



REFUGEE WORK RIGHTS REPORT

THE SYRIAN CRISIS

AND REFUGEE ACCESS TO LAWFUL WORK
IN GREECE, JORDAN, LEBANON AND TURKEY.



ABOUT ASYLUM ACCESS

Asylum Access believes all refugees deserve a fair chance at a new life. All over the world, we challenge barriers that keep refugees from living safely, moving freely, working and attending school – because when refugees can rebuild their lives, nations thrive.

As a global family of nationally-registered organizations, Asylum Access has operated in diverse contexts for over a decade. Each of our locally-registered organizations directly supports and partners with refugees as well as the wider community of the host country. We work collaboratively with governments and the international community for lasting solutions and approaches that restore autonomy to refugees themselves.

We envision a world in which refugees can live safely, move freely, attend school, work and rebuild their lives. We believe that when refugees enjoy their human rights, they can access effective, lasting solutions.

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This is a companion report to the website on Refugee Work Rights, an interactive mapping of refugee access to safe, lawful work in more than 20 countries worldwide. Visit www.refugeeworkrights.org

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INTRODUCTION

TERMINOLOGY

The following terms are used throughout this report. They are defined below:

Asylum Seeker. An asylum seeker, as used in this report, is a person who is actively seeking refugee status, but has not received a decision by a government or the UNHCR (United Nations High Commissioner for Refugees).

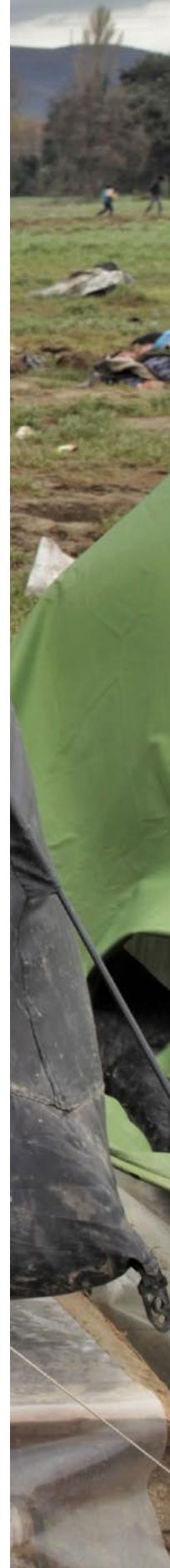
Refugee. A refugee is, by international standard, a person who is unable or unwilling to be in the country of his nationality or to avail himself to the protection of that country due to a well-founded fear of persecution for reasons of race, religion, nationality or membership of a particular social group or political opinion. Some regional systems expand the definition of refugee beyond this international standard.

Although UNHCR and countries of asylum may provide official recognition to some refugees, refugee status is legally constitutive, meaning that all persons satisfying the above definition are legally considered to be refugees regardless of whether they have been recognized by an outside party.

Accordingly, asylum seekers may also be referred to as unrecognized refugees.

Refugee Work Rights. In this report, the phrase “refugee work rights” is used to refer to refugees’ access to safe and lawful employment. Refugee work rights include legal right to work, absence of inappropriate barriers to work, and protection from abuse and discrimination by domestic labor and employment laws.

*A Syrian refugee couple in their makeshift home in Thessaloniki,
near the Greek-Hungarian border. © Laura Samira Naude / ECHO Refugee Library*



CONTEXT OVERVIEW

Since the start of the Syrian conflict in 2011, over five million refugees have fled Syria and are currently seeking asylum in countries primarily in the Middle East, notably Turkey, Lebanon, Jordan, Iraq and Egypt, in descending order.¹ Most refugees have little access to the financial resources or freedoms necessary to rebuild their lives in host countries and, because return to Syria remains impossible, the refugees of the Middle East face an uncertain future.

In today's world refugees remain in exile for ever increasing lengths of time as conflicts endure. Indeed, the average duration of a protracted refugee situation is 26 years.² It is reasonable to assume that the Syrian refugee crisis will be no exception. Because of this, Syrian refugees need long-term solutions, now.

Access to work rights and economic opportunity are crucial to any long-term solution. Work rights form a critical foundation for refugees to rebuild their lives in their host countries. The right to work allows an individual to achieve self-sufficiency, develop valuable skills, and engage with her host community. Furthermore, the right to work is a fundamental part of human dignity and can lead to the fulfillment of other social, cultural and civil rights.

1 Syria Regional Refugee Response Inter-Agency Information Sharing Portal. Available at: www.unhcr.org/en-us/syria-emergency

2 UNHCR Global Trends Forced Displacement in 2015. Available at: <http://www.unhcr.org/576408cd7.pdf>



CONTENT OVERVIEW

This report examines the experiences of refugees in a sample of four countries affected by the Syrian refugee crisis: Greece, Jordan, Lebanon and Turkey. The selected countries are deemed relevant for their position as host countries and/or countries of transit as well as their varied economic and political circumstances, including differing membership status with the European Union. Together, these countries have received over 4.5 million refugees since 2011.³

Analysis of these four countries provides insight into the particular struggles of refugees in this region in their pursuit of employment. The report features country-specific scorecards examining policies and practices in the four researched countries. These scorecards use a color gradient, grading each country from red to green, to show the extent to which each country is found to respect, protect and promote refugee work rights. This scoring system does not simply bring attention to violations of refugee work rights. It also allows the refugee response community to understand the complex and specific challenges countries face and opportunities for improvement and intervention in the region.

Context for these scorecards includes summaries of both the national and regional legal frameworks relating to refugee work rights in the Middle East and of the barriers refugees face when accessing employment. Finally, we have provided sound economic arguments in favor of refugee work rights.

The findings for this report are based on in-depth desk research, surveys and interviews with subject matter experts working directly with refugees in the researched countries.



