
Labour Market Access for Asylum Seekers: **The Asian Experience**

Varun Aggarwal
Yujin Lim
Shairee Malhotra

European Institute for Asian Studies – EIAS a.s.b.l.
26 Rue de la Loi, 10th Floor, 1000 Brussels, Belgium

Tel.: +32-2 230 81 22 Email: eias@eias.org Website: www.eias.org



EiasBrussels



European Institute for Asian Studies



@EIASBrussels

TABLE OF CONTENTS

Table of Contents	1
Executive Summary	3
1 Introduction	7
1.1 Motivation	7
1.2 Methodology	8
2 Afghani Asylum Seekers	9
2.1 Pakistan	9
2.1.1 What is the scale of the problem?	9
2.1.2 What has been the response of the state?	10
2.1.3 What is the state of the labour market?	10
2.1.4 What has been the role played by NGOs and other non-state actors?.....	10
2.1.5 What has been the impact of policies on asylum seekers?	11
2.1.6 Conclusion and Ameliorations	12
2.2 Iran	12
2.2.1 What is the scale of the problem?	12
2.2.2 What has been the response of the state?	12
2.2.3 What is the state of the labour market?	13
2.2.4 What has been the role played by NGOs and other non-state actors?.....	13
2.2.5 What has been the impact of policies on asylum seekers?	13
2.2.6 Conclusion and Ameliorations	14
2.3 Australia	15
2.3.1 What is the scale of the problem?	15
2.3.2 What has been the response of the state?	15
2.3.3 What is the state of the labour market?	17
2.3.4 What has been the role played by NGOs and other non-state actors?.....	17
2.3.5 What has been the impact of policies on the asylum seekers?.....	17
2.3.6 Conclusion and Ameliorations	18
2.4 Indonesia	19
2.4.1 What is the scale of the problem?	19
2.4.2 What has been the response of the state?	20
2.4.3 What is the state of the labour market?	20
2.4.4 What has been the role played by NGOs and other non-state actors?.....	21
2.4.5 What has been the impact of policies on the asylum seekers?.....	22
2.4.6 Conclusion and Ameliorations	22
2.5 Syrian Asylum Seekers	23
2.6 Jordan	24
2.6.1 What is the scale of the problem?	24
2.6.2 What has been the response of the state?	25
2.6.3 What is the state of the labour market?	25

2.6.4	What has been the role played by NGOs and other non-state actors?.....	26
2.6.5	What has been the impact of policies on the asylum seekers?.....	26
2.6.6	Conclusion and Ameliorations	26
2.7	Lebanon.....	27
2.7.1	What is the scale of the problem?	27
2.7.2	What has been the response of the state?	27
2.7.3	What is the state of the labour market?	28
2.7.4	What has been the role played by NGOs and other non-state actors?.....	30
2.7.5	What has been the impact of policies on the asylum seekers?.....	31
2.7.6	Conclusion and Ameliorations	31
2.8	Turkey	31
2.8.1	What is the scale of the problem?	31
2.8.2	What has been the response of the state?	31
2.8.3	What is the state of the labour market?	33
2.9	What has been the role played by NGOs and other non-state actors?.....	34
2.9.1	What has been the impact of policies on the asylum seekers?.....	34
2.9.2	Conclusion and Ameliorations	35
3	Lessons for Europe.....	37
4	Conclusion	40

EXECUTIVE SUMMARY

More and more, European governments are working to thwart the journeys of those intending to reach their territory. Border controls and strict residency laws ensure that most asylum seekers are excluded from legal channels and from full participation in local society. This social exclusion encourages them to accept greater risks to resolve their situation.

Judging from their approach, European policymakers seem to have not analysed the experiences of other nations that have faced similar predicaments. Syrians and Afghans – alongside Iraqis – constitute the largest proportions of first time asylum seekers in the EU. However, the experience of most EU member states of hosting these nationalities is a recent one. According to the United Nations High Commission for Refugees (UNHCR), neighbouring countries such as Iran, Pakistan, Turkey, Lebanon and Jordan have hosted more than a million asylum seekers and refugees *each*. Countries like Lebanon and Iran have been hosting millions of asylum seekers, refugees and irregular migrants for many years. Thus, the economic conditions of asylum seekers and irregular migrants in these countries are a telling parable for policymakers in the EU.

The objective of each country analysis is to give a sense of the legal and economic evolution of the asylum process: legal context for access to the labour market, developments and profile of recent refugee flows, approach by authorities, patterns of refugee recognition, policies and measures to integrate refugees into the labour market, legal and institutional issues and obstacles.

Pakistan

Pakistan hosts 1.8 million Afghan refugees, and an additional 1 million illegal Afghan economic migrants. Pakistan followed a

hospitable policy towards Afghan refugees until 2000, including substantial freedom of movement and settlement, subsidies and easy access to basic goods, education and health services. However, repeated cycles of conflict in Afghanistan and the exodus of refugees have led to a condition of 'asylum fatigue' since 2001 and a shift in policy from generosity to exclusion, including the closure of many refugee camps and schools, as well as the initiation of a repatriation process.

Despite cultural similarities that should entail easier integration into the host society, Afghan migrants, Despite cultural similarities that should entail easier integration into the host society, Afghan migrants have faced exclusion and discrimination due to their sheer numbers, high birth rates, willingness to work for lower wages, and their precarious socioeconomic and security scenarios within Pakistan. These have served as key push factors for Afghan migration towards Europe and other destinations.

Iran

Iran follows Pakistan as the second largest host of Afghan refugees, numbering at least 1 million. Until the early 1990s, Iran followed a receptive and hospitable open door policy towards Afghan refugees, with the distribution of 'blue cards' that accorded them the status of 'mohajerin' (religious guests) rather than 'panahandegan' (refugees). The attitude of treating refugees as 'guests', albeit positive in rhetoric, lacks the rights and legal protection that complements the status of a refugee, thus exacerbating the economic and social vulnerability of Afghan migrants in the long run. Repeated exoduses, high Afghan birth rates and a deteriorating economic situation in an internationally isolated Iran have led to policies of

exclusion, and have served as key push factors towards Europe.

Australia/Indonesia

Australia is one of the few countries in the world that has programmes to resettle refugees from countries of first asylum in collaboration with the UNHCR. There are approximately 12-15,000 permanent Afghani residents in Australia, most of who arrived as asylum seekers or were resettled from other countries through these programmes. This growth is politically controversial because it is seen as undermining the tradition of strict government control of entries. However, the precariousness of the situation that asylum seekers and refugees find themselves in after their residence permits expire makes finding permanent employment difficult. For them, investing time and resources to accumulate necessary experience and skills — language and qualifications — carries great risk.

Indonesia is a transit migration country. 63 per cent of asylum applications in Indonesia come from Afghanis. However, most migrants do not file an asylum claim, seeing few benefits to the procedure in a country that does not officially recognise refugees. The Indonesian government insists that local integration is not a plausible solution. Thus, both asylum seekers and refugees find themselves in a state of limbo in Indonesia until changed circumstances in their country of origin make voluntary repatriation a possibility, or a resettlement place is found in a third country.

Indonesia bears primary responsibility for its appalling treatment of asylum seekers and refugees. However, Australia has pursued a strategy of immigration enforcement first, and refugee protection after, which leaves migrants with few options other than to risk boat journeys.

Jordan

There are 651,114¹ registered refugees in Jordan. The crisis has had a severe impact on Jordan's economy, which has led to a phenomenon of high dependence on international aid. The policy response of the Jordanian government has largely reflected more of a short term, emergency-based approach rather than a long term one. Jordan does not recognise Syrian refugees as refugees or asylum seekers. Instead, it terms them 'visitors', 'irregular guests', or 'guests'. This gives an unstable status to the refugees. Moreover, the government does not issue work permits to Syrians, even though there is no limitation in terms of policy and law. Thus, the informal labour market is the most accessible job market for Syrian asylum seekers. The informality gives the asylum seekers an opportunity to engage in economic activity.

Lebanon

There are 1,048,275 registered refugees in Lebanon plus half a million undocumented asylum seekers. The conflict has sent shockwaves of immense magnitude on the Lebanese economy. Most Syrian workers do not have sufficient income to support themselves or their families due to their participation in the informal labour market, where salaries are not as high as those of the formal labour market. In addition, most of them are low-skilled or semi-skilled workers. As a result, they cannot rely solely on their monthly incomes, and thus require other sources of income to support their livelihood. Approximately 50 per cent of their source of livelihood stems from UNHCR, while the second highest source is from their own savings. The uncertainty of the status and instability of valid

¹ Last Update 16 May 2016 - UNHCR

identification granted by the government constitutes a major impediment to the successful integration of asylum seekers.

Turkey

Turkey has followed an “open door” policy since the beginning of the exodus and has therefore unconditionally accepted all victims of war from Syria. As a result, Turkey has become the world’s largest refugee hosting country. Close to 2.5 million Syrian asylum seekers are residing within Turkish borders, and these numbers are set to increase in wake of the EU-Turkey deal. Turkey adopted its first comprehensive law on migration in April 2013, due to come into effect in April 2014. This is a considerable accomplishment given that this action was taken at a time when many EU countries were introducing dramatic measures to exclude refugees and migrants. Despite promising measures, in practice, acquiring work permits is a long and cumbersome process. Recent fieldwork² conducted has also revealed that few migrants — less than 1 per cent — profit from work permits. Thus, overall, the economic situation of Syrian refugees is deteriorating.

From a European perspective, prevention of informal labour, facilitating the building of trust between guests and locals, and labour market conditions are three key areas of policy intervention for the successful integration of asylum seekers.

The uncertain circumstances of asylum seekers makes finding meaningful and stable employment tough. However, with the right amount of investment, proper implementation of policies, the inclusion of all relevant stakeholders in the private

sector, civil society and regional/local domains, the asylum process can be made a lot more comfortable, and many potential negative effects - migrant poverty, child labour, and ghettoization of migrant communities - can be prevented.

² Dr. Kayaoglu Yilmaz speaking at Centre for European Policy Studies (URL: http://www.fes-europe.eu/fileadmin/public/editorfiles/events/April_2016/Report_EU-Turkey_3-May-16.pdf)

1 INTRODUCTION

The European approach towards integration of asylum seekers lacks cohesion. States like Sweden and Germany have gone out of their way to institute sustainable, long-term integration policies, while others like Hungary, Czech Republic and Austria have taken up myopic and counterproductive ways of managing migration. Most European policymakers seem to merely pander to their electorate with short-term image salvaging measures such as the EU-Turkey deal - a band-aid measure, to quote a Turkish commentator.

Looking at the approaches of European policymakers, it seems the experiences of other nations facing similar predicaments have been neglected. Countries like Lebanon and Iran have been hosting millions of asylum seekers, refugees and irregular migrants for many years. Their governments do not possess the financial capacities of their European counterparts but have had to manage and host an incredible number of people from their neighbouring countries fleeing wars and atrocities. Analysing the economic outcomes of migrant populations in these countries paints a mixed picture; one of grave mistakes and heartening progress: criminal denial of basic human rights exists alongside success stories of integration and organised cyclical labour flows benefiting both countries of origin and destination. All these factors offer key insights into migrant decision making and ways in which public policies can facilitate integration into their new surroundings.

1.1 Motivation

Syrians and Afghanis – alongside Iraqis – constitute the largest proportions of first time asylum seekers in the EU. However, the experience of most EU member states of hosting these nationalities is a recent one. According to the United Nations High Commission for Refugees (UNHCR), neighbouring countries such as Iran, Pakistan, Turkey, Lebanon and Jordan have hosted more than a million asylum seekers and refugees *each*. In the cases of Pakistan and Iran, experiences with Afghani asylum seekers and refugees stretch back to the 1980s. Indonesia and Australia have also seen a considerable number of asylum applications from Afghans. Thus, the economic conditions of asylum seekers and irregular migrants in these countries are a telling parable for policymakers in the EU.

The objective of each country analysis is to give a sense of the legal and economic evolution of the asylum process: legal context for access to the labour market, developments and profile of recent refugee flows, approach by authorities, patterns of refugee recognition, policies and measures to integrate refugees into the labour market, legal and institutional issues and obstacles.

All the countries analysed, with the exception of Australia, are poorer and institutionally less developed than the EU states. Thus, despite often having more welcoming and sustainable asylum related policies, their implementation is poor. The domestic labour market and the ability of asylum seekers to access it are also analysed. Flexibility and inflexibility³ are the two key criteria in this evaluation; more flexible labour markets allow migrants to find jobs more

³ Labour market flexibility is a firm's ability to make changes to their workforce in terms of the number of employees they hire and the number of hours worked by the employees. Labour market flexibility also includes areas such as wages and unions. A flexible labour market is one where firms are under fewer regulations regarding the labour force and can therefore set wages (i.e. no minimum wage), fire employees at will and change their work hours. A labour market with low flexibility is bound by rules and regulations such as minimum wage restrictions and requirements from trade unions.

easily though offer less protection, whereas less flexible markets contain large barriers to entry but offer many perks like unemployment insurance and greater bargaining power through labour unions. The size of the informal economy is another key characteristic that influences the decision making process of asylum seekers when looking for work. Successful and sustainable economic integration can only take place in the formal sector. This requires provisions for work permits and the matching of jobs with relevant skills.

