the cost to acquire residency (US$33–75) can be a barrier, but 93 percent of Syrians were registered as of 2018, according to a recent report by the Norwegian Refugee Council (NRC).[256] Some Syrians obtained residency through shell companies that offered easier access to employment than refugee status, but the government has cracked down on these schemes recently, and many of these Syrians have moved to other countries.

With residency, Syrians are able to access private-sector jobs and start businesses. Survey respondents report that refugees can access jobs and obtain business permits, though the process for starting a business can be complicated. The recent report by the NRC also noted a perception that starting a business outside the camps requires an Iraqi sponsor, though this is not actually a provision of the policy. Refugees are prohibited from working in the public sector, which accounts for a substantial proportion of formal jobs available. Given these barriers, most refugees still work in the informal sector, where the NRC and other organizations have documented frequent violations of labor laws regarding working hours, the minimum wage, and safe working conditions. While the NRC report notes that "work rights violations are common, with redress almost impossible," respondents to the survey from one NGO (Harikar) note that their legal unit takes many cases like these.[257]

253 Ibid.

254 Naomi Petersohn, *Closing the Gap: From Work Rights to Decent Work for Syrian Refugees in KRI* (Oslo: Norwegian Refugee Council, n.d.), https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf.

255 Caroline Zullo, "Closing the Gap: Syrian Refugees in Kurdistan Deserve Better Work Opportunities," *The New Arab*, February 15, 2022, https://english.alaraby.co.uk/opinion/syrian-refugees-kurdistan-deserve-better-work-prospects.

256 Naomi Petersohn, *Closing the Gap: From Work Rights to Decent Work for Syrian Refugees in KRI* (Oslo: Norwegian Refugee Council, n.d.), https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf; World Food Program / UNHCR / Kurdistan Region Statistics Office, *Joint Vulnerability Assessment* (Rome: World Food Program, 2018), https://www.wfp.org/publications/iraq-wfpunhcrkrso-joint-vulnerability-assessment-june-2018.

257 For more information on Harikar, see the organization's website, https://www.harikar.org/.

ISRAEL 33

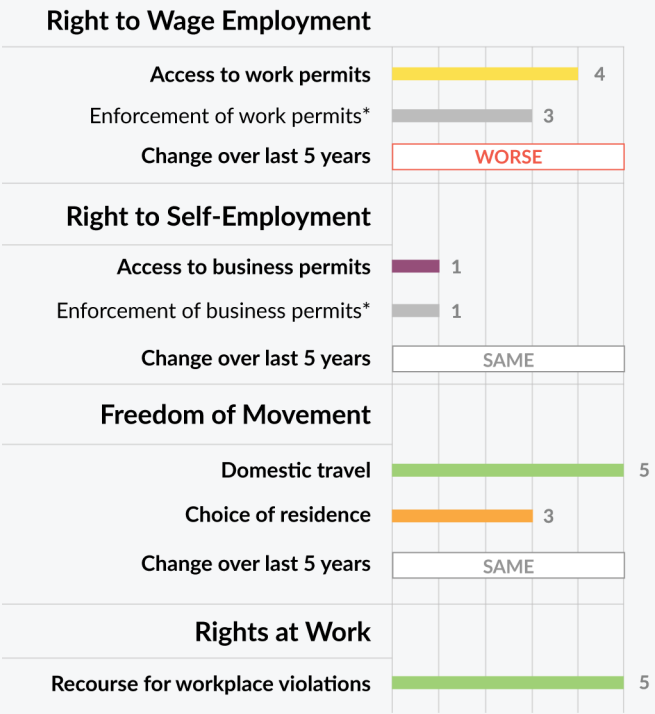
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

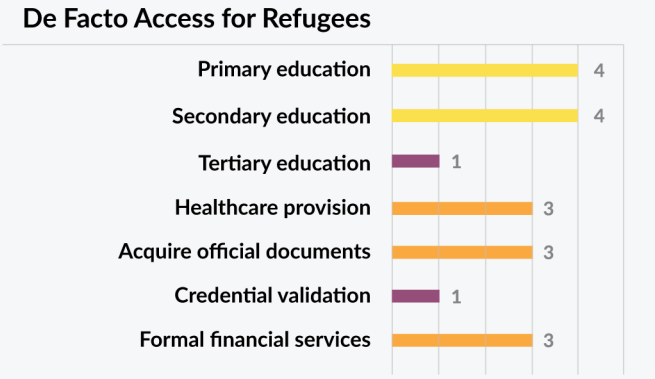
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Israel hosted 1,860 refugees and 29,156 asylum seekers in 2021.[258] The majority of refugees and asylum seekers were from Eritrea and Sudan.

De Jure Summary

Israel is a party to the main international instruments concerning refugees, such as the 1951 Refugee Convention and its 1967 Protocol, as well as the ICESCR.[259]

The Israel refugee law defines three different types of refugees: recognized refugees, asylum seekers and persons under collective protection. Few refugees are recognized by the state, with a .06% recognition rate between 2011-2019,[260] leaving most as asylum-seekers with almost no rights.[261]

Historically, Israel has held a large number of asylum seekers in administrative immigrant detention until recent years.[262] In 2020, numbers of migrants and asylum seekers declined from 5,000 to 'a few dozen migrants'.[263]

258 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

259 United Nations Treaty Collection, "Convention Relating to the Status of Refugees," 1951, accessed May 06, 2022, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en#:~:text=The%20Convention%20was%20adopted%20by,Nations%20on%2014%20December%201950.

260 Gil Zuker and Nimrod Avigal, "The Numbers Speak for Themselves: The Israeli asylum process," August 15, 2020, https://www.hias.org/publications/numbers-speak-themselves.

261 UNHCR, "Israel: Factsheet," September 2021, https://reporting.unhcr.org/document/1349.

262 Hotline for Refugees and Migrants, "Immigration Detention in Israel," June 2019, https://hotline.org.il/wp-content/uploads/2020/01/HRM-20-Years-Detention-ENG-Web.pdf.

263 Hotline for Refugees and Migrants, "Detention of Migrants and Asylum Seekers in Israel," June 2021, https://hotline.org.il/wp-content/uploads/2021/12/HRM-Detention-Monitoring-2020-English-10.pdf.

Many refugees historically barred from applying for asylum, most of whom are Eritrean or Sudanese, have been given 'conditional release visas' under the Entry of Israel Law (Art 2(A)5).[264] These are given alongside pending deportation orders, only enabling the right to stay, and must be renewed every two to three months.[265] This visa does not confer the right to work and includes the phrase "this temporary permit does not constitute a work permit", despite a High Court ruling in 2011 requiring the government to issue work permits for these visa holders.[266]

In a 2022 court ruling, Israel granted temporary residence status to 2,445 Eritrean and Sudanese asylum seekers, some of whom had been in the country for over a decade.[267] Although uncomfirmed, reporting suggests that this legal status may offer a pathway to formal employment.[268]

Even for recognized refugees, the law does not provide the right to work. Israel does not have specific legislation concerning refugees' labor rights; instead, the Foreign Workers Law regulates the right to work for all persons residing in Israel, regardless of their legal status.[269] This law was not designed to consider the situation of most refugees, thus imposing legal requirements that refugees and their employers often cannot meet.[270]

De Facto Summary

Government-sponsored advertisements previously advocated against hiring refugees without formal work permits. Some employers took advantage of this confusion by threatening refugees with deportation or not paying their salaries. Now, however, the Israeli government seems to tolerate the informal hiring of those seeking refugee status. A work permit system does exist, but not all refugees use it. The Supreme Court ruled that refugees have the right to work, so the absence of a work permit is not punish.

Delays have been reported in the processing of asylum applications for individuals of particular nationalities, including those from Eritrea and Sudan.[271] And many refugees and asylum seekers are de-facto consigned to low-wage jobs.

For years, the Deposit Law required employers to automatically take 20 percent of asylum seekers' salaries and deposit it into a fund that the workers could only access upon leaving the country. A recent report revealed that while many people's salaries were docked, the money was never deposited into their funds.[272] This law was repealed in January 2022.[273]

264 Government of Israel, Law No. 5712-1952, Entry into Israel Law, September 5, 1952, https://www.refworld.org/docid/3ae6b4ec0.html.

265 Hotline for Refugees and Migrants, "Refugees: Temporary Protection," accessed 06 May 2022, https://hotline.org.il/en/refugees-and-asylum-seekers-en/temporary-protection/.

266 The High Court of Justice, Kav LaOved et al. vs. Government et. al., no. 6312/10, https://www.kavlaoved.org.il/en/wp-content/uploads/sites/3/2013/07/KLO-Refugees-and-Employment-Report-July-2013.pdf; Al Jazeera, "No status, no future: The life of a child asylum seeker in Israel," October 26, 2021, https://www.aljazeera.com/features/2021/10/26/no-status-no-future-the-life-of-a-child-asylum-seeker-in-israel.

267 HIAS, "Finally Some Good News for Sudanese Asylum Seekers in Israel," January 13, 2022, https://www.hias.org/blog/finally-some-good-news-sudanese-asylum-seekers-israel.

268 Hannah Confino, "Hope for Israel's Darfur Asylum Seekers After Court Ruling", January 18, 2022, https://www.reuters.com/world/middle-east/hope-israels-darfur-asylum-seekers-after-court-ruling-2022-01-18/.

269 International Labour Organization, National Labour Law Profile: The State of Israel, May 31, 2002, https://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158902/lang--en/index.htm.

270 Noa Kaufman, "Refugees and Asylum Seekers and Employment," 2013, https://www.kavlaoved.org.il/en/wp-content/uploads/sites/3/2013/07/KLO-Refugees-and-Employment-Report-July-2013.pdf.

271 The Hotline for Refugees and Migrants, "Trapped in Limbo—New Report by The Hotline for Refugees and Migrants," December 5, 2020, https://hotline.org.il/en/trapped-in-linbo/.

272 Anat Guthmann and Noa Kaufmann, *In Broad Daylight. The Deposit Law: Implementation and Impact* (Tel Aviv: Kav LaOved / Worker's Hotline and The Hotline for Refugees and Migrants, 2019), https://hotline.org.il/wp-content/uploads/2019/05/Eng-Deposit-Law-Report-HRM-KLO-2019-Web-2.pdf.

273 Leon Harris, "Foreign Workers' Levy Repealed—How Does It Effect You?" (Opinion), *Jerusalem Post*, February 10, 2022, https://www.jpost.com/business-and-innovation/banking-and-finance/article-696164.

ITALY 43

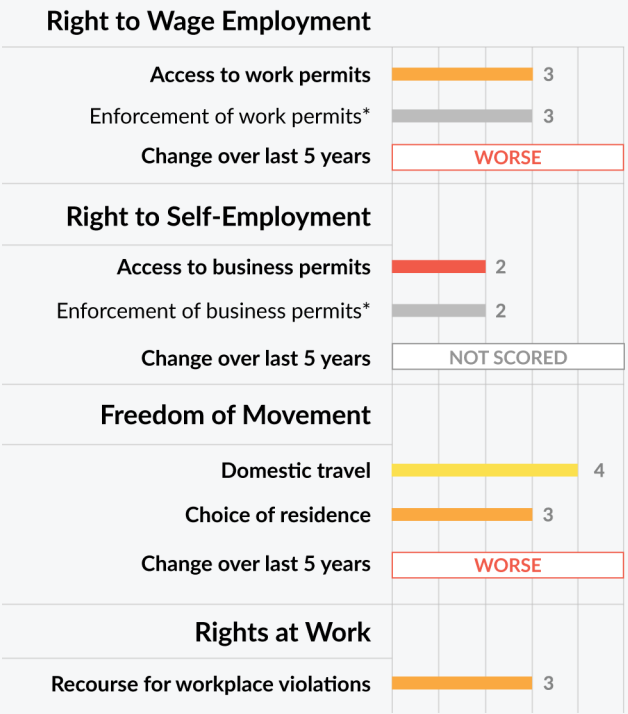
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

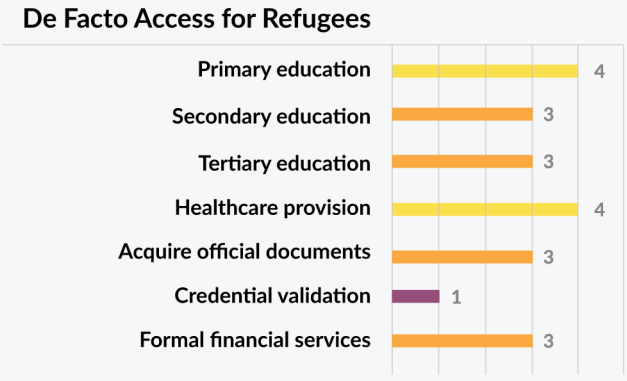
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Italy hosted 134,499 refugees and 53,686 asylum seekers in 2021.[274] The most common countries of origin for refugees and asylum seekers were Pakistan and Nigeria.

De Jure Summary

Italy is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. These international obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to engage in lawful employment on par with nationals immediately after refugee status has been granted. Italy's domestic legislation, in particular the Reception Decree, also sets forth the rights of asylum seekers and recognized refugees.

An asylum seeker may begin work 60 days after applying for asylum, according to the Reception Decree.[275] Once refugee status is granted, a residence permit is supposed to be issued that provides the right to work, including in government employment.[276] Refugees are treated the same as Italian citizens in terms of their ability to access employment and self-employment and to engage with professional associations and vocational training.[277]

274 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

275 Government of Italy, *Reception Decree of 2015*, August 18, 2015, https://www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg.

276 Caterina Bove, *Country Report: Italy* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-IT_2020update.pdf.

277 Ibid.

Refugees, asylum seekers, and those with subsidiary protection may move freely within Italy.[278] They are given the right to stay within a reception center, but they are not obligated to do so and may settle outside such centers.[279] Registered asylum seekers in government reception centers may be subject to curfews and restrictions on travel timing and permission, and they must request permission to transfer between reception centers.[280]

De Facto Summary

In practice, refugees in Italy experience long delays in obtaining a residence permit, and bureaucratic barriers are significant. It is common to have a short-term stay permit, with renewal requirements, for years on end, which makes obtaining a job very difficult. Employers are responsible for the documentation of anyone they hire, so many do not want to hire refugees with documentation that has a short period of validity or is close to expiration.

A stay permit filed under self-employment is less likely to be renewed than a stay permit filed under formal, wage employment, according to survey respondents. That, in conjunction with de facto discrimination in obtaining the documents necessary to open a business, makes formal self-employment quite difficult.

Additionally, very few refugees are able to access to obtain a loan or establish a savings account. Both asylum seekers and refugees are entitled to a monthly subsidy, but only if they are residing in a reception center. Otherwise, they do not receive these benefits. Most funding for resettlement and support services is provided by European governance structures and is distinct from services available to citizens.

278 Ibid.

279 UNHCR, "Your Rights and Duties," accessed May 06 2022, https://help.unhcr.org/italy/asylum-italy/rights/.

280 Caterina Bove, *Country Report: Italy* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-IT_2020update.pdf.

JORDAN 33

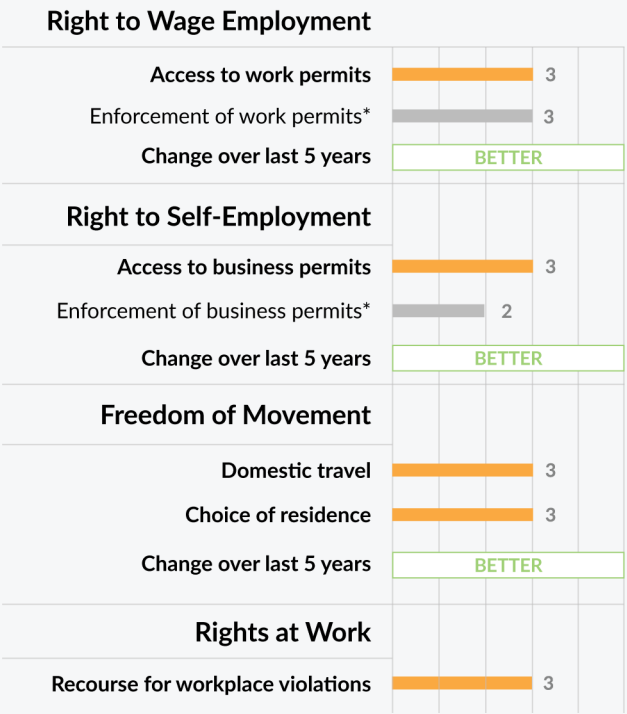
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

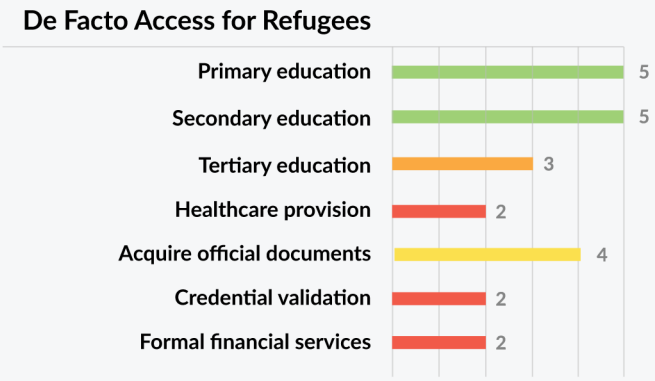
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Jordan hosted 708,308 refugees and 48,368 asylum seekers in 2021.[281] The majority of refugees were from Syria. Jordan also hosted 2,334,789 Palestinians under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in 2021. Most had full citizenship.

De Jure Summary

Despite hosting one of the highest numbers of refugees in the world, Jordan is not a party the 1951 Refugee Convention and lacks comprehensive national refugee legislation. The country implemented with UNHCR in 1998, the primary policy establishing processing procedures for refugees.[282]

The 1954 Jordanian Constitution reserves the right to work freely for Jordanian citizens only. Jordan does not have any formal legislation protecting refugees' right to work. Nevertheless, in 2016 the government signed the "Jordan Compact," establishing free work permits for 200,000 Syrian refugees, simplifying documentation requirements, and allowing at-home businesses. This enables work in certain sectors that are subject to quotas, which limits the total number of foreign workers in each sector.[283]

281 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

282 Human Rights Watch, "Jordan: Events of 2020," accessed April 17, 2022, https://www.hrw.org/world-report/2021/country-chapters/jordan#331939.

283 Svein Erik Stave, Tewodros Aragie Kebede, and Maha Kattaa, *Impact of Work Permits on Decent Work for Syrians in Jordan* (Geneva: International Labor Organization, 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/Impacts%20of%20Work%20Permit%20Regula-

Since October 2018, Syrian refugees with work permits have been allowed to move freely between industrial sectors without being sponsored by an employer, but they are still subject to sector quotas.[284] Syrian refugees currently residing in camps are allowed to obtain a permit to work outside the camp, which enables work in sectors approved for non-Jordanians.[285]

This formal pathway is not available to refugees of other nationalities, such as those from Iraq, Yemen, Sudan, or Somalia. Palestinians who are citizens are eligible for full access to the labor market.

Faced with exclusion from formal employment, refugees must often decide between holding legal refugee status and renouncing that status to enter the formal labor market as a foreign worker. The migrant worker system is founded on employer sponsorship (*kafala*), except for those working in Qualified Industrial Zones, where migrants' admission and lawful residency is tied to their employment.[286]

De Facto Summary

In practice, labor market access for registered Syrian refugees has improved since the implementation of the Jordan Compact. Work permits are issued, and restrictions on their applicability have slowly been relaxed.[287] As of July 2021, Syrian refugees are able to work in all sectors where non-Jordanians are permitted, and exemptions were made for Syrian healthcare workers during the COVID-19 pandemic.[288] Despite these improvements, 80 percent of Syrians live in poverty, with high debt and food insecurity.[289] Furthermore, movement is restricted for the 18 percent of registered Syrian refugees who live in the two main camps. Residents must seek approval for movement passes that are valid for up to 30 days. Access to work permits and movement passes is more limited in Azraq camp than in Za'atari camp.

The majority of Palestinian refugees are eligible for citizenship and therefore full access to the labor market. Their socioeconomic outcomes are similar to those of other Jordanians on average, though Palestinians in camps have lower incomes, and some groups of Palestinians who are not eligible for citizenship face restrictions in the labor market and on owning property.[290]

tions%20on%20Decent%20Work%20for%20Syrian%20refugees%20in%20Jordan.pdf.

284 Ibid.

285 UNHCR, "Jordan Issues Record Number of Work Permits to Syrian Refugees," January 25, 2022, https://www.unhcr.org/en-us/news/press/2022/1/61effaa54/jordan-issues-record-number-work-permits-syrian-refugees.html.

286 Shaiban Taqa, *The Legal Framework of Migrant Workers Rights in the Arab Countries* (Amman: Arab Network for Migrants Rights, 2013), https://dashboard.tamkeen-jo.org/wp-content/uploads/2022/02/The_Legal_Framework_of_Migrant_Workers_Rights_in_the_Arab_Countries.pdf.

287 Svein Erik Stave, Tewodros Aragie Kebede, and Maha Kattaa, *Impact of Work Permits on Decent Work for Syrians in Jordan* (Geneva: International Labor Organization, 2021), https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_820822.pdf.

288 UNHCR, "Jordan Issues Record Number of Work Permits to Syrian Refugees," January 25, 2022, https://www.unhcr.org/en-us/news/press/2022/1/61effaa54/jordan-issues-record-number-work-permits-syrian-refugees.html.

289 Omer Karasapan, "Syrian Refugees in Jordan: A Decade and Counting," *Future Development* (blog), Brookings Institution, January 27, 2022, https://www.brookings.edu/blog/future-development/2022/01/27/syrian-refugees-in-jordan-a-decade-and-counting/.

290 Anna Kvittingen, Age A. Tiltnes, Ronia Salman, Hana Asfour, and Dina Baslan, *'Just Getting By': Ex-Gazans in Jerash and Other Refugee Camps in Jordan*, Fafo Report 2019:34 (Oslo, Norway: Fafo, 2019), https://fafo.no/images/pub/2019/20731.pdf.