A group of Syrian refugees in Greece drink coffee in a tent.

After applying for asylum, refugees may wait for months and even years before they receive a response from UNHCR. Meanwhile, they are unable to attend schools, work or move freely. © Laura Samira Naude / ECHO Refugee Library

KEY FINDINGS

LEGAL INSTRUMENTS ADDRESSING REFUGEE WORK RIGHTS IN THE MIDDLE EAST

The Right to Work Under Human Rights Law

A refugee's right to safe and lawful employment is outlined and protected under international human rights law. The 1951 Convention Relating to the Status of Refugees and the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) serve as the primary international treaties protecting refugee work rights. Globally, the 1951 Refugee Convention and its 1967 Protocol have been ratified by 148 countries, including Turkey and Greece. The Convention legally defines the term "refugee" and obligates Member States to protect the rights outlined in the treaty. Article III of the Convention outlines refugees' rights to wage-earning employment and self-employment as a means of achieving self-sufficiency. The Convention also touches on the contributions of refugee employment to host-state economies.⁴

The ICESCR recognizes the right to work freely for all people, including non-nationals regardless of legal documentation, in section 1 of Article 6.⁵ A total of 165 countries, including all four of the countries highlighted in this report, are party to the ICESCR.⁶ Together, the 1951 Convention and ICESCR outline member states' international obligations to protect refugee work rights under human rights law.

National Legal Frameworks

International law currently serves as the foundation for refugee work rights advocacy. However, despite the authority of international law, many states have yet to align national policy with their international commitments. At this time, national legal frameworks in the four researched countries do not provide the comprehensive protections necessary for refugees to fully realize their work rights. High-level regional trends in national refugee policy include restrictions on access to work permits and legal discrimination between nationals and refugees. Additionally, two out of four researched countries do not distinguish between refugees and foreigners and thus provide no legal recognition of or explicit protections to refugees. In countries such as Turkey and Greece where legal pathways to employment exist for many refugees, bureaucratic barriers often prevent them from receiving permits and finding lawful employment. See scorecards for more information on national legal frameworks and their implementation.

Bilateral Legal Frameworks

In the past three decades, Middle Eastern host governments have signed a number of bilateral agreements relevant to Syrian refugee response. At times, these agreements have incorporated the language of international human rights law into regional practices and encouraged labor market integration of refugees through bilateral cooperation. Although they have promoted job creation for refugees, they have not been fully implemented, have limited refugee employment to particular sectors or locations, or have introduced new protection concerns. Furthermore, initiatives have often faced funding challenges and suffer from stalled implementation.

4 1951 Convention, Article III.

5 ICESCR Article VI. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

6 United Nations Treaty Collection. Available at: <https://treaties.un.org/>

This section briefly examines three major bilateral agreements in the Middle East region.

The **1993 Agreement for Economic and Social Cooperation between Syria and Lebanon** sets guidelines for freedom of movement, residence, work and economic activity between nationals of Syria and Lebanon.⁷ This agreement largely dictated Lebanon's open-door policy toward Syrian refugees until January 2015. Since 2015, the Lebanese government has added new restrictions on refugee registration and refugee work rights that violate the bilateral agreement's progressive standards.⁸ While Lebanon is not implementing this agreement in relation to the current crisis, the original protocol echoes key principles from the 1951 Convention and can be a model for regional work rights advocacy.

The **Jordan Compact** is a 2016 trade deal between Jordan and the European Union (EU) developed to promote investment in Jordan's private business and encourage labor market integration of Syrian refugees. The deal calls for \$1.7 billion in grants, low-interest loans and pledges from the international community to the Jordanian government in exchange for the opening of the Jordanian labor market to refugees. The deal also establishes tariff-free trade between Jordan and the EU provided it issues 200,000 work permits to Syrian refugees. The compact focuses on creating job opportunities for refugees and Jordanians by promoting investment in specific industries and Special Economic Zones (SEZs), regions where business laws differ from the rest of the country.⁹ SEZs have been met with mixed reception in the refugee-response community. While SEZs allow some refugees to access work permits, many argue that SEZs fail to fully integrate refugees into the national economy.¹⁰ Furthermore the desired impacts have not yet materialized; from April 2016 to February 2017, just 38,516 permits had been issued.¹¹ Despite these issues, the Compact is one of the first major trade deals to directly address refugee work rights and employment access in the Middle East.

Signed in March 2016, the **Turkey-EU Deal** is a migration-control deal between Turkey and the EU aimed at addressing the massive flow of refugees from Turkey to Greece via the Aegean Sea. The deal facilitates the return of all unregistered refugees from Greece to Turkey with the goal of relieving strain on the Greek government and expanding refugee opportunities in Turkey.¹² In exchange for this transfer, EU member states have pledged to increase resettlement of Syrian refugees currently residing in Turkey, accelerate visa liberalization for Turkish nationals, and provide €6 billion in targeted refugee assistance to Turkey.¹³ This targeted assistance may be channeled into legal aid programs, vocational training and other refugee services. While some in the EU have praised the deal for stemming the flow of refugees to Europe, leading non-governmental organizations (NGOs) have criticized it for prolonging wait times in Greek camps and essentially barring access to Europe, noting extreme mental distress for those encamped.¹⁴ Further, Human Rights Watch has argued that refugees in Turkey continue to encounter many barriers to employment despite targeted assistance.¹⁵ Despite these critiques the deal has persisted and is considered as a potential precedent for other EU agreements in the Middle East and Africa.

