

Towards A More Orderly Migration: Policy Options for Asylum Seekers

Policy brief

by Rama Dasi Mariani* and Pierluigi Montalbano**

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1 Introduction.

After the so-called European refugee crisis of 2013-15, European destination countries struggle with a rising inflow of asylum applications that take a long time to process. This challenge also affects those countries' capacity to cope with the inflows, the integration of asylum seekers in the hosting communities, and the effort to distinguish between economic migrants and refugees for political or persecution reasons (see Box 1 for the relevant definitions).¹

In 2021, the EU processed 524,400 applications for international protection; 275,000 of those applicants were granted shelter after receiving a positive response.² Approximately 800,000 applications remained unprocessed (pending).³ Although the processing time varies widely across member States, according to the European Union Agency for Asylum (EUAA), at the end of June 2022, half of these cases had been pending, on average, for more than six months.

According to the EU labor force survey (2016)⁴, among economically active refugees,⁵ 1 in 5 is unemployed and 1 in 8 is unemployed for more than a year. These data also show that it takes refugees on average up to 20 years to reach an employment rate similar to that of the native-born population. Entrepreneurial activity has turned to be one of the most frequent occupations in the EU for refugees. The benefits of opening new businesses also extend to the other migrants, refugees or asylum seekers from the same country of origin (i.e., co-nationals) who thus benefit from a greater probability of employment. Dagnelie et al. (2019) highlights how the economic condition of the newcomers improves with the number of compatriot entrepreneurs living in the same area, but it decreases with the number of compatriot employees.

There are several factors that make the labor integration of refugees more difficult than non-forced (economic) migrants. Economic migrants base their decision to move on the opportunities

* Roma Tre University (ramadasi.mariani@uniroma3.it);

**Sapienza University of Rome (pierluigi.montalbano@uniroma1.it)

¹ During the recent refugee crisis, Europe has faced the most significant migratory flows since World War II. In 2015, there was a peak of 1.25 million first-time asylum applications in the European Union.

² In March 2022, due to the large number of Ukrainians fleeing to Europe after the eruption of this new crisis, 73,850 first-time asylum seekers applied for international protection, representing a 115% increase compared to March 2021.

³ https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en#the-atlas-on-migration

⁴ <https://op.europa.eu/en/publication-detail/-/publication/87a8f92d-9aa8-11e6-868c-01aa75ed71a1>

⁵ The economically active refugees are all refugees, within the population, who contribute to economic activity or are available to contribute to economic activity. Indeed, the information contained in the EU labor force survey on the reason for migration refers to the self-declared reason for coming to Europe rather than the actual legal category under which the person entered. People who self-declared that they came to Europe to seek international protection may have obtained or not a formal refugee status (according to the 1951 refugee Convention status or temporary/subsidiary protection). All people who have declared migrating for "international protection purposes" are referred to as refugees (Dumont et al., 2016).

at destination; forced migrants (refugees and asylum seekers) are driven by different factors, such as vulnerability to persecution and the need to access to the closest safe place. As a result, forced migrants typically arrive in a host country with low human capital, traumatic background and lack of social networks (Brell et al., 2020). This condition calls for additional efforts and active actions to promote integration of forced migrants (Schuettler and Caron, 2020). Furthermore, the issue of labor integration for asylum seekers has become more pressing nowadays due to the so-called "European refugee crisis."

The practices implemented to manage forced-migration inflows and the actions to promote the integration of asylum seekers in the European Union vary widely. Several actors are actively involved in this process, ranging from international and national authorities to the civil society. Several aspects of the process need revisiting, such as the duration of the vetting process, the possibility of relocation within the country of first entry and among EU member countries, the degree of integration of asylum seekers, including the right to work while their application is pending. The latter option greatly facilitates the integration of asylum seekers in the host communities, both during and after the application process. However, it is also a sensitive issue as it could potentially serve as a backward induction tool influencing the decision-making process. During their prolonged stay in first asylum countries, especially while awaiting a decision on their application, asylum seekers run the risk of losing their qualifications and experience, as well as their dignity, and may be unable to provide for their own needs and those of their families.⁶

This illustrates important shortcomings of the European asylum policies. Unfortunately, the economic literature has not adequately addressed the pros and cons of better integration of asylum seekers, for the asylum seekers themselves during and after the application (when their application has been decided on), as well as the hosting and sending communities, let alone the effectiveness of different practices or policies to do so. So far, the focus has been on the effectiveness of different measures to encourage the integration of refugees and non-forced (economic) migrants.⁷ Additionally, the previous approach viewed the issue of global inflows of people as a simplistic binary phenomenon, with individuals either falling into the categories of refugees or non-refugees, which failed to accurately capture the complex reality of the situation, including because of the long duration of the application process.