KENYA 42

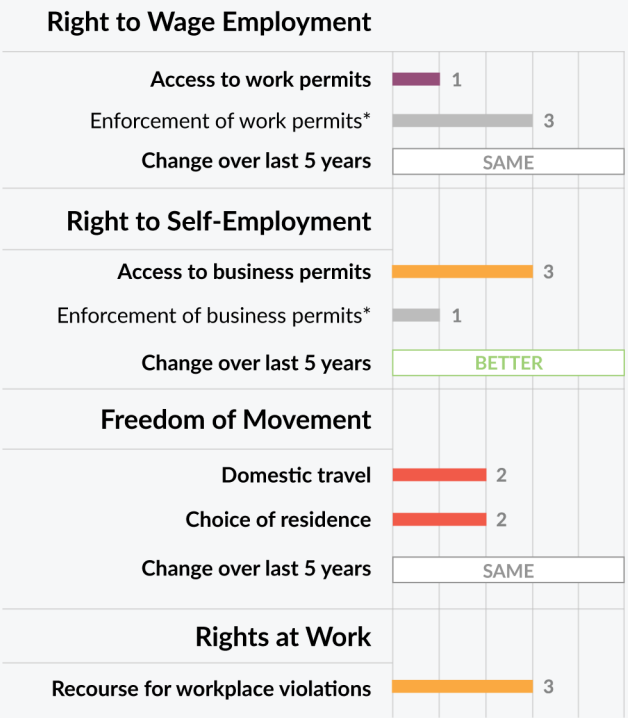
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

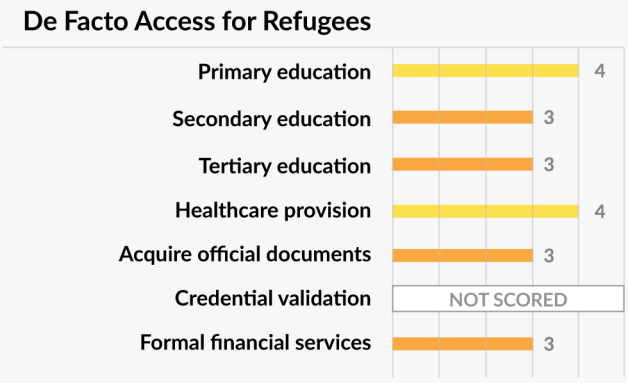
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to article 10**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Kenya hosted 466,286 refugees and 54,878 asylum seekers in 2021. The majority of refugees originated from Somalia, whereas the most common country of origin for asylum seekers is the Democratic Republic of Congo.[291]

De Jure Summary

On paper, Kenya has a relatively progressive refugee legal framework, as it is a party to the 1951 Refugee Convention and its 1967 Protocol, and the 2021 Refugees Act provides refugees with the right to employment, identity cards, and support in local integration.[292] Kenya is also a party to the IC-ESCR and ratified the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

The 2006 Refugee Act, its 2009 Refugee Regulations, and the 2021 Refugees Act governs the status and treatment of refugees in Kenya. The legislation provides refugees the rights contained in the human rights treaties ratified by Kenya. Refugees can apply for free work permits and be employed in any occupation or self-employment as long as they satisfy any county-level regulations that may exist.[293]

291 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

292 Jimmy Graham and Sarah Miller, *From Displacement to Development: How Kenya Can Create Shared Growth by Facilitating Economic Inclusion for Refugees* (Washington, DC: Center for Global Development and Refugees International, 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/From%20Displacement11.18.21.pdf.

293 UNHCR, *2021 Global Compact on Refugees Indicator Report* (Geneva: UNHCR, 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/2021_GCR-Indicator-Report_spread_web.pdf.

Currently, the law does not provide refugees with the right to move freely. Kenya's encampment policy stipulates that refugees must obtain authorization to leave the camps temporarily.[294] The new Refugees Act indicates that refugees will be allowed to move within designated areas, though more details are expected in forthcoming regulations.

Beyond these laws, various development plans seek to support economic opportunities for refugees by enabling greater freedom of movement and work rights, namely, the Intergovernmental Authority on Development Nairobi Declaration, the Kampala Declaration, and the area-based Kalobeyei Integrated Socioeconomic Development Program.[295]

De Facto Summary

Kenya hosts one of the largest protracted refugee populations in the world, and they generally struggle to access formal work and to move freely. Some refugees reside in urban centers such as Nairobi, where they can move more freely, and others are able to leave the camps. However, survey respondents indicated that most still struggle to move freely and may face harassment or even arrest when moving. Some noted that restrictions on movement have worsened during the pandemic, and nearly all cited the government's encampment policy as a major limitation on economic inclusion. Formal work authorization, including work permits, is rarely given to refugees and is difficult to obtain.

The Refugees Act and initiatives such as the Kalobeyei Integrated Socioeconomic Development Program hold potential to widen opportunities for refugees to achieve self-reliance and income generation. They demonstrate regional and local implementation of more progressive policies that can benefit refugees and hosts alike. However, the barriers to accessing the labor market in other parts of Kenya—most notably difficulties obtaining documentation and moving freely—remain significant for most refugees and asylum seekers.[296]

294 UNHCR, *2021 Global Compact on Refugees Indicator Report* (Geneva: UNHCR, 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/2021_GCR-Indicator-Report_spread_web.pdf.

295 Sorcha O'Callaghan, Farah Manji, Kerrie Holloway, and Christina Lowe, *The Comprehensive Refugee Response Framework: Progress in Kenya*, HPG Working Paper (London: Overseas Development Institute, Humanitarian Policy Group, 2019), https://cdn.odi.org/media/documents/12940.pdf.

296 Roger Zetter and Heloise Ruaudel, *Refugees' Right to Work and Access to Labor Markets—An Assessment* (Washington, DC: World Bank KNOMAD, 2016), https://www.knomad.org/sites/default/files/2017-12/KNOMAD%20Study%201-%20Part%20II-%20Refugees%20Right%20to%20Work%20-%20An%20Assessment.pdf; Jimmy Graham and Sarah Miller, *From Displacement to Development: How Kenya Can Create Shared Growth by Facilitating Economic Inclusion for Refugees* (Washington, DC: Center for Global Development and Refugees International, 2021), https://www.refugeesinternational.org/reports/2021/11/15/from-displacement-to-development-how-kenya-can-create-shared-growth-by-facilitating-economic-inclusion-for-refugees; Mohamed Yusuf, "New Law in Kenya Allows Refugees to Work," *Voice of America*, November 19, 2021, https://www.voanews.com/a/new-law-in-kenya-allows-refugees-to-work-/6320046.html.

LEBANON 32

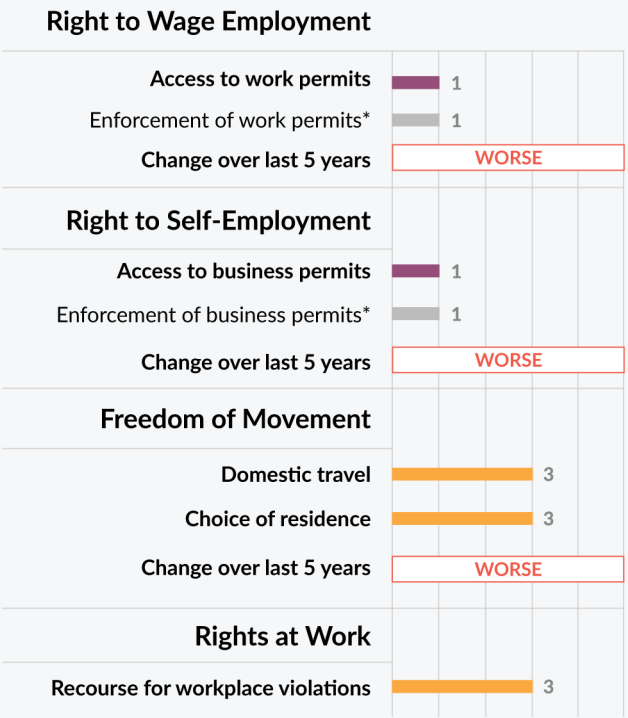
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

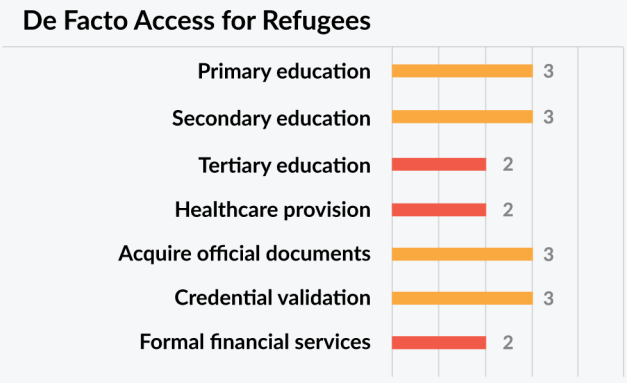
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Lebanon hosted 856,758 refugees, including 851,718 people from Syria in 2021.[297] UNRWA also reports 479,000 refugees from Palestine.[298]

De Jure Summary

There is no national for refugee rights in Lebanon, and the country's actions refugees are primarily governed by ad hoc policies. Further, domestic law does not distinguish asylum seekers and refugees from migrants.[299] Lebanon is not a party to the 1951 Refugee Convention; however, the government ratified the ICESCR and embedded principles of human rights law in the country's constitution.

Syrian refugees must either be registered with UNHCR as refugees and thus barred from working or have a Lebanese sponsor to lawfully remain in the country and thus have access to formal employment.[300] Annual renewal fees for such residency permits are prohibitively expensive for refugees, leaving many without legal status.[301] Foreign labor is regulated by sector, and Syrian labor is restrict-

297 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

298 United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Where We Work: Lebanon," accessed January 20, 2022, https://www.unrwa.org/where-we-work/lebanon; UNHCR, "Fact Sheet: Lebanon," September 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/Lebanon%20factsheet%20September%202021.pdf.

299 Government of Lebanon, Law of 10 July 1962 Concerning the Entry and Stay in Lebanon as well as the Exit, July 10, 1962, https://www.ilo.org/dyn/natlex/docs/SERIAL/39234/97115/F1369890137/LBN-39234.pdf.

300 Human Rights Watch, "Lebanon: Residency Rules Put Syrians at Risk," January 16, 2016, https://www.hrw.org/news/2016/01/12/lebanon-residency-rules-put-syrians-risk.

301 Ibid.

ed to the agriculture, construction, and sanitation sectors.[302]

Palestinian refugees have access to formal employment, provided by a labor law amended in 2005 and 2010, enabling free work permits and access to work in restricted sectors.[303] However, the process for obtaining work permits is lengthy and requires goodwill of employers. In December 2021, Lebanon issued a decree relaxing sector restrictions for Palestinians born in Lebanon.[304] However, barriers remain, as low numbers of Palestinians obtain work permits and many employers are unwilling to hire Palestinians.

De Facto Summary

Lebanon has one of the largest refugee populations per capita globally.[305] Lebanon is also experiencing one of the worst economic crises since the mid-19th century, with real per capita GDP falling 37 percent between 2018 and 2021.[306] In this context, the conditions for refugees have gone from bad to worse. Syrians were under curfew in many municipalities even before COVID-19, and curfews targeting only Syrians expanded during the pandemic.[307]

Labor market access is also very difficult for refugees.[308] Only 20 percent of Syrians have legal residency, as UNHCR has been unable to register refugees since 2015.[309] Obtaining a work permit is "practically impossible", in the words of one survey respondent, and sectors are significantly restricted even for Palestinians born in Lebanon. The EU-Lebanon Compact, signed in 2016, brought hope of expanded access for Syrians but made little tangible difference.[310] Instead, authorities launched a crackdown in 2019 on businesses hiring foreign workers without proper paperwork.[311] This combination of limited access to documentation and enforcement actions targeting businesses has contributed to the dire conditions experienced by Syrians in Lebanon, with more than 90 percent living in extreme poverty as of 2019.[312]

302 Leaders for Sustainable Livelihoods, *Dignity at Stake: Challenges to Accessing Decent Work in Lebanon* (Beirut: Leaders for Sustainable Livelihoods, 2019), https://reliefweb.int/report/lebanon/dignity-stake-challenges-accessing-decent-work-lebanon.

303 International Labour Organization, "Palestinians in Lebanon Working under Precarious Conditions," November 20, 2012, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_193717/lang--en/index.htm.

304 Lynn Sheikh Moussa, "Decree Granting Palestinians Access to Local Jobs Can Easily Be Reversed," *Beirut Today*, December 9, 2021, https://beirut-today.com/2021/12/09/decree-granting-palestinians-access-to-local-jobs-can-easily-be-reversed/.

305 UNHCR, *Global Trends in Forced Displacement—2020* (Geneva: UNHCR, 2021), https://www.unhcr.org/60b638e37/unhcr-global-trends-2020. This statistic includes Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

306 World Bank, "The World Bank in Lebanon," last updated October 17, 2021, https://www.worldbank.org/en/country/lebanon/overview#1.

307 Human Rights Watch, "Lebanon: Refugees at Risk in Covid-19 Response," April 2, 2020, https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response; US Department of State, *2020 Country Reports on Human Rights Practices: Lebanon* (Washington, DC: US Department of State, 2021), https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lebanon/.

308 Sahar Atrache, *Lebanon at a Crossroads: Growing Uncertainty for Syrian Refugees* (Washington, DC: Refugees International, 2020), https://www.refugeesinternational.org/reports/2020/1/28/lebanon-crossroads-growing-uncertainty-syrian-refugees.

309 UNHCR / UNICEF / World Food Program, *VASyR 2020: Vulnerability Assessment of Syrian Refugees in Lebanon* (Geneva: UNHCR, 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/VASyR%202020.pdf.

310 Daniel Howden, Charlotte Alfred, and Hannah Patchett, "The Compact Experiment," *The New Humanitarian*, December 13, 2017, https://deeply.thenewhumanitarian.org/refugees/articles/2017/12/13/the-compact-experiment.

311 Sertan Sanderson, "Lebanese Authorities Launch Campaign to Stamp Out Illegal Work by Syrian Refugees," *InfoMigrants*, August 2, 2019, https://www.infomigrants.net/en/post/18573/lebanese-authorities-launch-campaign-to-stamp-out-illegal-work-by-syrian-refugees.

312 Omer Karasapan and Sajjad Shah, "Why Syrian Refugees in Lebanon Are a Crisis within a Crisis," *Future Development* (blog), Brookings Institution, April 15, 2021, https://www.brookings.edu/blog/future-development/2021/04/15/why-syrian-refugees-in-lebanon-are-a-crisis-within-a-crisis/.

LIBYA 22

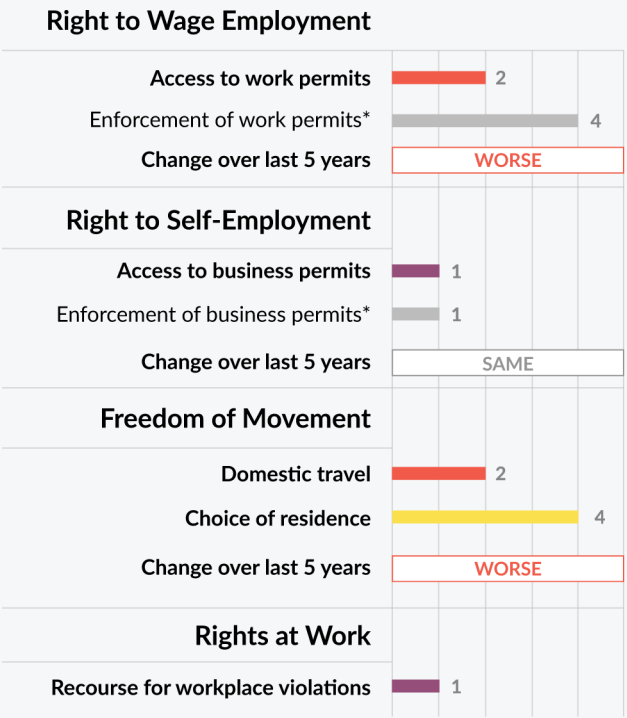
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

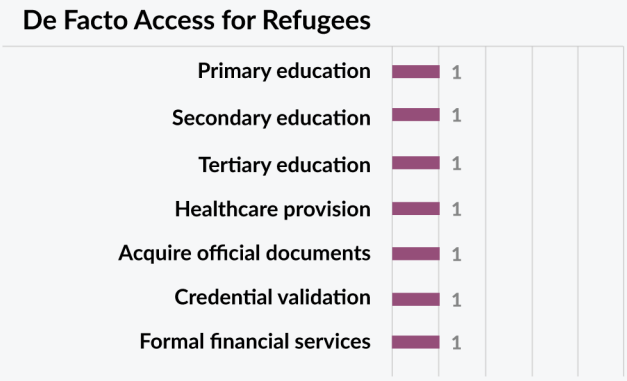
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Libya hosted 3,701 refugees and 39,434 asylum seekers in 2021.[313] The majority of refugees and asylum seekers were from Sudan and Syria.

De Jure Summary

Although not a party to the 1951 Refugee Convention, Libya is a party to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa,[314] the Arab Convention on Regulating Status of Refugees in the Arab Countries,[315] the Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"),[316]and the Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles").[317]

Article 10 of the Libyan Constitutional Declaration determines that the state shall guarantee the rights of refugees.[318] However, specific legislation has

313 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

314 Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), September 10, 1969, 1001 U.N.T.S. 45, https://www.refworld.org/docid/3ae6b36018.html.

315 League of Arab States, Arab Convention on Regulating Status of Refugees in the Arab Countries, 1994, https://www.refworld.org/docid/4dd5123f2.html.

316 League of Arab States, Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"), September 11, 1965, https://www.refworld.org/docid/460a2b252.html.

317 Asian-African Legal Consultative Organization, Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles"), December 31, 1966, https://www.refworld.org/docid/3de5f2d52.html.

318 Government of Libya, Draft Constitutional Charter for the Transitional Stage: The Constitutional Declaration, February 7, 2011, https://www.ndi.org/sites/default/files/Handout%204%20-%20Libya%20Draft%20Interim%20Constitution.pdf.

not been developed in this regard, leaving refugees without de jure access to legal status, free movement, or work rights.[319]

Libya's Labor Relations Law (Law No. 12 of 2010) stipulates that foreigners must obtain a permit to work and prescribes a range of labor rights for workers.[320] However, because Libyan law provides no way for refugees to regularize their legal status in the country, the Libyan government most likely would not consider this law as applicable to refugees.

De Facto Summary

Libya hosts a sizable refugee population and has historically received migrants seeking work, while often also cited for its maltreatment of migrants seeking to reach Europe.[321] The lack of a national asylum law means refugees are "illegal migrants" and puts them at risk of arrest, detention, and abuse.[322] In recent raids and crackdowns by authorities, refugees' and asylum seekers' homes were demolished, and, in the process, some refugees and asylum seekers were beaten and killed.[323] Many individuals need emergency food and cash assistance, as well as housing and basic social services such as healthcare and education. Libya's ongoing political unrest and the COVID-19 pandemic have exacerbated crackdowns and violence toward refugees and asylum seekers.

Few refugees and asylum seekers have opportunities to access the formal labor market. Survey respondents noted that refugees have little freedom of movement and are regularly harassed and occasionally arrested when traveling. They also reported that the situation has worsened in recent years UNHCR registers asylum seekers, but this process is limited and thus very few have the documentation needed to access formal work.[324] That being said, respondents noted that the government did not often enforce the need for work permits.

319 UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 36th Working Group Session: Libya," 2022, https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1873&file=EnglishTranslation.

320 Government of Libya, Law No. (12) of 2010 on Labour Relations and Its Bylaw, 2010, https://security-legislation.ly/en/law/31973#:~:text=(12)%20of%202010%20on%20labour%20relations%20and%20its%20bylaw,-Law%20No.%20(&text=The%20General%20People's%20Congress%3A&text=Not%20be%20dismissed%20from%20service,-clear%20the%20penalty%20has%20elapsed.

321 Attempted sea crossings represented less than 5 percent of the total migrant population in Libya. In 2020, the overall number of migrants in the country decreased by 80,000, to 570,000, while the number of UNHCR-registered refugees and asylum seekers decreased from 48,000 to 44,000 (41,681 as of October 1, 2021). See https://reporting.unhcr.org/libya for the latest updates.

322 Mohamed Alalem and Anas Abumais, "No Safe Place to Go for Asylum-Seekers Snared in Libya Dragnet," UNHCR, October 14, 2021, https://www.unhcr.org/en-us/news/latest/2021/10/616838d54/safe-place-asylum-seekers-snared-libya-dragnet.html.

323 Ibid.

324 Tom Wescott, "In Libya, Hard Economic Times Force Migrant Workers to Look Elsewhere," *The New Humanitarian*, February 18, 2019, https://www.thenewhumanitarian.org/news-feature/2019/02/18/libya-hard-economic-times-force-migrant-workers-look-elsewhere; Amnesty International, "'Between Life and Death': Refugees and Migrants Trapped in Libya's Cycle of Abuse," September 24, 2020, https://www.amnesty.org/en/documents/mde19/3084/2020/en/; "Escaping Hell on Earth: Libya's Refugee Camps," *DW*, December 28, 2020, https://www.dw.com/en/escaping-hell-on-earth-libyas-refugee-camps/a-56077512.