⁷ Agreement for Economic and Social Cooperation, between the Lebanese Republic and Syrian Arab Republic. Available at: http://www.syrleb.org/docs/documents/03SOCIAL_ECONOMICeng.pdf

⁸ Public Report: Syrian and Palestinian Refugees in Lebanon. Finland Immigration Services, 29 September 2016. Available at: http://www.migri.fi/download/70079_Report_Refugees_final.pdf?267e9960c55bd488

⁹ Williams, S. "Jordan looks to turn refugee crisis into economic boon." Irin, 21 March 2017.

¹⁰ Betts, A. Luthria, M. (2017 May 11). ODI: Refugees: Are Jobs the Answer? [Audio podcast].

¹¹ Williams, S. "Jordan looks to turn refugee crisis into economic boon." Irin, 21 March 2017.

¹² Amnesty International Report 2016/2017: The State of the World's Human Rights.

¹³ Collett, E. "The Paradox of the EU-Turkey Refugee Deal." Migration Policy Institute, March 2016. Available at: <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>

¹⁴ "NGO's criticise Turkey-EU deal on refugees," Al Jazeera, 17 March 2017, Available at: <http://www.aljazeera.com/news/2017/03/ngos-criticise-turkey-eu-deal-refugees-170317065406849.html>

¹⁵ "Greece: A year of suffering for Asylum Seekers." Human Rights Watch, 15 March 2017. Available at: <https://www.hrw.org/news/2017/03/15/greece-year-suffering-asylum-seekers>

BARRIERS TO SAFE AND LAWFUL EMPLOYMENT

Although all four researched countries have committed in some form¹⁶ to protecting refugee work rights as outlined in human rights law, in the absence of adequate national frameworks, refugees face many legal and practical barriers to work. These obstacles render refugees incapable of fully realizing their right to safe and lawful employment. Legal bars and de facto barriers prevent countries from fully respecting, protecting and promoting refugee work rights.

Common legal bars to refugee employment include:

- Insufficient domestic legal frameworks: Absent or unclear national policies often make it illegal or very difficult for refugees to access their right to work. Furthermore, most refugees cannot access justice after workplace violations.
- Restricted freedom of movement: Restrictions on freedom of movement with regard to work opportunities include government-imposed curfews, refugee encampment laws and other limitations on where refugees can live and work.
- Bureaucratic barriers: Exorbitant fees for residency permits and work permits, sponsorship requirements and large asylum backlogs are common throughout the region.

Common de facto barriers to work rights in practice include:

- Discrimination and xenophobia.
- Unequal treatment in the workplace: Low pay, poor conditions and exploitation.
- Little to no knowledge of work rights laws in host country.
- Insufficient access to language and skills training.

Graffiti outside a warehouse turned into a refugee camp reads “no life”, echoing a sentiment shared by many refugees waiting to be resettled. © Laura Samira Naude

¹⁶ Turkey and Greece are party to the 1951 Convention. All four countries are party to the ICESCR.



nolife

NO LIFE

shame
jew

WHY REFUGEES SHOULD WORK: REFUGEES AND HOST-STATE ECONOMIES

ECONOMIC BENEFIT

In response to the recent influx of refugees along the Syrian corridor, refugee advocates should provide state actors and international policymakers with evidence of the benefits of incorporating refugees into the formal economy. Given the protracted nature of refugee situations, it is crucial for host governments to look beyond resettlement and humanitarian responses and explore more long-term solutions. Work rights allow refugees to rebuild their lives and form meaningful connections with not only their host economy but their larger host community.

Asylum Access has focused research on economic arguments most relevant to the climate of countries along the Syrian corridor and the Middle East region. The economic benefits detailed in the following section include examples observed in the four researched countries as well as in other regions determined to be applicable to the Middle East context.

This research is telling. It suggests that incorporation of refugees into the legal workforce benefits refugees and host states alike, disrupting the common narrative that refugees are solely an economic burden on host economies. When refugees are able to work legally and build sustainable livelihoods, not only do they lessen the need for humanitarian aid but they also spur economic growth in host countries, improving conditions and wages for nationals. Those with regularized employment can also contribute tax dollars, valuable new skills and heightened demand for domestic products. However, in the absence of adequate legal frameworks, the vast majority of refugees remain unprotected and must find work in the informal sector. Incorporation of this economic activity into the formal sector represents a vital new opportunity for domestic financial growth.

The sections below compile contextual information on existing economic realities, labor market analysis and recent case studies to formulate a compelling economic argument in favor of refugee work rights.

REFUGEE ENTREPRENEURSHIP AND JOB CREATION

The 1951 Refugee Convention obligates member states to permit all refugees lawfully in the country the right to self-employment. If protected, the right to self-employment allows refugees to start new businesses, add to existing markets, and employ nationals and other refugees. Refugee entrepreneurs build valuable market connections between refugee communities and host states. Additionally, according to a World Bank Study in Jordan and Lebanon, there is little evidence that new Syrian-run businesses have displaced businesses run by nationals.¹⁷ One key example of the positive impact of refugee entrepreneurship can be observed in Kampala, Uganda.¹⁸ Uganda's national refugee policy is one of the most progressive in the world and allows refugees and asylum seekers freedom of movement and work rights.

As of 2014, 21% of all refugees in Kampala run a business that employs at least one other person. Of those employed, 40% are citizens of the host country.¹⁹ Research further shows that refugee entrepreneurs develop financial networks between their own businesses and existing suppliers in the region, leading to market expansion

17 Errighi, L., Griesse, J. "The Syrian Refugee Crisis: Labor Market Implications in Jordan and Lebanon." European Commission, May 2016.

18 UNHCR Global Trends Table. Available at: <http://www.unhcr.org/search?comid=56b079c44&cid=49aea93aba&tags=globaltrends>

19 These numbers may have changed given recent refugee influxes to Uganda from South Sudan. For more information, see: <http://www.abc.net.au/news/2017-06-29/huge-influx-of-refugees-in-uganda/8661122>.

and further job creation.²⁰ This evidence undercuts the prevalent fear that refugee employment increases labor competition with nationals.