Other options to improve the asylum process and foster positive outcomes for asylum seekers, refugees and host communities alike, would be to expand the legal pathways for labor mobility or hybrid solutions, such as incentivizing the fit of refugees within their new communities. The empirical evidence on those alternative pathways to smooth the asylum seeking flows is

⁶ Access to the labor market for asylum seekers in the European Union is regulated under Article 15 of the Reception Conditions Directive (2013/33/EU): *Member States shall ensure that applicants have access to the labor market no later than 9 months; Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national law, while ensuring that applicants have effective access to the labor market. For reasons of labour market policies, Member States may give priority to Union citizens and nationals of States parties to the Agreement on the European Economic Area, and to legally resident third-country nationals.* <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=en>. Conversely, the labor market access of the beneficiaries of international protection is regulated by Article 26 of the EU Directive 2011/95/EU (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>).

⁷ As stressed by Schuettler and Caron (2020), Although refugees and internally displaced persons (IDPs) often struggle to integrate in the labor market, rigorous quasi-experimental or experimental evidence on jobs interventions for this target group is also scarce.

regrettably scarce. This policy brief aims to provide some food for thought on the available policy options that can contribute to developing an agenda for change.

Box 1. Definitions

- I. **Asylum seekers** are all “[...] whose request for sanctuary has yet to be processed. National asylum systems are in place to determine who qualifies for international protection. However, during mass movements of refugees, usually as a result of conflict or violence, it is not always possible or necessary to conduct individual interviews with every asylum seeker who crosses a border. These groups are often called ‘prima facie’ refugees” (UNHCR, 2022).⁸
- II. **Refugees** are people who have “fled war, violence, conflict or persecution and have crossed an international border to find safety in another country. [...] **Refugees are defined and protected in international law** [...]” and the 1951 Geneva Convention is the key legal document defining them (UNHCR, 2022).⁹ “Governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law” (UNHCR, 2022).¹⁰
- III. The EU defines **integration** as “**a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States**” (Common Basic Principles, n. 1). “Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible” (Common Basic Principles, n. 3).¹¹

2 Policy options

To alleviate the asylum seeking pressure, the following broad policy options are envisaged:

- increasing border controls and eventually processing applications offshore;
- expanding legal pathways to reduce the use of the asylum process as a channel for economic migrants;
- applying inclusive asylum seekers-hosting policies, including labor integration;
- implementing hybrid solutions such as community sponsorship schemes and complementary pathways to smooth the asylum seeking process, in addition to standard resettlement and humanitarian admission schemes (e.g. “Refugee Labor Pathways”);

Acknowledging the scarcity of empirical evidence on any of these options, in what follows, we will proceed to discuss each of them in detail, their respective pros and cons and potential complementarities.

⁸ <https://www.unhcr.org/asylum-seekers.html>

⁹ <https://www.unhcr.org/what-is-a-refugee.html>

¹⁰ Refugee Status Determination (UNHCR, 2022). <https://www.unhcr.org/refugee-status-determination.html>

¹¹ https://ec.europa.eu/migrant-integration/library-document/common-basic-principles-immigrant-integration-policy-eu_en

2.1 Strengthening border controls and processing applications offshore

The European Commission's New Pact on Migration and Asylum, implemented since 2021,¹² proposes the implementation of a "predictable and reliable migration management system," which includes more efficient and faster procedures for evaluating the applications of asylum seekers in Europe.¹³ This includes:

- a. A **pre-entry screening** outside the borders of the European Union – e.g., on floating hotspots at sea or at regular hotspots at land borders. It implies identification, health and security checks, fingerprint registration, and data registration in the Eurodac database. The use of **digital tools** for identification, security checks, registration, reception, asylum processing, and adjudication stages has also been proposed to speed up the screening process and improve security controls. However, the use of digital tools raises concerns and risks that need to be addressed, including opaque decision-making and data privacy. Additionally, while these practices have been promoted as the most effective in speeding up the process, independent evaluations to confirm this are still lacking;
- b. A **new regulation** for processing applications, which involves pre-assessing applications based on the asylum seeker's country of origin. This formalizes a practice that strictly applies the Geneva Convention (1951) and is becoming standard in host countries. The Convention covers individual as well as general threats that make a person eligible for international protection. The proposal is to extend this practice and only **divide asylum seekers based on their country of origin**. Those who come from countries not affected by social or political disorders or armed conflicts are likely to receive a repatriation decision.