1.2 Methodology

This section serves to help readers to understand how we have conducted our exercise. Our analysis utilises a combination of primary and secondary resources. The primary sources include legal documents and data sources from the UNHCR, World Bank and the IOM amongst others. The secondary sources include policy briefs and peer reviewed journal articles on labour integration policies relating to forced migrants. For a more detailed summary of how we selected our secondary resources, we encourage you to go through our footnotes or contact us at eias@eias.org.

2 AFGHANI ASYLUM SEEKERS

Looking at a map, the most distinct feature about Afghanistan is its location. At the crossroads between South Asia, China and Iran, its geopolitical importance as a centre of trade and religion cannot be emphasised enough. Throughout its long history, the country has been referred to as the *Sarzameen-e-Bay*, 'the lawless land'. Adam Curtis' documentary *Bitter Lake* (2015) showcases how outside powers starting from the British in the late 19th century to the American-led NATO invasion in the 2000s have tried to "tame" Afghanistan and establish a state. All these interventions have been unmitigated disasters, at great cost to all the powers involved. However, no one has paid a greater price than the people of Afghanistan.

Afghan society is divided into numerous ethnic groups: the Pashtuns, Tajiks and Hazara are the largest in number but several other ethnicities such as the Uzbeks, Turkmens, Baloch and others are also present. Under Mohammad Zahir Shah's reign, many institutions were developed and a somewhat functional state came into fruition, but the economy remained largely informal and reliant on agriculture. The Soviet Invasion in 1979 brought chaos, and the period until their withdrawal in 1988 was marked by the first mass exodus of Afghani refugees. Millions fled their cities and villages to seek refuge in neighbouring Pakistan and Iran. The US-sponsored proxy war against the Soviets helped a mujahedeen force consisting largely of conservative Pashtuns overtake the country, the Taliban. The ensuing chaos led to further emigration as most of the intellectuals and liberals fled to seek refuge around the world. The reign of Taliban, characterised by draconian Islamic laws, also saw the fleeing of persecuted non-Pashtun minorities. The subsequent NATO invasion circa 2003 worsened the refugee crisis. Millions upon millions fled, and by the mid-2000s, Afghanistan was the source of the largest refugee population in the world. Recently, since the withdrawal of NATO forces, instabilities and internal clashes have escalated. Young and old, rich and poor, Afghans continue to look abroad in order to find peace and security. As a result, even Afghans living in Pakistan and Iran are now coming to the EU and other industrialised regions of the world to settle.

2.1 Pakistan

2.1.1 What is the scale of the problem?

With agriculture serving as the prime means of livelihood, moving to Pakistan for Afghans has been a characteristic response to famines, bad weather conditions, and economic insecurity. Cultural linkages and religious solidarity, along with easy access through geographical proximity and porous borders, have all facilitated this phenomenon. Until the Syrian conflict, the Afghan migrant population remained the largest in the world, with Pakistan hosting 1.8 million Afghan refugees, and an additional 1 million illegal Afghan economic migrants.⁴

Most Afghan refugees in Pakistan are young, uneducated males from rural areas, and are predominantly low skilled manual workers. A large majority of them are Pashtuns who faced persecution due to their tribal affinities with the overthrown Taliban regime.

⁴ International Organisation for Migration. (Jan 2014). *Transition, Crisis and Mobility in Afghanistan: Rhetoric and Reality*. Retrieved from <https://www.iom.int/files/live/sites/iom/files/Country/docs/Transition-Crisis-and-Mobility-in-Afghanistan-2014.pdf>

2.1.2 What has been the response of the state?

Although Pakistan remains a non-signatory to the 1951 Geneva Convention on Refugees and the 1967 Protocol, it followed a hospitable policy towards Afghan refugees until 2000, including substantial freedom of movement and settlement, as well as subsidies and easy access to basic goods, education and health services. Pakistan has relied heavily on international aid and assistance to deal with the influx of Afghan refugees.

However, repeated cycles of conflict in Afghanistan and the exodus of refugees have led to a condition of 'asylum fatigue' since 2001, and a shift in policy from generosity to exclusion, including the closure of many refugee camps and schools, and the initiation of a repatriation process. The validity of 'Proof of Registration' cards has been extended on multiple instances to give enough time to facilitate returns to Afghanistan, with those failing to register considered illegal residents.⁵ In 2010, the 'Afghan Management and Repatriation Strategy' (AMRS) was implemented to explore alternative legal options for those who could not return.

2.1.3 What is the state of the labour market?

The Pakistani labour market operates within two extremes – the vibrant informal sector where workers have virtually no labour rights, and a highly inflexible formal sector with excessive protection for workers and limitations for employers. Labour regulation is excessive by international standards, and Pakistan has been ranked 126 out of 140 countries in labour market efficiency according to the World Economic Forum's Global Competitiveness rankings.⁶

2.1.4 What has been the role played by NGOs and other non-state actors?

Voluntary return programs were initiated in 2002 under the UNHCR auspice, along with a countrywide census of Afghans in Pakistan to collect information and devise future solutions to the problem.⁷

A quadripartite consultative process began in 2011 between Afghanistan, Pakistan, Iran and the UNHCR, which led to the Solutions Strategy for Afghan Refugees (SSAR) to support voluntary returns and assistance to host countries as a means of international responsibility sharing.⁸ This process involved the issuance of documents of temporary validity allowing migrants to travel to Afghanistan and obtain Afghan travel documents to aid future returns. However, voluntary repatriations have in recent years declined due to precarious security conditions within Afghanistan and lack of economic opportunities.

International NGOs like the International Rescue Committee (IRC) have been working to improve conditions for Afghan refugees in Pakistan in various sectors including healthcare, education, training for minority populations such as women, and emergency relief programs.⁹

⁵ International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

⁶ World Economic Forum (2015-16). The Global Competitiveness Report. Retrieved from <http://reports.weforum.org/global-competitiveness-report-2015-2016/>

⁷ International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

⁸ International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

⁹ International Rescue Committee. Humanitarian Crisis Worsens; IRC Aid for Afghan Refugees Continues. Retrieved from <http://www.rescue.org/news/humanitarian-crisis-worsens-irc-aid-afghan-refugees-continues-3862>

2.1.5 What has been the impact of policies on asylum seekers?

Afghan migrants are often denied formal labour market access since they are not granted the National Aliens Registration Authority Cards (NARA), making the informal economy (more than 70% of Pakistan's total labour force) the only recourse to employment.¹⁰ Consequently, most Afghans are highly mobile and generally employed as unskilled manual labourers receiving lower than minimum level wages in jobs like construction, brick making, agriculture, and craftsmanship; especially since Pakistan's economy is structurally dependent on cheap and effective labour.¹¹ Moreover, regulations like the requirement of a Pakistani partner to formalise Afghan SMEs¹², and the prohibition on the hiring of illegal workers by the Foreigners Act (1946)¹³, have heightened the vulnerability of Afghans for whom such regulations mean lack of access.

These administrative barriers and the high costs of formalising compared to the gains have encouraged the sustenance of Pakistan's thriving informal sector, with Afghan migrants concentrated in this. Of course, the inflexibility of the labour market also means that migrants, out of choice, remain in the informal sector where minimum wage regulations don't apply and the only way for them to compete is to work for lower wages. Afghan labourers are more flexible and willing to work for lower wages, at the cost of their social and economic rights, than their Pakistani counterparts, and this is appealing to employers as it decreases their cost of production.

Although there are plans to extend the validity of PoR (Proof of Registration) cards for those who are already registered till 2017, there has been no process for Afghans arriving after the 2005 census to register, enabling them to fall into the undocumented category.¹⁴ According to the BBC, between 150 and 300 families return to Afghanistan daily since the Taliban attack on a school in Peshawar in 2014, although the Pakistani government denies the existence of any orderly campaign to remove Afghans.¹⁵ Pakistan's precarious domestic circumstances and political situation, especially since post 2000 with the ensuing War on Terror and the rising influence of the Tehreek-i-Taliban Pakistan, has been instrumental in altering the attitude towards Afghan migrants from hospitality to hostility. The widespread view in Pakistan is that Afghans are partly responsible for the deteriorating security scenario within Pakistan. This has significantly resulted in a negative attitude towards Afghans, and a consequent erosion of trust between the two nationalities. As a result, many Afghans face widespread police abuse, and are victims of extortion cases - all of which is worsened by their uncertain status¹⁶. Increasing sectarianism within Pakistan has targeted minority factions within Muslims, including the Sunni violence against non-Sunnis, many of whom, as in the case of the Hazara Shias, are Afghan migrants.

¹⁰ International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

¹¹ Shmeidl, S. (2014). Sources of tension in Afghanistan and Pakistan: A Regional Perspective, "going going once again gone?"

¹² International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

¹³ *Pakistan: Foreigners Act* (1946). Retrieved from <http://www.refworld.org/docid/3ae6b4f314.html>

¹⁴ Human Rights Watch. (2015). What Are You Doing Here? Retrieved from <https://www.hrw.org/report/2015/11/18/what-are-you-doing-here/police-abuses-against-afghans-pakistan>

¹⁵ BBC. (26 Feb 2015). Harassment drives Afghan refugees from Pakistan. Retrieved from <http://www.bbc.com/news/world-asia-31588821>

¹⁶ Human Rights Watch. (2016). Pakistan: Extend Afghan Refugee Status Through 2017. Retrieved from <https://www.hrw.org/news/2016/01/16/pakistan-extend-afghan-refugee-status-through-2017>

2.1.6 Conclusion and Ameliorations

Looking at the approaches of European policymakers, it seems the experiences of other nations facing similar predicaments have been neglected. These have served as key push factors for Afghan migration towards Europe and other destinations. Therefore, Afghan migration should not only be looked at in the context of originating from Afghanistan, but also from the traditional host countries, in terms of secondary movements to destinations such as Europe. The mixed motivations for these secondary movements, including not only protection from conflict but also improved quality of life and access to opportunities, make it difficult to automatically render all Afghans as refugees.

Ameliorations that the Pakistani authorities can make are:

- Duplicious policies, of repatriation on the one hand, and wanting Afghans to stay in Pakistan on the other as they bring in large international donations that are misused by the government, have to be re-evaluated. The Pakistani government must develop consistent policies to deal with the issue, and rightly direct international funds towards the betterment of Afghans.
- Regardless of legalities, considering the current instability in Afghanistan and the integral element of migration in Afghan history, Afghans will most likely continue to migrate abroad. Therefore, it is important to address how to facilitate these flows and provide opportunities for migrants. Regulating this migration is imperative to ensure effective integration into host societies, better living conditions, and controlling the growth of the informal economy.

2.2 Iran

2.2.1 What is the scale of the problem?

Iran follows Pakistan as the second largest host of Afghan refugees numbering at least 1 million. Most Afghan refugees in Iran, as in the case of Pakistan, are predominantly young, less educated males from rural areas. The exodus of the Hazara Shias who fled due to persecution under the Taliban regime and their cultural affinities with Iran was preceded by the large number of Pashtuns who in turn were forced out due to their tribal empathies with the overthrown Taliban.

2.2.2 What has been the response of the state?

Until the early 1990s, Iran followed a receptive and hospitable open door policy towards Afghan refugees, with the distribution of 'blue cards' that accorded them the status of 'mohajerin' (religious guests) rather than 'panahandegan' (refugees).¹⁷

Iran's 1979 Islamic Revolution encouraged religious solidarity in line with its 'Islam has no frontier' outlook that facilitated the generous treatment of Afghan refugees. Iran has ratified the 1951 Geneva Convention on Refugees and the 1967 Protocol.

¹⁷ International Center for Migration Policy Development. (2013). Afghanistan migration country report. Budapest Process.

