

UNHCR Written Contribution to the Public Consultation on the European Union's (EU) legislation on the legal migration of non-EU citizens (Fitness Check on EU legal migration legislation)

Introduction

UNHCR welcomes the initiative of the European Commission (EC) to collect evidence, experiences, data and opinions to support the evaluation, by the EC, of the existing EU legal framework for the legal entry and stay of nationals of non-EU countries to EU Member States (legal migration). UNHCR's primary interests in this consultation relate to the conditions for admission of third-country nationals for family reunification, study or research purposes, and work. This incorporates Directive 2003/86/EC on family reunification; Directives 2004/114/EC on Students and 2005/71/EC on researchers, later recast as Directive (EU) 2016/801 (entry into effect in 2018); and Directive 2009/50/EC on highly skilled employment (EU Blue Card).

Context

With the root causes of forced displacement and refugee flight unaddressed, the traditional approaches to solutions have proven inadequate. Innovative approaches are required, in collaboration with States and other partners, to help widen the options available for refugees with few prospects of attaining a durable solution. In the New York Declaration for Refugees and Migrants (hereinafter, the "New York Declaration") and the Comprehensive Refugee Response Framework ("CRRF"), adopted by the United Nations General Assembly on 19 September 2016, States made commitments to expand third-country solutions, including complementary pathways of admission, for refugees to be admitted to third countries. The New York Declaration also affirmed UNHCR's responsibility to support States to establish and expand complementary pathways of admission for refugees.¹

When durable solutions are not achievable for all members of a refugee population, particularly in large-scale and protracted situations, regulated and safe pathways of admission can help refugees access protection and sustainable solutions. Complementary pathways are not meant to substitute the protection afforded to refugees under the international protection regime – they complement it and serve as an important expression of global solidarity, international cooperation and more equitable responsibility sharing. In this regard, family reunification, scholarship and education programmes, and labour mobility schemes represent important safe, orderly and regular pathways of admission to protection and long-lasting solutions for refugees.

PATHWAYS OF ADMISSION TO PROTECTION AND SOLUTIONS FOR REFUGEES

I. FAMILY UNITY AND FAMILY REUNIFICATION

In the New York Declaration, States commit themselves to considering the facilitation of family reunification. The obligation to respect the right of family unity is a basic human right, which applies irrespective of whether or not a State is a Party to the 1951 Convention relating to the Status of Refugees (hereinafter, the "1951 Refugee Convention").² Indeed, the

¹ UN General Assembly, *New York Declaration for Refugees and Migrants: resolution / adopted by the General Assembly*, 3 October 2016, A/RES/71/1, available at: <http://www.refworld.org/docid/57ceb74a4.html> [accessed 7 June 2017].

² 1951 *Convention Relating to the Status of Refugees* and 1967 *Protocol Relating to the Status of Refugees*, available at: <http://www.unhcr.org/3b66c2aa10.html>.

Universal Declaration of Human Rights recognises that the “family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”³ While the 1951 Refugee Convention does not confer a right to family reunification for refugees, this right is derived from universal human rights instruments and international humanitarian law.⁴ Furthermore, the Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons recommended that Member States “take the necessary measures for the protection of the refugee’s family, especially with a view to (...) ensuring that the unity of the refugee’s family is maintained”.⁵ The respect for the right to family reunification not only requires Member States to refrain from action that would lead to family separation, but also obliges them to proactively take measures to maintain the unity of the family and reunite family members who have been separated.

Family reunification provides an additional safe and regular pathway to the EU, while also reducing reliance on the use of smugglers and mitigating the risks associated with irregular migration. It has been linked with improved integration prospects for beneficiaries of international protection, while also having a positive impact on their mental health. Furthermore, family reunification can provide beneficiaries of international protection with essential support that facilitates their adaptation to their new environment and multiplies the efforts of external actors in this regard. This enhances self-sufficiency and lowers social and economic costs in the long-term. Moreover, family reunification reduces the adjudication of claims for international protection.