2.2 Expanding legal pathways to reduce the use of the asylum process as a channel for economic migrants

According to EUAA estimates, only 9% of the total inflow of refugees to the EU in 2021 was motivated by "forced reasons". Hence, expanding quotas for labor mobility could provide a legal pathway for people to enter destination countries without having to go through the international protection recognition process. However, this also implies a complex process of evaluation and or mutual recognition of competences, skills and paperwork.

According to the current legislation, each Member State in EU may freely choose how many "non-forced migrants" to accept from third countries. There are several examples of quota systems in EU-member state, such as the "Western Balcan Regulation"¹⁴ and "the Triple Win Programme".¹⁵ However, the New Pact on Migration and Asylum promotes two new actions aimed to foster the degree of coordination among the member states, to mobilize talents, and to attract workers in sectors where there is a shortage of native labour supply.

¹² See European Commission report on Migration and Asylum 2022". <https://www.astrid-online.it/static/upload/repo/report-on-migration-and-asylum-2022.pdf>

¹³ https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706

¹⁴ https://gsp.cgdev.org/wp-content/uploads/2021/07/CGD-Legal-Pathways-Database_Western-Balkan-Regulation-1.pdf

¹⁵ <https://migrationnetwork.un.org/projects/triple-win-programme>

The first action, called **Talent Partnership**, addresses EU internal flows and has the objective of encouraging existing programs such as the Erasmus and Leonardo programs.¹⁶ The second, called the **Skill and Talent Package**, is a search-and-match system for the admission of workers from third countries. The system should facilitate the match between workers who want to enter the European labour market by allowing them to register spontaneously on a list managed by the Commission and by allowing the Member States to declare the professions mostly sought in a document called Talent Pool.¹⁷ The EU Talent Pool is one of the key elements of the **EU action plan on integration and inclusion 2021-2027**¹⁸ which aims to attract talent to the EU and support integration in local communities, through:

- a. Building strong partnerships for a more effective integration process. Partnership on the inclusion of migrants and refugees under the Urban Agenda for the EU.
- b. Improve the recognition of qualifications through supporting transparent recognition practices of qualifications of refugees through the Erasmus Programme.
- c. Make use of the EU Skills Profile Tool for Third Country Nationals at an early stage, in particular for asylum seekers, refugees and migrants, and strengthen procedures for validation of non-formal learning.

2.3 Applying inclusive asylum seekers-hosting policies, including labor integration

This includes all the activities and practices applied **to ease acceptance of asylum seekers in society**, their access to services, and to the labor market, and can be seen as the natural counterpart of the option of strengthening border controls (see, for instance, the inclusive practices applied in Uganda and Jordan).

Due to the limited availability of dedicated literature, to assess the effectiveness of various practices or policies that promote or affect the integration process of asylum seekers, we rely here on the literature evaluating the integration outcomes of refugees with temporary protection, as opposed to non-forced (economic) migrants. Zhou et al. (2023) studying this in Uganda, one of the largest and most inclusive refugee hosting countries, argue that inclusive refugee-hosting can improve local development and prevent public backlash in host communities even in a context of large arrival of applicants. Dustmann et al. (2017) proposed the following policy options for active integration, and the correlated trade-offs:

- a. **Permanent vs temporary protection.** The former incentivizes investment in human capital, but it has political costs;
- b. **Urban vs rural hosting.** There are several benefits related to the rural solution, but it has political costs. Concentration of refugees in rural areas often undermine the political support base for asylum, but the same effect is not observed in big cities. Among the advantages of relocations in rural areas, there are: personal support from the local

¹⁶ "The EU Talent Pool" pilot initiative has been launched by European Commission on 10 October 2022.