Iran has hosted and shouldered the burden of scores of Afghan refugees with minimal international assistance owing to its political context of geopolitical tensions with the West and its subsequent isolationism. In addition, a decade of Western sanctions have all adversely impacted Iran's approach and capacity to host Afghan migrants, resulting in, much like Pakistan, a condition of 'asylum fatigue'. This has led to a marked shift in policy with the installation of the Bonn Agreement in 2001, with new arrivals being treated as irregular economic migrants rather than religious guests. Repatriation has been induced by imposing restrictions on Afghan refugees including the cutback of subsidies on healthcare and access to free education. Renewable 'Amayesh'¹⁸ cards were issued by BAFIA, with the installation of measures that forbade Afghans from attaining access to property, bank accounts and education, forcing many to persist in their irregular status. To encourage the return of migrants to Afghanistan, BAFIA along with the UNHCR in 2012 installed a programme of giving an amount of 150 dollars to each migrant willing to return to Afghanistan.¹⁹

2.2.3 What is the state of the labour market?

Iran has not authorised ILO conventions 98 and 111 that enshrine the right to organise, collective bargaining and freedom of association.²⁰ Minimal freedom of association and tight political control over workers' associations has led to a lack of trade and labour unions, and less workers protests or demonstration, although reforms have made this easier. Despite the lack of opposition, the Iranian labour market remains inflexible with the government's implementation of strict regulations on employee dismissals and with respect to state-enterprises' wage regulations, rendering it difficult for firms to tweak their workforces. Iran ranks 74 out of 140 countries in labour market efficiency according to the World Economic Forum's Global Competitiveness 2015-16 rankings.²¹

2.2.4 What has been the role played by NGOs and other non-state actors?

Following the Soviet withdrawal and the shift in attitude towards Afghans in Iran in the late 1990s, a repatriation programme was initiated with the UNHCR to facilitate the return of Afghans back to their homeland.

The 2011 Quadripartite consultative process was introduced, as mentioned also in the case of Pakistan, to facilitate solutions, voluntary returns and provide international assistance to ensure burden sharing. BAFIA estimates that thousands of migrants applied for Afghan passports or Iranian visas and received regular status, although many remained irregular.

2.2.5 What has been the impact of policies on asylum seekers?

The attitude of treating refugees as 'guests', albeit positive in rhetoric, lacks the rights and legal protection that complements the status of a refugee, thus exacerbating the economic and social vulnerability of Afghan migrants in the long run.

¹⁸ 'Amayesh' is the process of re-registering those already registered as refugees and holding blue cards to replace this document with a temporary residence permit of no specific duration. The aim was to render them vulnerable to future expulsion decisions, and to facilitate the ultimate 'voluntary' return of refugees.

¹⁹ UNHCR. (Oct 2012). \$150 given to Afghan Refugees who voluntarily return. Retrieved from [http://unhcr.org.ir/en/news/442/\\$150-given-to-Afghan-Refugees-who-Voluntarily-Return](http://unhcr.org.ir/en/news/442/$150-given-to-Afghan-Refugees-who-Voluntarily-Return)

²⁰ International Labour Organisation. (2003). ILO standards-related activities in the area of occupational safety and health. Retrieved from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/pdf/lils-7.pdf>

²¹ World Economic Forum (2015-16). The Global Competitiveness Report. Retrieved from <http://reports.weforum.org/global-competitiveness-report-2015-2016/>

Iran's Amayesh system inaugurated in 2003 has made retaining refugee status extremely difficult for Afghans due to major bureaucratic hurdles, frequent re-registrations, high fees, and a lack of official assistance, through which any technical errors can lead to a loss of status.²² Despite the existence of BAFIA, post 2007, Afghans arriving in Iran had no recourse to lodge asylum claims as a result of the absence of a transparent asylum process, making many susceptible to deportation.²³

For several years, Afghan migrants in Iran benefited from better opportunities, better living standards, and greater labour market access. An official work permit was required to work but was limited to 17 categories of manual labour – a legality that was frequently over-ridden due to the demand for cheap labour. This situation altered in 2001 when a passage of laws prohibiting Iranians from hiring undocumented Afghans, owing to security risks, local unemployment, and the drugs trade, were installed.²⁴ The enactment of “no-go” areas that limit foreigners from traveling or living in 28 of Iran's 31 provinces has greatly diminished Afghan freedom of movement and employment opportunities.²⁵

Although minimum wage regulations exist and are revised annually by the “Supreme Council of the Labour”, this is unattainable for most short-term contract workers.²⁶ Many Afghan migrants fall into this category since they indulge in circular migration, which can be defined as “temporary movements of a repetitive character either formally or informally across borders, usually for work, involving the same migrants”.²⁷ Labour regulations are inapplicable to short-term and informal workers, and many Afghans persist in low-skilled, low-income and short-term jobs.

2.2.6 Conclusion and Ameliorations

The majority of Iranian-born Afghans, especially the Hazaras and Tajiks, have largely absorbed Iranian culture through schooling and employment, that have aided their integration and acculturation but convoluted the repatriation process. Repeated exoduses, high Afghan birth rates and a deteriorating economic situation in an internationally isolated Iran have led to policies of exclusion, and have served as key push factors towards Europe.

Some key ameliorations that the Iranian authorities can make are:

- Migration is a transnational phenomenon requiring cooperation and collaboration with other countries. The West's nuclear deal with Iran and the lifting of sanctions presents an opportunity for Iran to develop a concerted plan and implement better efforts to more effectively deal with the issue of Afghan migrants.
- Many local Iranians hold negative perceptions that the influx of Afghan migrants has led to a deteriorating national security scenario in terms of an increase in crime rate and

²² Human Rights Watch. (Nov 2013). Unwelcome Guests. Retrieved from Human Rights Watch. Available at <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refuge> Unwelcome Guests

²³ Human Rights Watch. (Nov 2013). Unwelcome Guests. Retrieved from Human Rights Watch. Available at <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refuge> Unwelcome Guests

²⁴ Bhatnagar, A. (2012). *Iran: Understanding the Policy towards Afghan Refugees*. IPCS. Retrieved from <http://www.ipcs.org/article/iran/iran-understanding-the-policy-towards-afghan-refugees-3683.html>

²⁵ Human Rights Watch. (Nov 2013). Unwelcome Guests. Retrieved from Human Rights Watch. Available at <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refuge> Unwelcome Guests

²⁶ Karimi, Z. (2008). The Effects of Trade Liberalisation on the Labour Standards in Iran. The Levy Economics Institute.

²⁷ Panizzon, M., Zurchet, G., Fornale, E. (2015). The Palgrave Handbook of International Labour Migration: Law and Policy. Palgrave Macmillan UK

drugs trade within Iran. However, Iranian authorities must rightly connect the dots and acknowledge the interconnectedness between issues of illegal migration and drugs trafficking. It is the lack of a regular status that compels many migrants to be involved in such illicit activities, and authorities must attempt to make the regularisation process easier as well as ensure longer-term validity for work permits.

- Adopted solutions - like giving 150 dollars to each migrant willing to voluntarily return - are shortsighted and are not suitable solutions to approach return and reintegration. Return programmes need to be better targeted, taking into account the reasons for the departure of Afghans in the first place – lack of safety and economic opportunities.
- The coercion of Afghan undocumented migrants to fight for the Syrian government in return for legal residence in Iran reflects grave exploitation and human rights violation. The Iranian authorities must put an end to using the plight of vulnerable migrants to serve their political purposes.

2.3 Australia

2.3.1 What is the scale of the problem?

There are approximately 12-15,000 permanent Afghani residents in Australia, most of whom arrived as asylum seekers or were resettled from other countries through UNHCR programmes.²⁸

2.3.2 What has been the response of the state?

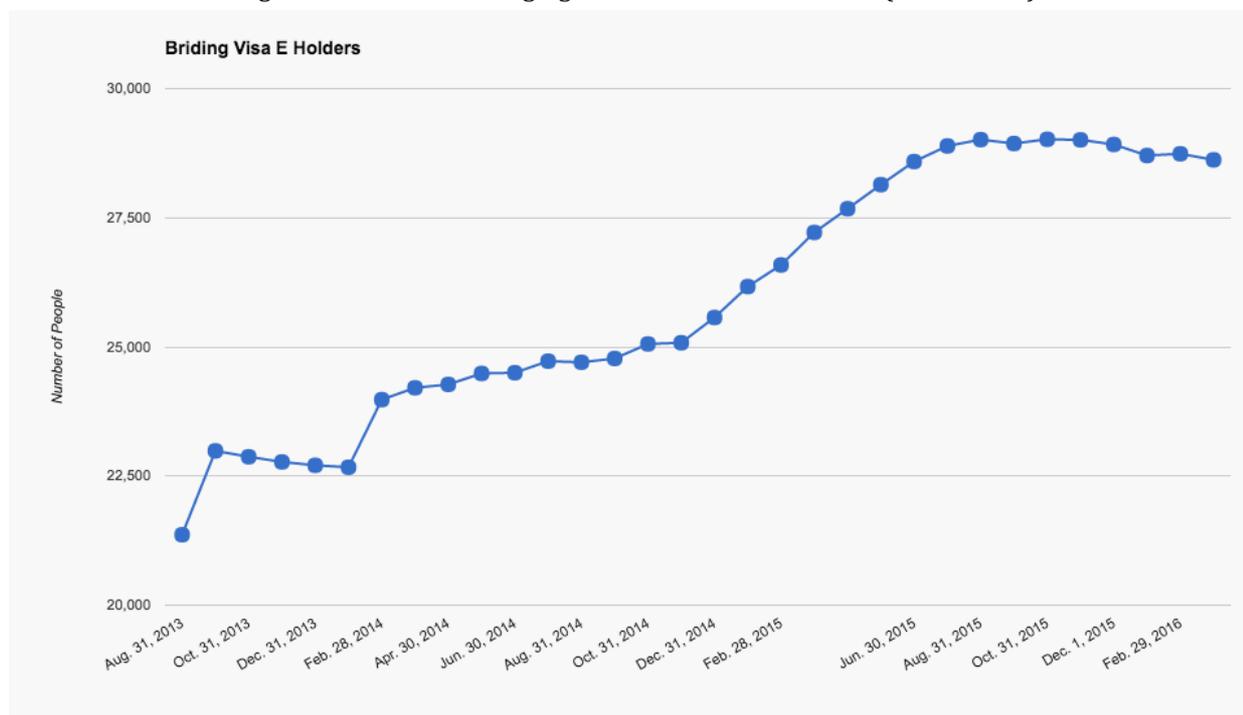
Australia has two programmes that recognise and accommodate asylum seekers, the Humanitarian Programme and the Special Humanitarian Programme. The former focuses on resettling (UNHCR) recognised refugees, while the latter is directed to persons who live outside their home country but do not meet the criteria for refugee status despite being in a refugee-like situation.

Australia is one of the few countries in the world that has programmes to resettle refugees from countries of first asylum in collaboration with the UNHCR. The statistics show that asylum applications have increased considerably since 2009. This growth is politically controversial because it is seen as undermining the tradition of strict government control of entries.²⁹

²⁸ The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950 by the United Nations General Assembly. The UNHCR leads and coordinates international action to protect refugees, safeguarding their rights and wellbeing, as well as resolving refugee problems worldwide. The UNHCR's mission is to ensure people in genuine need can claim their right to seek asylum and find safe refuge in another state. The UNHCR promotes durable solutions, which may include resettling in a third country, integrating locally or returning home voluntarily. The UNHCR also helps stateless and internally displaced people.

²⁹ <http://www.age-of-migration.com/resources/casestudies/12-1.pdf>

Figure 1: Number of Bridging VISA E Holder in Australia (2013 -2016)



Source: Asylum Seeker Resource Centre (2016); <http://www.asrc.org.au/resources/statistics/detention-and-refugee-statistics/>

Australia has a series of ‘bridging visas,’ used to provide temporary legal status to migrants who have applied for a substantive visa or are preparing for return. Within this system, Australia releases those detained in asylum centres who are unable to depart from the country due to circumstances outside of their control — such as when their country of origin or regular domicile is unable or unwilling to issue travel documents. The Removal Pending Bridging Visa, for instance, enables migrants who are compliant to be released from detention. The visa includes the right to work, access to healthcare and basic welfare. Visa holders must assist with preparations to depart the country³⁰.

Temporary Protection Visas (TPVs) were introduced in October 1999, they are three-year visas given to people who arrive in Australia without authorisation (usually by boat), and are able to show that they meet the international *criteria* of a refugee - to have a well-founded fear of persecution in their home country.³¹ TPVs do not lead to work permits. Thus, asylum seekers are stuck in limbo without any means of being employed formally, forcing them to look at informal employment opportunities or rely on the charities of NGOs.

Under an Australian Government 2001 law, if a refugee has spent at least 7 days in a country where they could have claimed refugee status (for example, Indonesia), they are never allowed to apply for permanent refugee status in Australia. They can be sent back once the Government decides they no longer need protection. Most temporary protection visa holders fall in this category.

³⁰ <http://www.emnbelgium.be/sites/default/files/publications/asylum-privatesponsorship-kumin-final.pdf>

³¹ http://www.indigofoundation.org/pdfs/projects/refugees/Afghan_Refugees_In_Australia__03.pdf

Refugees whose visas have expired have not been given a further time period during which they know they can stay in Australia. Rather, their visas have simply been extended until such time as the Government decides to send them back. This sows the seeds for informal employment and other irregular strategies for survival amongst migrants.