MALAWI 32

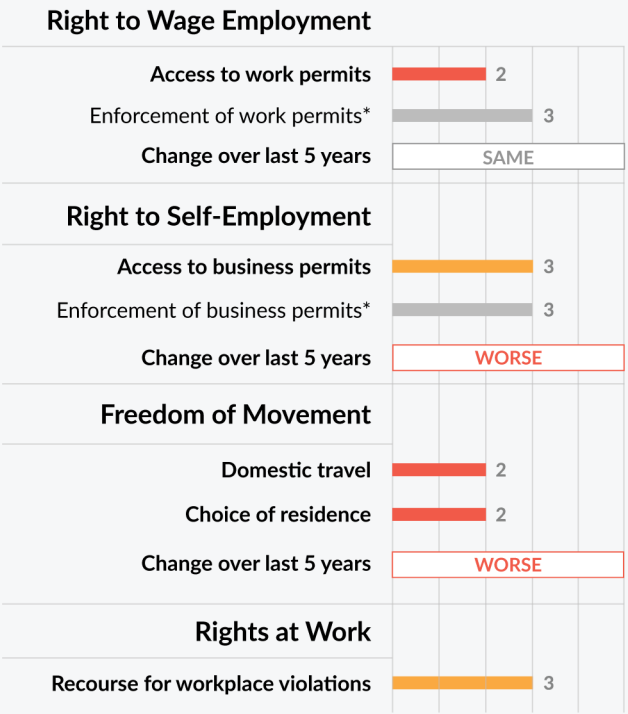
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to articles 13, 19, and 24**

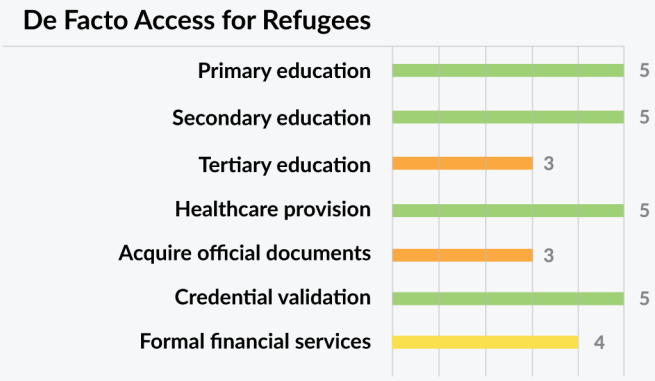
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Malawi hosted 16,359 refugees and 34,461 asylum seekers in 2021.[325] The majority of refugees and asylum seekers were from the Democratic Republic of Congo.

De Jure Summary

Malawi is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. Malawi is also a party to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.[326] The Refugees Act of 1989 is the domestic law defining refugees and prescribing structure for status determination.

The Refugees Act provides protections to refugees from non-refoulement and the right to remain during the asylum application process, to enter without lawful status if a refugee intends to seek asylum, and the right to be protected from detention.[327] However, the freedom of movement and the right to work are not guaranteed in this law.

Malawi's reservations to the Refugee Convention reinforce this lack of work rights: Malawi does not agree to Convention provisions that give refugees rights to own property, join unions, or move freely. Malawi agrees to allow refugees to work on par

325 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

326 Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), September 10, 1969, 1001 U.N.T.S. 45, https://www.refworld.org/docid/3ae6b36018.html.

327 Levi Duma Mvula. "Refugee Status Determination and Rights in Malawi," 2010, https://www.rsc.ox.ac.uk/files/files-1/dp-rsd-malawi-2010.pdf.

with foreigners generally, but denies them access to rights at work.[328]

Most refugees have long been restricted to living in camps, and in 2021 authorities ordered refugees living outside camps to relocate to the Dzaleka camp that now is supposed to host all refugees in the country.[329]

De Facto Summary

Malawi was on track to participate in the Comprehensive Refugee Response Framework by promoting durable solutions, including local integration and resettlement possibilities. However, the government recently changed course and imposed strict encampment requirements—a clear step backward in its progress toward economic inclusion of refugees. In April 2021, the government made the announcement that all refugees would need to return to the Dzaleka Camp, citing national security reasons.[330] This move stretched already limited access to services in the overcrowded Dzaleka Camp and uprooted some 2,000 refugees who were living and working alongside hosts in Malawi. The denial of rights most notably affects freedom of movement and the right to work, but also access to other socioeconomic rights.[331]

328 Ibid.

329 Benson Kunchezera, "Return to the refugee camp: Malawi orders thousands back to 'congested' Dzaleka," November 25, 2021, https://www.theguardian.com/global-development/2021/nov/25/return-to-the-refugee-camp-malawi-orders-thousands-back-to-congested-dzaleka.

330 BBC News, "Malawi Orders Integrated Refugees into Overcrowded Camp," May 6, 2021, https://www.bbc.com/news/world-africa-57007744.

331 Lamick Masina, "Malawi Orders All Refugees Back into Camp within 14 Days," *Voice of America*, April 17, 2021, https://www.voanews.com/a/africa_malawi-orders-all-refugees-back-camp-within-14-days/6204712.html.

MALAYSIA 22

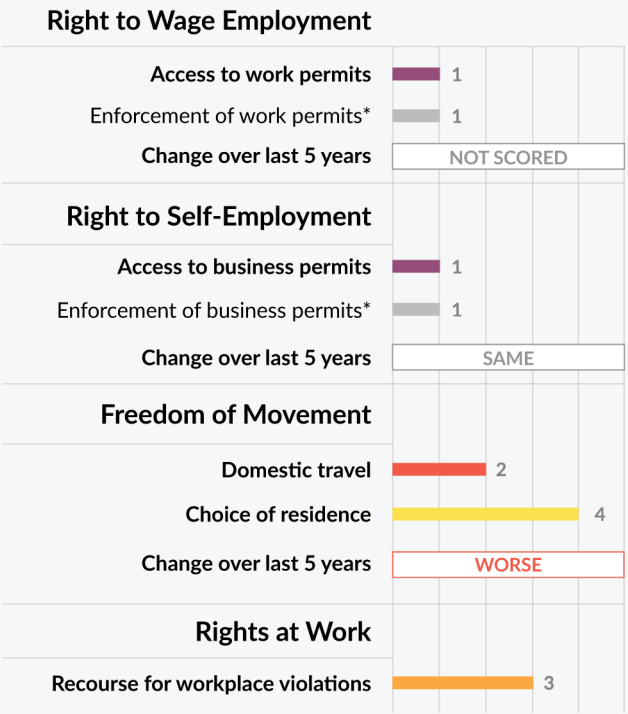
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

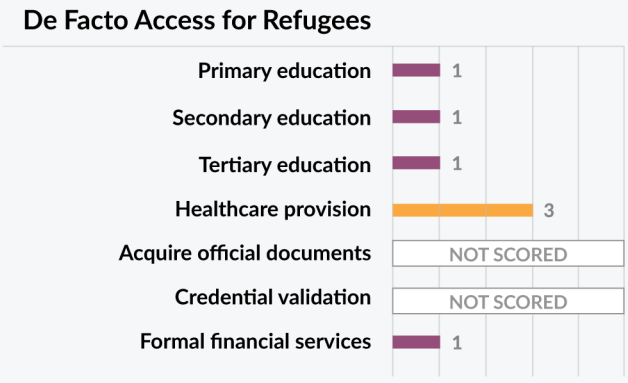
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **No**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Malaysia hosted some 131,101 refugees and 52,012 asylum seekers registered with UNHCR in 2021. Some 120,126 are from Myanmar, with the vast majority being Rohingya.[332]

De Jure Summary

Despite hosting one of the largest refugee populations in Southeast Asia, Malaysia is not a party to the 1951 Refugee Convention nor to the ICESCR. Malaysia has not developed any domestic or administrative framework that provides rights for refugees. Malaysia's immigration laws do not distinguish between refugees, asylum seekers, irregular migrants, and undocumented persons.

Therefore, refugees do not have access to fundamental rights such as legal status, safe and lawful employment, formal education, and equal protection of the law. Refugees are at constant risk of arrest, detention, and exploitation. Malaysian law continues to classify refugees as "illegal immigrants." Nevertheless, UNHCR conducts a registration process and provides identity documentation that "may reduce the risk of arrest" but "has no formal legal value in Malaysia."[333] However, since 2019, the situation of refugees in the country has worsened, as UNHCR has been denied entry into detention centers and is thus unable to provide protection to persons of concern.[334]

332 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

333 UNHCR, "Malaysia: Registering with UNHCR," accessed May 06 2022, https://refugeemalaysia.org/support/registering-with-unhcr/#:~:text=The%20first%20step%20in%20the,available%20on%20Refugee%20Malaysia%20website.

334 A. Ananthalakshmi and Mei Mei Chu, "Malaysia Denying U.N. Access to Detained Asylum Seekers, Agency Says," *Reuters*, November

In a landmark case in 2014, an industrial court decided that a UNHCR-recognized refugee was wrongfully dismissed from employment. This decision holds that all employees, including those without legal status, are equal before the law.[335]

De Facto Summary

In Malaysia, forcibly displaced people are deprived of their basic human rights, education, health, and work.[336] Rohingya especially face significant segregation and discrimination.[337] Given the lack of recognition from the government, refugees fear deportation and are subject to harassment and extortion.[338] This harassment also limits refugees' freedom of movement.

Some refugees have de facto been able to obtain a visa and work in a limited number of sectors through existing labor migration schemes by forgoing UNHCR registration. Yet these jobs tend to be "dirty, dangerous and degrading" according to the United States Department of Labor.[339] As a result, the majority of refugees work in the informal sector, where they are also subject to exploitation and abuse.[340] NGOs report that employers often withhold refugees' salaries, and refugees also do not have access to important services, such as bank accounts.[341]

The country has stated its intention to improve legal work rights for displaced people, with some previous instances limited in scope.[342] [343] For instance, in 2017, the country implemented a pilot program to grant formal work to 300 Rohingya refugees in a state-owned company and a private company.[344] But no further action has been taken to provide regularization and access to employment to other displaced individuals.

A recent report from the Institute for Democracy and Economic Affairs estimated that providing the right to work could generate over 4,000 jobs for Malaysians, 700 million USD in annual GDP, and 10 million USD in annual tax revenue by 2024.[345]

11, 2020, https://www.reuters.com/article/malaysia-migrants-idUSKBN-27R13P.

335 Caitlin Wake, *'Turning a Blind Eye': The Policy Response to Rohingya Refugees in Malaysia*, HPG Working Paper (London: Overseas Development Institute, Humanitarian Policy Group, 2016), https://cdn.odi.org/media/documents/11116.pdf.

336 Aslam Abd Jalil, "Time for a Comprehensive Policy for Refugees," *Free Malaysia Today*, February 25, 2019, https://www.freemalaysiatoday.com/category/opinion/2019/02/25/time-for-a-comprehensive-policy-for-refugees/.

337 "Rohingya face discrimination and hostility in Malaysia." *UCA News.* August 10, 2021: https://www.ucanews.com/news/rohingya-face-discrimination-and-hostility-in-malaysia/93653.

338 Emily Fishbein. "Fear and Uncertainity for Refugees in Malaysia as Xenophobia Escalates." *The New Humanitarian.* May 25, 2020: https://www.thenewhumanitarian.org/news/2020/05/25/Malaysia-coronavirus-refugees-asylum-seekers-xenophobia.

339 U.S. Department of Labor. "Protecting the Rights of Migrant Workers Through Empowerment and Advocacy in Malaysia." Accessed on March 18, 2022: https://www.dol.gov/agencies/ilab/protecting-rights-migrant-workers-through-empowerment-and-advocacy-malaysia.

340 Eleanor Taylor-Nicholson, Renuka Balasubramaniam, and Natasha Mahendran, *Migrant Workers' Access to Justice: Malaysia* (Kuala Lumpur: Bar Council Malaysia, 2019), https://www.malaysianbar.org.my/cms/upload_files/document/Migrant%20Workers%20Access%20to%20Justice%20Report%20(28Nov2019).pdf.

341 Qairunnisa Binti Ahmad Noor Ridi. "Not Just Employment: It's time for refugees in Malaysia to own bank accounts too." *Refugee Research Online.* December 10, 2019. https://refugeeresearchonline.org/not-just-employment-its-time-for-refugees-in-malaysia-to-own-bank-accounts-too/.

342 Martin Carvalho, Rahimy Rahim, Terrence Tan and Fatimah Zainal. "Govt to decide on allowing refugees to work in Dec." *The Star.* November 18, 2019. https://www.thestar.com.my/news/nation/2019/11/18/govt-to-decide-on-allowing-refugees-to-work-in-dec.

343 Aslam Abd Jalil, "The Right to Work Can Empower Refugees in Malaysia," *The Conversation*, July 5, 2019, https://theconversation.com/the-right-to-work-can-empower-refugees-in-malaysia-119666.

344 Beh Lih Yi, "Malaysia in Pilot Scheme to Allow Rohingya Refugees to Work," *Reuters*, November 24, 2016, https://www.reuters.com/article/us-malaysia-refugees-rohingya-idUSKBN13J1F1.

345 Laurence Todd, Adli Amirullah, Wan Ya Shin. "The Economic Impact of Granting Refugees in Malaysia the Right to Work." *Institute for Democracy and Economic Affairs.* April 2019: https://www.tent.org/wp-content/uploads/2021/09/IDEAS-Malaysia.pdf.

MEXICO 43

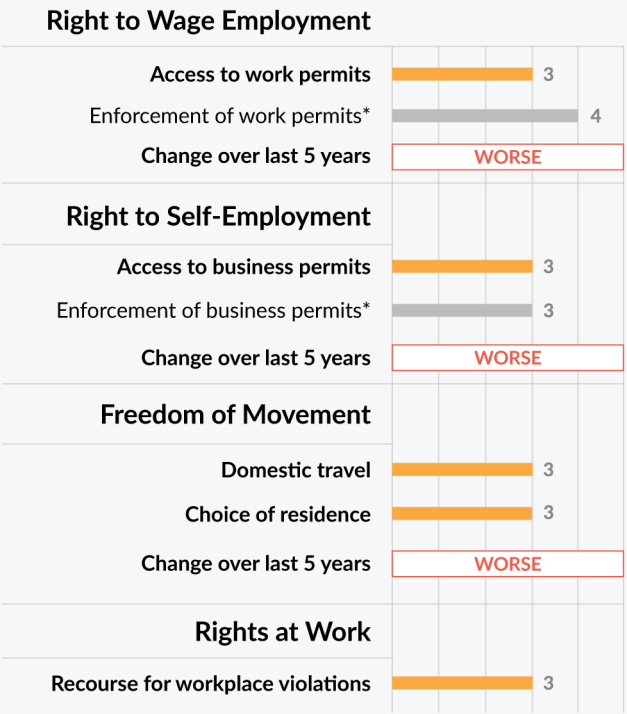
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to articles 17 and 26**

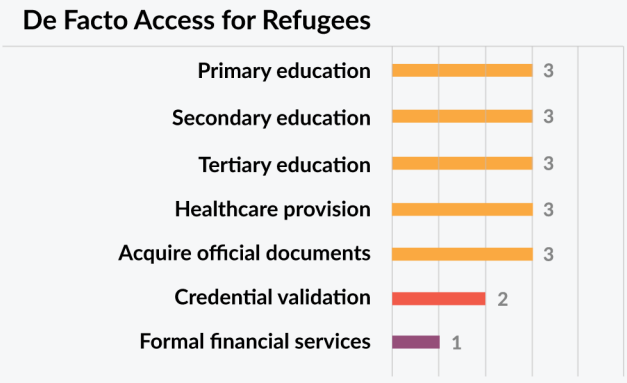
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Mexico hosted 58,050 refugees and 114,536 asylum seekers as well as 59,942 Venezuelans displaced abroad in 2021.[346] Aside from Venezuela, the most common country of origin was Honduras.

De Jure Summary

Mexico is a party to the 1951 Refugee Convention with reservations to articles 17 and 26. Mexico is a party to the ICESCR and a signatory to the Cartagena Declaration.

In 2010, the Mexican government passed the Law on Refugees and Complementary Protection, which incorporates the 1951 Refugee Convention principles into domestic law. The refugee definition adopted in this law is the expanded version contained in the Cartagena Declaration. This law offers broad protection to recognized refugees, including residency, the right to work, healthcare, and education, and the possibility of naturalization.[347]

Domestic law requires that those applying for refugee status submit their application within 30 days of arrival in the country, and they must remain in the state where they lodged their application.[348] This requirement, coupled with a severe backlog,

346 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

347 Government of Mexico, Ley Sobre Refugiados, Protección Complementaria y Asilo Político, October 30, 2014, https://www.gob.mx/cms/uploads/attachment/file/211049/08_Ley_sobre_Refugiados__Protecci_n_Complementaria_y_Asilo_Pol_tico.pdf.

348 UNHCR, "How to Apply for Refugee Status in Mexico," accessed May 06 2022, https://help.unhcr.org/mexico/en/como-solicitar-la-condicion-de-refugiado-en-mexico/.

imposes barriers to protection and lawful work opportunities.[349]

Asylum applicants may apply for a temporary ID during the application process, which may be used for lawful employment.[350] In January 2019, a humanitarian visa program was briefly implemented that guaranteed lawful stay and work authorization for one year.[351] Over 15,000 applications were submitted so the program was deemed "too successful" by the government and closed after one month.[352]

De Facto Summary

While the law indicates that the refugee determination process should conclude within 45 working days, in practice, many wait for over a year.[353] Further, many asylum seekers apply in smaller towns in southern Mexico, such as Tapachula, where job opportunities are limited.[354]

The law states that all asylum seekers must receive a temporary humanitarian visa that allows them to work.[355] But NGOs indicate that some offices refuse to issue these documents or impose significant processing delays.[356] Thus many abandon their cases and move to other cities in search of opportunities.

Those with refugee status also face barriers to work. Businesses are limited in the number of foreigners they can hire—only up to 10 percent of their total workforce—and also require a special permit to hire non-nationals.[357] These regulations make it difficult for refugees to obtain formal jobs.

Mexico has a large informal sector, where many refugees work. However, this allows for to abuse and exploitation, as well as harassment from authorities and criminal groups. In practice, there are few effective mechanisms to protect both displaced persons and locals in Mexico from workplace violations, especially when hired informally.

349 Asylum Access, "Asylum in Mexico by the Numbers," January 2020, https://asylumaccess.org/wp-content/uploads/2020/01/Asylum-in-Mexico-by-the-Numbers.pdf.

350 Asylum Access, "Mexican Asylum System for U.S. Immigration Lawyers FAQ," November 2019, https://asylumaccess.org/wp-content/uploads/2019/11/Mexican-Asylum-FAQ-for-US-Immigration-Lawyers.pdf.

351 Maureen Meyer, "Q&A: Analyzing Mexico's Current Migration and Asylum Policies," WOLA, May 7, 2019, https://www.wola.org/analysis/qa-analyzing-mexicos-current-migration-and-asylum-policies/.

352 Guadalupe Chavez and Alexander Voisine, "The Implementation of Mexico's Refugee, Complementary Protection and Political Asylum Law," *E-International Relations*, July 5, 2021, https://www.e-ir.info/2021/07/05/the-implementation-of-mexicos-refugee-complementary-protection-and-political-asylum-law/.

353 Asylum Access, "Hoja Informativa Sobre el Asilo en México," January 2020, https://asylumaccess.org/wp-content/uploads/2020/01/HOJA-INFORMATIVA-SOBRE-EL-ASILO-MEXICANO.pdf.

354 Kate Morrissey, "Trapped in Tapachula: Mexico Pressures Asylum Seekers to Stay for Months at Its Southern Border," *San Diego Union-Tribune*, November 7, 2021, https://www.sandiegouniontribune.com/news/immigration/story/2021-11-07/mexico-asylum-seekers-tapachula.

355 Tent, ACNUR and Casa Refugiados. "Guia Mexicana para la contratación de refugiados y solicitantes de asilo." August 2020: https://www.tent.org/wp-content/uploads/2021/03/Tent_Mexico-Hiring-Guide_August2020.pdf.

356 Nadini Dwivedi. "Mexico Human Rights Commission ask immigration authorities to speed up admissions." *Jurist.* February 6, 2022: https://www.jurist.org/news/2022/02/mexico-human-rights-commission-asks-immigration-authorities-to-speed-up-admissions/.

357 Government of Mexico, Ley Federal del Trabajo, Article No. 7, June 12, 2015: https://www.gob.mx/cms/uploads/attachment/file/156203/1044_Ley_Federal_del_Trabajo.pdf.

NEW ZEALAND 54

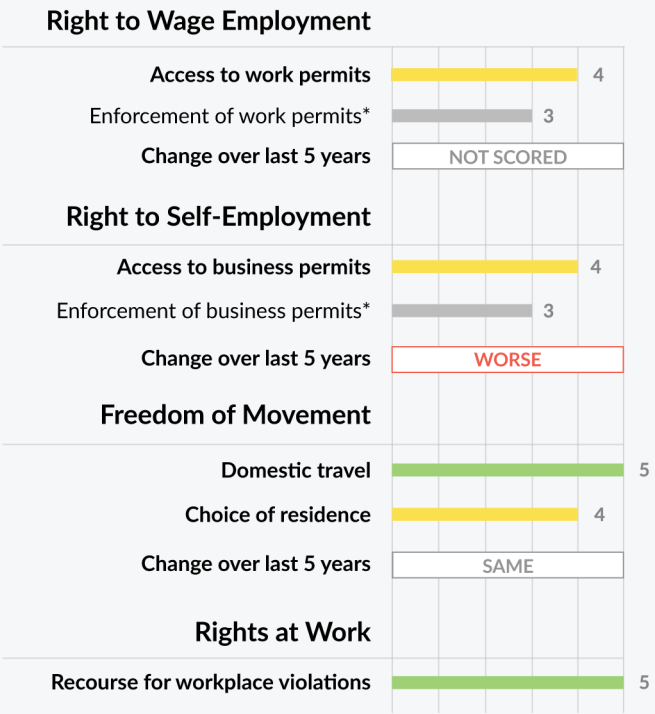
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

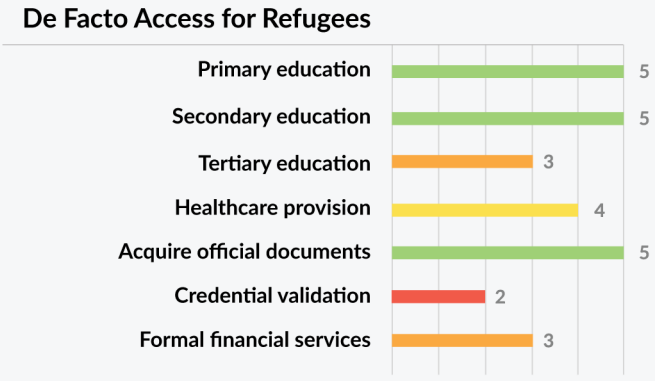
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to article 8**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, New Zealand hosted 1,785 refugees and 662 asylum seekers in 2021.[358]

De Jure Summary

New Zealand is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. Refugee protections and work rights in New Zealand are governed by comprehensive national legislation, particularly the Immigration Act of 2009, which is aligned with international refugee protections.