The Ugandan government has managed to maintain these progressive policies despite the recent influx of refugees from South Sudan. Over the last two years, 898,000 South Sudanese refugees have arrived in Uganda, bringing the total to nearly 1.25 million. While the recent influx of refugees has introduced some new tensions (for example, limited instances of violence and pushback from local governments regarding accepting new refugees²¹) as well as considerable resource strain, the Ugandan government remains committed to its approach of helping refugees be self-sufficient within five years of arrival.²² The Uganda example may serve as a model to countries like Lebanon, Turkey and Jordan that house high numbers of refugees and also suffer from high unemployment rates.²³

20 Omata, K. and Kaplan, J., "Refugee livelihoods and engagement with host economies." University of Oxford Refugee Studies Centre, July 2014.

21 Summers, H. "Tensions rise as Uganda neighbourly refugee policy starts to feel the strain." The Guardian, 17 May 2017. Available at: https://www.theguardian.com/global-development/2017/may/21/uganda-refugee-policy-breaking-point?CMP=share_btn_link

22 Patton, A. "Is Uganda the best place to be a refugee?" The Guardian, 20 August 2016. Available at:

<https://www.theguardian.com/global-development-professionals-network/2016/aug/20/is-uganda-the-best-place-to-be-a-refugee>

23 "Refugee Law and Policy: Greece." The Law Library of Congress, 21 June 2016. Available at: https://www.loc.gov/law/help/refugee-law/greece.php#_ftnref51.



English class for Syrian refugees in Vasilika camp in Northern Greece. Despite a need for the most basic things - water, food, shelter, clothing - there is a strong desire to learn, put time and skills to use and prepare for an uncertain future. © Laura Samira Naude / ECHO Refugee Library

FILLING LABOR GAPS IN THE EXISTING ECONOMY

Although high unemployment and job creation are a primary economic concern in researched countries, labor gaps still exist in particular industries and must be filled to increase market growth and efficiency. Refugees are able to contribute myriad skills to host-state workforces and fill these labor demands. A study conducted by the International Labor Organization (ILO) in Jordan found that Syrian refugees are willing to work in many low-skilled sectors currently underserved by Jordanian nationals.²⁴ Legally employing refugees in these sectors could allow refugees to become self-sufficient and prevent labor shortages in businesses run by nationals. For example, in Kampala, Uganda, 43% of refugees are employed by Ugandan nationals.²⁵ Refugees can also contribute beneficial vocational skills to host-state nationals and provide guidance on income-generating activities. For example, Congolese refugee tailors in Kampala provide training on tailoring skills and techniques to Ugandans.²⁶

BENEFITS OF FORMALIZING REFUGEE PARTICIPATION IN THE ECONOMY

When refugees' legal right to work goes unprotected, many are forced to find or create opportunities in the informal sector to provide for themselves and their families. This adds to the already sizeable informal sector that accompanies high rates of regional unemployment. As of 2013, the informal sector accounts for 45% of total employment in the Middle East region.²⁷ A strong case can be made for governments to not only integrate refugees into the formal economy, but also to legalize their work in the informal sector thereby helping refugee and national alike.

Protecting refugees' access to legal employment would substantially decrease the level of informal employment in researched countries. Formalizing the economy has many proven economic and social benefits. Incorporating refugees and migrants into the formal economy can reduce government expenditures and national security concerns. For example, in Jordan, legalizing refugees' economic activity would eliminate government spending on the suppression of commerce in refugee camps.²⁸ Additionally, integrating refugees into the formal economy allows them to more easily integrate into society and avoid dangerous or illegal activities.²⁹ Formalizing refugee employment also stimulates host state economies. Integration of refugees into the formal economy enables the private sector to employ refugees and incorporate refugee employees into global supply chains.

Formalizing the economy also enforces the concept of a minimum wage. A standardized minimum wage prevents the deterioration of the legal workforce and raises wages for both refugees and nationals.³⁰ In sum, integration

24 Hillesund S., Stave, S.E. "Impact of Syrian Refugees on Jordanian Labour Market." ILO, 2015.

25 Betts, A. "Refugee Economies- Rethinking Popular Assumptions (hereafter "Refugee Economies"). Available at: <https://www.rsc.ox.ac.uk/files/files-1/refugee-economies-2014.pdf>, p. 19.

26 Ibid.

27 International Labor Office Geneva. "Measuring Informality: A Statistical Manual on the informal sector and informal employment." ILO, 2013.

28 Betts, A., Collier, P. "Why Denying Refugees the Right to Work is a Catastrophic Error." Guardian News and Media Limited, 22 March 2017. Available at: <https://www.theguardian.com/world/2017/mar/22/why-denying-refugees-the-right-to-work-is-a-catastrophic-error>

29 From Refugees to Workers Vol. 1" Bertelsmann Stiftung, 2016. Pg. 18.

30 Zipperer, B. "How raising the minimum wage ripples through the workforce." Washington Center for Equitable Growth, 28 April 2015. Available at: <http://equitablegrowth.org/research-analysis/raising-minimum-wage-ripples-workforce/>

of refugee work into the formal economy can potentially stabilize host-state economies, expand refugee job opportunities and improve working conditions for the national workforce.

CONSEQUENCES OF DENYING REFUGEES THE RIGHT TO WORK

Government failure to protect refugee work rights can lead to many negative effects on host-state economies. As mentioned above, when refugees are only permitted to work in the informal sector, wages across the entire workforce are depressed, engendering hostility between the host community and refugees. The existence of large informal economies also has been proven to increase income inequality, lower GDP growth, reduce global trade and render a country more susceptible to economic shocks.³¹

Furthermore, when refugees are forced to operate in the informal economy, they are unable to register their businesses and report their income to the government. Accordingly, the state cannot collect federal income taxes from refugees employed in the informal sector.