2.3.3 What is the state of the labour market?

The Australian economy went relatively unscathed by the 2008/09 financial crisis and the subsequent recession. It is a country with a large amount of resources and a small population. A traditional labour importing country, its labour market is flexible in comparison to the EU. Thus, in theory, migrants should find it easier to enter the labour market. Nonetheless, while most temporary and permanent residents can receive some favourable targeted support and work in most sectors under the same conditions as citizens, policies delay newcomers from investing in the right jobs and skills with the same general support as Australian citizens. Worryingly, most temporary migrant workers cannot freely change jobs or sectors, as is the case in most industrialised countries³². Workers who want their overseas qualifications recognised can access some information, top-up courses, and subsidies to cover procedural costs.

2.3.4 What has been the role played by NGOs and other non-state actors?

A characteristic feature of Australia's asylum system is the significant role of NGOs, especially in efforts to integrate refugees into the Australian society. Given the NGOs' experience and knowledge in working with refugees, the government uses NGOs to meet the obligations. The Australian government not only allocates funds to projects conducted by NGOs but also supervises the whole process. Therefore, synergy between the public and private sectors is created.

A good example of the effective involvement of NGOs in the system is the Humanitarian Settlement Services (HSS) programme, which facilitates access to other services or programmes for refugees, such as welfare payments and free English lessons. All of these activities facilitate the newcomers' adaptation to their new country and make the integration process easier.³³

Private sponsorship³⁴ is another way for asylum seekers to gain access to the labour market. Individuals and community groups wishing to support individual refugees can apply through approved proposing organisations (APOs) — usually established NGOs. The sponsors pay visa and application fees plus guarantees relating to household and social support for a period of 12 months. If the sponsorship is approved, then permanent residency is granted, allowing the migrant to find formal work. Private sponsorship is a way to channel the willingness and capacity of the Afghani diaspora to provide resettlement support. However, more needs to be done to facilitate and encourage these sponsorships.

2.3.5 What has been the impact of policies on the asylum seekers?

Evidence of employment difficulties for humanitarian migrants can be found in the latest Australian data on migrant labour force participation: 81% of skilled stream migrants aged 15

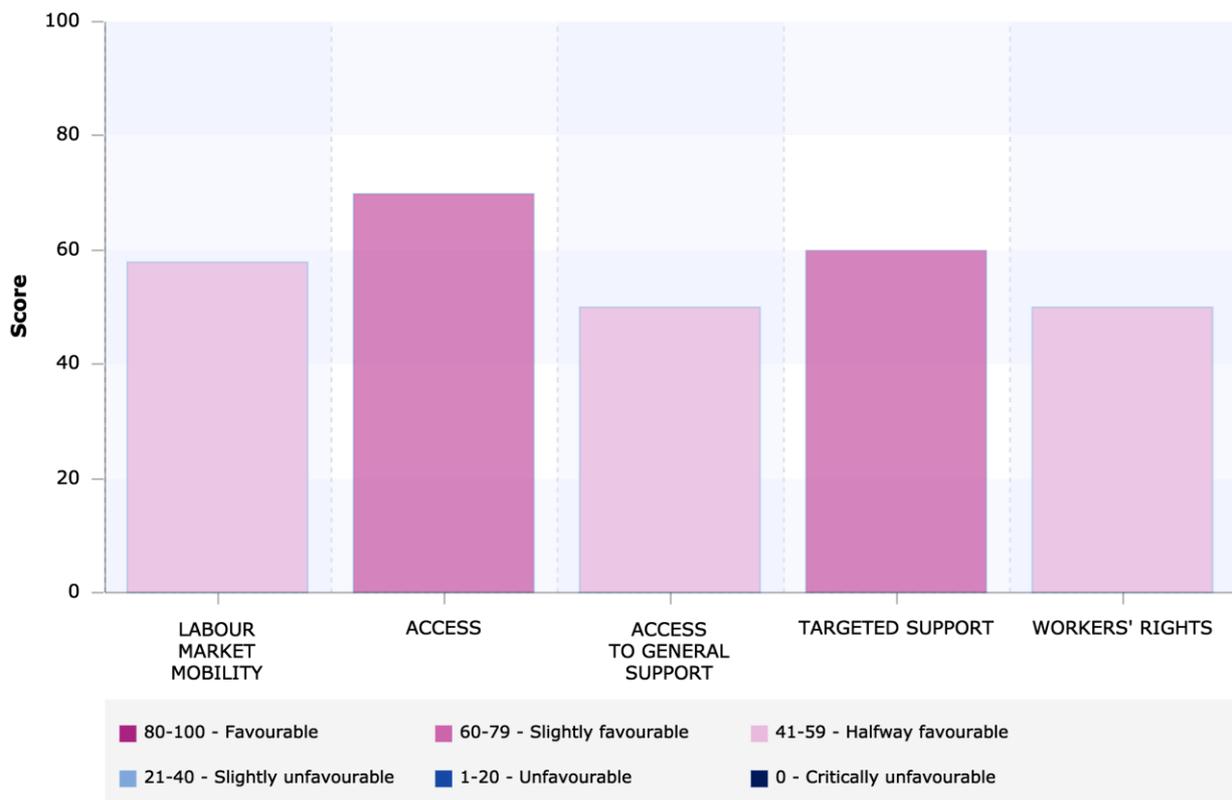
³² <http://www.mipex.eu/australia>

³³ https://www.pism.pl/files/?id_plik=21208

³⁴ <http://www.emnbelgium.be/sites/default/files/publications/asylum-privatesponsorship-kumin-final.pdf>

years and over who had arrived since 1 January 2000 were in the labour force, in contrast, only 40% of asylum seekers and refugees were in the labour force. Consistent with these figures is the fact that while employability steadily increases over time for migrants, particularly after the first two years in Australia, humanitarian entrants are most likely to still be unemployed after five years. And, when humanitarian entrants are employed, they generally work fewer hours, have lower remuneration and a lower level of job satisfaction. Of those who are working, most are younger than 45 years old and have a higher level of English.

Figure 2: MIPEX Score for Australian Labour Market Mobility for Migrants, 2014



Source: MIPEX (2015); <http://www.mipex.eu/australia>

Poignantly, humanitarian entrants have a higher involvement in further education than economic migrants.³⁵

2.3.6 Conclusion and Ameliorations

According to the Australian Human Rights Commission: *"Australia has an obligation under article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to ensure, as a minimum, 'the right of access to employment, especially for disadvantaged and marginalised individuals and groups'. Australia may be in breach of this obligation if it denies asylum seekers access to the labour market, especially if this forces them into poverty."*³⁶

The precariousness of the situation that asylum seekers and refugees find themselves in after their residence permits have expired, makes finding permanent employment difficult. For them

³⁵ <http://community.borderlands.org.au/index.php/issue-45/115-employment-for-asylum-seekers>

³⁶ Australian Human Rights Commission 2013, Asylum seekers, refugees and human rights: snapshot report, Australian Human Rights Commission, Sydney URL: https://www.humanrights.gov.au/sites/default/files/document/publication/snapshot_report_2013.pdf

to invest time and resources to accumulate necessary experience and skills — language and qualifications — carries great risk. Studies³⁷ in Australia have shown:

- High levels of unemployment among skilled refugees and asylum seekers.
- Persistence of a segmented labour market, where racially and culturally visible.
- Migrants and refugees in particular, despite their skills levels, are allocated unattractive jobs — for example, among respondents doctors and engineers.
- Refugees face structural disadvantage in the labour market (e.g. non-recognition or partial recognition of qualifications; lack of accessible referees)
- Discrimination on the basis of race, religion and ethnic origin plays a role in creating unsatisfactory employment outcomes. Employers discriminate on the basis of 'soft skills' such as Australian cultural knowledge.

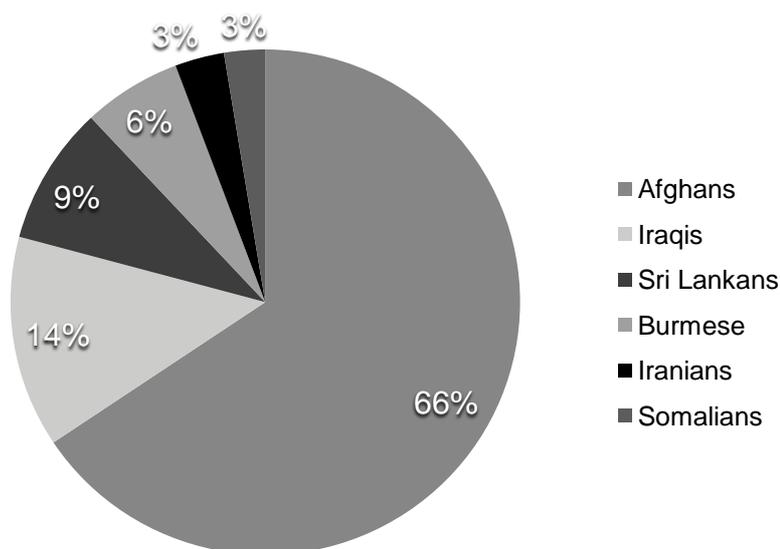
2.4 Indonesia

2.4.1 What is the scale of the problem?

Indonesia is a transit migration country.

It has seen a remarkable increase in the numbers of people seeking asylum in the past five years: up from 385 new arrivals in 2008 to 3,230 in 2009. 63% of asylum applications in Indonesia have come from Afghans. In total, there are about 3,859 Afghani asylum seekers at present. At the end of February 2013, there were 9,226 refugees and asylum seekers in the UNHCR's active caseload in Indonesia, of whom 1,938 were recognised refugees. However, there are more migrants and asylum seekers who choose not to register with UNHCR, and are thus not included in the statistics above. Some may not wish to lodge an asylum claim, seeing few benefits to the procedure in a country that does not officially recognise refugees, and hoping to move on to Australia sooner rather than later.

Figure 3: Asylum Applications Breakdown for Indonesia by Country of Origin



Source: UNHCR Indonesia, 2009

³⁷ Colic-Peisker, V., & Tilbury, F. (2007). Refugees and employment: The effect of visible difference on discrimination. Chicago

Before taking the final boat trip to Australia, intending IMAs reach Indonesia in several ways: Some fly directly to Malaysia and enter on a tourist visa, before traveling to Indonesia clandestinely by boat – a corridor of movement which builds off the well-established international labour migration between Indonesia and Malaysia – much of it undocumented travel or involving illegal workers. Others travel directly to Indonesia, especially those who can obtain a 30-day tourist visa on arrival. Others move initially to Thailand, which has long been a hub for trafficking in the Asia region.

2.4.2 What has been the response of the state?

The government of Indonesia, preoccupied by the demands of a chaotic yet relatively successful democratisation process, is struggling to manage the dual problems of irregular people movement and people smuggling.

Indonesia is not a party to the 1951 Geneva Convention or its 1967 Protocol, but it has a long tradition of hosting refugees and asylum seekers.

A Regional Cooperation Arrangement (RCA) has been operating since 2000 between the Australian and Indonesian governments and the International Organisation for Migration (IOM). Under the RCA, Indonesian authorities intercept irregular migrants and refer those determined to head to Australia or New Zealand to IOM for case management and care.

All asylum seekers and refugees are denied official permission to work. Instead, Indonesia's Immigration Law No. 9 of 1992 and related regulations provide for the detention of non-citizens present in the country without a valid immigration permit. This gives immigration officials discretion to accommodate such individuals outside detention.