New Zealand offers protection to refugees through the Refugee Quota Program for those being referred to New Zealand via resettlement, through the Refugee Claimant Visitor Visa for spontaneous arrivals, and via temporary visas for protected persons (who fall under the protection of the Convention against Torture or Covenant on Civil and Political Rights). New Zealand maintains an annual cap on refugee resettlement from third countries—currently 1,500 persons—which it revises every three years. In 2019, the country overturned a policy that had restricted resettlement quotas for refugees from Middle Eastern and African countries for more than 10 years, improving equality of refugee access to rights.[359]

358 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=7Xwl2ihttps://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

359 Charlotte Graham-McLay, "Under Pressure, New Zealand Ends a Refugee Policy Branded Racist," *New York Times*, October 4, 2019, https://www.nytimes.com/2019/10/04/world/asia/jacinda-ardern-refugees-new-zealand.html.

Recognized refugees and protected persons are offered permanent residency and the right to work. After holding residency for five years, they may apply for citizenship. Those with applications in process are able to apply for a temporary visa that provides them lawful stay, work authorization, the opportunity to study, and benefits from the Ministry of Social Development.[360] However, if an asylum seeker makes a claim after already being present in New Zealand without a valid visa, or arrives in the country using fake documents, they could be detained while the application is processed.[361]

De Facto Summary

Broadly, New Zealand does a good job of protecting the rights of its refugees, who are usually divided into three categories: asylum seekers, "Convention refugees," and "quota refugees." Yet confusion about these three categories and the rights they are granted hinders the ability of these people to access work and services. Government interventions appear to be lacking, with many refugees instead relying on NGOs and other forms of civil society support. Many asylum seekers are not granted work rights, and even those refugees who are granted status may need to wait months to access the labor market. Once they do, discrimination by employers can prevent many from accessing work. There is little support for refugees to start businesses, and little encouragement to do so.

While recognized refugees can access primary and secondary education, it is more difficult for them to access university. They are eligible, but, in practice, attending requires numerous prerequisites and language requirements that are difficult to meet. The government has suspended the offering of government scholarships, which means applicants must rely on those provided by individual universities.

360 Immigration New Zealand, *Refugee Status Unit: Practice Note* (Wellington: Ministry of Business, Innovation, and Employment, 2021), https://www.immigration.govt.nz/documents/forms-and-guides/refugee-status-unit-practice-note-august-2021.pdf.

361 Community Law, "How to Claim Refugee Status: The Process," accessed April 17, 2022, https://communitylaw.org.nz/community-law-manual/chapter-30-refugees/how-to-claim-refugee-status-the-process/; Tim Maurice, "What It's Like to Seek Asylum in New Zealand," *The Spinoff*, June 7, 2019, https://thespinoff.co.nz/society/07-06-2019/what-its-like-to-seek-asylum-in-new-zealand.

NORTH MACEDONIA 33

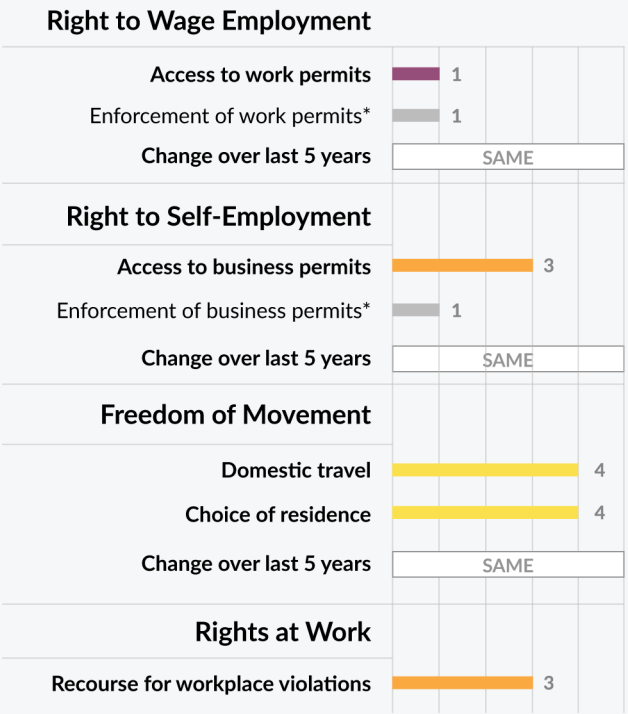
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

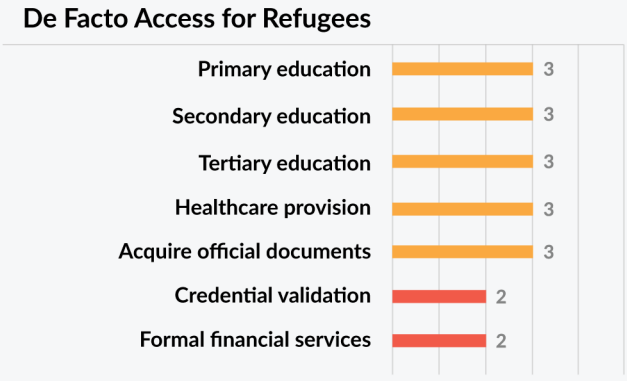
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, North Macedonia hosted 296 refugees and 17 asylum seekers in 2021.[362] The majority of refugees originated from Serbia and Kosovo, while the most common country of origin for asylum seekers was Turkey.

De Jure Summary

North Macedonia is a party to the 1951 Refugee Convention and its 1967 Protocol as well as the ICESCR. Refugee work rights in North Macedonia are enshrined in the 2018 Law on International and Temporary Protection and the 2018 Law on Foreigners.[363]

North Macedonia maintains three policies for protecting refugees: refugee status, subsidiary protection, and temporary protection. Recognized refugees and persons with subsidiary protection are guaranteed full access to employment opportunities as soon as they receive their status, with the same rights and protections as foreign workers.[364] Those with pending refugee status applications are not allowed to apply for a work permit until nine months have passed.[365] These work permits is not accessible, however, because asylum seekers are

362 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

363 Government of North Macedonia, Law on International and Temporary Protection of 2018, April 11, 2018, https://www.refworld.org/docid/5b55e5de4.html; Government of North Macedonia, Law on Foreigners of 2018, https://www.refworld.org/docid/6290d0774.html.

364 Ibid.

365 US Department of State, *North Macedonia 2020 Human Rights Report* (Washington, DC: US Department of State, 2021), https://www.state.gov/wp-content/uploads/2021/03/NORTH-MACEDONIA-2020-HUMAN-RIGHTS-REPORT.pdf.

required to have an identification number in order to obtain it, and they are not granted ID numbers until they are formally recognized as refugees. Often, applications are pending for two to three years, presenting serious challenges to refugees' ability to access lawful employment.[366]

Temporary protection is applicable to those seeking asylum in "mass influx" events. This affords protection from non-refoulement for one year and can be renewed for a total of three years but does not guarantee work rights.[367]

Since 2015, a "state of crisis" has been imposed in the country,[368] with border pushbacks justified by a "safe third country" rule,[369] hampering individuals' access to refugee status proceedings. Freedom of movement is granted to asylum seekers who are able to cross the border; however, North Macedonian authorities arbitrarily restrict this right in practice.[370]

De Facto Summary

Asylum seekers and refugees in North Macedonia are not granted personal identification numbers, a requisite for formal employment, until they are granted status. This prevents them from working; while there is a policy that refugees may work if their case is not processed within 9 months, this is often overlooked by employers according to a survey respondent. The lack of an identification number also makes school enrollment difficult. The Ministry of Labor and Social Policy touts active measures to promote the employment of refugees. The proposals that they have put forth, however, has not yet been adopted, according to UNHCR.[371]

366 Ibid.

367 Government of North Macedonia, Law on International and Temporary Protection of 2018, April 11, 2018, https://www.refworld.org/docid/5b55e5de4.html.

368 Giuseppe Cataldi, Adele Del Guercio, and Anna Liguori, eds., *Migration and Asylum Policies Systems Challenges and Perspectives* (Naples, Italy: Editoriale Scientifica, 2020), https://eprints.ugd.edu.mk/26872/1/koshevaliska%20and%20nikodinovska%20krstevska%20publication%20Orientale%202020.pdf.

369 Ibid.

370 US Department of State, *North Macedonia 2020 Human Rights Report* (Washington, DC: US Department of State, 2021), https://www.state.gov/wp-content/uploads/2021/03/NORTH-MACEDONIA-2020-HUMAN-RIGHTS-REPORT.pdf.

371 United Nations Network on Migration, "Review of the Status of Implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in the Republic of North Macedonia," https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/north_macedonia.pdf.

PAKISTAN 23

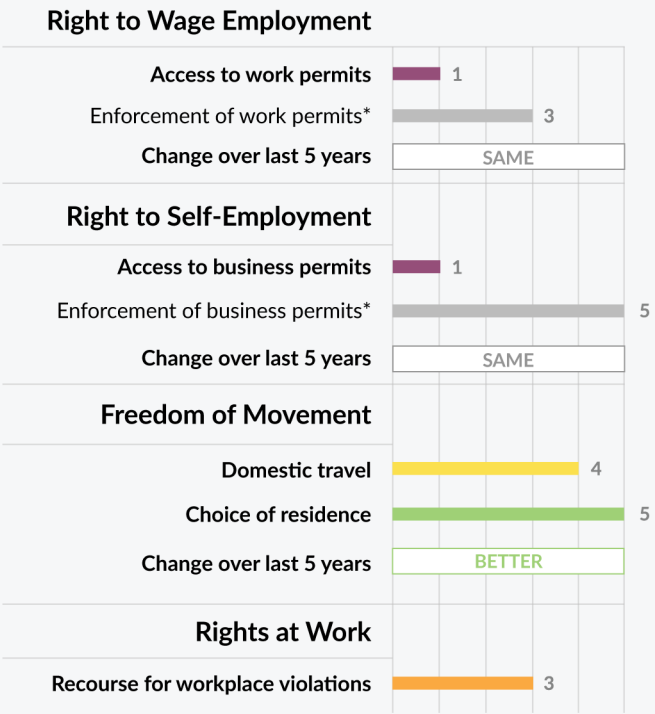
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

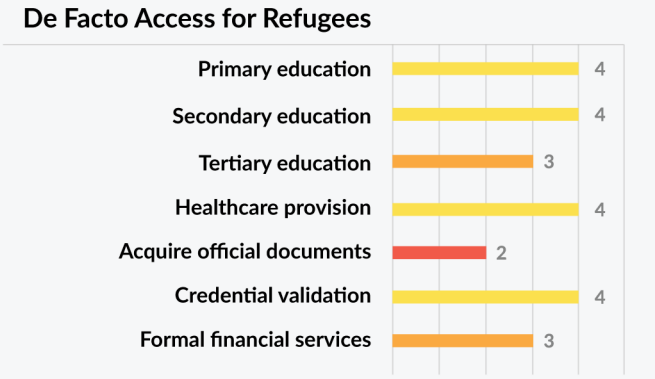
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Pakistan hosted 1,438,523 refugees and 10,192 asylum seekers in 2021.[372] The majority of refugees and asylum seekers originated from Afghanistan.

De Jure Summary

Pakistan does not currently have any national refugee legislation. Therefore, refugees and asylum seekers hold no official legal status and cannot work legally. Pakistan is not a party to the 1951 Refugee Convention nor its 1967 Protocol but is a party to the ICESCR by ratification with no reservations.

Pakistan has a long history of hosting refugees and hosts one of the highest refugee populations in the world, the majority of whom are Afghan. UNHCR holds the mandate to implement refugee status determination procedures in the country. However, over half of the 3 million refugees remain unregistered.[373] Afghan refugees are allowed to freely move but are not guaranteed rights to work lawfully, access education or financial services, or buy property. [374]

Pakistan has implemented various legalization programs over the years. In 2017, the government

372 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

373 Ali Furqan, "Pakistan Refuses to Host Additional Afghan Refugees," July 13, 2021, https://www.voanews.com/a/south-central-asia_pakistan-refuses-host-additional-afghan-refugees/6208191.html.

374 Amnesty International, "Afghanistan's refugees: Forty Years of Dispossession," June 20, 2019, https://www.amnesty.org/en/latest/news/2019/06/afghanistan-refugees-forty-years/.

developed a Comprehensive Policy on the Repatriation and Management of Afghans and affirmed efforts to develop a national refugee law. The Comprehensive Policy included 'Afghan Citizen Cards' which legalized Afghans' stay without term limits but did not grant them refugee status.[375] Alongside this, Pakistan has implemented various programs to repatriate Afghan refugees. Advocates, however, report that these were often coerced and in 2016, a Human Rights Watch cited nearly half of the 600,000 returnees as having been forced to return.[376]

Regarding a possible national refugee law, there is draft legislation, which has not been released. There is no detail on if and how the government will uphold the protection of the right to work for asylum seekers and refugees.[377]

De Facto Summary

Refugees work informally in a variety of sectors, from day wage laborers in the construction and agricultural sectors to small-scale workers in carpet weaving, fresh fruit production, heavy machinery, and honey beekeeping.[378] While some refugees set up businesses, they are either unregistered or under the proxy ownership of Pakistani friends and relatives. The one million Afghans who do not hold Proof of Registration cards mostly live in remote areas and perform menial jobs.[379]

Many refugees remain in the camps because there they can access limited work, healthcare, and education assistance. Afghan children are legally able to attend Pakistani state schools, though in practice these schools are both oversubscribed and hard to access, leaving much of the provision of education in the hands of UNHCR. Finally, while Proof of Registration card holders are entitled to access public healthcare, not all facilities accept the card as proof of identity. In addition, some hospitals will turn away pregnant refugee mothers, as they would not be able to issue a birth certificate if the baby were to be born at their hospital.

The Pakistani government response has shifted dramatically over the years.[380] Afghan refugees are seen as a drain on Pakistan's economy and resources as well as a security threat. As a result, the government has focused on encouraging voluntary return to Afghanistan.[381] Recent events suggest that further repatriation will be unlikely in the coming years, and new refugee waves are likely.

375 Denielle Amparado, Helen Dempster, and Imran Khan Laghari, "With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance," August 25, 2021, https://www.cgdev.org/blog/us-withdrawal-rights-afghan-refugees-pakistan-hang-balance.

376 Human Rights Watch, "Pakistan: Mass Forced Returns of Afghan Refugees," February 13, 2017, https://www.hrw.org/news/2017/02/13/pakistan-mass-forced-returns-afghan-refugees.

377 Denielle Amparado, Helen Dempster, and Imran Khan Laghari "With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance," August 25, 2021, https://www.cgdev.org/blog/us-withdrawal-rights-afghan-refugees-pakistan-hang-balance.

378 CODE Pakistan, *Afghan Refugees in Pakistan: The Road Ahead* (Islamabad: CODE Pakistan, 2019), https://codepak.org/news/analytical-report-on-afghan-refugees/; World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

379 Kalbe Ali, "Pakistan May Emulate Iran over Refugee Influx," *DAWN*, July 6, 2021, https://www.dawn.com/news/1633434.

380 Denielle Amparado, Helen Dempster, and Imran Khan Laghari, "With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance," *Center for Global Development Blog*, August 25, 2021, https://www.cgdev.org/blog/us-withdrawal-rights-afghan-refugees-pakistan-hang-balance.

381 Maliha Safri, "The Transformation of the Afghan Refugee: 1979–2009," *The Middle East Journal* 65, no. 4 (2011): 587–601, https://doi.org/10.3751/65.4.14.

PANAMA 53

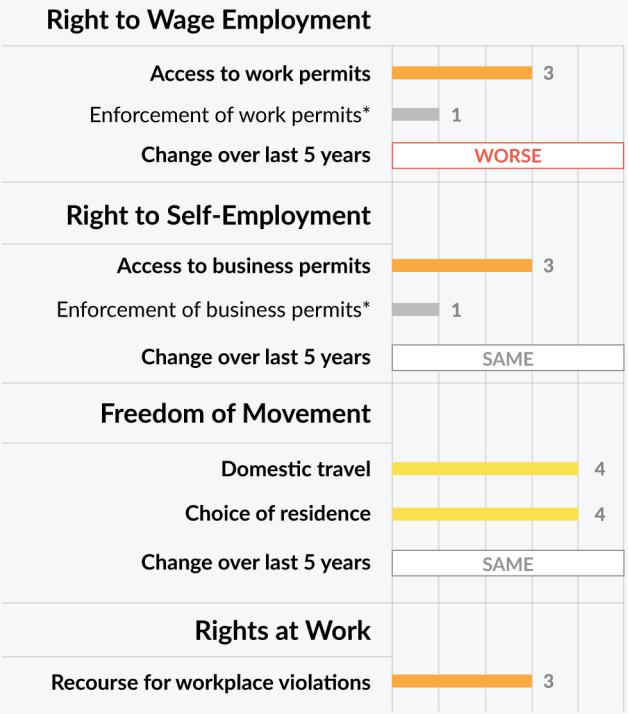
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

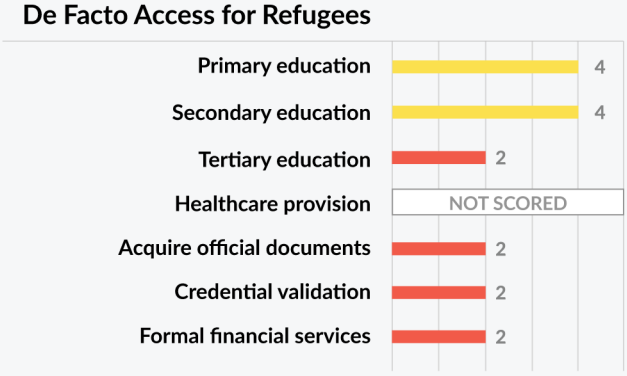
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Panama hosted 2,542 refugees and 11,630 asylum seekers as well as 121,870 Venezuelans displaced abroad in 2021.[382] The majority of refugees originated from Colombia, and the most common country of origin for asylum seekers from Nicaragua.

De Jure Summary

Panama guarantees the right to work to refugees and asylum seekers. In addition to being a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR, Panama is a party to several regional declarations: the 2014 Brazil Plan of Action, the 2016 San Jose Action Statement, and the Cartagena Declaration. In 2017, Panama joined the regional Comprehensive Regional Protection & Solutions Framework (MIRPS, for its acronym in Spanish), as well.

Panama offers both refugee status and asylum status, the latter for those seeking "temporary protection, while they await return to their country of origin or resettlement to a third state."[383] Refugees and asylees are offered the same rights and protections as those with temporary residence.[384]

382 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

383 María Sol Pikielny, *Institutional and Legal Migratory Framework of the Republic of Panama: A Working Paper* (Washington, DC: Migration Policy Institute, 2021), https://www.migrationpolicy.org/sites/default/files/publications/mpi-institutional-legal-framework-panama.pdf.

384 Government of Panama, Decreto Ley No. 3, Que crea el Servicio Nacional de Migración, la Carrera Migratoria y dicta otras disposiciones, February 22, 2008, https://www.acnur.org/fileadmin/Documentos/BDL/2008/6077.pdf.

Recognized refugees are provided a refugee card for a one-year renewable period. The card confers the right to apply for a work permit, under Executive Decree No. 5.[385] For those undergoing the refugee status determination process, temporary residency is offered for one year, renewable, accompanied by the right to work, which was extended under Executive Decree No. 20 in May 2019.[386] The Ministry of Labor has also issued a resolution to enable lawful work while renewal is pending.[387]

Law 74, Article 2, provides the right to apply for permanent residency after 3 years of maintaining refugee or temporary protection status.[388] Those who maintain permanent residency for 10 years may apply for naturalization.[389]

De Facto Summary

Asylum seekers who start the application process at the border cannot freely move or transit within the country until their status is determined. Those who obtain asylum receive a permit to move within the country.[390]

After three years, recognized refugees in Panama can apply for legal permanent residence in the country. This grants them indefinite work permits, access to bank accounts, and a pathway to citizenship.[391]

However, refugees who are not yet eligible for this residency barriers to labor market access. The one-year validity period of the work permit often deters employers. Refugees also struggle to open bank accounts. While there are some microcredit programs for refugees, financial inclusion is difficult until they obtain residency or citizenship.[392]

In other countries that host displaced Venezuelans, retail sales are a major livelihood strategy. However, in Panama, this violates the law. Even other jobs such as hairdressing, food production, or cleaning are restricted since they require special certifications provided by the government.[393]

Panama provides recourse for refugees, asylum seekers, and other forcibly displaced individuals to denounce abuses by their employers. However, informal employment is heavily penalized by the law; these sanctions have been recently increased and target primarily the hiring of undocumented individuals.[394]

385 Government of Panama, Decreto Ejecutivo N. 5, Nuevas Disposiciones para la Protección de las Personas Refugiadas, 2018, January 14, 2018, https://www.refworld.org/topic,50ffbce5220,50ffbce5247,5a7c51514,0,,,PAN.html.

386 Ministerio de Trabajo y Desarrollo Laboral, Decreto Ejecutivo N° 20, Que Modifica y Adiciona Artículos al Decreto Ejecutivo No. 17 de 11 de Mayo de 1999, y Se Deroga el Artículo 4 del Decreto Ejecutivo 107-A, de 27 de Mayo de 2011, por el Cual Se Reglamentan los Artículos 17 y 18 del Código de Trabajo, May 28, 2019, https://www.gacetaoficial.gob.pa/pdfTemp/28783_B/73058.pdf.