31 International Labor Office Geneva. "Translating the informal to the formal economy." ILO, 2014.



Though unable to legally work, these Syrian refugees set up a falafel stand to provide for themselves and their families. © Laura Samira Naude / ECHO Refugee Library

SCORECARD

INTRODUCTION AND METHODOLOGY

For the purposes of providing timely information regarding refugee work rights in the Middle East, country-specific research for this report is focused on Greece, Jordan, Lebanon, and Turkey, four countries along the Syrian refugee migration path. In order to track and analyze the current situation of refugee work rights in these four countries, Asylum Access uses the following metrics:



Respect for refugee work rights under domestic law



Protection of refugee work rights in practice



Promotion of refugee work rights and employment opportunities

Each country receives a score from red to green in each of these categories and a final score reflecting the average of the three individual scores. Together, these three metrics help paint a complete picture of the status of work rights in each of the four researched countries.

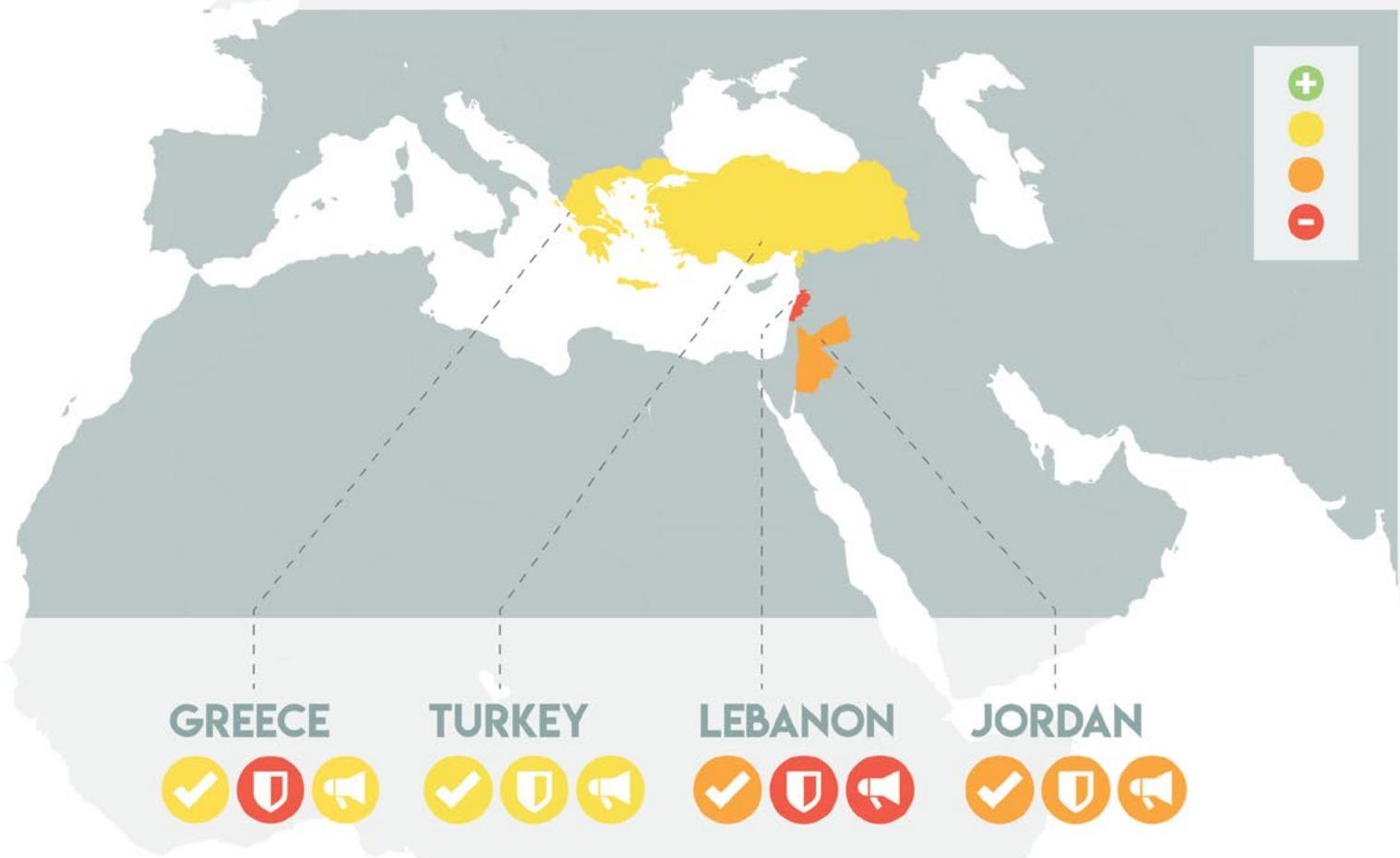
Primary data for country research on Jordan, Lebanon and Turkey was collected through interviews with subject matter experts conducted by Asylum Access staff. Primary data for the Greece section of this report was collected through a survey of refugee rights advocates in the region. Research on all four countries was supplemented by extensive desk research on indicators associated with the Respect for the Right to Work, Protection of the Right to Work, and Promotion of the Right to Work.

Because refugee work rights is a relatively under-researched field, it is important to note that the data representing these countries is reflective of areas with the highest concentration of refugees and may not represent the status of refugee work rights in the entire country. Also, specific indicator information regarding refugee programs or statistics may not be available in some of the countries.