2.4.3 What is the state of the labour market?

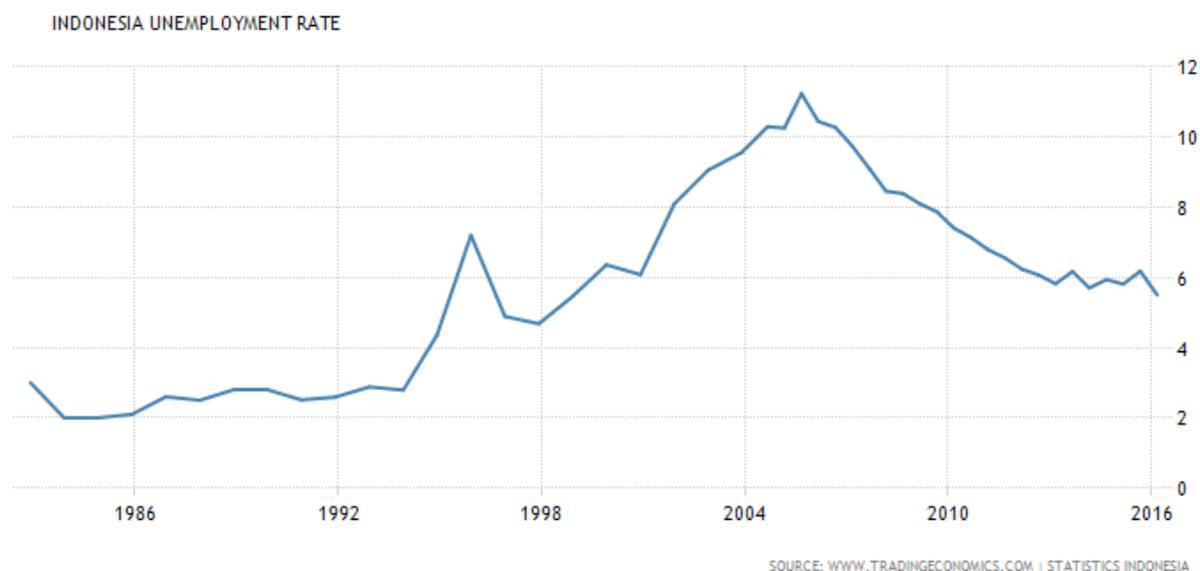
Indonesia is the world's fourth largest country by population, and despite recent rapid economic growth and fertility decline, it has a substantial labour surplus, especially of low-skill, low-educated workers. It remains one of the poorer nations of Southeast Asia. Economic conditions vary; both poverty and wealth can be found in the capital of Jakarta and villages beyond. Accordingly, there has been significant emigration to nearby countries like Malaysia and Australia, with the largest group being low-skilled, temporary contract labour migration. Unemployment Rate in Indonesia decreased to 5.50 percent in the first quarter of 2016 from 6.18 percent in the third quarter of 2015. Unemployment Rate in Indonesia averaged 6.13 percent from 1982 until 2016, reaching an all time high of 11.24 percent in the third quarter of 2005 and a record low of 2 percent in the fourth quarter of 1983.³⁸

In terms of sectoral trends, agriculture maintained its dominance, employing 40.8 million people, followed by trade (25.8 million) and the social and government services sector (18.5 million). In February 2014, 46.4 per cent of those employed were working in the formal economy, and 53.6 per cent of those employed were working in informal employment.

The pattern of economic growth since 2010, as well as gains in labour productivity, regulatory reform and social security expansion are likely to have played an important role in the shift towards formal employment in Indonesia.

³⁸ Unemployment Rate in Indonesia is reported by the Statistics Indonesia.

Figure 4: Indonesia Unemployment Rate 1984 - 2016



Thus the labour market is extremely flexible with little role played by unions, and employee protection loosely enforced.

Escaping the middle-income trap and growing the formal economy are some of Indonesia's most eminent challenges. To support the expansion of the formal economy, Indonesia is focusing on a combination of policies to enhance productivity through facilitating the movement of workers to higher productivity activities and through improving worker protection. In particular, Indonesia has been actively reforming its social security system and expanding social assistance programmes - both of these measures have expanded the number of protected workers.

2.4.4 What has been the role played by NGOs and other non-state actors?

In the absence of state support, NGOs such as the IOM and UNHCR have had to provide financial and administrative support to the asylum seekers. Thus, in practice, most asylum seekers and refugees who fall within the scope of the RCA live in IOM managed accommodations.

An immigration regulation ensures that refugees and asylum seekers have access to UNHCR, and allows them to stay temporarily in the country until their refugee status can be confirmed and appropriate solutions can be found for them.

Indonesia also expects UNHCR to find third country resettlement places for all recognised refugees. However, worldwide need for resettlement places far exceeds supply. The number of resettlement departures from Indonesia are negligible. As a result, many refugees remain in the country for prolonged periods of time while awaiting a durable solution.³⁹

³⁹ Sampson, R. C., Gifford, S. M., & Taylor, S. (2016). The myth of transit: the making of a life by asylum seekers and refugees in Indonesia. *Journal of Ethnic and Migration Studies*, 1-18.

There seems to be a complete absence of social dialogue, with little evidence of unions, private sponsors and other civil society led initiatives addressing economic integration of asylum seekers.

2.4.5 What has been the impact of policies on the asylum seekers?

Even with recognition from UNHCR, many asylum seekers including children—whether accompanied or unaccompanied—have no legal status under Indonesian law, cannot work, and have limited access to education. Constantly vulnerable to arrest or re-arrest for violating these or other rules, refugees are reluctant to seek police protection should they become victims of crimes. Only a small minority (just 247 people in 2012) are resettled to third countries.

Thus, many asylum seekers in Indonesia have become dependent on charity and/or benefits from IOM and UNHCR, and are forced into the informal economy. Being barred from the formal economy means their daily lives are steeped in poverty, dependence, fear of exploitation, violence, and arrest. Participants have to make personal sacrifices if they need money for anything other than food.⁴⁰

The majority of surveyed migrants in Indonesia rated the living conditions as bad or very bad, and many were concerned about restrictions placed on their movement or ability to communicate with people on the outside when in detention. Importantly, the social networks of asylum seekers evolve with the progression of their migration.⁴¹

However, instead of living as only victims, many have developed strategies to cope with the realities of long periods of transience, limited legal status, and uncertainty. This confirms the claims of Papadopoulou-Kourkoula (2008), who argues insecurity does not eliminate the prospect of investment in local ties:

"Whether a particular phase in the migration route is part of the journey or it is part of the arrival is an open question that can only be answered in hindsight. And because of those ambiguities, integration is an issue that may pose itself every step of the way".⁴²

2.4.6 Conclusion and Ameliorations

Indonesia bears primary responsibility for its appalling treatment of asylum seekers and refugees. However, Australia has pursued a strategy of immigration enforcement first and refugee protection after, which leaves migrants with few options other than to risk boat journeys.

The Indonesian government insists that local integration is not a plausible solution. Thus, both asylum seekers and refugees find themselves in a state of limbo in Indonesia until changed circumstances in their country of origin make voluntary repatriation a possibility or a resettlement place is found in a third country. This state of limbo can last for years, sometimes

⁴⁰ Sampson, R. C., Gifford, S. M., & Taylor, S. (2016). The myth of transit: the making of a life by asylum seekers and refugees in Indonesia. *Journal of Ethnic and Migration Studies*, 1-18.

⁴¹ https://www.adelaide.edu.au/apmrc/research/completed/Indonesia_Transit_Country_IMtoA_Report.pdf

⁴² Sampson, R. C., Gifford, S. M., & Taylor, S. (2016). The myth of transit: the making of a life by asylum seekers and refugees in Indonesia. *Journal of Ethnic and Migration Studies*, 1-18.

even for a lifetime. It is a state in which children are deprived of effective access to education and adults are deprived of the meaning given to life by gainful employment.⁴³

Analyses of asylum seekers' conditions in Indonesia suggest that the process of legal integration should include a pathway to citizenship, or at least permanent resident status. However, much like Europe, it is not politically realistic to propose this in the Indonesian context. Thus, a more realistic proposal is that asylum seekers be given a recognised domestic legal status that would enable them to acquire, within a reasonable timeframe, the same legal entitlements to work, education, etc., as Indonesian citizens.⁴⁴

2.5 Syrian Asylum Seekers

Syria is a small, poor and crowded country. It is about the size of the Benelux region but only about a quarter of its 185 thousand square kilometres is arable land i.e., "economic Syria". As a result, the population/resource ratio is out of balance.⁴⁵ Four years of devastating drought from 2006 caused at least 800,000 farmers to lose their entire livelihood, and about 200,000 simply abandoned their lands. UN experts estimated that between 2 and 3 million of Syria's 10 million rural inhabitants were reduced to "extreme poverty." In some areas, all agriculture ceased. In other areas, crop failures reached 75%. Hundreds of thousands of Syria's farmers gave up, abandoned their farms and fled to the cities and towns in search of almost non-existent jobs and severely short food supplies.⁴⁶

The irony being that as the farmers flocked into the cities and towns seeking work and food, they immediately found that they had to compete not only with each other for food, water and jobs, but also with the existing foreign refugee population. Syria already was a refuge for a quarter of a million Palestinians and about a hundred thousand people who had fled the war and occupation of Iraq. Formerly prosperous farmers were lucky to get jobs as hawkers or street sweepers. And in the desperation of the times, hostilities erupted amongst groups that were competing just to survive. So the tens of thousands of frightened, angry, hungry and impoverished former farmers were jammed into Syria's towns and cities where they constituted a "tinder" that was ready to catch fire.⁴⁷

These factors alongside well-documented tensions within the Middle East contributed to an atmosphere of anger, distrust and hopelessness that erupted into an all-out civil war in 2011, with the Arab Spring being the "spark". The subsequent emergence of Daesh in Syria has further exacerbated the instabilities.

More than 2 million people have fled abroad — largely into neighbouring Turkey, Lebanon, Jordan and Egypt — while another 4.25 million are internal refugees, remaining in Syria. Tragic as these numbers are — the worst for nearly a century — factored into them is that Syria has lost the most precious assets of poor countries: most of the doctors and other professionals who had been painstakingly and expensively educated during the last century.

⁴³ Taylor, S., & Rafferty-Brown, B. (2010). *Waiting for Life to Begin: the Plight of Asylum Seekers Caught by Australia's Indonesian Solution*. International Journal of Refugee Law, eeq034. Chicago

⁴⁴ Taylor, S., & Rafferty-Brown, B. (2010). *Waiting for Life to Begin: the Plight of Asylum Seekers Caught by Australia's Indonesian Solution*. International Journal of Refugee Law, eeq034. Chicago

⁴⁵ <http://chuckspinney.blogspot.be/2013/11/understanding-syria-by-william-r.html>

⁴⁶ <http://chuckspinney.blogspot.be/2013/11/understanding-syria-by-william-r.html>

⁴⁷ <http://chuckspinney.blogspot.be/2013/11/understanding-syria-by-william-r.html>

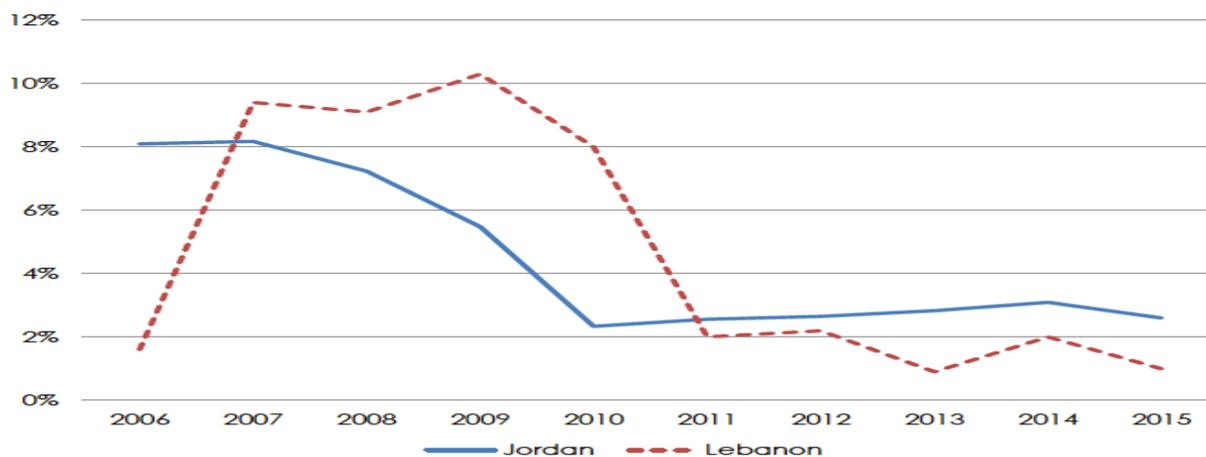
With the conflict at home looking increasing unlikely to resolve anytime soon, Syrians at home and abroad are looking, much like their Afghani counterparts, at Europe for stability and refuge.

2.6 Jordan

2.6.1 What is the scale of the problem?

There are 651,114⁴⁸ registered refugees in Jordan.

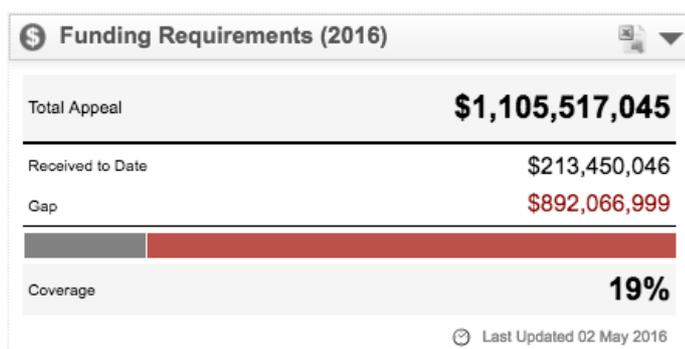
Figure 5: GDP growth in Jordan and Lebanon



Source: World Bank for 2006-2014; authors' estimate for 2015.