UNHCR welcomed the adoption of more favourable rules for refugees under the Family Reunification Directive. In particular, this pertained to the possibility for refugees to reunite with their family as soon as they have been granted international protection status, as well as the exemption from meeting the requirements for accommodation, health insurance and resources. Despite these more favourable provisions, UNHCR observes many practical obstacles throughout Europe in the family reunification process, leading to prolonged separation, significant procedural costs and no realistic possibility of success. Moreover, practitioners report that family reunification procedures for beneficiaries of international protection are extremely lengthy, often lasting several years.⁶ Anecdotal evidence from Greece also indicates that such delays can induce dangerous irregular sea movements.⁷ In view of the importance of expanding and facilitating this complementary pathway to admission, UNHCR is concerned that such legal and practical obstacles persist across the EU. These obstacles reflect the following:

1. Delayed and more limited access to subsidiary protection beneficiaries

Although the Family Reunification Directive does not apply specifically to beneficiaries of subsidiary protection, in practice, several EU Member States apply the same favourable

³ Article 16(3), Universal Declaration on Human Rights.

⁴ See inter alia Article 16 of the 1948 Universal Declaration of Human Rights; Articles 17 and 23 of the 1966 International Covenant on Civil and Political Rights; Article 10 of the 1966 International Covenant on Economic, Social and Cultural Rights; Articles 9, 10, and 22 of the 1989 Convention on the Rights of the Child; and Article 74 of the 1949 Additional Protocol 1 of 1977 to the Fourth Geneva Convention relative to the relative to the Protection of Civilian Persons in Times of War.

⁵ UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, *Final Act of the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons*, 25 July 1951.

⁶ See Red Cross EU & ECRE, *Disrupted Flight: The Realities of Separated Refugee Families in the EU*, November 2014, p. 12, available at:

http://www.redcross.eu/en/upload/documents/pdf/2014/Asylum_Migration/RCEU%20ECRE%20-%20Family_Reunification%20Report%20Final_HR.pdf.

⁷ UNHCR Greece, *Interim Survey Results on the Profile of Persons from Syria arriving at the Greek borders*, June 2015 (issue date, 15 September 2015), available at:

<http://data.unhcr.org/syrianrefugees/documents.php?page=8&view=grid>.

provisions as refugees for such persons. However, since 2015, several EU Member States have limited access to family reunification for beneficiaries of subsidiary protection by imposing conditions on them, such as the availability of sufficient resources or housing, or a mandatory waiting period before beneficiaries of subsidiary protection can apply for family reunification. UNHCR considers that the humanitarian needs of persons benefiting from subsidiary protection are not different from those of refugees. As a result, there is no reason to distinguish between the two as regards their right to family life and conditions of access to family reunification.

2. Limited time frames to apply

A second major obstacle many face is the limited time frames in which to apply in order to benefit from the favourable provisions applicable to refugees in relation to family reunification. According to the Family Reunification Directive, Member States may require persons granted refugee status in the EU to apply for family reunification within three months from the time they are granted refugee status in order to benefit from these favourable provisions. During these three months, they may be required to complete their family reunification application and submit all paperwork. Many refugees may not be aware of the consequences of not applying within this timeframe. Furthermore, it is often very difficult for them to complete their family reunification applications within this timeframe because of difficulties accessing supporting documentation, tracing family members following displacement, or accessing embassies for their family member to apply for family reunification from abroad.