387 UNHCR, "Panama," March 11, 2020, https://globalcompactrefugees.org/article/panama?fbclid=IwAR1l54HPUNZT1otqvBSlR-7e1_217uSL-zVg-ScsQKk4OWaxle362m-2LHIQ.

388 Grupo Articulador Regional del Plan de Acción Brasil, *El Derecho al Trabajo de las Personas Solicitantes de Asilo y Refugiadas en América Latina y el Caribe* (Brasilia: Grupo Articulador Regional del Plan de Acción Brasil, 2019), https://asylumaccess.org/wp-content/uploads/2019/07/Derechos-Laborales-Refugiadas-en-America-Latina-y-el-Caribe-final-ESP.pdf.

389 María Sol Pikielny, *Institutional and Legal Migratory Framework of the Republic of Panama: A Working Paper* (Washington, DC: Migration Policy Institute, 2021), https://www.migrationpolicy.org/sites/default/files/publications/mpi-institutional-legal-framework-panama.pdf.

390 RET International, *Guía Informativa para las personas refugiadas y solicitantes de la condición de refugiado en Panamá* (Panama City: Oficina Nacional para la Atención de Refugiados, 2015), https://www.acnur.org/fileadmin/Documentos/Publicaciones/2016/10692.pdf?file=t3/fileadmin/Documentos/Publicaciones/2016/10692.

391 Ibid.

392 Ibid.

393 Ibid.

394 Ministerio de Trabajo y Desarrollo Laboral, "Ejecutivo sanciona Ley 59 que incrementa multas por contratar a trabajadores extranjeros sin permiso laboral," September 14, 2017, https://www.mitradel.gob.pa/ejecutivo-sanciona-ley-incrementa-multas-contratar-trabajadores-extranjeros-sin-permiso-laboral/.

PERU 43

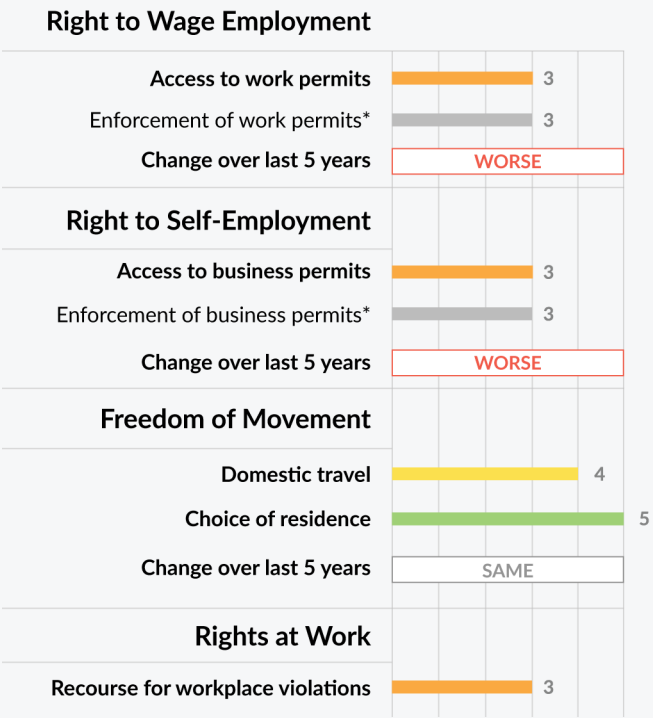
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

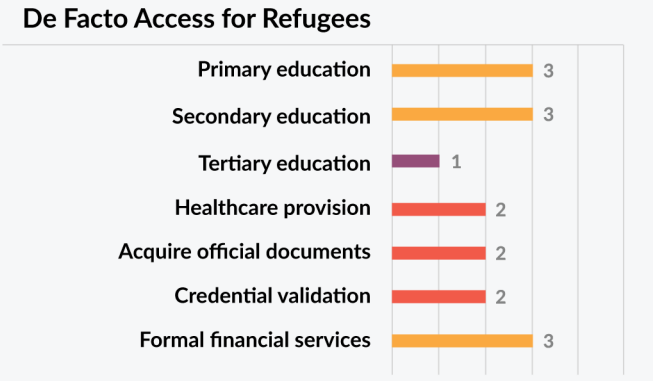
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Peru hosted 4,895 refugees and 536,779 asylum seekers as well as 515,162 Venezuelans displaced abroad in 2021.[395] The majority of asylum seekers were also from Venezuela. The second most common country of origin for refugees and asylum seekers was Cuba.

De Jure Summary

Peru is a party the 1951 Refugee Convention and its 1967 Protocol, the ICESCR, and the 1984 Cartagena Declaration. Peru's, National Refugee Law, guarantees refugee and asylum seekers the right to work.[396]

The temporary stay permit (PTP), created for Venezuelans in 2017, granted work rights and stay for two years.[397] This program was closed in 2018, with a series of policies implemented thereafter. The government implemented a temporary residence permit card (CPP) for those entering without lawful status while they apply for something more permanent,[398] such as refugee status. The CPP is valid for one year (nonrenewable) and guarantees the right to work.[399]

395 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

396 See, for example, Ley del Refugiado, Art. 26.

397 Martha Guerrero Ble, Izza Leghtas, and Jimmy Graham, *From Displacement to Development: How Peru Can Transform Venezuelan Displacement into Shared Growth* (Washington, DC: Center for Global Development and Refugees International, 2020), https://reliefweb.int/report/peru/displacement-development-how-peru-can-transform-venezuelan-displacement-shared-growth.

398 Estado Peruano, "Regularización migratoria," accessed May 06, 2022, https://www.gob.pe/14190-regularizacion-migratoria-regularizar-situacion-migratoria-para-extranjeros-mayores-de-edad.

399 Ibid.

Peru also implemented a humanitarian visa (CMH)[400] for Venezuelans seeking refugee status. CMH requires that Venezuelans apply with a valid passport and other civil documentation, which is often difficult to obtain.[401] The CMH guarantees the right to work and can be renewed as long as "conditions of vulnerability" remain.[402] However, Peru has consistently closed its land borders, most of which remain closed at the time of writing.[403]

Recognized refugees can access the labor market, but labor law stipulates that no more than 20 percent of a company's workforce may be foreign and that foreign salaries may not exceed 30 percent of a company's total payroll.[404] Foreigners must pay an additional 30 percent in income taxes.

De Facto Summary

In Peru, over 70 percent of the labor force works informally.[405] Most Venezuelans and other forcibly displaced individuals are able to work in the informal sector, mainly in the commerce and service industries.[406]

While access to regularization is important for Venezuelans and other refugees, in practice it has little impact on their labor market opportunities. Even those with regular status and work authorization struggle to obtain formal jobs.[407] Their status as foreigners also leaves them vulnerable to exploitation and abuse, with many reporting working longer hours or earning a lower income than locals.[408]

Despite challenges, the government of Peru has instituted initiatives for refugee professionals to integrate into the formal labor market. During the pandemic, the country implemented a program to include Venezuelan doctors in the COVID-19 response. This allowed Venezuelan doctors to work in state-owned hospitals and fast-track their professional accreditation procedure.[409]

400 Ministerio de Relaciones Exteriores, Resolución Ministerial N° 0207-2021/RE, July 6, 2021, https://www.gob.pe/institucion/rree/normas-legales/2007440-0207-2021-re.

401 Paula Dupraz-Dobias, "In Peru, Tougher Rules Set to Push Venezuelan Migration Underground," *The New Humanitarian*, July 9, 2019, https://www.thenewhumanitarian.org/news/2019/07/09/peru-tougher-rules-venezuelan-migration.

402 GTRM Peru, *Joint Needs Analysis 2022: Regional Refugee and Migrant Response Plan* (Lima: GTRM Peru, 2022), https://www.r4v.info/sites/default/files/2022-02/202201_GTRM_JNA%20English%20vf.pdf.

403 Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), "Special Situation Report: Bolivia, Chile, and Peru," n.d., https://reliefweb.int/sites/reliefweb.int/files/resources/R4V%20Special%20SitRep%20on%20Chile_Bolivia_Peru_ENG.pdf.

404 Martha Guerrero Ble, Izza Leghtas, and Jimmy Graham, *From Displacement to Development: How Peru Can Transform Venezuelan Displacement into Shared Growth* (Washington, DC: Center for Global Development and Refugees International, 2020), https://www.cgdev.org/sites/default/files/from-displacement-to-development-peru.pdf.

405 Instituto Nacional de Estadística e Informática, *Producción y Empleo Informal en el Perú: Cuenta Satélite de la Economía Informal 2007–2019* (Lima: Instituto Nacional de Estadística e Informática, 2020), https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1764/libro.pdf.

406 Martha Guerrero Ble and Jimmy Graham, *The Effect of COVID-19 on the Economic Inclusion of Venezuelans in Peru* (Washington, DC: Center for Global Development, 2020), https://www.cgdev.org/publication/effect-covid-19-economic-inclusion-venezuelans-peru.

407 Martha Guerrero Ble, Izza Leghtas, and Jimmy Graham, *From Displacement to Development: How Peru Can Transform Venezuelan Displacement into Shared Growth*.

408 Ibid.

409 Martha Guerrero Ble and Jimmy Graham, *The Effect of COVID-19 on the Economic Inclusion of Venezuelans in Peru*.

PORTUGAL 54

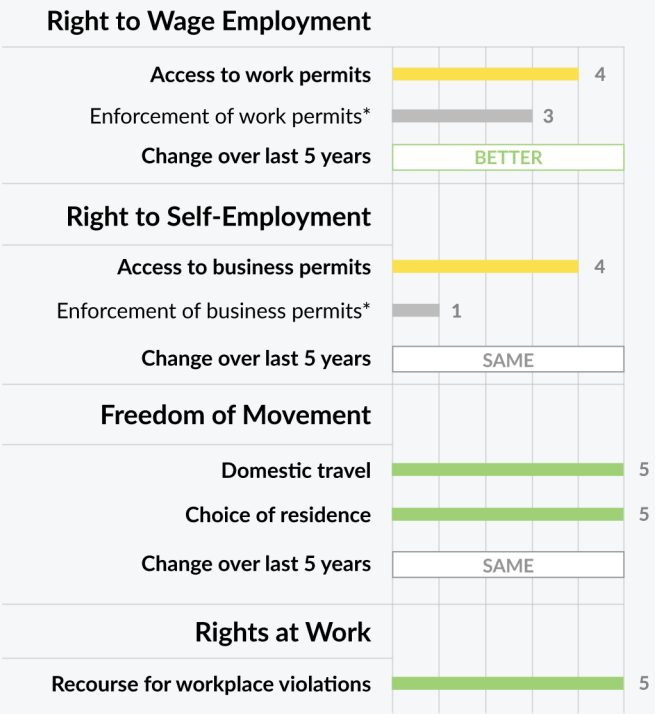
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

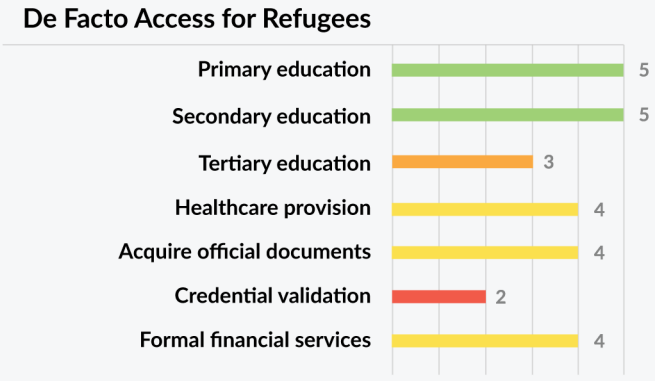
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Portugal hosted 2,650 refugees and 303 asylum seekers in 2021.[410] The most common countries of origin for refugees and asylum seekers were Syria and Ukraine.

De Jure Summary

Portugal is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. These international obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to engage in lawful employment on par with nationals. Portugal also enshrines the rights of refugees in domestic legislation in the Asylum Act of 2008.[411]

The Asylum Act provides asylum seekers, refugees, and beneficiaries of subsidiary protection the right to access the labor market.[412] Further, the law allows for a provisional residence permit for those undergoing the asylum application process, which is valid for six months and renewable.[413] Once asylum seekers are deemed eligible to proceed with the asylum application process, they are granted the right to work after 7 days at a border or between 10 and 30 days elsewhere in the territory.[414]

410 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

411 Government of Portugal, Asylum Act of 2008, June 30, 2008, https://files.dre.pt/1s/2008/06/12400/0400304018.pdf#1.

412 Government of Portugal, Asylum Act, Article 71(1), June 30, 2008, https://files.dre.pt/1s/2008/06/12400/0400304018.pdf#1.

413 Government of Portugal, Asylum Act, Articles 54(1) and 27(1), June 30, 2008, https://files.dre.pt/1s/2008/06/12400/0400304018.pdf#1.

414 Inês Carreirinho, *Country Report: Portugal* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-PT_2020update.pdf.

Refugees, those with subsidiary protection, and asylum seekers are granted the same employment rights as citizens.[415] Work permits are offered free of charge, and no labor market test is required to determine work suitability. Portugal restricts the sectors that foreign nationals may work in for the public sector only.[416]

Portugal offers refugees and those with subsidiary protection the right to naturalize after five years of legal residency in the country.[417] An amendment to the Nationality Regulation was proposed in 2020 to grant citizenship to all those with pending asylum applications, though this was modified to extend residence permits until 2022.[418]

De Facto Summary

In Portugal, refugees have access to the labor market after their asylum application is accepted. Refugees need to wait only about one month to receive work authorization, making Portugal one of the OECD countries where refugees have the earliest labor market access.[419] Refugees are free to work in any sector of the economy and face few restrictions to their employment. However, NGOs on the ground report that, in practice, refugees struggle to obtain employment.

In Portugal, refugees are overrepresented among the self-employed. The country has implemented a plethora of programs to promote refugee employment and entrepreneurship.[420] In addition, the country has initiated courses and training to help refugees overcome the significant obstacles they face, such as the language barrier. However, credential recognition for refugee professionals remains a major challenge, as there is no process to recognize the professional credentials of those who do not have access to their original diplomas.

415 Ibid.
416 Ibid.
417 Ibid.
418 Ibid.
419 OECD, *Finding Their Way: The Integration of Refugees in Portugal* (Paris: OECD, 2019), https://www.oecd.org/els/mig/finding-their-way-the-integration-of-refugees-in-portugal.pdf.
420 Ibid.

RWANDA 54

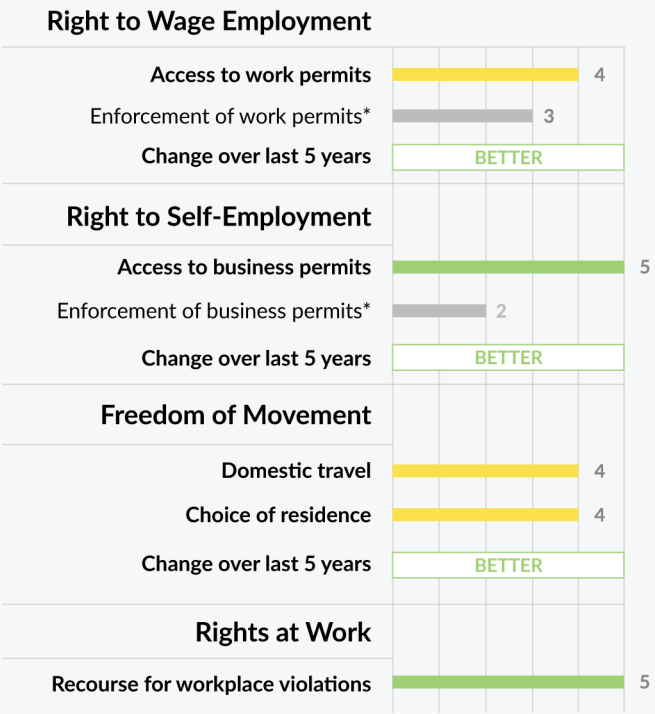
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservation to Article 26**

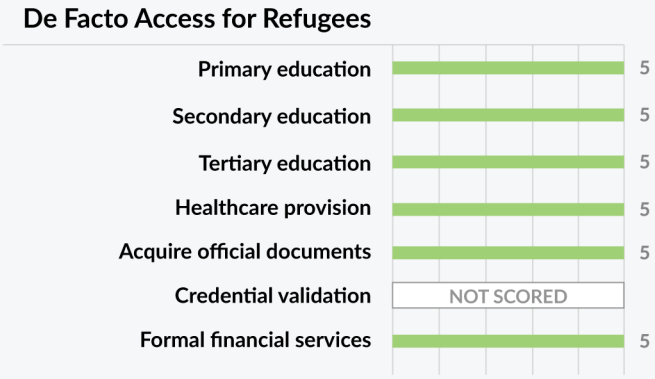
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Rwanda hosted 122,806 refugees and 228 asylum. The majority of refugees and asylum seekers were from the Democratic Republic of Congo and Burundi.

De Jure Summary

Rwanda is a party to the 1951 Refugee Convention, its 1967 Protocol, the ICESCR, and the Organization of African Unity regional convention. Rwanda does make the reservation to the 1951 Refugee Convention "to determine the place of residence of refugees and to establish limits to their freedom of movement." The status and treatment of refugees is governed by Law No. 13ter/2014 of 21/05/2014 Relating to Refugees, which includes rights to non-refoulement, freedom of movement, and freedom of employment.[421]

Refugees are granted the same employment rights as Rwandan citizens, including labor protections, private-sector salary protections, and the right to self-employment.[422] Rwanda also guarantees refugees the right to pursue Rwandan citizenship after they have demonstrated "self-reliance" for five years.[423] Refugees live both in camps and urban ar-

421 Government of Rwanda, Law No. 13 ter/2014 of 21/05/2014 Relating to Refugees, June 30, 2014, http://www.refworld.org/docid/53fb08cd4.html.

422 UNHCR, "The Right of Refugees to Work in Rwanda," July 24, 2017, https://www.unhcr.org/rw/12164-right-work-refugees-rwanda.html#:~:text=Rwanda%20is%20a%20signatory%20to,having%20obtained%20refugee%20status%20in; World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

423 UNHCR, "Working in Rwanda," accessed May 06, 2022, https://help.unhcr.org/rwanda/services/work/.

eas and are granted freedom of movement. Those in camps may exit and enter to seek employment outside camps.[424]

In 2022, the UK government proposed processing refugees and migrants at offshore sites in Rwanda; countries such as Denmark and Austria have considered similar plans.[425] The Rwandan government states that those undergoing asylum procedures in Rwanda would be offered protection under Rwandan law and guaranteed the right to work.[426] It remains to be seen how such a plan would to protect refugee rights.

De Facto Summary

Rwanda's refugee population is able to access some rights that are critical to refugees' economic inclusion. Refugees are able to travel freely, though many live in camps and may face other limitations to their mobility. Research from Rwanda has shown that the proximity of host communities to refugee camps can boost refugees' economic activity,[427] yet many still struggle to integrate into local communities due to other constraints. Survey respondents indicated that refugees may be harassed when moving outside camps or their residences, or they may be subjected to checkpoints and other barriers.

Some refugees in Rwanda are able to live outside camps and subsequently access both formal and informal employment. Respondents noted that refugees are generally able to obtain work permits, register businesses, and compete for jobs alongside the wider population. However, work permits can be expensive. Businesses owned by refugees may face additional scrutiny from authorities, and despite the comparatively fewer barriers to employment than in neighboring countries, refugees in Rwanda still have considerably lower employment rates.[428] Challenges remain due to a lack of work opportunities, misperceptions of refugees' skills, and employers' lack of knowledge of acceptable ID cards.[429] COVID-19 has exacerbated some of these challenges and confined some refugees to camps.

424 World Bank, *International Development Association Project Appraisal Document, April 3, 2019* (Washington, DC: World Bank, 2019), https://documents1.worldbank.org/curated/en/222811556935409836/pdf/Rwanda-Socio-Economic-Inclusion-of-Refugees-and-Host-Communities-in-Rwanda-Project.pdf.

425 Hanne Beirens and Samuel Davidoff-Gore, "The UK-Rwanda Agreement Represents Another Blow to Territorial Asylum," Migration Policy Institute, April 2022, https://www.migrationpolicy.org/news/uk-rwanda-asylum-agreement.

426 Priya Sippy, "The UK Plans to Send Asylum Seekers to Rwanda," *Quartz Africa*, April 14, 2022, https://qz.com/africa/2155277/the-uk-plans-to-send-asylum-seekers-to-rwanda/.

427 Craig Loschmann, Özge Bilgili, and Melissa Siegel, "Considering the Benefits of Hosting Refugees: Evidence of Refugee Camps Influencing Local Labour Market Activity and Economic Welfare in Rwanda," *IZA Journal of Development and Migration* 9, no. 5 (2020), https://doi.org/10.1186/s40176-018-0138-2.

428 Özge Bilgili and Craig Loschmann, "Refugees and Host Communities in the Rwandan Labour Market," *Forced Migration Review* 58 (June 2018), https://www.fmreview.org/economies/bilgili-loschmann. See also Özge Bilgili, Craig Loschmann, and Melissa Siegel, *The Gender-Based Effects of Displacement: The Case of Congolese Refugees in Rwanda*, KNOMAD Working Paper 21 (New York: World Bank KNOMAD, 2017), www.knomad.org/publication/gender-based-effects-displacement-case-congolese-refugees-rwanda.

429 UNHCR, *Refugee Policy Review Framework—Country Summary: Rwanda* (Geneva: UNHCR, 2020), https://reliefweb.int/sites/reliefweb.int/files/resources/Rwanda%20-%20Refugee%20Policy%20Review.pdf.