COUNTRY-BY-COUNTRY ANALYSIS

The following country snapshots provide an overview of the laws, practices and policies governing refugee work rights in Greece, Jordan, Lebanon and Turkey as of mid-2017. These snapshots provide information on the living conditions and challenges of more than 4.5 million refugees living within the region.³² When considered collectively, these scorecards also illuminate high-level regional trends in work rights violations. All population and international treaty data was obtained from UNHCR as of end-2016.

³² UNHCR Global Trends Report 2016



COUNTRIES THAT
RESPECT
THE RIGHT TO WORK



There is a fully-functioning national policy that supports refugees' right to work without restrictions.



COUNTRIES THAT
PROTECT
THE RIGHT TO WORK



National law exists regarding refugee work rights but it is inadequate.



There is no existing national policy that respects refugees' right to work and they have access to humanitarian aid.



The existing national policy makes it illegal for refugees to seek work or there is no law respecting refugees' right to work and they don't have access to humanitarian aid.



COUNTRIES THAT
PROMOTE
THE RIGHT TO WORK

Refugees receive vocational training services and information about their right to work from both the government and NGOs.

Vocational training services and information about rights are available from both the government and NGOs, however, they are not widely available or sufficient.

Vocational training services and information about rights are available from either the government or NGOs and they are not widely available.

Refugees receive extremely limited access to vocational training services or information about their right to work from either the national government or NGOs.

GREECE



According to the UNHCR, there are approximately 21,000 refugees and 40,000 asylum seekers currently residing in Greece, the vast majority of whom originate from Syria.

RESPECT FOR REFUGEE WORK RIGHTS

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

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

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

Although Greece is a party to the 1951 Refugee Convention and ICESCR, Greece's national policies and practices do not fully align with its international commitments with respect to work rights. Up until 2016, Greek legislation granted labor market access to asylum seekers and persons considered beneficiaries of international protection upon acquisition of residency and work permits.³³ Greece's 2016 Asylum Law removed the requirement of a work permit and now necessitates only a residence permit for entry into the labor market.³⁴ However, authorities in the country have been known to intentionally delay issuance of residence permits, reportedly hoping to avoid early integration of refugees. Accordingly, the majority of refugees do not receive permits and are forced to work illegally.³⁵

Additionally, the Turkey-EU deal necessitates the return of all unregistered refugees arriving in Greece after March 2016 to Turkey.³⁶ Due to the current financial crisis, the Greek government provides limited humanitarian aid to refugees and discourages resettlement.

PROTECTION OF REFUGEE WORK RIGHTS

Despite a preliminary legal framework concerning refugee employment rights, refugees in Greece face many issues acquiring permits, finding jobs, and fully exercising their legal right to work.

A refugee's right to engage in wage-earning employment is conditioned on receiving approval of asylum claims and acquiring a residence permit.³⁷ For refugees who obtain permits, xenophobia may inhibit one's ability to find paid employment, a situation that is compounded by a tough job market for nationals and non-nationals alike. Furthermore, refugees do not receive substantial security or protection from the national labor laws, and in cases of human rights abuses and workplace violations refugees are unable to access legal justice. Most workplace violations, including prevalent sexual harassment toward women, go unreported.³⁸ In response to these abuses, NGOs operating in the field, such as the Greek Council for Refugees, work to provide legal services and protection to refugee communities. However, due to instability of the country, they are often unable to reach those most in need.³⁹

³³ Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: GREECE, 2010.

³⁴ Greece: Law No. 4375 of 2016. [Greece], 3 April 2016. Available at: <http://www.refworld.org/docid/573ad4cb4.html>

³⁵ Leventis, "Country Report: Greece," Resource Project-Refugees Contribution to Europe, January 2004.

³⁶ Collett, E. "The Paradox of the EU-Turkey Refugee Deal." Migration Policy Institute, March 2016

³⁷ Greece: Law No. 4375 of 2016.

³⁸ Chalalet, S., Jones C. "Social Crisis in Greece: The Plight of Refugees." Center for Research on Globalization, 3 June 2013. Available at: <http://www.globalresearch.ca/social-crisis-in-greece-the-plight-of-the-refugees/5337338>

³⁹ "Greece Pro Bono Directory." The International Refugee Rights Initiative.

PROMOTION OF REFUGEE WORK RIGHTS

Both the government and NGOs offer vocational training and employment services to refugees in Greece, but the accessibility and effectiveness of these programs vary greatly. The Manpower Employment Organization of Greece (OAED), a government agency, provides trainings for refugees only after refugees are granted asylum, a process which is often difficult and unsuccessful.⁴⁰ Asylum seekers have also claimed that while in detention they did not have access to a UNHCR representative or information about the asylum process.⁴¹

In April 2013, Greece introduced a National Strategy aimed at training and developing the skills of migrant workers, including refugees, in Greece. This strategy facilitates job placement in sectors with recent increased labor demands such as the tourist and fish industries.⁴² On an international scale, the EU recently launched the “Emergency Support to Integration and Accommodation” program in July 2017. This program will provide funding to the Greek government to help refugees secure urban accommodations outside of refugee camps, expanding freedom of movement with regard to work opportunities.⁴³ Additionally, local NGOs like the Greek Council for Refugees and Social Work Foundation provide vocational programs for refugees. However, this training can be of little assistance without the ability to access employment or self-employment in reality.



⁴⁰ ECRI Task Force on Integration. “Good Practice Guide on the Integration of Refugees in the European Union.” France Terre D’Asile. Available at: <http://www.refworld.org/pdfid/465301522.pdf>

⁴¹ “Asylum and the Rights of Refugees.” International Justice Resource Center.

⁴² “Labor market integration of asylum seekers and refugees.” European Commission, April 2016.