3. Limited definition of family

While spouses and minor children are entitled to family reunification, the Family Reunification Directive allows for but does not compel EU Member States to authorize the reunification of others, such as unmarried partners, parents and grandparents of refugees over the age of 18, and other relatives who may have become part of the nuclear family due to death or displacement – this, despite the relationships of dependency that may exist. Furthermore, many EU Member States interpret the definition of family members and the concept of dependency too narrowly and also apply strict requirements for documenting family links, which hinders reunification for many. Very few EU Member States provide for reunification between siblings on the basis of the concept of dependency, which prevents orphaned unaccompanied children from being united with siblings where this is determined to be in their best interest. Moreover, young adults who were heads of households in their country of origin are prevented from reuniting with siblings who were dependent on them. It is in practice very difficult for unaccompanied children to be reunited with persons other than their parents, even though the Directive provides for this, due to strict requirements regarding proving previous custody or recognized legal guardianship. Moreover, while unaccompanied children in the EU may be able to reunify with their parents, no specific scope is provided for reunification with adult siblings at the same time. As a result, some parents must decide whether to reunify with their children in the EU or stay with their older siblings in the country of origin or transit.

4. Difficulties accessing embassies abroad

Several EU Member State embassies in key regions, including in the Middle East, do not process family reunification applications and instead refer these to their embassies in a neighbouring State or elsewhere in the region. However, visa requirements make it very difficult, especially for those with refugee status in the country where they live, to travel to a neighbouring State to apply. Access to embassies may also be limited where embassies are receiving large volumes of visa applications in that particular country, resulting in excessively long waiting periods. In addition, those living far from embassies, including in refugee camps

in more remote sites or conflict zones, may face logistical, financial and even security challenges that inhibit access to embassies.

5. Lack of information and assistance in navigating complex procedures

Beneficiaries of international protection often face limited access to sufficiently detailed information, or information presented in a language they understand. Any resulting mistakes on their applications may have the effect of delaying their application for reunification or leading to its denial. Frequently refugees are given information on family reunification which does not mention the more favourable requirements for refugees under the Directive, or does not specify the timeframes within which they can benefit from these favourable conditions.

6. Difficulties proving family links or dependency and lack of access to documents

Proving family links or dependency may be particularly difficult, especially where documentary evidence such as passports, birth certificates, marriage certificates or other such documents are missing or hard to access. Likewise, lack of documentation in the case of informal adoption of non-biological children may also delay or deny reunification. Although the Family Reunification Directive specifically states that a “decision rejecting an application may not be based solely on the fact that documentary evidence is lacking”, many EU Member States only accept official documents, either as a result of law or practice. For some beneficiaries of international protection, obtaining a passport, marriage or birth certificate or criminal background check entails approaching the embassy of their country of origin in the country to which they have fled, which might expose them or family members still in their country of origin to risk and persecution.

7. Access to travel documents and prohibitive travel and other costs

Obtaining the required travel documents and visas in order to travel to the EU Member State may be problematic for some beneficiaries of international protection, especially where the State is the agent of persecution. In addition, visas for travel may be difficult to obtain because of the aforementioned obstacles preventing access to an embassy, as few Member States allow visas to be issued in the country of asylum upon the presentation of a valid travel document, including a *laissez-passer*. Finally, the process of applying for family reunification can be prohibitively expensive, in view of costs associated with travel, translation of documents, medical checks, visa and passport fees.

Practical realisation of the right to family reunification

It should be a priority for European States to ensure that those who remain behind in countries of asylum or countries of origin can join family members who are residing as beneficiaries of international protection in Europe through the Family Reunification Directive. UNHCR calls on States to facilitate family reunification by simplifying and expediting the family reunification process where a right exists. In addition, States should exercise flexibility in the definition of family members and assist family reunification with extended family and relatives. Member States should also consider pooling their capacity to process family reunification cases and operate a common information booth in countries of asylum, including Regional Development and Protection Programme (RDPP) countries, to provide information, counselling and referrals. This would be particularly advantageous in instances where the embassy of the corresponding EU Member State does not exist in a given country of asylum.