Jordan's GDP per capita is 5.5 thousand US Dollars⁴⁹. However, as we can see in figure 5⁵⁰, the GDP growth rate shrank from 7.9% to 2.3% within two years between 2008 and 2010. This indicates that the pre-existing domestic economic instability was exacerbated by the refugee crisis. This, furthermore, led to a phenomenon of high dependence on international aid. Worryingly, according to the UNHCR, less than 20% of funding has been met in 2016.⁵¹

Figure 6: Jordan Funding Requirements



⁴⁸ Last Update 16 May 2016 - UNHCR

⁴⁹ World Bank

⁵⁰ More explanation in Errighi, L., & Griesse, J. (2016). The Syrian refugee crisis: Labour market implications in Jordan and Lebanon. *European Union*. Retrieved from http://ec.europa.eu/economy_finance/publications/eedp/pdf/dp029_en.pdf

⁵¹ Based on the ILO document, only 23% is funded and only 6% of it is dedicated to the livelihoods. International Labour Organisation. (2015). *Regional dialogue on labour market impact on Syrian refugee crisis in Jordan, Lebanon, turkey, Iraq and Egypt summary report and conclusions Istanbul - turkey international labour organisation regional office for Arab states*. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_408999.pdf p5

2.6.2 What has been the response of the state?

Despite the fact that Jordan does not have legal obligations on refugees since it is not a signatory member of CSR, it has met some international standards in treating the refugees⁵². The government's response, such as providing health care and education to the Syrian refugees, shows that it is taking responsibility, but this is limited to those who are registered with UNHCR.

Prohibition on *refoulement* is covered in the Jordanian constitution – Art 21 clearly prohibits it. The Residency and Foreigner's Affairs Law also directs the international humanitarian requirements of the Jordanian government.⁵³

The Jordanian government does not have a clear process for determining refugee status, and the interviews for asylum seekers do not have a set criteria. However the ones who do pass the interview get the MOI Service Card, which gives them access to education and health services⁵⁴.

However, Jordan does not recognise the Syrian refugees as refugees or asylum seekers, instead, it terms them as 'visitors', 'irregular guests', or 'guests'⁵⁵. This does not allow Syrian refugees to secure their status, thereby preventing them from entering the formal labour market.

The right to work is exclusively for citizens according to the Art 23 of Jordanian Constitution. A work permit is needed to work in Jordan, but according to the Labour Ministry of Jordan, 160,000 of Syrians are working illegally. This is due to the fact that the government does not issue work permits to Syrians even though there is no limitation in terms of policy and law. Thus, the informal labour market is the most accessible job market for Syrians.

Pressure from the international community has forced the Jordanian government's hand and they recently started allowing Syrian refugees to work in labour intensive sectors such as agriculture and construction.

2.6.3 What is the state of the labour market?

Before and at the start of the Syrian crisis, job creation in Jordan was predominantly in low-status and low-skilled roles. This trend paved the way for a large number of low-skilled foreign workers in the country. At the beginning of the Syrian crisis, 335,000 foreign workers were officially employed in Jordan, of whom almost 90 per cent were illiterate, according to 2009 statistics.⁵⁶

Competition

Jordan was already facing economic challenges even before the arrival of Syrians. The crisis deepened chasms in Jordan's economy, politics and social infrastructure⁵⁷. Jordanians vocalised their opposition towards the Syrian refugees due to the high competition in the labour sector with limited resources. As a result, the Jordanian government decided to introduce measures to limit the numbers of arrivals from Syria.

⁵² Francis, A. (2015, September 21). *Jordan's refugee crisis*. Retrieved June 6, 2016, from <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis/ihwc> p6

⁵³ Art 29

⁵⁴ *Ibid*

⁵⁵ IRIN, "Briefing: The mounting Syrian refugee crisis" 20 August 2012. Available at www.irinnews.org. [10 June 2014.]

⁵⁶ http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_242021.pdf

⁵⁷ Francis, A. (2015, September 21). *Jordan's refugee crisis*. Retrieved June 6, 2016, from <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis/ihwc>

Unemployment Rate

Unemployment rate amongst the younger generation in Jordan was high before the influx. According to the ILO's report, the unemployment rate in Jordan had jumped to 22% in the year of 2014. The report estimated that Syrians in the informal labour market number roughly around 160,000 and the top three sectors in which they were concentrated were agriculture, construction, and service.⁵⁸ In addition, Jordan had one of the lowest labour force participation rates in the world, and one of the lowest female participation rates, with only 14 per cent of women participating in the labour force, compared with 65 per cent of men. Furthermore, the national youth unemployment rate (persons aged 15-24 years) was as high as 41.3 per cent in 2012.⁵⁹

Jordan has been facing a variety of labour market and employment challenges. This comes despite the fact that the Jordanian government has pursued national strategies designed to reduce poverty and boost economic growth, employment and human development. In certain areas, such endeavours have delivered some positive results. In particular, growth rates were strong up until the 2008 global economic and financial crisis (and have since remained significantly lower). Nevertheless, the overall labour market governance situation has not experienced much progress despite all the concerted efforts.⁶⁰

2.6.4 What has been the role played by NGOs and other non-state actors?

UNHCR has a diverse set of roles in Jordan. It is responsible for determining the status of refugees, resettlement, humanitarian protection, and assistance within camps. Moreover, it campaigns on behalf of the refugees. It also works in cooperation with other NGOs in order to amplify its initiatives.

The United Nations Relief and Works Agency (UNRWA)'s region includes Jordan and they assist asylum seekers to resettle in their original region.

2.6.5 What has been the impact of policies on the asylum seekers?

The Jordanian government's heavy dependence on the NGOs greatly affects the asylum seekers. Since it does not permit the permanent settlement of refugees, the government has resorted to either sending them back to their original countries, or forcing them to settle in a third country.

Lack of standards in determining refugee status is also a problem; insufficient documentation on the part of the Jordanian government/asylum seeker, together with inefficient procedures, cause confusion and distress for asylum seekers.

2.6.6 Conclusion and Ameliorations

The need for social dialogue that addresses the right to work, skills matching, social protection, and transparency in employment has been suggested by international organisations such as the International Labour Organisation (ILO)⁶¹. This type of intervention is not only necessary on a domestic level, but also applies to international organisations. ILO's

⁵⁸ Francis, A. (2015, September 21). *Jordan's refugee crisis*. Retrieved June 6, 2016, from <http://carnegieendowment.org/2015/09/21/jordan-s-refugee-crisis/ihwc> p12

⁵⁹ http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_364162.pdf

⁶⁰ http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_242021.pdf

⁶¹ *Ibid.* p6

intervention is within the framework of supporting business development and promoting employment.⁶²

The policies need to be focused on how the country will be affected by the influx, and how the society and economy should cope with it. A change in attitude towards confronting the influx can be beneficial, for instance in filling the gaps of the Jordanian labour market to develop its economy.

Also in order to turnover the current situation, the gap between policy and reality should be narrowed. However, this needs to be transparent, and should work in support of the formal job market, as opposed to supporting the informal labour market which has caused the decline of wages and the worsening of work conditions.

2.7 Lebanon

2.7.1 What is the scale of the problem?

Lebanon has been, and continues to be, subject to the spillover effects of conflict in Syria. The conflict has sent shockwaves of immense magnitude on the Lebanese economy.

Currently, Lebanon hosts the largest number of refugees as a proportion of its national population⁶³: There are 1,048,275⁶⁴ registered refugees in Lebanon and 253,302 households. The number of unregistered asylum seekers is almost half of the number of registered asylum seekers.⁶⁵

Economic losses from the influx of refugees are estimated at about \$7.5 billion. On top of this, the massive demand for local housing and goods has caused enormous inflation. The World Bank⁶⁶ issued an estimate at the end of 2014 stating that 170,000 additional Lebanese had been pushed into poverty, with the existing poor having fallen even deeper into poverty as well.

Most worryingly, the arrival of a large number of Syrian refugees has further challenged the already delicate societal and inter-communal balance in Lebanon.

2.7.2 What has been the response of the state?

Lebanon is a signatory country of UDHR but not CSR. Its own legislation for refugees is not specific but it respects the principle of *non-refoulement*.

There exists a bilateral economic and social agreement signed between Lebanon and Syria that has significant influence on the refugees. Lebanon has sustained an "open border" policy that allows registered Syrians to work in Lebanon. It has also shown high tolerance for non-

⁶² *Ibid.* p7

⁶³ Parater, L. (2015, August 27). 10 infographics that show the insane scale of the global displacement crisis | UNHCR innovation. *Blog*. Retrieved from <http://innovation.unhcr.org/10-infographics-that-show-the-insane-scale-of-the-global-displacement-crisis/>

⁶⁴ Last Update 31 March 2016 - UNHCR

⁶⁵ Reliefweb. (2013). *Legal status of individuals fleeing Syria Syria needs analysis project -June 2013 content*. Retrieved from http://reliefweb.int/sites/reliefweb.int/files/resources/legal_status_of_individuals_fleeing_syria.pdf

⁶⁶ <http://www->

[wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/09/24/000333037_20130924111238/Rendere d/PDF/810980LB0box379831B00P14754500PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/09/24/000333037_20130924111238/Rendere d/PDF/810980LB0box379831B00P14754500PUBLIC0.pdf)

registered workers or residents.⁶⁷ However, the number of registered workers remains very low.

Syrians in Lebanon can apply for a six-month residence permit that holds the possibility for renewal of another six-month term. However, this needs to be transparent, and should work in support of the formal job market, as opposed to supporting the informal labour market which has caused the decline of wages and the worsening of work conditions. "This policy started to become a problem when returning to Syria became insecure."⁶⁸ In response to this, the government made it possible to extend residence permits without returning – however, this new policy requires applicants to pay a processing fee.

2.7.3 What is the state of the labour market?

Labour market conditions in Lebanon before the Syrian crisis were already dire. High unemployment rates coexisted with mismatches in the labour market and a high prevalence of low-quality and low-productivity jobs. The influx of Syrian refugees is expected to increase labour supply by between 30 and 50 percent, with major changes taking place among women, young, and unskilled workers. Such a massive increase in the number of individuals looking for jobs is expected to have major effects on labour market outcomes. The World Bank has estimated that stabilising the situation by implementing a comprehensive package of active labour market programs to improve livelihoods and earnings opportunities over the short-term would require resources between USD166 million and USD242 million.⁶⁹

Skills Levels

Long before the Syrian crisis, Lebanon had had large numbers of low-skilled migrant workers, most of whom were Syrians and were mainly employed in construction, agriculture and services. Estimates of the number of foreign workers in Lebanon vary widely from one source to another. Some estimates suggest that Syrian workers constitute around 17 percent of the total labor force in the country, or around 300,000 workers pre-conflict.

Thus, Syrians who previously worked in Lebanon are familiar with the local labour market. This familiarity increases their chances of getting a job. Their experience also puts them in an advantageous position compared to newcomers. On the other hand, most of the Syrian women who come to Lebanon have no experience of work in Syria or in Lebanon, according to the survey done by the ILO.

ILO official statistics show the distribution of Syrian refugee workers in Lebanon according to skills levels - most of the Syrian workers in Lebanon are unskilled or semi-skilled. Those who work in the unskilled labour sector, which is 45% of the workers, are generally physical labourers. 43% of the workers, who work in this sector, have at least some occupational education or experience. The remaining 13% constitutes skilled workers who have high levels of educational qualifications. 71% of females end up in an unskilled labour sector whereas men are proportionally divided into both unskilled (42%) and semi-skilled (46%) labour sector.

Income

⁶⁷ International Labour Organisation. (2013). *Assessment of the Impact of Syrian Refugees in Lebanon and Their Employment Profile*. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_240134.pdf p15

⁶⁸ *Ibid*

⁶⁹ http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/09/24/000333037_20130924111238/Rendere d/PDF/810980LB0box379831B00P14754500PUBLIC0.pdf

Most Syrian workers do not have sufficient income to support themselves or their families as a result of their participation in the informal labour market where wages are not as high as those in the formal market. In addition, most of them are low-skilled or semi-skilled workers. The insufficiency of their wages forces them to seek alternative sources of income to support their livelihood. 50% of this comes from UNHCR. The second highest source comes from workers' own savings (22%). The rest are remittances from family members abroad (10%), returns from private business or property in Syria (7%), international organisation (6%), wife's family in Lebanon (3%), and retirement pension (3%).

Working Conditions

Work conditions are intensely harsh. Work places are often in bad conditions that can cause health damage or even puts their lives in danger (see figure 7). For this reason, most of the Syrian workers have health issues from their jobs (see figure 8). They are also susceptible to exploitation from employers. The mistreatments mostly have to do with the timely payment of wages or health (see figure 9). According to the UNHCR's Lebanon Crisis Response Plan, 52% of Syrians earn less than \$2.4/day.