Available at: <http://ec.europa.eu/social/BlobServlet?docId=15909&langId=en>

⁴³ EU launches new humanitarian programme for the integration and accommodation of refugees in Greece.” ReliefWeb, 26 July 2017. Available at: <http://reliefweb.int/report/greece/eu-launches-new-humanitarian-programme-integration-and-accommodation-refugees-greece>

A Syrian refugee brings a pan of fried chicken to share with those in his tent. © Laura Samira Naude / ECHO Refugee Library

JORDAN



Jordan has absorbed refugees from surrounding countries for decades due to its critical geopolitical location. The country is host to approximately 685,000 refugees and 36,000 asylum seekers, the vast majority of whom originate from Syria.

RESPECT FOR REFUGEE WORK RIGHTS

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

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

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

Despite hosting one of highest numbers of refugees in the world, Jordan has not signed the 1951 Convention and lacks comprehensive national refugee legislation. The country's Memorandum of Understanding with UNHCR in 1998 serves as the primary legal framework for how refugees are processed. Refugees can be granted legal status and allowed a stay for up to six months during which time UNHCR must resettle them to a third country. However, the Jordanian government generally does not refoule refugees who stay in Jordan beyond six months.⁴⁴

The 1954 Jordanian Constitution states the full right to work is reserved only for Jordanian citizens and imposes tight restrictions on access to work and work opportunities for all foreigners, including refugees.⁴⁵ Additionally, Jordanian labor law does not contain any explicit references to guaranteed protections for refugees, referring to Syrian refugees as "visitors" or "guests," titles that have no meaning under domestic law. The Jordan Compact, signed in 2016, is a recent indicator of Jordan's commitment to expanding employment opportunities for refugees. The compact promises the issuance of work permits to 200,000 Syrian refugees and opens the labor market to foreign workers.⁴⁶ Jordan, however, still lacks formal legislation protecting refugees' right to work.

Refugees receive the majority of their humanitarian aid from UNHCR and NGOs. The government also subsidizes basic goods like bread, water, and electricity to all people inside Jordan, including refugees,⁴⁷ but even with this support, two-thirds of Syrian refugees live below the national poverty line.⁴⁸

PROTECTION OF REFUGEE WORK RIGHTS

According to the Jordanian Constitution, the right to work is reserved only for Jordanian citizens. Non-Jordanians who wish to work in Jordan must obtain a residency permit, which is usually valid for one year and granted to a small number of refugees. The residency permits also require employers to pay a fee and prove that the skill they are looking for is unavailable among Jordanians.⁴⁹ Refugees are barred from working in many high and mid-level fields including medicine, accounting, education and engineering among many others. Consequently, refugees often end up in competition with Jordanian workers for lower-skilled jobs and often have their work permit applications denied.⁵⁰

⁴⁴ "Legal Status of Refugees: Egypt, Jordan, Lebanon, Iraq: V. Jordan." The Law Library of Congress. Available at: <https://www.loc.gov/law/help/refugees/legal-status-refugees.php#jordan>

⁴⁵ ILO Regional Office for Arab States. "Access to Work for Syrian refugees in Jordan." ILO, 2015.

⁴⁶ Williams, S. "Jordan looks to turn refugee crisis into economic boon." Irin, 21 March 2017.

⁴⁷ Ibid. pg. 5-12

⁴⁸ Refugee Council USA Mission to Jordan and Egypt Delegation Members. "At the Breaking Point: Refugees in Jordan and Egypt." Refugee Council USA, 2016. Pg. 15

⁴⁹ ILO Regional Office for Arab States. "Access to Work for Syrian refugees in Jordan." ILO, 2015.

⁵⁰ "Policy Brief: Impact of Syrian Refugees on Host Communities," IRC, 1 January 2016.

At the start of the crisis in Syria, refugees arriving from Syria were given priority over Iraqi or Palestinian refugees to apply for work permits.⁵¹ However, despite this legal priority, many Syrian refugees work illegally.⁵² Furthermore, job opportunities in special economic zones (SEZs) are often geographically isolated and limit refugee work to particular sectors.

In the face of these harsh restrictions, it is common for children to find work in the informal market for lower wages and longer hours to provide for their families. Threats of deportation are commonly used by employers as a way to exploit refugee labor, and refugees are unprotected by national labor law.⁵³ Additionally, an increasing number of refugees are returning to camps due to stricter enforcement of employment laws and more arrests, detentions and deportations linked to working without permits.⁵⁴

PROMOTION OF REFUGEE WORK RIGHTS

The Jordanian government does not provide organized vocational training or job placement services to refugees. Non-governmental organizations such as UNHCR, Norwegian Refugee Council (NRC) and ILO often work in conjunction with civil society to provide vocational training and education services. Since all asylum seekers must pass through the UNHCR to register, the UNHCR provides information about their refugee rights. UNHCR is working to expand refugee income-generating projects, but there continues to be strong pushback from the Jordanian government about such initiatives due to concerns about refugees competing with Jordanians for jobs.⁵⁵

*Syrian refugee father and son pose for a photo at a refugee camp.
© Laura Samira Naude*



⁵¹ ILO Regional Office for Arab States. "Access to Work for Syrian refugees in Jordan." ILO, 2015.

⁵² Legal Status of Refugees: Egypt, Jordan, Lebanon, Iraq: V. Jordan." The Law Library of Congress.

⁵³ 3RP Regional Refugee and Resilience Plan 2015 Annual Report. Available at: <http://www.3rpsyriacrisis.org/wp-content/uploads/2016/05/3RP-2015-Annual-Report.pdf>

⁵⁴ Briggs, M. A. ILO External Consultant on Refugee Work Rights in Jordan. (phone interview, July 21, 2016).

⁵⁵ Ibid.