On the basis of the challenges outlined previously, UNHCR would further recommend:

1. Expanding the scope of family reunification and simplifying procedures by not applying the optional restrictions after the three month application period and consistently applying a broad definition of family, prioritizing dependency as the primary criterion.
2. Ensuring that beneficiaries of subsidiary protection have access to family reunification under the same favourable rules as those applied to refugees.
3. Developing common guidelines on establishing family links and providing common applications forms and travel documents.
4. Providing visa waivers and humanitarian visas for the purposes of family reunification.
5. Developing EU common or pooled administrative support in countries outside the EU as well as facilitating access to embassies, assistance with documentation, casework and processing.
6. Establishing a revolving fund to facilitate family reunification, including for travel costs through bilateral agreements or national or European schemes for those not able to advance travel costs.

II. STUDENTS AND RESEARCHERS (including Apprenticeships and Traineeships)

In the New York Declaration and the CRRF, States have made commitments to expand access to third-country solutions for refugees, including complementary pathways of admission for refugees through education programmes.⁸ UNHCR submits that instruments of the EU's legal migration *acquis*, such as the Directive on Students and Researchers and mechanisms such as the Erasmus+ and Erasmus Mundus programmes can facilitate the provision of safe pathways of admission that help refugees to access protection and a sustainable solution in EU Member States.

Access to higher education is a right enshrined in the Universal Declaration of Human Rights⁹, and ensuring inclusive and quality education for all is articulated in Goal 4 of the 2030 Agenda on Sustainable Development.¹⁰ Higher education opportunities are an important tool that can support refugees to establish self-reliance and build a meaningful future for themselves and their families, while facilitating participation in civic and public life. However, many refugees will have been forced to interrupt or forego their studies because of having to flee their homes, and many find themselves in countries of asylum, often in protracted displacement situations, where they have no access to higher education and are unable to secure solutions. Only one per cent of all young refugees are currently enrolled in tertiary education, compared with a global total of 36 per cent of youth.¹¹

Academic scholarships and student visas can offer a pathway for refugee students to study or continue their education, including in EU Member States. These initiatives can involve civil society, universities, and government actors working in collaboration to develop and fund scholarships and related programmes. Apprenticeships and traineeships can also provide mechanisms for refugees to re-train or upgrade their skills, through workplace-based training in their usual occupation, area of tertiary study or field of expertise. Scholarships, apprenticeships and traineeships could be means by which Member States, through specific

⁸ See, in particular paragraph 79 of the New York Declaration, in which States commit to considering “the expansion of... opportunities for education, such as scholarships and student visas”

⁹ Article 26, 1948 *Universal Declaration of Human Rights*, available at: <http://www.un.org/en/universal-declaration-human-rights/>.

¹⁰ See the 2030 Agenda for Sustainable Development, available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>; Goal 4 is to “ensure inclusive and quality education for all and promote lifelong learning”.

¹¹ See UNHCR, *Left Behind: Refugee Education in Crisis*, available at: <http://www.unhcr.org/59b696f44.pdf>

mechanisms or specially designed schemes, facilitate education and training in one country, to meet the skills in another.

Key considerations for education and vocational pathways for refugees¹²

UNHCR underlines the necessity for study and training pathways for refugees to be facilitated in a protection-sensitive way that takes into account the specific needs and challenges of refugees and in full respect of the principle of non-*refoulement*. In particular, opportunities that entail the admission of refugees from their country of asylum to a third country must not jeopardise the rights or legal status of refugee students or their right to seek asylum in the third country. An appropriate legal status must be granted that ensures protection for refugees. In addition, students should be supported to secure safe travel through formal channels, for example, by facilitating the issuance of travel documents for refugees who may not be able to obtain national passports for various reasons.

In light of the specific situation of refugees, to facilitate their access to relevant legal permits, flexible arrangements should be considered with regard to:

- The travel document to be presented in order to facilitate admission;
- Access to health and sickness insurance, and requirements regarding the responsibility for its costs;
- Assessments in relation to refugees' ability to demonstrate sufficient resources to cover subsistence and return travel costs, as they may be receiving grants and support in a variety of forms and return may initially not be possible;
- The requirements and assessment procedures relating to evidence of previous qualifications, and the dates on which those qualifications were attained;
- The assessment of language skills at the time of admission, as further language training may be provided as part of a package for refugees.