Figure 7: Percentage of Syrian workers who are exposed (either always or sometimes) to work-related hazards

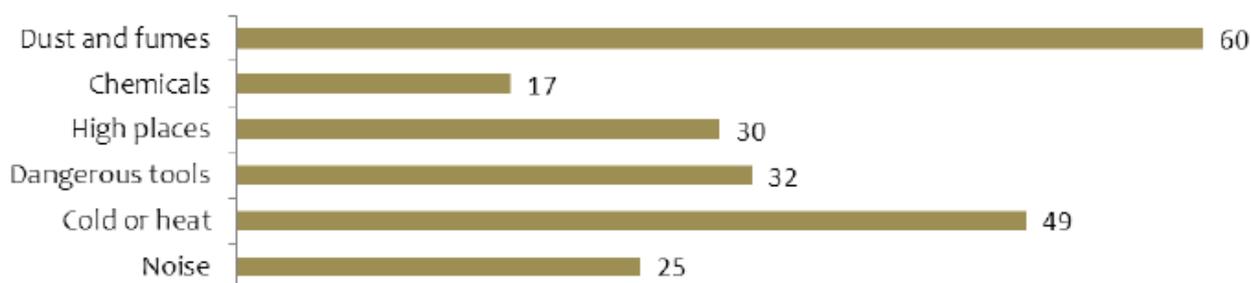


Figure 8: Percentage of Syrian workers who suffer from one or more work-related health problems

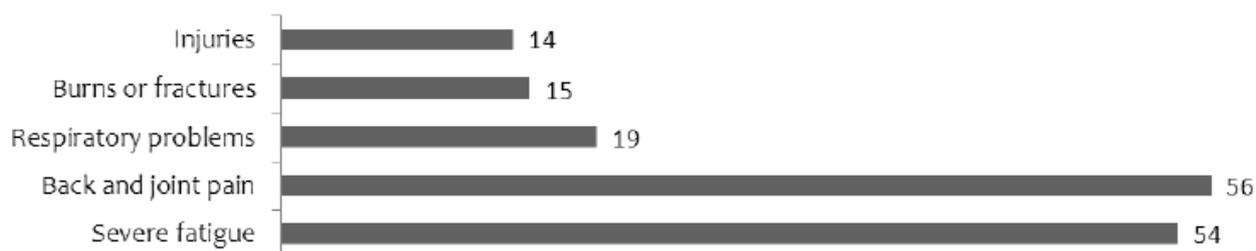
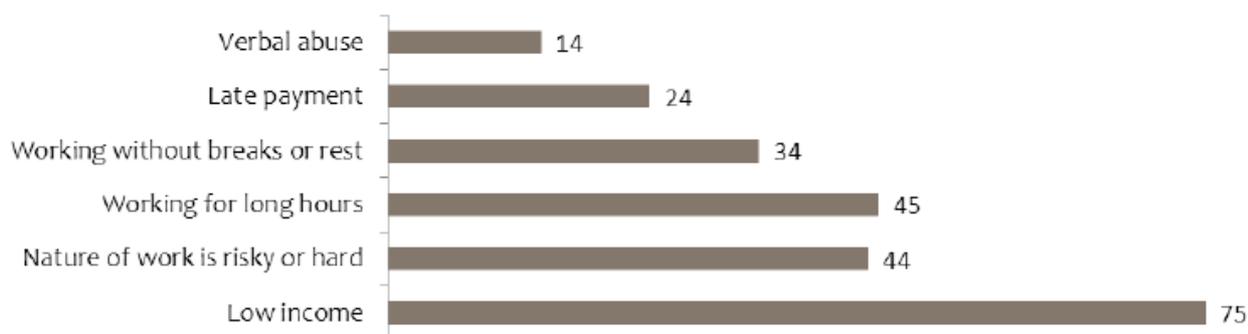


Figure 9: Percentage of Syrian workers who suffer from work-related issues



There is also evidence that Syrians are establishing micro and small enterprises, such as retail shops and small restaurants, with a comparative advantage in terms of pricing, as products and equipment are often imported from Syria at a cheaper cost. Small Syrian enterprises are perceived to impose serious threats to local Lebanese businesses. A number of Lebanese employers have complained that shops and small businesses are closing down due to emerging Syrian enterprises. Syrian enterprises also gain a comparative advantage as they are able to evade taxes, rentals and running costs such as electricity.

Some self-employed Syrian craftsmen working, for example, as plumbers, carpenters, or mechanics are alleged to have better skills than their Lebanese counterparts, and as a result crowd out Lebanese labour as well.⁷⁰

2.7.4 What has been the role played by NGOs and other non-state actors?

International intervention for enhancing livelihood in Lebanon is sustained by the UNHCR along with the Ministry of Social Affairs and the Ministry of Economy and Trade. The coordinating Agency is the United Nations Development Program. The approach of the intervention is called the Making Markets Work for the Poor (M4P). It assists in increasing employment opportunities with the humanitarian principle of not harming pre-existing markets. This support focuses on the construction, agriculture and service sectors, which have the highest concentration of workers.

Lebanon is under the UNRWA's region. The UNRWA assists Palestinians en route to Lebanon from Syria. One of its big projects centers on sexual and gender-based violence (SGBV). They run programs in cash and legal assistance, as well as for persons with disabilities. They also lobby for improving the labour market and livelihood conditions.

There are a total of fifty-four NGOs under the umbrella of UNHCR. The Lebanese government does not possess the capability to monitor all of them, thus resulting in coordination issues. For this reason, the NGOs are unable to perform to their full capacities.

⁷⁰ http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2013/09/24/000333037_20130924111238/Rendere d/PDF/810980LB0box379831B00P14754500PUBLIC0.pdf

2.7.5 What has been the impact of policies on the asylum seekers?

The application, and subsequent renewal, of a residence permit was initially free of charge. However, for Syrians already facing economic difficulties, such additional fees are a huge burden. For example, a married couple applying for a permit would have to pay \$400 for a permit. The uncertainty of the status and instability of valid identification granted by the government are telling illustrations of the gap between policy and reality.

2.7.6 Conclusion and Ameliorations

Meeting the required funding is highly important – especially for issuing valid IDs to asylum seekers who are struggling with procedural fees.

In order to improve the labour market, the private sector needs to be more open and transparent. This will provide a base for the job market to transit from informal to formal.

If Lebanon facilitates Syrian access to the formal labour market, it can sustain its service market given that a big percentage of Syrians work in the service sector.

2.8 Turkey

2.8.1 What is the scale of the problem?

The escalating crisis in the Syrian Arab Republic has resulted in neighbouring Turkey becoming the world's largest refugee hosting country. Close to 2.5 million Syrian asylum seekers are residing within Turkish borders, and these numbers are set to increase in wake of the EU-Turkey deal. At present, 74 of 81 provinces in Turkey currently host Syrian refugees.

Most Syrians in Turkey arrive from Aleppo and Idlib – cities near the Turkish border. They are largely from middle class backgrounds, aged between 30 - 45 years old, and have a high school diploma or university education. Large numbers are either former government officials or were self-employed. The majority are of Sunni Arab origin. While there are reports that Assyrian Christians, Turkmen and others are sometimes placed in separate camps to avoid sectarian tensions, the Turkish government emphasises that Syrians are never asked about their religious or sectarian affiliation when accepting them into the Temporary Protection Centres.⁷¹

2.8.2 What has been the response of the state?

Turkey has followed an "open door" policy since the beginning of the events and has therefore unconditionally accepted all victims of war from Syria. Moreover, in addition to those who enter through the border gates, an approximately equal number of people have sought shelter in the country through irregular means.⁷² Syrians who do not have passports and who have entered the country irregularly have no identity cards – and thus no way of accessing public services. In addition, refugees living outside camps have no means of being registered with the government or of obtaining the identity cards needed to access services.

⁷¹ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

⁷² The Struggle For Life Between Borders Syrian Refugees -May 2013 (URL: <https://www.ciaonet.org/attachments/24416/uploads>)

Figure 11: AFAD Temporary Protection Centre



Turkey ratified the Geneva Convention in 1961 and the 1967 Protocol a year after it was announced, but kept the “geographical limitations”. Due to these “geographical limitations” Turkey only accepts foreigners from Europe as refugees, and gives asylum-seeker status to those who come from outside Europe. It grants them temporary residence status until they are sent to another country through the UNHCR.⁷³

Thus the Turkish government initially referred to Syrian arrivals as “guests”, but as their numbers increased, it turned to the 2001 European directive on temporary protection, and since October 2011,⁷⁴ has awarded them temporary protected status.⁷⁵ Furthermore, in the midst of this mass influx, Turkey adopted its first comprehensive law on migration in April 2013, due to come into effect in April 2014. This is a major undertaking and representatives of the UNHCR as well as other international organisations have emphasised the generous provisions of the new law in comparison to past practices. A considerable accomplishment given that this action was taken at a time when many EU countries were introducing dramatic measures to exclude refugees and migrants, including the construction of physical barriers such as fences and walls.

However, there is considerable confusion amongst Turkish officials as to whether the Syrians are to be called “refugees,” “individuals under temporary protection” or “guests.” Some

⁷³ The Struggle For Life Between Borders Syrian Refugees -May 2013 (URL: <https://www.ciaonet.org/attachments/24416/uploads>)

⁷⁴ Directive on Reception and Accommodation of Syrian Arab Republic Nationals and Stateless Persons who reside in Syrian Arab Republic, who arrive to Turkish Borders in Mass Influx to Seek Asylum, October 2011 reportedly, provides guidance to relevant state agencies as to the principles and procedures that apply to Syrians and others subject to the “temporary protection” scheme. This document remains classified and is not accessible for either the Syrians subject to it or lawyers and NGO assistance and legal information providers.

⁷⁵ The Law No.6458 on Foreigners and International Protection passed in April 2013 brings changes to the issues of immigration and refuge. International protection statuses and related rights are more explicitly defined. The law brings statuses of of refugee, conditional refugee, and secondary protection as the three forms of international protection statuses. But these statuses are granted on personal application. The new law puts forth temporary protection to such mass movements of people. Therefore, the Syrian citizens admitted to Turkey on account of to its “open door” policy have been granted temporary protection status. They are thus legally not granted refugee or asylum seeker status but accommodated as “guests,” whose needs are met by the Turkish Republic.

government officials insist that “according to the laws of the UN these people were not refugees but guests.”⁷⁶

This confusion in status is also complicated by the practice of extending residence permits to Syrian refugees who have entered Turkey with valid passports. This not only facilitates access to health and education services in Turkey but also, at least theoretically, to legal access to the labour market. Non camp refugees who do not possess a passport and who are not registered do not enjoy such benefits. This inevitably creates a two-tiered system where one group of refugees enjoys broader rights than others. Moreover, the situation is likely to become further complicated when those Syrians with valid passports find that their passports have expired and cannot be renewed.⁷⁷

Nonetheless, Syrian citizens who enter Turkey through legal means and request free residence are granted residence permits by the Ministry of Interior’s Memorandum No. 27, provided that they can prove they are able to make a living.

According to Law No. 4817 on work permits for foreigners, those who have been granted a 6-month residence permit can apply for a work permit — provided that they meet the necessary employment conditions.⁷⁸

Furthermore, the Turkish government in January 2016 announced the new Regulation on Provision of Work Permits for People under Temporary Protection, which will grant work permits to Syrians registered with the Directorate General of Migration Management (DGMM) and others under temporary protection in Turkey.⁷⁹

2.8.3 What is the state of the labour market?

Turkey’s labour market is relatively inflexible compared to Syria’s. It is characterised by high productivity and decreasing real wages. Long working hours are commonplace; in fact a common refrain amongst Syrian asylum seekers or “guests” working in Turkey are the incredibly long working hours. Well-intentioned labour regulations have hampered formal job creation and thus informal employment is rampant — current labour market regulations are implicitly designed for a labour force that consists of one full-time wage earner per family who stays in the same job for his entire working life. Approximately one in three workers in urban areas and three in four in rural areas are not registered with the social security institutions.⁸⁰ Few workers receive pensions, health insurance, and unemployment insurance. Even fewer receive the full severance pay and other protections stipulated in the employment protection legislation. In addition, as firms have to pay for a number of non-payroll related costs such as taxes, they prefer to hire workers informally.

Nonetheless, Turkey is almost alone in the OECD in having restrictions on fixed-term workers and temporary work agencies. This has the positive impact of shifting workers who are now

⁷⁶ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

⁷⁷ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

⁷⁸ The Struggle For Life Between Borders Syrian Refugees -May 2013 (URL: <https://www.ciaonet.org/attachments/24416/uploads>)

⁷⁹ <https://www.iom.int/news/iom-welcomes-turkeys-new-regulation-grant-work-permits-syrians-under-temporary-protection>

⁸⁰ http://siteresources.worldbank.org/INTTURKEY/Resources/361616-1144320150009/Labour_Study.pdf

informally employed into formal contracted positions, something their EU counterparts can learn from. Other direct policy measures to reduce informality have had mixed success. The Ministry of Labour and Social Security (MOLSS) and the social security institutions have inspection functions and structures. However, limited resources and the sheer number of firms means that inspection can have only a limited impact.