SERBIA 43

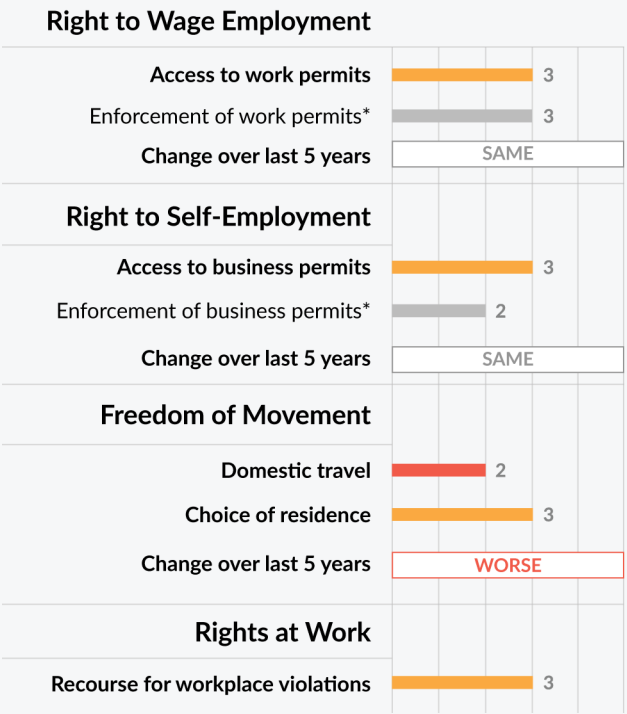
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

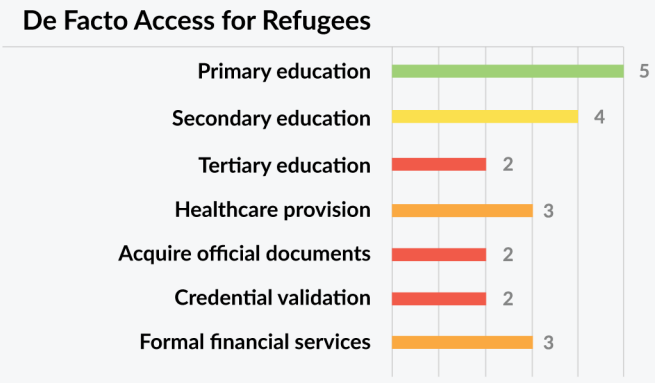
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Serbia hosted 5,051 refugees and "persons under other forms of international protection" in 2021.[430] The most common countries of origin were Afghanistan, Syria, and Bangladesh.

De Jure Summary

Serbia is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. Serbia's domestic legislation, including the Law on Asylum and Temporary Protection (Asylum Act) and the Law on Employment of Foreign Citizens (Employment of Foreigners Act), governs rights for refugees, asylum seekers, and those with subsidiary protection. Individuals in all three categories are guaranteed freedom of movement and the right to work.[431]

Once a refugee is granted asylum in Serbia, they enjoy work rights equal to those of "permanently residing foreigners" under the Asylum Act.[432] For those granted subsidiary protection, the requirements of the Asylum Act and of the Employment of Foreigners Act are in conflict with each other, as the Asylum Act states that grants of asylum and subsidiary protection come with equal work rights, but the Employment of Foreigners Act specifies

430 UNHCR, Serbia, accessed May 23, 2022, https://www.unhcr.org/serbia.html.

431 Government of Serbia, Law on Asylum and Temporary Protection, 2018, https://www.refworld.org/pdfid/6050d9c24.pdf.

432 Nikola Kovačević, "Access to the Labour Market: Serbia," European Council on Refugees and Exiles, last updated May 2, 2022, https://asylumineurope.org/reports/country/serbia/content-international-protection/employment-and-education/access-labour-market/; see also Government of Serbia, Law on Asylum and Temporary Protection, Article 65, 2018, https://www.refworld.org/pdfid/6050d9c24.pdf.

that persons with subsidiary protection shall be granted work permits only for the duration of their protection status.[433] As a result, work permits for persons granted asylum are issued for five years, while work permits for persons with subsidiary protection are issued for one year.[434]

Asylum seekers are able to seek a work permit nine months after the submission of their asylum application if the application is still pending. These work permits require a fee and are valid for six months, renewable for the time that the application is pending.[435]

De Facto Summary

Serbia does not formally encourage the employment of refugees through any government programming; as a result, the de facto conditions of employment largely depend on refugees' ability to navigate the language and labor market. Many people who have been displaced work in jobs that require low levels of education, regardless of the level of education they bring with them from their country of origin.

Self-employment is bureaucratically challenging for refugees and citizens alike. However, due to discrimination against the migrant population, it can be more difficult for refugees to obtain even the minimum level of processing of the required documentation, according to one survey respondent.

Additionally, in order to establish a company, it is necessary to submit a valid passport—a document that refugees often do not have. Refugees can be provided with identification documents on the condition that they have a registered address.[436] These documents allow refugees to access all their rights wherever they live temporarily.

433 Government of Serbia, Law on Employment of Foreign Citizens, Article 13(6), 2019, https://www.refworld.org/pdfid/6048fe6f4.pdf.

434 Belgrade Centre for Human Rights, *Right to Asylum in the Republic of Serbia Periodic Report for July–September 2020* (Belgrade: Belgrade Centre for Human Rights, 2020), http://azil.rs/en/wp-content/uploads/2020/11/Right-to-Asylum-in-the-Republic-of-Serbia-july-september-2020.pdf.

435 Government of Serbia, Law on Employment of Foreign Citizens, Article 13, 2019, https://www.refworld.org/pdfid/6048fe6f4.pdf.

436 UNHCR Serbia, "Refugees' integration, rights, and obligations," accessed May 24, 2022, https://help.unhcr.org/serbia/refugees-integration-rights-and-obligations/.

SPAIN 44

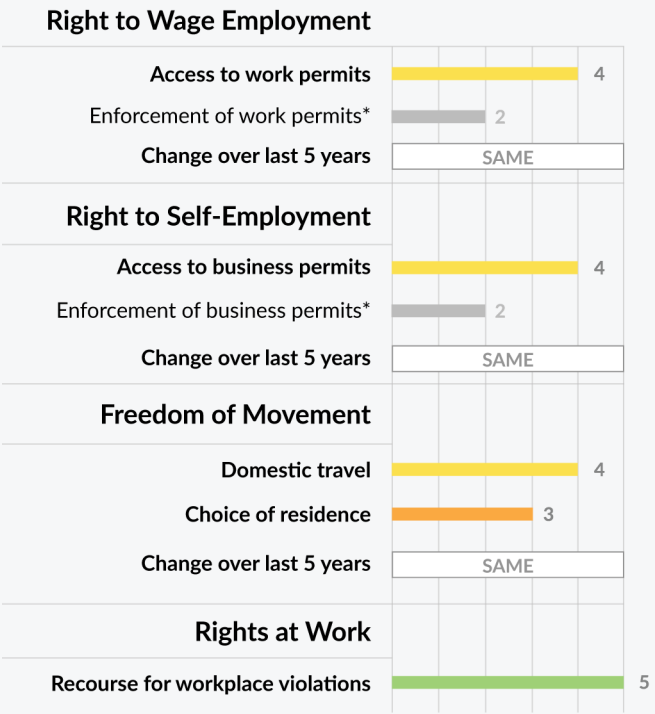
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 26**

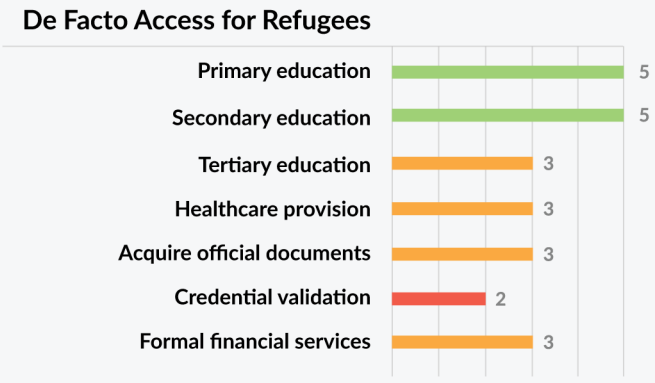
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Spain hosted 115,258 refugees and 91,585 asylum seekers in 2021.[437] The most common country of origin among refugees and asylum seekers was Venezuela, followed by Colombia.

De Jure Summary

Spain is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. These international obligations are supplemented by the EU Regional Council Directive, which requires that member states authorize recognized refugees to engage in lawful employment on par with nationals. Spain includes these rights in its domestic legislation, particularly in the Asylum Act of 2009.[438]

Recognized refugees, asylum seekers, and those with subsidiary protection are guaranteed the right to work in Spain; however, asylum seekers are not granted the right to work until six months after submission of their asylum application.[439] There are no restrictions on the sectors refugees, asylum seekers, or those with subsidiary protection may work in.[440] In addition, refugees and those with subsidiary protection are guaranteed the same employment rights as Spanish citizens under Spanish law.[441] Asylum seekers are granted the right to participate in vocational training and language instruction to facilitate greater economic integration.[442]

437 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

438 Government of Spain, Ley 12/2009, Reguladora del Derecho de Asilo y de la Protección Subsidiaria, October 30, 2009, http://www.interior.gob.es/web/servicios-al-ciudadano/normativa/leyes-ordinarias/ley-12-2009-de-30-de-octubre.

439 Teresa De Gasperis, *Country Report: Spain* (Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-ES_2021update.pdf.

440 Ibid.

441 Ibid.

442 Ibid.

Freedom of movement is guaranteed under Spanish law, yet in practice asylum seekers are often held in reception centers, which restricts their movement. Those who "lack financial means" are provided support for 18 to 24 months.[443]

De Facto Summary

The government of Spain grants long-term residency and work permits to all recognized refugees, which allow them to work and start a business. While recognized refugees enjoy full liberties in the country, refugees' financial situation affects their economic inclusion and freedom of movement. The government provides accommodation and support within the refugee reception system for six months to all refugees and asylum seekers.[444] However, once refugees leave the protection centers, they often face financial precarity and struggle to incorporate into the labor market.[445] Some of the barriers include difficulty learning the language, navigating the bureaucracy, and recognizing their credentials.[446]

Most refugees work informally in jobs that require low levels of education.[447] While Spain stipulates strict punishments for those hiring informal workers, in practice, survey respondents indicate that the authorities rarely check the documentation status of employees. As a result, even those without documentation can access jobs in Spain.

Spain grants work permits to asylum seekers six months after they submit their refugee applications, with some nationalities, such as Venezuelans, benefiting from a fast-tracked process. These permits allow them to stay and work in the country until their refugee status determination is completed. Forcibly displaced individuals without documented status can regularize after two years in the country.[448] If they have a job offer, people who have been displaced can apply for a special authorization that allows them to remain and work in the country.

Despite these provisions, asylum seekers in some areas of Spain face increasing challenges to their freedom of movement. In particular, asylum seekers in the enclaves of Ceuta and Melilla—located on the African continent—are not allowed to leave their location.[449] The government grants them an asylum-seeker identification card that is valid only in the city where they reside rather than in the whole country. Written authorization from the government is required in order for asylum seekers to move to mainland Spain. Survey respondents indicated that a similar measure is in place on the Canary Islands. The Supreme Court of Spain recently deemed illegal the restriction of movement of asylum seekers in Ceuta and Melilla, but the issue is yet to be resolved in practice.[450]

443 Ibid.

444 Gobierno de España, "Centro de Acogida a Refugiados." *Portal de Inmigración*, Accessed on May 18, 2022, https://extranjeros.inclusion.gob.es/es/proteccionasilo/car/index.html.

445 Juan Iglesias, Gorka Urrutia Asua, Josep Buades Fuster, Cecilia Estrada, and Trinidad Vicente, *Acoger sin Integrar* (Madrid: Universidad Pontificia de Comillas, Instituto de Derechos Humanos Pedro Arrupe and Servicio Jesuita a Migrantes de España, 2018), https://sjme.org/wp-content/uploads/2018/02/Acoger-sin-integrar5.pdf.

446 Ibid.

447 Ibid.

448 Maria Martin, "La justicia abre la vía a regularizar a miles de inmigrantes," *El País,* June 8, 2021, https://elpais.com/espana/2021-06-09/la-justicia-abre-la-via-a-regularizar-a-miles-de-inmigrantes.html.

449 Maria Martin, "El supremo avala la libertad de movimiento hacia la península de los solicitantes de asilo en Ceuta y Melilla," *El País,* July 29, 2020, https://elpais.com/espana/2020-07-29/el-supremo-avala-la-libertad-de-movimiento-hacia-la-peninsula-de-los-solicitantes-de-asilo-en-ceuta-y-melilla.html.

450 Comisión Española de Ayuda al Refugiado, "El Tribunal Supremo reconoce la libre circulación a los solicitantes de asilo de Ceuta y Melilla," July 29, 2020, https://www.cear.es/el-tribunal-supremo-reconoce-la-libre-circulacion-a-los-solicitantes-de-asilo-de-ceuta-y-melilla/.

SUDAN 32

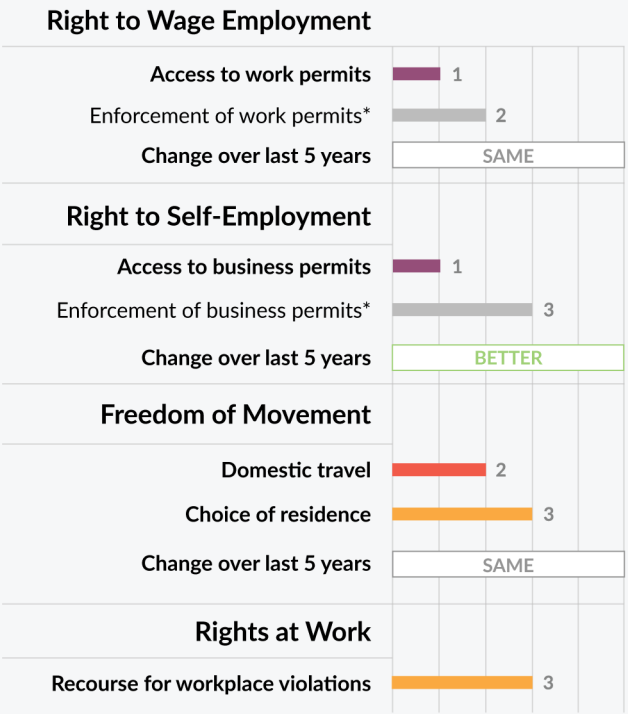
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to article 26**

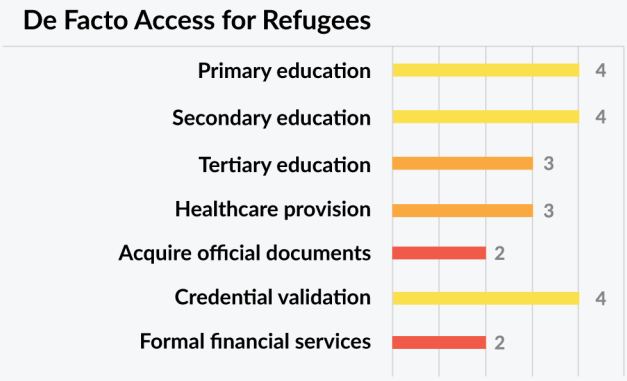
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Sudan hosted 1,068,339 refugees and 25,102 asylum seekers in 2021.[451] The majority of refugees and asylum seekers were from South Sudan and Eritrea.

De Jure Summary

In addition to being a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR, Sudan is also a party to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa,[452] the Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles"),[453] the Arab Convention on Regulating Status of Refugees in the Arab Countries,[454] and the Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol").[455] Sudan has a reservation to Article 26 of the Refugee Convention regarding freedom of movement for refugees, however.

In terms of national legislation, Sudan's Asylum Act provides for an asylum application process and guarantees labor rights to refugees on the same

451 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

452 Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), September 10, 1969, 1001 U.N.T.S. 45, https://www.refworld.org/docid/3ae6b36018.html.

453 Asian-African Legal Consultative Organization, Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles"), December 31, 1966, https://www.refworld.org/docid/3de5f2d52.html.

454 League of Arab States, Arab Convention on Regulating Status of Refugees in the Arab Countries, 1994, https://www.refworld.org/docid/4dd5123f2.html.

455 League of Arab States, Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"), September 11, 1965, https://www.refworld.org/docid/460a2b252.html.

terms as other foreigners, once a corresponding work permit has been obtained.[456] However, the government rarely issues these permits, often because the refugee seeking the permit lacks a "foreigner number,"[457] despite the Asylum Act's provision that the Refugees Commission "shall issue" an identity card with such a number.[458] South Sudanese, Syrian, and Yemeni refugees do not require work permits to legally access the labor market.[459]

At the same time, Sudan's encampment policy—in line with its Refugee Convention reservation regarding free movement—requires the internment of refugees and asylum seekers. Despite the fact that a large majority of refugees live outside the camps, Sudanese authorities enforce internment rules against refugees and asylum seekers discovered to have left the camps without permission or found residing in urban areas.[460]

De Facto Summary

Although 70 percent of refugees live outside the camps, the government maintains a strict encampment policy. Smuggling networks are common avenues to leave the camps, and refugees outside camps risk harassment and detention. According to the US Department of State, 150 to 200 refugees and asylum seekers are detained each month in Khartoum.[461] The government has also pushed for urban refugees' relocation from areas near Khartoum to camps. For refugees in other areas, freedom of movement varies by region.

Most refugees, including those in urban areas, face significant barriers to labor market access in practice. Permits for formal employment or to start a registered business are rarely issued.[462] Syrian and Yemeni refugees are an exception; they are allowed to work, as the government regards them as "brothers and sisters." The right to work is also supposed to be afforded to South Sudanese refugees under the "four freedoms" agreement with South Sudan, but implementation in practice varies significantly. Most refugees work informally, which is tolerated in most places, including in camps and urban areas.

456 Government of Sudan, Asylum Act 2014, 2014, https://www.refworld.org/docid/542bad9c4.html.

457 US Department of State, *2020 Country Reports on Human Rights Practices: Sudan* (Washington, DC: US Department of State, 2021), https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sudan/.

458 Government of Sudan, Asylum Act 2014, Article 17, 2014, https://www.refworld.org/docid/542bad9c4.html.

459 International Labor Organization, *An Assessment of Labour Migration and Mobility Governance in the IGAD Region: Country Report for Sudan* (Geneva: International Labor Organization, 2020), https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---sro-addis_ababa/documents/publication/wcms_743322.pdf.

460 US Department of State, *2020 Country Reports on Human Rights Practices: Sudan* (Washington, DC: US Department of State, 2021), https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/sudan/.

461 Ibid.

462 Ibid.; UNHCR, *Sudan Country Refugee Response Plan, January 2020–December 2020* (Geneva: UNHCR, 2020), https://reporting.unhcr.org/sites/default/files/Sudan%202020%20Country%20Refugee%20Response%20Plan%20-%20January%202020_0_1.pdf.

SWITZERLAND 44

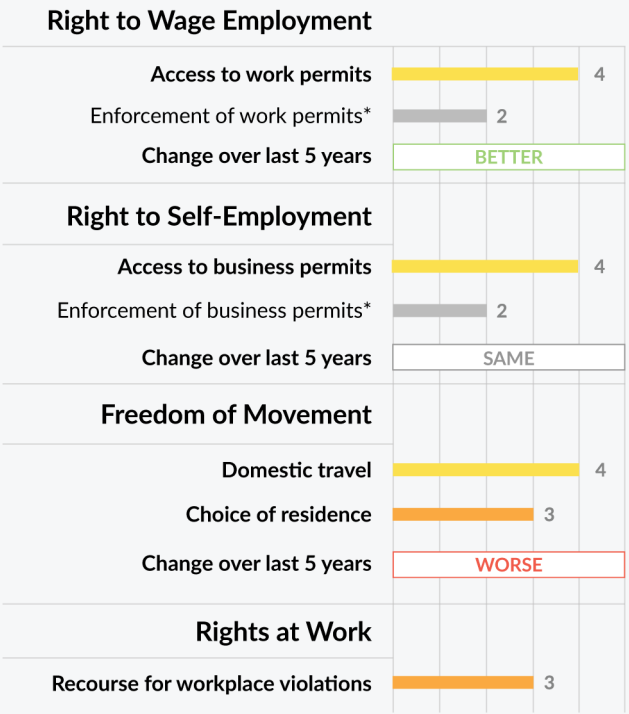
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

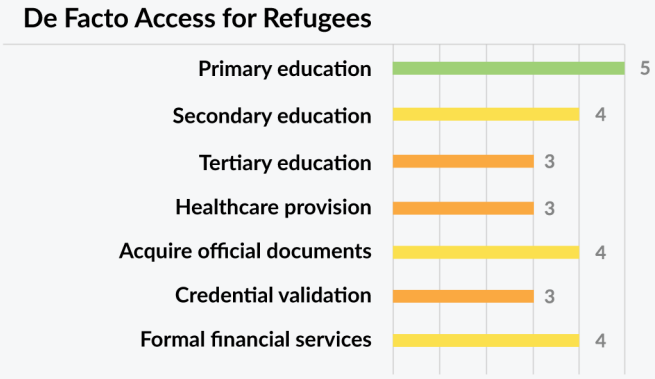
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Switzerland hosted 117,169 refugees and 5,612 asylum seekers in 2021.[463] The majority of refugees and asylum seekers originated from Eritrea, Syria, and Afghanistan.

De Jure Summary

Switzerland is a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR. It also has adopted domestic legislation guaranteeing rights for refugees and asylum seekers, particularly the Asylum Act, revised in 2019, and the Federal Act on Foreign Nationals and Integration.[464]

Asylum seekers are required to stay in federal asylum centers after they lodge their application, for a maximum stay of 140 days, with exceptions for individuals lodging claims at airports or who are held in detention.[465] During this time, asylum seekers are not allowed to engage in lawful employment.[466] Once allocated to a state (canton), they may seek employment, but hiring is subject to confirmation that the job cannot be filled by a Swiss national or citizen of a country with which Switzerland has free labor agreements.[467]

463 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

464 Adriana Romer and Lucia Della Torre, *Country Report: Switzerland* (Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-CH_2021update.pdf.