Funding and support programmes can be combined with legal instruments in order to provide a comprehensive solution for refugees. Scholarship or sponsoring schemes may provide funding for travel, accommodation, subsistence, and tuition for the duration of the individual's studies or apprenticeship. Scholarships need to cover a full course of study to enable the refugee student to complete a certification, degree or other qualification programme. Such opportunities should also take due consideration of the possible need for psycho-social support for refugees as well as other conditions that support academic and vocational performance and ensure the protection of refugees. This is particularly important for disadvantaged or socially vulnerable individuals who require intensive, long-term support to benefit in a meaningful way from such programmes. Consideration should also be given to the ability for refugees' family members to join them in the country of study or training, as this is an important factor that influences the performance and well-being of refugees.

From the very first stages, refugees need to be provided with information and guarantees relating to their legal status and further options upon completion of study, training and vocational programmes. Special attention must be given to this consideration, as it is central to the protection of refugees. Opportunities to prolong their stay under similar conditions or to access other residence permits in the country of study or training, or elsewhere, should be facilitated, in particular in cases where the refugee is unable to return to the country of asylum or his/her country of origin.

¹² See inter alia UNHCR, *Higher Education Considerations for Refugees in Countries Affected by the Syria and Iraq Crisis*, available at: <http://www.unhcr.org/568bc5279.pdf>.

Student mobility and the European Union

Under both the Rabat Process and as part of the Valletta Action Plan, EU Member States have committed to promoting and supporting the mobility of students and researchers to Europe through, inter alia, using Erasmus+ and relevant national programmes of EU Member States and associated countries. Previously, scholarships for refugees to study in EU Member States have been provided under Target Group 3 of the European Commission's Erasmus Mundus Partnerships programme.

In 2016, 672,573 first residence permits for the 28 Member States of the European Union were issued for education reasons.¹³ This represents a considerable movement of third-country nationals to the EU, and highlights the significance of the EU in attracting students from other countries. By 23 May 2018, Member States must have transposed Directive 2016/801, which sets out the conditions for entry and residence in education and training-related domains.¹⁴

The EU has the relevant experience, knowledge, resources and legal instruments to facilitate the admission of refugees for the purposes of study as well as apprenticeships and traineeships. UNHCR would encourage the EU and its Member States to use the existing legal instruments and structures to expand safe pathways for refugees to access protection in the EU in the form of sustainable education programmes, including academic scholarships and student visas, apprenticeship and traineeship opportunities.

III. LABOUR MOBILITY

Labour mobility schemes represent safe and regular avenues by which a person may enter or stay in another country for the purposes of employment, with the right to either permanent or temporary residence. Labour mobility can help refugees realize their human right to work, recognized in many international and regional human rights instruments, and in the 1951 Refugee Convention. It provides opportunities for refugees to re-establish an independent, productive life in safety and security through employment, attain an adequate standard of living, realize their potential, and contribute to their host country. Labour mobility schemes may be part of traditional immigration or migration systems, which could be modified to be accessible to refugees, and they can also include temporary and permanent skilled entry arrangements.

As reflected in the 2016 UNHCR-International Labour Organisation (ILO) Memorandum of Understanding, the right to engage in decent work is integral to human dignity; its exercise is essential to other human rights and enables individuals and families to maintain livelihoods, to plan their futures, and to contribute to the development of their community. In addition, it is recognized that, for refugees and other persons of concern, safe and dignified work that permits self-reliance and active participation in community life can also be a pathway to a comprehensive durable solution.¹⁵

UNHCR has previously contributed to a review of the "Blue Card" Directive. Reflecting one of the priorities included in the European Agenda on Migration adopted by the Commission on

¹³ Eurostat data on first permits issued for education reasons by reason, length of validity and citizenship (2016), accessed on 22/09/2017.