¹⁷ A similar effort is made by the Global Skills Partnership created by the Center for Global Development: <https://gsp.cgdev.org/>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0758&from=EN>

communities, affordability of housing, availability of non-congested public services (for the migrants); counterbalancing population ageing and emigration, more dynamism in the markets and, related to this, the creation of migration networks that attract subsequent flows (for the local communities). Among the disadvantages: unspecialized support, scarcity of goods and services, and lack of job opportunities. The effect of rural relocation has been assessed also by Nielsen et al. (2022) pointing at long-lasting detrimental effects in terms of labour-market integration. If refugees and asylum seekers are more represented in rural areas with respect to native, this has a negative effect on their average rate of employment and income.

- c. **Concentration vs dispersion.** Concentration helps integration thanks to networks, but it leads to uneven costs among the hosting population.
- d. **Relocation.** This is the admission of a person in need of international protection to the territory of a State other than the first-entry State. According to international legislation, relocation is neither a right of the migrant nor a duty of the States signatory to the Geneva Convention, and the positive outcome of an application depends on the admission criteria chosen by each individual country. The EU-FRANK (*European Union Action on Facilitating Resettlement and Refugee Admission through New Knowledge*) project aims to improve the efficiency of existing relocation programs and one of the main conclusions that can be drawn from the project is that relocations should be diverted from the urban locations and directed towards rural areas.

2.4 Hybrid solutions: Community sponsorship schemes and complementary pathways

This set of policy options could grant legal and secure channels for asylum seekers to reach destination countries, aligning with their skills and genuine aspirations. This would ensure and accelerate their integration process and eventually their capacity to return to their country of origin, once the conditions that forced them to flee have ended.

Various **sponsorship schemes** have proliferated across the EU with a wide variety of characteristics in the eligibility criteria, responsibilities of the sponsor, and in the status granted and associated rights. Recently, community sponsorship models have inspired stakeholders who have rapidly responded to the massive displacement of people fleeing the war in Ukraine. Good practices of relevant experience in complementary pathways and community sponsorship are also existing in Australia, Canada, the UK and the U.S.

The EU Commission assessed possible options including, continuing with the status quo, providing for specific soft measures (training, toolkits, peer reviews), financing sponsorship activities, and legislative action. It finds that soft measures and financing are the most feasible and have the highest added value. Pilot projects might include activities related to technical, legal, and operational support for designing and implementing a community sponsorship pilot project, actions related to the development of an agreement with the Member State's authorities in charge, the selection of the beneficiaries and of the sponsor, the preparation of the departure of

third-country nationals to that Member State, their transfer and their integration measures at arrival and afterwards, as well as monitoring and evaluation of the sponsorship scheme.

Among these pilot projects, building on the positive experiences of the Humanitarian Corridors and University Corridors, Caritas implemented a pilot project to open **Refugee Labor Pathways** that allow Italian companies to benefit from the workers they need by identifying beneficiaries in need of international protection in first asylum countries and allowing them to legally access Italy to be placed in Italian companies (see Box 2). Rigorous evaluation of the effectiveness of such initiatives and the other policy options for all involved is called for. It would help build the evidence base on what works best to evolve towards more orderly migration.

Box 2. Caritas pilot project on Refugee Labor Pathways

Relying solely on the humanitarian channel for access forces people to demonstrate their vulnerability to gain entry. Providing alternative access options can recognize and value all aspects of a person without neglecting the need for protection and acknowledging their fragility.

Beneficiary characteristics/selection criteria:

- people in need of international protection;
- people recognized as refugees by first asylum countries;
- professional qualifications suitable for the required job positions.

Entry methods:

- a) Providing beneficiaries with access to humanitarian corridors while ensuring adherence to national protocols' criteria and incorporating a distinct employment insertion program;
- b) Activating a national memorandum of understanding where companies select refugees based on their skills, qualifications, and motivation, in line with employment needs and availability at destination. Once selected, the embassies in the asylum country issue a work or internship visa. The memorandum of understanding outlines the roles and responsibilities of all the involved parties;

Engaging the private sector is essential in identifying labor skill requirements, which can be matched with the experiences of refugee beneficiaries in first asylum countries where the project is planned to start. This can also involve developing tailored professional and language training courses in collaboration with specialized agencies.

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