465 Government of Switzerland, Asylum Act, Article 42(1), June 26, 1998, https://www.fedlex.admin.ch/eli/cc/1999/358/en; Adriana Romer and Lucia Della Torre, *Country Report: Switzerland* (Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-CH_2021update.pdf.

466 Government of Switzerland, Asylum Act, Article 43(1), June 26, 1998, https://www.fedlex.admin.ch/eli/cc/1999/358/en.

467 Adriana Romer and Lucia Della Torre, *Country Report: Switzerland*

Refugees with temporary admission and recognized refugees are guaranteed the right to lawful employment upon receiving status.[468] Recognized refugees are guaranteed the right to work lawfully without restrictions on moving sectors or professions, or requirements for canton approval for employment.[469]

De Facto Summary

Switzerland is divided into cantons, which are given substantial discretion in the implementation of laws. As a result, there is significant variation in access to the labor market, integration, and social assistance for refugees across the country.[470] Asylum seekers are randomly allocated to a canton and can request permission to work but are subject to the precedence of domestic employees, as regulated by the Federal Act on Foreign Nationals and Integration.[471] A survey by the Swiss Forum for Migration and Population Studies also found that asylum seekers are very unlikely to look for employment outside their assigned canton, as the probability of finding work and receiving the approval of the other canton is very low. Therefore, Swiss cantons essentially act as independent, closed economies for refugees and asylum seekers.[472] The State Secretariat for Migration reports that only nine percent of asylum seekers between the ages of 18 and 65 are active in the labor market.[473]

An obstacle to the employment of refugees is that personal qualifications such as diplomas from other countries are not recognized for the most part.[474] Language is another barrier for refugees. Labor market access regulations favor those who speak the language that is most widely spoken in the canton to which they were assigned (the main languages being German, French, and Italian).[475]

(Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-CH_2021update.pdf.

468 Government of Switzerland, Foreign Nationals and Integration Act, Article 85a, 2005. December 16, 2005, https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/2007/758/20200401/en/pdf-a/fedlex-data-admin-ch-eli-cc-2007-758-20200401-en-pdf-a.pdf.

469 Adriana Romer and Lucia Della Torre, *Country Report: Switzerland* (Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-CH_2021update.pdf.

470 Michaela Slotwinski, Alois Stutzer, and Roman Uhlig, "Are Asylum Seekers More Likely to Work with More Inclusive Labor Market Access Regulations?" *Swiss Journal of Economics and Statistics* 155, no. 17 (2019), https://sjes.springeropen.com/articles/10.1186/s41937-019-0046-2; Kirk Bansak, Jeremy Ferwerda, Jens Hainmueller, Andrea Dillon, Dominik Hangartner, Duncan Lawrence, and Jeremy Weinstein, "Improving refugee integration through data-driven algorithmic assignment." *Science* 359, no. 6373 (2018): 325-329. https://www.science.org/doi/10.1126/science.aao4408.

471 Swiss Refugee Council, "Access to the Labour Market: Switzerland," European Council on Refugees and Exiles, last updated April 19, 2022, https://asylumineurope.org/reports/country/switzerland/reception-conditions/employment-and-education/access-labour-market/.

472 Ibid.

473 Ibid.

474 Adriana Romer and Lucia Della Torre, *Country Report: Switzerland* (Brussels: European Council on Refugees and Exiles, 2021), https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-CH_2021update.pdf.

475 Ibid.

TANZANIA 31

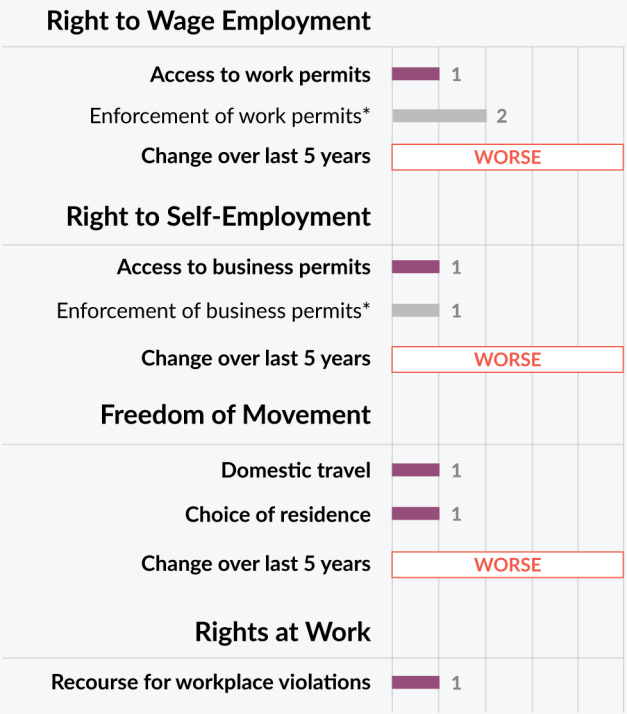
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

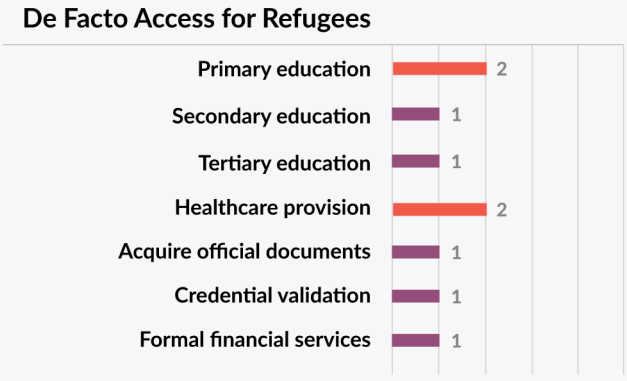
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Tanzania hosted 202,635 refugees and 27,829 asylum seekers in 2021.[476] The majority of refugees and asylum seekers were from Burundi and the Democratic Republic of Congo.

De Jure Summary

Although Tanzania is a party to the 1951 Refugee Convention, its 1967 Protocol, the ICESCR, and the Organization of African Unity regional convention, the country's national laws and practices regarding employment are not fully aligned with its international commitments. Rights, status, and treatment of asylum seekers and refugees in Tanzania are governed by the Refugees Act of 1998 and the 2003 National Refugee Policy.[477]

The Refugees Act requires refugees to reside in "designated areas," which in practice are camps, severely restricting refugees' freedom of movement.[478] This law also states that work permits may be offered to refugees but does not guarantee refugees the right to work.[479] The 2003 National Refugee Policy goes further, allowing "small income

476 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

477 Leonard Chimanda and Stéfanie Morris, *Tanzania's National Legal Framework for Refugees: Law, Policy, and Practice*, LERRN Paper No. 5 (Ottawa, Canada: Local Engagement Refugee Research Network, 2020), https://carleton.ca/lerrn/wp-content/uploads/LERRN-Working-Paper-No.-5-Tanzania.pdf.

478 Government of Tanzania, Refugees Act, Articles 16 and 17, 1998, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/53877/97749/F2035208161/TZA53877.pdf.

479 Government of Tanzania, Refugees Act, Article 32, 1998, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/53877/97749/F2035208161/TZA53877.pdf.

generating activities within the camps" for refugees.[480] The Non-Citizens Employment Act of 2015 further classifies these work permits for refugees but falls short of guaranteeing any expanded rights to lawful employment.[481]

De Facto Summary

While Tanzania has hosted large numbers of refugees for years, in practice, Tanzania imposes some of the most significant barriers to economic inclusion for refugees in the world. After former president John Magufuli told Burundian refugees to "go home," Human Rights Watch and other organizations have documented torture, disappearances, and beatings committed by Tanzanian authorities against Burundian refugees.[482] The government wants Burundian refugees to be repatriated, and violence and economic crackdowns are intended to send that message. While the current government has vowed to improve human rights conditions for Tanzanians, its position on refugees is unclear.

Refugees must live in one of three camps, and even in the camps, livelihood activities are not permitted. All camp markets were closed in 2019.[483] Refugees are rarely allowed to leave the camps for work, school, or economic activities.[484] Tanzania originally joined the Comprehensive Refugee Response Framework intended to promote durable solutions but then withdrew and declined the associated World Bank funding.[485]

480 Government of Tanzania, National Refugee Policy, Paragraph 17, 2003, https://www.refworld.org/pdfid/60a691764.pdf

481 Government of Tanzania, Non-citizens (Employment Regulation) Act, Article 13, 2015, https://procedures.tic.go.tz/media/The%20non-citizens%20(employment%20Regulations)%20Act,%202015.pdf.

482 Human Rights Watch, "Tanzania: Burundian Refugees 'Disappeared,' Tortured," November 30, 2020, https://www.hrw.org/news/2020/11/30/tanzania-burundian-refugees-disappeared-tortured; Human Rights Watch, "Tanzania: Burundians Pressured into Leaving," December 12, 2019, https://www.hrw.org/news/2019/12/12/tanzania-burundians-pressured-leaving.

483 Clayton Boeyink and Jean-Benoît Falisse, "Kicking Refugees Out Makes Everyone Less Safe," *Foreign Policy*, February 18, 2021, https://foreignpolicy.com/2021/02/18/tanzania-burundi-kicking-refugees-out-makes-everyone-less-safe/.

484 Guri Romtveit, "6 Things to Know about Refugees in Tanzania," Norwegian Refugee Council, March 6, 2019, https://www.nrc.no/perspectives/2019/6-things-you-should-know-about-refugees-in-tanzania/.

485 Eline Anker, "Will Tanzania Remain a Safe Haven for Refugees?" Norwegian Refugee Council, May 17, 2018, https://www.nrc.no/news/2018/may/will-tanzania-remain-a-safe-haven-for-refugees/.

THAILAND 12

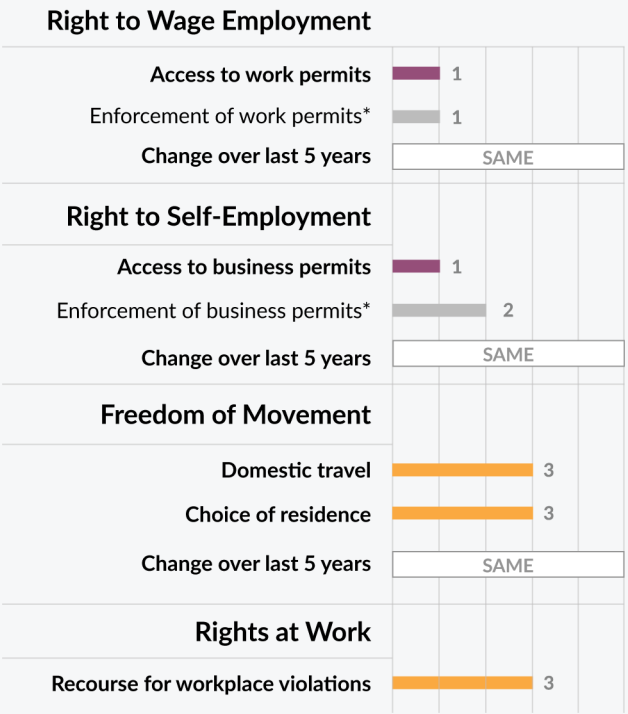
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

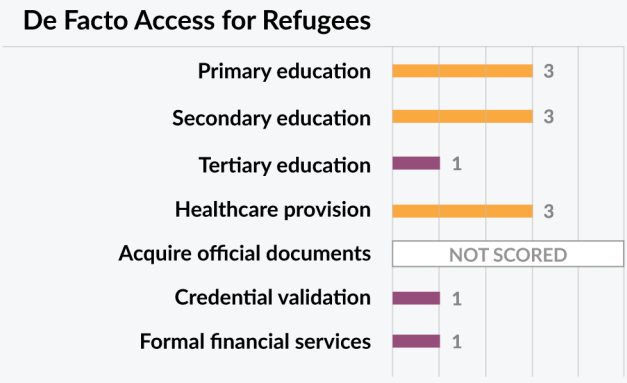
Party to the 1967 Protocol Relating to the Status of Refugees? **No**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Thailand hosted 96,175 refugees and 756 asylum seekers in 2021.[486] The majority of refugees originated from Myanmar.

De Jure Summary

Thailand is not a party to any international conventions relating to the rights of refugees, but is party to the ICESCR.

Domestic legislation in Thailand does not recognize refugee status.[487] Refugees are able to access Asylum Seeker and Refugee Cards via UNHCR. However, these do not provide any protection from detention or deportation, do not guarantee any employment rights, and are not recognized by the Thai government.[488] Most refugees in Thailand are ethnic Karen from Myanmar and live in nine camps at the Thai-Myanmar border, where they face restrictions on their freedom to move. Refugees of other nationalities are living in cities with no legal status.

Domestic law in Thailand could be applied to refugees to expand and protect their work rights; however, with a lack of foundational rights that afford and protect refugee status, and a lack of commitment by legislators and enforcement by authorities, these laws do not result in employment protections.[489] The Labor Protection Act B.E.

486 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

487 Ibid.

488 Ibid.

489 Ibid.

2541[490] protects all employees from abuse and exploitation from employers, but this is not monitored or enforced in practice. The 2017 Foreigners' Working Management Emergency Decree B.E. 2560 also contains an article regarding the right to employment for those who are in exile or who have entered the country unlawfully, in a "refugee-like" situation; however, this law has not been enacted.[491]

A Cabinet Resolution was passed in 2021 granting seven unauthorized migrant workers from Myanmar, Laos, and Cambodia release from detention and approval to work. This represents a small but positive development in legal precedent for migrant worker protections in Thailand, although no additional legislation has been enacted to grant such rights more broadly.[492]

The Thai Cabinet approved the establishment of a national screening mechanism that would identify those who need international protection, as opposed to economic migrants, in December 2019. However, this status does not include the right to work and has yet to be implemented.[493]

De Facto Summary

Refugees in Thailand experience rights denials regularly and are met with a range of barriers that limit their ability to find work. The vast majority of refugees in Thailand live in camps and do not have freedom of movement. Survey respondents emphasized that some manage to travel outside the camps, but when they do they may be subject to inspection or harassment. Refugees also struggle to obtain the documents needed to move freely.

Refugees are not allowed to work and are subject to fines or detention if they do so. Where they do find work—most often in the informal sector—refugees are vulnerable to exploitation, including exploitative wages, illegal conditions, withholding of wages, and arbitrary termination of employment.[494] Likewise, businesses are discouraged from hiring refugees and can face severe penalties if they are caught doing so. In addition, refugees are not able to operate businesses, though some do so by paying bribes to the authorities. Those who live in cities are generally undocumented and struggle to access services and livelihood opportunities. They may access assistance from NGOs, including cash support.[495]

490 Government of Thailand, *Labour Protection Act*, *B.E. 2541*, 1998, http://web.krisdika.go.th/data/outsitedata/outsite21/file/LABOUR_PROTECTION_ACT_B.E._2541.pdf.

491 Refugee Rights Network in Thailand, "Joint Submission Universal Periodic Review of Thailand: Thailand Cycle 3, 39th Sessions," June 2021, https://asylumaccess.org/wp-content/uploads/2021/06/Refugee-Rights-Network-in-Thailand_en.pdf.

492 "Joint Open Letter," Center for Alliance of Labor and Human Rights, November 4, 2021, https://www.central-cambodia.org/archives/5553.

493 Naiyana Thanawattho, Waritsara Rungthong, and Emily Arnold-Fernández, "Advancing Refugee Rights in Non-signatory States: The Role of Civil Society in Thailand," *Forced Migration Review* 67 (July 2021), https://www.fmreview.org/issue67/thanawattho-rungthong-arnoldfernandez#:~:text=Two%20years%20later%2C%20Thailand%20voted,to%20remain%20in%20the%20country.

494 Refugee Rights Network in Thailand, "Joint Submission Universal Periodic Review of Thailand: Thailand Cycle 3, 39th Sessions," June 2021, https://asylumaccess.org/wp-content/uploads/2021/06/Refugee-Rights-Network-in-Thailand_en.pdf.

495 For more, see Refugee Rights Network in Thailand, "Joint Submission Universal Periodic Review of Thailand: Thailand Cycle 3, 39th Sessions," June 2021, https://asylumaccess.org/wp-content/uploads/2021/06/Refugee-Rights-Network-in-Thailand_en.pdf; OECD / International Labor Organization, *How Immigrants Contribute to Thailand's Economy* (Paris: OECD Publishing, 2017), http://dx.doi.org/10.1787/9789264287747-en; Lara Thiele, "The Right-to-Work for Rohingya in Thailand," *Notre Dame Journal of International and Comparative Law* 9 (2019), no. 1, https://scholarship.law.nd.edu/ndjicl/vol9/iss1/7.

TRINIDAD & TOBAGO 33

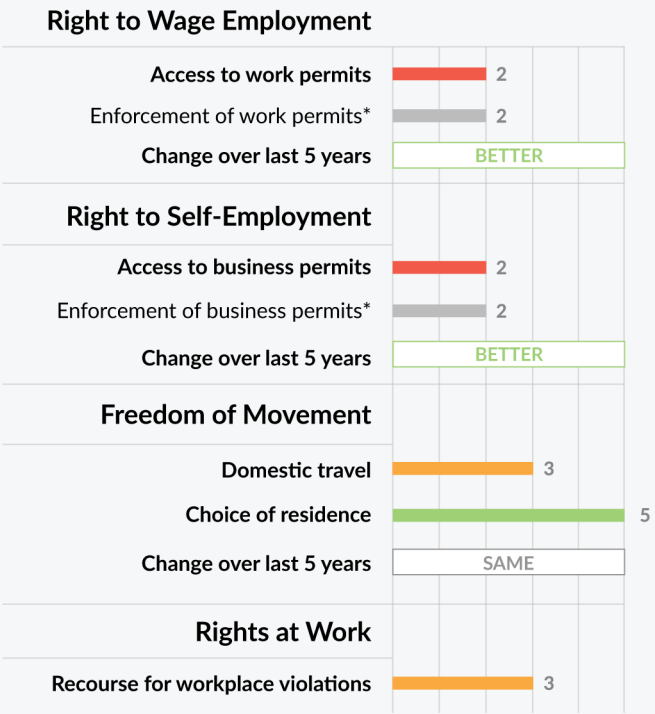
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

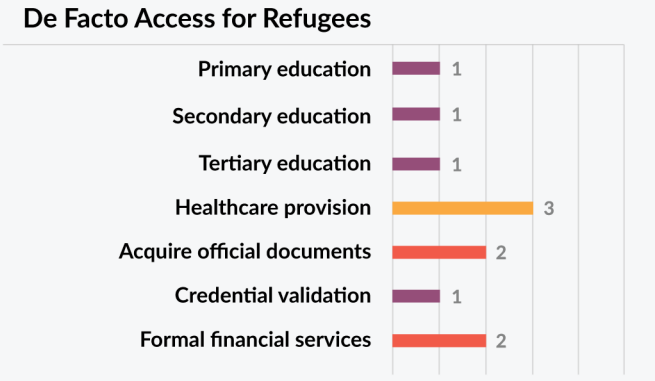
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes, with reservations to article 8**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Trinidad and Tobago hosted 3,458 refugees and 21,089 asylum seekers in 2021.[496] The majority of refugees and asylum seekers were from Venezuela, followed by Cuba.

De Jure Summary

Trinidad and Tobago is a party to the 1951 Refugee Convention, its 1967 Protocol, the ICESCR, and the Brazil Declaration and Action Plan. However, Trinidad and Tobago does not have national legislation protecting refugees or guaranteeing their work rights.

Because there is a lack of legislation pertaining to refugees in particular, the government oversees refugees' entry under the 1969 Immigration Act.[497] In 2014, the government of Trinidad and Tobago charted a pathway toward the development of a national policy to address refugee and asylum matters,[498] which would set forward a national refugee status determination process. This legislation has not yet been enacted.

UNHCR is mandated to carry out refugee status determination in Trinidad and Tobago. However, in 2019, the government registered Venezuelan refugees who had arrived in the country and issued most Venezuelans permits to remain for six months. The government then extended renewal

496 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

497 Government of Trinidad and Tobago, Immigration Act, 1969, https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/18.01.pdf.

498 Government of Trinidad and Tobago, "A Phased Approach toward the Establishment of a National Policy to Address Refugee and Asylum Matters in the Republic of Trinidad and Tobago" (draft), 2016, https://www.acnur.org/fileadmin/Documentos/BDL/2016/10346.pdf?file=fileadmin/Documentos/BDL/2016/10346.

eligibility for six-month periods twice in 2020, and conducted a reregistration exercise in 2021, with the same six-month eligibility period.[499]
Trinidad and Tobago issued a Work Permit Exemption Order under the Venezuelan registration process, which enabled registered Venezuelans to lawfully work in Trinidad and Tobago for up to one year.[500]

De Facto Summary

The lack of legislation concerning refugees in Trinidad and Tobago leaves them in a situation in which they are considered undocumented migrants.[501] The implementation of special permits for Venezuelans allowed some 16,000 Venezuelans in the country to regularize their status.[502] However, most of the 40,000 Venezuelans are still undocumented, and individuals of other nationalities do not even have the option to obtain a permit, leaving them subject to arrest and deportation.[503]

Displaced Venezuelans with a permit to stay in Trinidad and Tobago have more rights than other unrecognized refugees without these documents; they have freedom of movement and the right to work.[504] But unrecognized refugees face increasing risks to their well-being and self-reliance. They cannot formalize their employment, open bank accounts, or access public schools or even health services.[505] Many are subject to exploitation and abuse. Their immigration situation also leaves them vulnerable to being cheated by their employers and renters. For instance, some might be evicted after paying rent or earn considerably less than the agreed paycheck.[506] Venezuelans in Trinidad and Tobago, particularly women and girls, are also at risk of sexual exploitation, and cases of sexual slavery and trafficking have been reported in the country among Venezuelans.[507]

In addition, the government has imposed harsh penalties on any individual who facilitates the stay of undocumented immigrants. This means that employers, landlords, and any other individual can be prosecuted if they knowingly support individuals who are in the country without a visa.