¹⁴ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

¹⁵ Memorandum of Understanding between the International Labour Organisation and the Office of the United Nations High Commissioner for Refugees, 1 July 2016, available at: <http://www.refworld.org/docid/577a1d594.html>.

13 May 2015,¹⁶ UNHCR submits that the revision of the Blue Card should incorporate the ability for refugees to participate in the EU labour market and help to address specific skills shortages.

Labour mobility can be advantageous for workers, companies, and national and regional economies. Workers on the move can increase their income levels, improve their standard of living, and gain access to new employment opportunities and experience. Their support of family left behind can help to cushion the effects of flight, contribute to local economies in countries of first asylum, and facilitate their own peace of mind, thus allowing them to plan for their own futures.

In addition, labour mobility can:

- Be an effective means to help refugees realize their human right to work recognized in many international and regional human rights instruments,¹⁷ including the 1951 Refugee Convention. For refugees, this right is a prerequisite for the re-establishment of a normal life. It helps to promote fuller and more dignified lives, and the attainment of an adequate standard of living while avoiding some of the negative consequences associated with long-term dependency on humanitarian aid.
- Enable refugees to enjoy freedom of movement and facilitate access to a durable solution by improving their longer-term integration prospects, and contribute to their ability to (re)integrate in their countries of origin upon return or in their countries of asylum, resettlement or migration.
- Be a complementary legal avenue by which refugees can reach Europe or other destinations without having to resort to smugglers and traffickers. Instead, it can open a safe pathway for refugees to apply their skills and realize their potential in regions that are seeking to address specific skills shortages.
- Provide refugees with the possibility to make contributions to the development of their host as well as home countries and communities, including through remittances and experience gained while working elsewhere.

Creating a favourable environment

Refugees seeking to participate in labour mobility opportunities may face legal, economic, social and political barriers, which need to be kept in mind in any labour migration scheme. Their legal status and the challenges that many face in providing documentation as well as resource constraints means that they should benefit from additional flexibility and targeted support that can facilitate their participation in labour migration schemes. In this regard, and so that they can benefit from the same opportunities as a qualified third-country national migrant worker, it would be helpful that refugees could benefit from the following measures through any new policy developed:

- The availability of reliable information on legal migration opportunities.
- The facilitation of contact with employers (e.g. through video conferences with employers, access to specific websites, access to recruitment specialists).

¹⁶ European Commission, *European Agenda on Migration*, 13 May 2015, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

¹⁷ See, *inter alia*, Article 23 (1) of the 1948 *Universal Declaration of Human Rights*, available at: <http://www.un.org/en/documents/udhr/>; Article 6 of the 1966 *International Covenant on Economic, Social and Cultural Rights* (ICESCR), available at: <http://www2.ohchr.org/english/law/cescr.htm>; Article 15 of the 1981 *African Charter on Human and Peoples' Rights*, available at: <http://www.africa-union.org/root/au/Documents/Treaties/Text/Banjul%20Charter.pdf>; Article 1 of the 1961 *European Social Charter*, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/035.htm>; Article 15 of the 2000 *Charter of Fundamental Rights of the European Union*, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>.

- Issuance of Convention Travel Documents or, where not possible, other recognizable/accepted travel documents.
- Facilitated access to embassies and consulates, along with provisions for flexibility with regard to application requirements.
- Mechanisms to recognize qualifications, including through tests undertaken at a distance and in countries of asylum.
- Support for better targeted skills development in countries of first asylum, linking directly with employers and regions seeking workers.
- Agreements as to the right of return to countries of first asylum and measures to support family unity and the right to family life.¹⁸

UNHCR and labour migration schemes

Acknowledging the specific as well as the vulnerable situation of refugees, there are certain principles that guide UNHCR's engagement on labour migration schemes that seek to ensure safe and dignified refugee participation, and that should be borne in mind when any new measures are adopted:

- The principle of *non-refoulement* is of central importance as it protects refugees participating in labour migration schemes against forcible return. Moreover, any new status obtained should be *no less favourable* than their current refugee status, with *non-refoulement* assured.
- Refugees must be at the centre of decision-making regarding their protection and well-being. Any decision regarding participation in a labour mobility scheme must be voluntary, based upon a free and informed choice, and in conditions of safety and dignity.
- The conditions of work must conform to international labour standards, with pay and conditions at least equal to those of nationals – including the right to seek redress for breaches of contract or of labour laws without fear of retribution or sanction.
- Family unity is a fundamental principle of international law. The right to the integrity of the refugee family is an international legal principle, and needs to form the basis of any agreement. The Blue Card Directive already refers to highly qualified third country nationals and their families benefitting from the scheme, which should apply equally to refugees and to any dependent members of their families who wish to join them.

In support of labour migration to Europe for refugees

As reflected by the President of the European Commission at the time, a new EU policy on legal migration could help to address shortages of specific skills and attract talent to better cope with the demographic challenges of the EU.¹⁹ In this effort, UNHCR believes that refugees residing in non-EU countries should be considered an additional category of qualified worker who could benefit from the revised Blue Card Directive and any other new European policy on legal migration developed, while the provision of an additional legal avenue based on labour migration could assist in reducing the pressures being brought to bear on European asylum systems.

The right to work is in itself essential towards the establishment of other human rights, as well as in the preservation of dignity. Work enables individuals and families to maintain livelihoods, to receive income, and to contribute to the development of their community. For

¹⁸ On the right to family life see, for example, Article 23 of the ICCPR.

¹⁹ See, *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change*, Political Guidelines for the next European Commission, Strasbourg, 15 July 2014, available at: http://ec.europa.eu/priorities/docs/pg_en.pdf#page=6.

refugees, work is a fundamental step forward in the re-establishment of a normal life, and central to the attainment of an adequate standard of living and to a life without dependence on humanitarian aid.

UNHCR would encourage the EU and its Member States to avail itself of the talent, skills, education and demonstrated resilience that is available in refugee communities. This requires strategic thinking and concerted efforts on the part of all relevant stakeholders, from governments, trade unions and private business, to civil society and the receiving communities to make such opportunities a reality for those with the skills and the talent. The “Blue Card” Directive represents one such opportunity to provide a viable route for qualified refugees to enter the European labour market on an equal basis with third-country national workers. This can contribute towards both a humanitarian response as well as in meeting labour market needs.

Concluding Remarks

States have committed to expanding opportunities for safe and regular pathways of admission for refugees, recognizing that this could help to reduce the likelihood that people will risk unsafe journeys to find protection and solutions. Providing such complementary pathways in significant numbers would help to achieve more predictable and equitable responsibility sharing for refugees with the countries hosting the largest populations of refugees. Expanded opportunities could be established primarily in countries where a Regional Development and Protection Programme, Migration Compact, or a Comprehensive Refugee Response is being developed, as well as in other countries of first asylum on the strategically important routes to Europe.

Complementary pathways to access protection and solutions have been established by a small number of European countries, notably in response to the Syrian refugee crisis. It is key to further develop and expand these pathways to address, in particular, large-scale and protracted situations. The next step would be to develop sustainable programmes that respond to the needs of a diverse global refugee population. This would give further credibility to calls for more regularized movements of refugees and for solidarity with host and third countries.

The EU has an opportunity to refine and improve existing legislation to align it to those commitments that States agreed to under the New York Declaration in expanding third-country solutions. Complementary to resettlement, which remains a core tool for protection, the need for credible and predictable pathways of admission for refugees beyond traditional pathways is acute. The EU could be at the forefront in developing a toolbox of opportunities that can provide those forcibly displaced with complementary and viable avenues that could reduce their need to resort to perilous and dangerous journeys by land and by sea. UNHCR would welcome the opportunity to support EU efforts in this regard.