2.9 What has been the role played by NGOs and other non-state actors?

The International Labour Organisation (ILO) has initiated several schemes related to labour market integration. These include programs to increase the capacities of national and regional level institutions to provide employment centred solutions to the crisis and increasing the knowledge base of employment requirements and demands in Turkey. Most poignantly, they have worked extensively towards improving work place conditions and preventing child labour.

Similarly, the IOM and the UN agencies such as the UNHCR have played invaluable roles in aiding Turkish authorities through dialogue and direct initiatives. UNHCR, for instance, has made 23 mobile registration units available, which should improve its capacity to register refugees living outside camps.⁸¹ Upon registration, refugees are provided with cash cards with a monthly allowance of 80 to 100 TL (40-50 USD) per person, depending on the camp, in order to purchase food products, cleaning materials and minutes for their phones. However, funding and domestic political constraints limit the impact NGOs can have.

The Regional Refugee and Resilience Plan (3RP, 2015-2016) aims to do just that by bringing labour market access to the forefront, but its success demands much more effective and efficient collaboration between UN agencies and international organisations.

The role of other non-state actors such as private sponsors, corporate social responsibility-related initiatives and civil society members such as labour unions and trade unions are also important. For instance, Turkish trade union representatives have emphasised the difficulties national workers face competing in labour markets with large numbers of “migrant workers” being paid lower wages, with poorer working conditions and not benefiting from social security and health insurance coverage. They warned about the long-term implications to host country economies of young skilled workers leaving their home countries to find work as migrant workers themselves.⁸² Moreover, Turkey allows foreign private donors to sponsor registered asylum seekers.

2.9.1 What has been the impact of policies on the asylum seekers?

In practice, acquiring work permits is a long and cumbersome process, and recent fieldwork⁸³ conducted amongst “guest” Syrian textile industry workers suggests that a few migrants — less than 1% — profit from work permits. This situation is partly caused by unwillingness to register since Syrians either see no future in Turkey or they perceive the benefits of working in the informal sector to be higher than the benefits of getting an official working permit. This further implies that Syrians, when able to find work in the informal economy, are vulnerable to

⁸¹ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

⁸² http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_408999.pdf

⁸³ Dr. Kayaoglu Yilmaz speaking at Centre for European Policy Studies (URL: http://www.fes-europe.eu/fileadmin/public/editorfiles/events/April_2016/Report_EU-Turkey_3-May-16.pdf)

abuse and exploitation. Rarely do they make enough money to support their families and rarely is their income stable. In some cases, Syrian children find it easier to find jobs as employers know that they can pay them less.⁸⁴

A study carried out by the Republic of Turkey Prime Ministry Disaster & Emergency Management Authority (AFAD)⁸⁵ revealed that over half of the refugees who live and work in Turkish communities earn less than 200 Euros a month, far less than the minimum wage in Turkey. Limited information is available on the working conditions of Syrian workers currently making their living through informal jobs. The pressure on the local economy and on the Government to provide jobs and services has grown, causing discontent among the host communities. Competition between Syrians and Turkish nationals has increased, especially for low-skilled jobs, and this creates downward pressure on wages. Syrian workers tend to work in poor working conditions where core labour and social rights are not observed, in seasonal agricultural and low-skilled jobs. Local level consultations show that wages and fees have dropped to one-fifth of their previous levels, causing the working conditions of the most vulnerable groups from both communities to deteriorate, including children not in school.

2.9.2 Conclusion and Ameliorations

The idea of "integration" as a possible long-term solution has been and will be a highly controversial and politically sensitive issue in Turkey. Yet, given the current situation in Syria, voluntary massive repatriation of refugees to Syria is unlikely to occur in the foreseeable future. Nor do the prospects of significant resettlement (or for that matter, even large-scale temporary evacuation) seem like realistic possibilities. Although the above is conditional on the implementation of the EU-Turkey deal. If neither large-scale repatriation nor resettlement to third countries occurs, then the Turkish government has no choice but to seriously consider the possibility of extending local integration to the refugees. In either case, enhanced international coordination and cooperation will be needed.

Overall, the economic situation of Syrian refugees is deteriorating. At the same time, Syrian refugees who are forced to take up jobs illegally are depressing wages and provoking resentment amongst local wage earners.⁸⁶

Two key ameliorations that Turkish authorities can swiftly make are:

The legal status granted to Syrian refugees is formed around the notion of "guest". However, bearing in mind the length of the asylum period and the uncertainty of a solution, the length of stay should be extended to allow people to acquire temporary work permits. Syrians who are professionals in fields desperately needed by refugees both at camps and city centres - doctors, healthcare workers, teachers, or psychologists - should be employed in respective camps and registration centres.

Some measures should be taken against the possibility of unregistered refugees turning into potential threats in the middle and long-term due to a lack of financial aid, and they should be provided with financial and psychological support. Otherwise, if the "guests" get involved in

⁸⁴ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

⁸⁵ <https://www.afad.gov.tr/en/IcerikDetay1.aspx?ID=16&IcerikID=747>

⁸⁶ [http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-\(2014\).pdf](http://www.brookings.edu/~media/research/files/reports/2013/11/18-syria-turkey-refugees/turkey-and-syrian-refugees_the-limits-of-hospitality-(2014).pdf)

criminal acts or affect social discord, the values of brotherhood/kinship between the two peoples could be eroded.

3 LESSONS FOR EUROPE

First, a caveat: A direct comparison between the situation in the countries analysed and European member states is not possible, instead each country analysis serves to illustrate the labour market choices of Syrian and Afghani asylum seekers, and how policies – or the lack of them – shape them.

Our previous report focused on the EU member states' implementation of EU directives related to the integration of asylum seekers. It showcased the magnitude of measures in place: in the first period of application, asylum seekers are not allowed to work in most states. The underlying idea being that giving asylum seekers access to the labour market too quickly would remove the distinction between economic migration and asylum. But there are loopholes to be found: Different countries use different periods of time before working is allowed, varying from 12 months in Great Britain and 9 months in France to 6 months in The Netherlands. But even half a year is a long time to not be allowed to do anything, and in most cases, there are still restrictions afterwards.

Nonetheless, the need for these measures is due to the long waiting periods asylum seekers have to face before obtaining a decision on their applications. The EU stance on this is based on the following dictum: *"Waiting periods for access to the labour market seek to strike a balance between the integration goals and the need to reduce social welfare expenses for the host society on the one hand and the risk of creating incentives for persons to apply for asylum for purely economic reasons on the other hand. A short or non-existing waiting period is often seen as a pull factor for economic migration."*

However, damningly for EU policymakers, a long-term project conducted by the University of Sheffield concluded that *not one research study has found a long term correlation between labour market access and destination choice*; the most up to date research concludes that access to work has little, if any, effect on variations in asylum applications.⁸⁷

So given the above, what can European policy makers — at EU and member state levels — learn from the experiences of the policy frameworks described in the previous sections?

First and foremost, it is clear from each country analysis that denial of working rights in the short and the long-term forces people to seek employment in the informal/grey sections of the economy. This fact is further exacerbated by the fact that most Syrians and Afghanis, especially those from poorer/low education backgrounds, have never been formally employed. Thus, for them, seeking employment informally is a matter of habit. Any policy regarding work permits and migrant labour rights has to be designed factoring in this truism. Political pressures and baseless assumptions about the scale of economic migration have forced European policymakers' hands but the consequences of denying access to the formal economy are adverse. Informal employment is a recipe for unethical practices like child labour, illicit work and dismal work place conditions. Furthermore, by denying access to work, people become dependent on government social benefits and handouts by agencies like the UNHCR. Thus, in the short term, slow integration of refugees raises fiscal costs and could exacerbate social tensions. Countries like Jordan, Lebanon and Indonesia are testament to this fact.

⁸⁷ https://asylumwelfarework.files.wordpress.com/2015/03/labour-market-access-for-asylum-seekers_short1.pdf

Another important factor is trust. The central question that needs to be answered for the success of the integration process is how can the host government establish trust between the natives and the “guests”? Giving work permits enables asylum seekers to get jobs, but to actually secure employment is tricky — as Afghans in Australia have experienced. In Pakistan and Iran, Afghans have established networks and years of experience, plus cultural familiarity all of which makes finding jobs easier. Syrians in Jordan and Lebanon have a similar setup. But in the European context, this familiarity is absent. It is crucial this does not result in the creation of a parallel society for asylum seekers and refugees. In Pakistan, the deterioration of trust in recent years has had adverse consequences for Afghans, with many now coming to Europe. Thus, social inclusion through gainful employment and educational opportunities is imperative, and should, as a result, be fundamental. Engagement with local Syrian and Afghani diasporas in Europe through private sponsorship programmes, encouragement of migrant SMEs for hiring asylum seekers, encouragement of employment amongst female asylum seekers, cataloguing and advertising the migrant skill base and training programs during the asylum process are some remedies that can be explored for catalysing this process.

And finally, labour market conditions are crucial determinants of a migrants’ destination choice. When economic conditions in their host countries deteriorate, most want to return or move elsewhere – if they are able to come back when conditions improve. However, that is rarely an option. People are instead forced into permanent settlement or irregularity. If governments did more to facilitate cross-border mobility in all directions, migrants would be more likely to engage in circular migration – coming and going in response to economic conditions. This would help to remove cases of unwanted ‘permanent’ migration to Europe. There are lessons to be drawn from a number of successful examples, such as the partnership between Colombia and Spain to encourage circular migration of low-skilled agricultural workers. This is a possible amelioration for the EU - Turkey deal, refugees and asylum seekers in Turkey can be given permits to work in the EU on a temporary basis.

Some pragmatic remedies for generating jobs derived from the analysis are:

- Lesser barriers for obtaining work permits during asylum processing phase. Provide language and job search training early.
- Where high entry wages are a concern, allow for temporary exemptions to the minimum wage regime or provide wage subsidies to employers.
- Tackle “inactivity traps” by reducing marginal taxes on low-wage workers and/or tapering social benefits more gradually upon entering employment.
- Giving asylum seekers freedom to move between jobs.
- Resettlement programmes for workers: Unlike traditional resettlement programmes that focus on the most vulnerable populations, re-settle entrepreneurs or those able to work, and provide access to jobs as well as short-term financial assistance. Can reinforce the principle of fair sharing on a regional basis.⁸⁸

⁸⁸ Initiatives such as the regional labour mobility programmes recently trialled in Brazil (targeting Colombian refugees in Ecuador) can both facilitate economic integration and reinforce the principle of fair sharing on a regional basis. See more: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/10298.pdf>

- Encourage the creation of migrant owned SMEs through tax credits and easy access to capital.

Of course, there would be up-front costs for the delivery of such support, but the tax revenue generated by migrants in the long term would offset this short-term expense. Policymakers should view this as an investment.

Another important role that countries like Australia, Turkey and Canada have pioneered in is facilitating non-state actors: agencies from the local, national, regional (e.g., the EU) levels are potentially important actors, but they are not the only ones. There are numerous non-governmental actors that strongly influence, whether positively or negatively, the integration process. These vital institutional actors include churches, trade unions, employers' organisations, political parties, the media, and other civil society actors. Government policies that aim at steering processes of settlement and integration should actively involve not only immigrants themselves, but also important players in civil society.

Such non-governmental partners are important in two ways:

- First and foremost, they function as direct partners in the implementation of policies.⁸⁹
- They may also influence the political climate and political outcomes, and may be important agents in combating exclusion, discrimination, and xenophobia.⁹⁰

The potential of private sponsorship is another domain European policymakers can explore further. Initiatives exist in Germany, whereby if a German citizen or resident can sponsor refugees, but extending this facility for asylum seekers while their application is being processed could help the take burden of public authorities.

⁸⁹ <http://www.migrationpolicy.org/article/integration-role-communities-institutions-and-state>

⁹⁰ <http://www.migrationpolicy.org/article/integration-role-communities-institutions-and-state>

4 CONCLUSION

The uncertain circumstances of asylum seekers mean finding meaningful and stable employment will always be tough. However, with the right amount of investment and proper implementation of policies — through the inclusion of all relevant stakeholders in the private sector, civil society and regional/local domains — this asylum process can be made a lot more comfortable, and many potential negative effects such as migrant poverty, child labour, and '*ghettoisation*' of migrant communities can be prevented.

Policies in the fields of migration, employment, and social inclusion are often developed in the absence of concrete understanding about the migrants. As a result, many of these policies lose their effectiveness. Collecting both qualitative and quantitative data on asylum seekers is thus of utmost importance. Lessons are available from Asian countries; their experiences hosting massive populations of asylum seekers are a telling parable for policymakers in Europe.