Most Venezuelans in the country work informally, many in the tourism sector. Survey respondents indicate that the COVID-19 lockdowns disproportionately affected refugees' livelihoods. As the government closed nonessential activities, the restaurants, bars, and other businesses that employed Venezuelans were significantly affected.

499 Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V), "Legal Framework: Asylum and Migration," March 2021, https://www.r4v.info/sites/default/files/2021-06/Legal%20framework%20-web.pdf.

500 UNHCR, "Asylum-Seeker Rights," accessed May 06 2022, https://help.unhcr.org/trinidadandtobago/rights-and-duties/rights-of-asylum-seekers/.

501 Melanie Teff, "Forced into Illegality: Venezuelan Refugees and Migrants in Trinidad and Tobago," Refugees International, January 27, 2019, https://www.refugeesinternational.org/reports/2019/1/27/forced-into-illegality-venezuelan-refugees-and-migrants-in-trinidad-and-tobago.

502 Georgina Chami and Florence Seemungal, "The Venezuelan Refugee Crisis in Trinidad and Tobago," *Border Criminologies* (blog), Oxford University Center for Criminology, April 9, 2021, https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/04/venezuelan.

503 Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V), "RMRP 2021: Trinidad and Tobago," December 31, 2020, https://data2.unhcr.org/es/documents/details/83818.

504 Office of the Prime Minister, "Venezuelan Registration Policy Gets Green Light," April 11, 2019, https://www.opm.gov.tt/venezuelan-registration-policy-gets-green-light/.

505 Refugees International, "Meet Carlos González, a Venezuelan Journalist, Father, and Refugee in Trinidad and Tobago," June 18, 2019, https://www.refugeesinternational.org/reports/2019/6/17/world-refugee-day-spotlight-4-carlos-gonzalez.

506 Nayrobis Rodríguez and Joshua Collins, "As Desperation Grows, Venezuelans Look to a Dangerous Caribbean Escape Route," *The New Humanitarian*, April 28, 2021, https://www.thenewhumanitarian.org/news-feature/2021/4/28/venezuelans-look-to-a-dangerous-caribbean-escape-route.

507 Ibid.

TURKEY 43

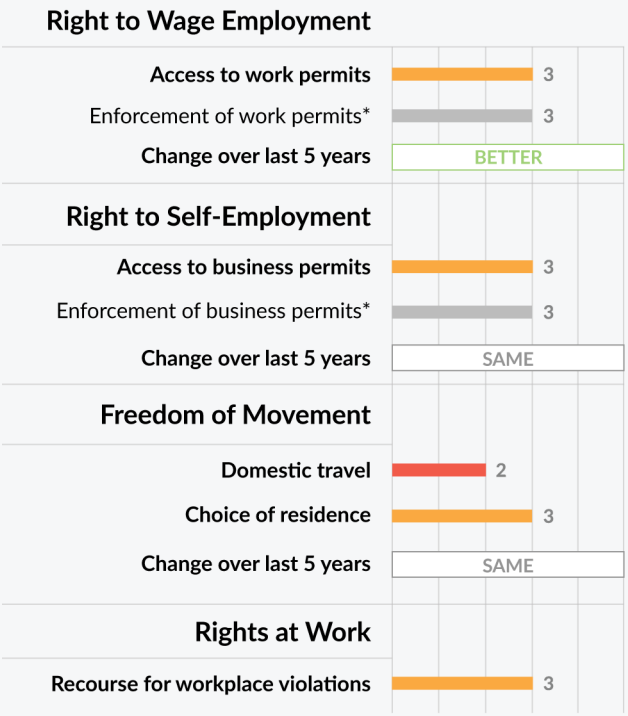
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes**

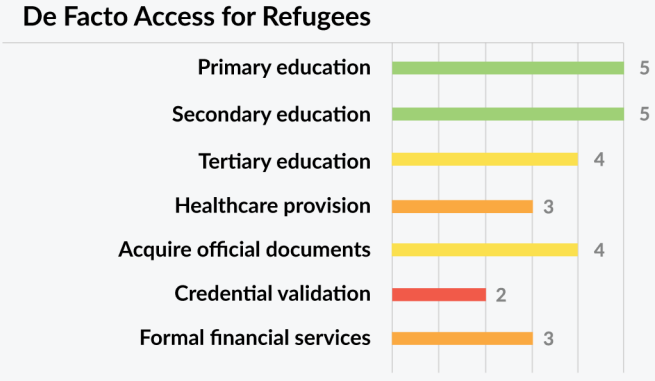
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



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Facts

According to UNHCR, Turkey hosted 3,696,831 refugees and 322,188 asylum seekers in 2021.[508] The majority of refugees were from Syria, and the majority of asylum seekers were from Iraq.

De Jure Summary

Turkey is a party to all major refugee conventions and has national legislation pertaining to refugees and work rights. Turkey is a party to the 1951 Refugee Convention and the 1967 Protocol; however, the country has maintained the "geographical limitation" from the 1951 Refugee Convention. This means that only refugees originating from European countries are able to access refugee status. Non-European refugees are afforded temporary protection under the Law on Foreigners and International Protection.

Protection is defined according to two broad categories: international protection and temporary protection. Three forms of international protection exist: a convention refugee (originating from Europe), a conditional refugee (from a non-European country), and a person under subsidiary protection.[509] Refugees from Syria fall under the temporary protection regime.

Those under international protection may be formally employed or self-employed beginning six

508 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

509 Refugee Rights Turkey, *Country Report: Turkey* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf.

months after lodging their application.[510] These work permits may have term limits or sector restrictions imposed, but they are relaxed if a refugee has lived in the country for more than three years, is married to a Turkish citizen, or has Turkish children.[511]

Refugees from Syria under the temporary protection regime may apply for a work permit beginning six months after lodging their protection application. These permits are also subject to term limits, sector restrictions, and total annual quotas. In addition, they are also subject to province-specific employment conditions, whereby the government may take into consideration the refugee's province of residence as a factor when deciding whether to offer a work permit.[512]

De Facto Summary

In practice, Turkey's record on refugee rights is mixed. Syrians under temporary protection may choose their province of residence, though some cities are not accepting new applications; Istanbul hosts the largest number of registered temporary protection beneficiaries. However, Syrians under temporary protection can register only in cities that are open, and 100,000 unregistered Syrians were removed from Istanbul in 2019.[513] Other nationalities under protection are generally not allowed to register in the major cities. Furthermore, movement outside the province of registration is significantly restricted. Temporary protection beneficiaries must apply for travel authorizations, and thousands are arrested for violations.[514]

Work permits are available under the law, and 63,789 were issued to Syrians in 2019.[515] However, the permits are tied to a specific employer, must be renewed annually, and require an application fee. The majority of refugees therefore work in the informal sector, where conditions are difficult, and exploitation is widespread.[516] Large protests for better working conditions took place in 2017. Child labor is also a significant issue that is especially pronounced for Syrians.[517] Survey respondents report that it is possible to obtain a permit to start a formal business, but unregistered businesses are often closed down.

510 Government of Turkey, Law on Foreigners and International Protection, Article 89(4)(b), November 4, 2013, https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf; Government of Turkey, Regulation on Work Permit for Applicants for and Beneficiaries of International Protection, Article 4, April 4, 2013, https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=5167fbb20.

511 Ibid.

512 Refugee Rights Turkey, *Country Report: Turkey* (Brussels: European Council on Refugees and Exiles, 2020), https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf.

513 European Council on Refugees and Exiles, "Freedom of Movement: Turkey," January 11, 2022, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/movement-and-mobility/freedom-movement/; European Council on Refugees and Exiles, "Housing: Turkey," January 11, 2022, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/housing/.

514 European Council on Refugees and Exiles, "Freedom of Movement: Turkey," January 11, 2022, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/movement-and-mobility/freedom-movement/.

515 European Council on Refugees and Exiles, "Access to the Labour Market: Turkey," January 11, 2022, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/employment-and-education/access-labour-market/.

516 Izza Leghtas, "Insecure Future: Deportations and Lack of Legal Work for Refugees in Turkey," Refugees International, September 19, 2019, https://www.refugeesinternational.org/reports/2019/9/18/insecure-future-deportations-and-lack-of-legal-work-for-refugees-in-turkey.

517 European Council on Refugees and Exiles, "Access to the Labour Market: Turkey," January 11, 2022, https://asylumineurope.org/reports/country/turkey/content-temporary-protection/employment-and-education/access-labour-market/.

UGANDA 54

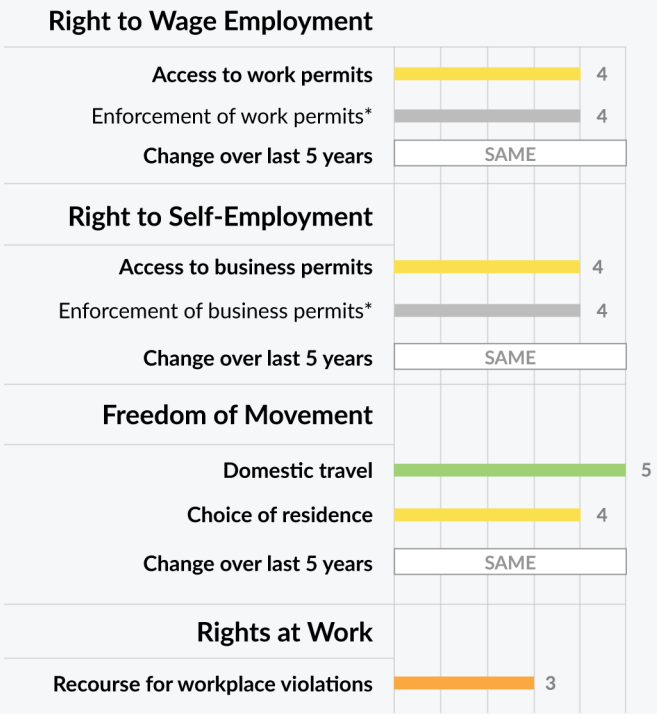
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **Yes, with reservations to articles 13 and 17**

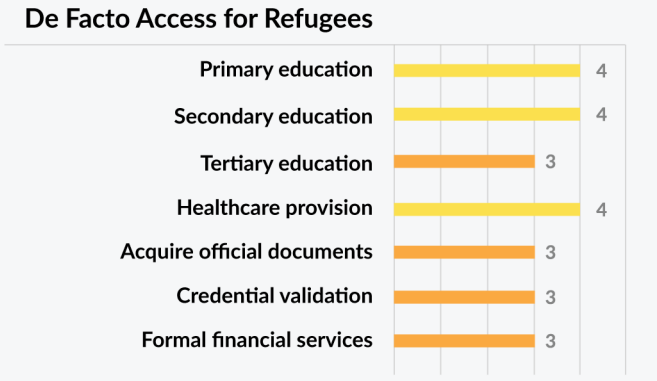
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **Yes**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, Uganda hosted 1,475,311 refugees and 23,126 asylum seekers in 2021.[518] The majority of refugees were from South Sudan, followed by the Democratic Republic of Congo.

De Jure Summary

In addition to being a party to the 1951 Refugee Convention, its 1967 Protocol, and the ICESCR, Uganda is also a party to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa[519] and the Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles").[520]

In terms of national legislation, the Ugandan Refugee Act of 2006 reflects the standards established in international instruments and guarantees refugees the right to work on the same terms granted to foreigners residing in the country.[521] This is also extended to asylum seekers who have residency permission. However, the work permit stamp is often difficult to obtain, which requires having a Convention Travel Document.[522]

518 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

519 Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), September 10, 1969, 1001 U.N.T.S. 45, https://www.refworld.org/docid/3ae6b36018.html.

520 Asian-African Legal Consultative Organization, Bangkok Principles on the Status and Treatment of Refugees ("Bangkok Principles"), December 31, 1966, https://www.refworld.org/docid/3de5f2d52.html.

521 Government of Uganda, Refugees Act, paragraph 29, iv–vi, 2006, https://www.refworld.org/pdfid/4b7baba52.pdf.

522 UNHCR. Uganda: Employment Brief, July 2021, https://www.unhcr.org/61371d364.pdf.

Beyond the reservation lodged to Article 17 of the 1951 Refugee Convention (in which Uganda reserves the right to grant greater benefits to foreigners with whose governments it enters into specific agreements), there is no formal discrimination between refugee populations in the country.[523]

De Facto Summary

Uganda has hosted a large, protracted caseload of refugees and asylum seekers from neighboring countries for decades.[524] Unlike many of its neighbors, Uganda's relatively progressive policies have translated into improved labor market access for refugees. Among its most important policies, Uganda allows refugees to work and own their own businesses, and refugees have had freedom of movement since 2006. Indeed, many survey respondents noted that refugees can travel freely, and many can choose where they live under the self-settlement policy. They can also receive a plot of land to cultivate.

However, notable barriers remain. While refugees can choose to leave, those who wish to receive formal assistance must remain in designated settlements, most of which are far from urban centers. Only six percent of refugees are registered in Kampala, the main location outside of the settlements.[525] Respondents also indicated that formal work permits are still difficult for refugees to obtain, and that some employers still stigmatize refugees or hesitate to hire them because they are unsure about the laws and policies.[526] Moreover, despite Uganda's progressive regarding refugee rights, refugees are still less likely than Ugandans to be employed and more likely to take work that is below their skill level, education, and pre-displacement occupation.[527]

523 UNHCR, "Global Focus: Uganda," accessed May 06, 2022, https://reporting.unhcr.org/uganda.

524 UNHCR, "Uganda Comprehensive," Refugee Response Portal, accessed December 10, 2021, https://data2.unhcr.org/en/country/uga.

525 World Bank, *IDA19 Mid-Term Refugee Policy Review* (Washington, DC: World Bank, 2021), https://documents1.worldbank.org/curated/en/826851636575674627/pdf/IDA19-Mid-Term-Refugee-Policy-Review.pdf.

526 Francesco Loiacono and Mariajose Silva Vargas, *Improving Access to Labour Markets for Refugees: Evidence from Uganda* (International Growth Centre: Reference C-43445-UGA-1, 2019), https://www.theigc.org/wp-content/uploads/2019/10/Loiacono-and-Vargas-2019-final-paper_revision-1.pdf.

527 UNHCR, "Uganda Knowledge Brief: Using Socioeconomic Data to Promote Employment Solutions for Refugees In Uganda," July 2021, https://www.unhcr.org/5fe31b2b4.pdf. and World Bank Group. *Informing the Refugee Policy Response in Uganda: Results from the Uganda Refugee and Host Communities 2018 Household Survey*, 2019. http://documents.worldbank.org/curated/en/571081569598919068/Informing-the-Refugee-Policy-Response-in-Uganda-Results-from-the-Uganda-Refugee-and-Host-Communities-2018-Household-Survey.

UNITED STATES 44

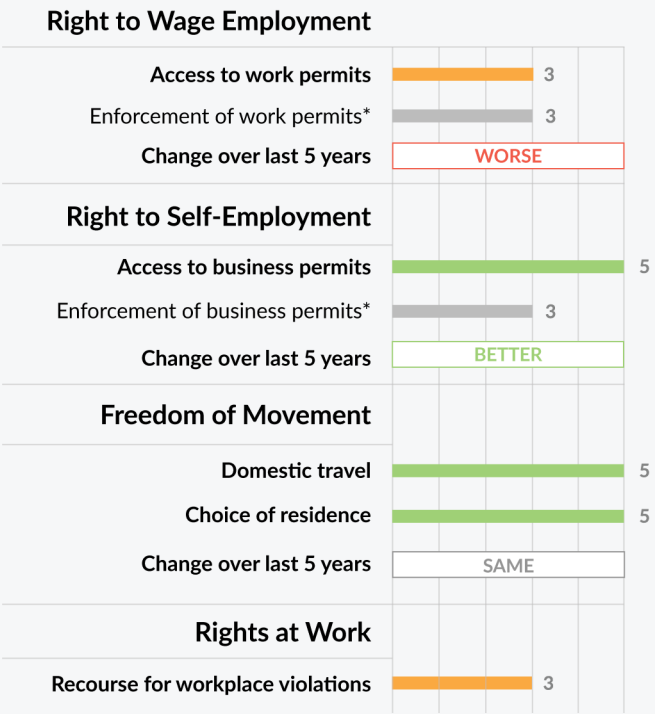
De Jure Refugee Work Rights

Party to the 1951 Convention Relating to the Status of Refugees? **No**

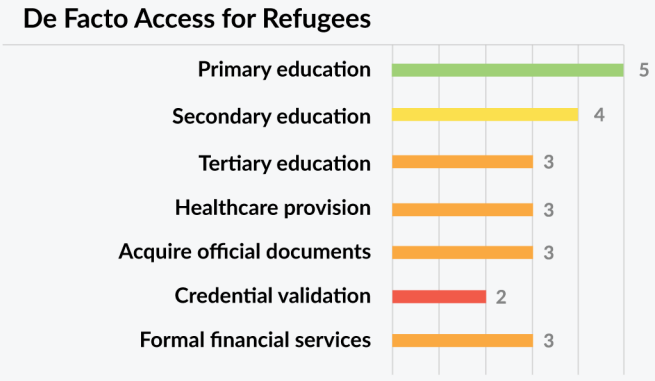
Party to the 1967 Protocol Relating to the Status of Refugees? **Yes**

Party to the 1966 International Covenant on Economic, Social, and Cultural Rights? **No**

De Facto Refugee Work Rights



Other Factors of Economic Inclusion



Five is the highest score, with access equal to nationals, and one is the lowest score. See Part 1 for definitions, methodology, and survey questions.

**Enforcement is only considered when permits are difficult to access. Strict enforcement of laws, reflected by a low score, is not penalized if permits are accessible. See Part 1 for a discussion.*

Facts

According to UNHCR, the United States of America (US) hosted 337,870 refugees and 1,247,223 asylum seekers in 2021.[528] The most common country of origin for refugees was China, and the most common country of origin for asylum seekers was El Salvador.

De Jure Summary

While the US is not a party to the 1951 Refugee Convention, it agreed to uphold the convention's provisions by ratifying the 1967 Protocol. In US domestic law, this commitment to international refugee law is reflected by the Refugee Act of 1980, which incorporates the refugee definition contained in the 1951 Refugee Convention.

The US grants the right to work to those with refugee status through resettlement or a grant of asylum. Resettled refugees may begin working immediately upon entry into the US, and the Office of Refugee Resettlement supports programming that facilitates their job placement and training, business creation, and credentialing.[529] Asylum seekers may apply for work authorization 150 days after filing an asylum application, which may be granted as soon as 30 days later.[530] In addition to these ave-

528 UNHCR, Refugee Data Finder, accessed May 23, 2022, https://www.unhcr.org/refugee-statistics/download/?url=3HMho5.

529 US Citizenship and Immigration Services, "Refugees," last updated March 2, 2022, https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees; Office of Refugee Resettlement, "Resettlement Services," last updated February 23, 2022, https://www.acf.hhs.gov/orr/programs/refugees.

530 US Citizenship and Immigration Services, "Asylum," last updated April 28, 2022, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum.

nues, people granted parole, Temporary Protected Status, or Deferred Enforced Departure are eligible for work authorization.[531]

Since 2019, the US has restricted access to US territory for asylum seekers coming from the Americas through executive rulemaking, creating nearly insurmountable barriers for the largest populations seeking asylum. These policies include the Migrant Protection Protocols, also known as the Remain in Mexico policy, which requires non-Mexican asylum seekers who enter at the US southern border to pursue their US asylum claims while remaining physically in Mexico[532]; and the COVID-19 pandemic-era use of Title 42,[533] a public health law, to bar asylum seekers from entering the US and to expel those found inside the country (the same public health standard is not applied to citizens).[534] Both policies are the subject of court disputes at the time of writing.[535]

De Facto Summary

In the US, the Trump administration significantly limited access to employment eligibility for asylum seekers by changing regulations and diverting resources such as staff away from adjudication, leading to long delays in the processing of employment documents. This prevented asylum seekers from being able to legally work, made them reliant on private charity for support (since they are ineligible for federal benefits), pushed them into exploitative informal work, and made it difficult for them to afford shelter, food, and healthcare. Anti-immigrant rhetoric such as "Hire American," followed by the COVID-19 pandemic, also impacted refugees' ability to obtain formal employment.

De facto barriers to freedom of movement in the US occur largely when individuals lack identification documents. The long delays in issuing work authorization documents make it harder for asylum seekers and asylees to travel if they do not have other valid government ID.

In the US, healthcare is generally obtained through employment, so inaccessibility to formal work also hinders access to healthcare. Asylum seekers are eligible for marketplace health coverage (known as "Obamacare"), but only once they have obtained work authorization.[536] Resettled refugees are eligible for health benefits through the Office of Refugee Resettlement and some states; however, only some states grant refugees the right to state Medicaid programs.[537]

531 American Immigration Council, "Temporary Protected Status: An Overview," April 27, 2022, https://www.americanimmigrationcouncil.org/research/temporary-protected-status-overview.

532 Sarah McCammon, Miguel Macias, Justine Kenin, "Remain in Mexico, the Trump era policy that Haunts the Biden Administration," October 22, 2021, https://www.npr.org/2021/10/22/1048492677/remain-in-mexico-the-trump-era-policy-that-haunts-the-biden-administration.

533 US Government, US Code: Title 42, July 1, 1944, https://www.law.cornell.edu/uscode/text/42.

534 NBC Chicago, "What is Title 42?" April 1, 2022, https://www.nbcchicago.com/news/national-international/what-is-title-42-the-soon-to-expire-border-policy-explained/2797275/.

535 New York Times, "Supreme Court Struggles Over Biden's Bid to end 'Remain in Mexico' Program", April 26, 2022, https://www.nytimes.com/2022/04/26/us/politics/supreme-court-remain-in-mexico.html.

536 US Department of Health and Human Services, "Immigration status and the marketplace," last accessed May 24, 2022, https://www.healthcare.gov/immigrants/immigration-status/.

537 US Department of Health and Human Services, "Cash & Medical Assistance," last accessed May 24, 2022, https://www.acf.hhs.gov/orr/programs/refugees/cma.

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