LEBANON



According to UNHCR, 1,012,969 refugees and 13,745 asylum seekers currently reside in Lebanon. The government's Lebanon Crisis Response Plan estimates higher, with 1.5 million Syrian refugees residing within its borders.⁵⁶ With a total population of just over six million people, Lebanon has the highest number of refugees per capita globally – over one in six people in Lebanon is a refugee.

RESPECT FOR REFUGEE WORK RIGHTS

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

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

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

There is no national framework for refugee rights in Lebanon and the country's actions toward incoming refugees are primarily governed by ad hoc policies. Lebanon has ratified the ICESCR as well as the 1993 Agreement for Economic and Social Cooperation with Syria.⁵⁷ Although Lebanon is not party to the 1951 Refugee Convention, principles of human rights law are embedded in the Lebanese constitution.

The 2003 Memorandum of Understanding with UNHCR identifies Lebanon as a country of transit. This means that refugees recognized by UNHCR must be resettled in a third country within a six-month period (which can be extended once).⁵⁸ The Lebanese government, however, considers the current Syrian crisis outside the scope of the MOU and gives minimal legal authority to the UNHCR recognition of refugee status.⁵⁹ The government labels Syrian refugees as "displaced," rather than as "refugees."

Once lauded for its open-door policy, the Lebanese government began placing restrictions on Syrians both entering and residing in Lebanon in January 2015. Since 2015, many of these restrictions, including a \$200 residency fee⁶⁰ and a mandatory pledge to refrain from working, have been lifted for Syrians with UNHCR cards; however, Human Rights Watch has found that these changes are often enforced inconsistently.⁶¹ Some refugees receive food and cash assistance from UNHCR, World Food Programme, and local churches and mosques.⁶²

PROTECTION OF REFUGEE WORK RIGHTS

Refugees in Lebanon must obtain or renew a residence permit and work permit in order to stay in the country and work legally. This permit can be obtained in one of two ways: refugees must either receive sponsorship from a Lebanese national or they need to have a UNHCR registration certificate with at least 6 months validity remaining and a housing attestation issued by UNHCR. When applying for permits, refugees often face exorbitant fees and resistance on the part of Lebanese government due to fears of competition with nationals. As a result, 92% of economically active refugees are forced to find work in the informal sector where they do not receive

56 Lebanon Crisis Response Plan 2017 - 2020, Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/2017_2020_LCRP_ENG-1.pdf

57 Agreement for Economic and Social Cooperation, between the Lebanese Republic and Syrian Arab Republic. Available at: http://www.syrleb.org/docs/agreements/03SOCIAL_ECONOMICeng.pdf

58 Janmyr, M. "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon." Oxford Academic, December 2016.

59 LSE Middle East Centre Collected Papers. "The long-term challenges of forced migration: Perspectives from Lebanon, Jordan, and Iraq." London School of Economics and Political Science, September 2016. Pg. 38

60 "Lebanon: New Refugee Policy a Step Forward." Human Rights Watch, 14 February 2017. Available at: <https://www.hrw.org/news/2017/02/14/lebanon-new-refugee-policy-step-forward>

61 Ibid.

62 "Breaking Point Lebanon." IRC, retrieved 15 August 2016. Available at: <https://www.rescue.org/country/lebanon#how-does-the-irc-help-in-lebanon>

social protections and usually earn less than minimum wage.⁶³

Due to their limited legal status, refugees in Lebanon are often exploited. Refugees report workplace violations, including physical and sexual harassment, poor working conditions, child labor, and pay discrimination. International organizations like UNHCR and the International Rescue Committee (IRC) work to provide refugees with legal aid and access to justice for these abuses.⁶⁴

PROMOTION OF REFUGEE WORK RIGHTS

The Lebanese government does not assist refugees in job placement, nor does it provide vocational training services such as language and skills training. Several NGOs provide internship programs to facilitate refugees' entry into the workforce, including job placement, but most only assist Syrians, while refugees from Iraq and other countries have difficulty finding assistance. UNHCR and NGOs give trainings to government officials, police, and prison guards on the definitions of a refugee and the rights of refugees.⁶⁵



Syrian refugee children living in an unfinished building in northern Lebanon. © Russell Watkins / DFID

63 Legal Status of Refugees: Egypt, Jordan, Lebanon, Iraq: IV. Lebanon." The Law Library of Congress. Available at: <https://www.loc.gov/law/help/refugees/legal-status-refugees.php#lebanon>

64 "New Entry and Renewal Procedure for Syrians in Lebanon." UNHCR. Available at: www.refugees-lebanon.org/en/news/35/qa-on-new-entry--renewal-procedures-for-syrians-in-lebanon

65 "Breaking Point Lebanon." IRC, retrieved 15 August 2016.

TURKEY



Turkey is currently host to over 3 million refugees and asylum seekers, more than any other country in the world. Most are Syrians displaced by the conflict in their country since 2011, and mostly living in southern Turkey along the border, and in the major cities.

RESPECT FOR REFUGEE WORK RIGHTS

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

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

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

Turkey is party to all major refugee conventions and has national legislation pertaining to refugees and work rights. Turkey is a party to the 1951 Refugee Convention and the 1967 Protocol, however, both documents have a “geographical limitation,” which means that the Turkish government only grants refugee status to those originating from European countries.⁶⁶

In April 2013, the Turkish Parliament passed the Law on Foreigners and International Protection (LFIP), a comprehensive national framework that reformed Turkey’s migration policies. The LFIP established a legal framework for dealing with refugees and recognized Turkey’s international obligation to non-European refugees.⁶⁷ The protection regime for refugees in Turkey is divided in two categories: Syrian nationals, who are given temporary protection status, (TPR), and everyone else, who has a right to international protection based on the LFIP passed in 2013.⁶⁸ Non-Syrian refugees receive conditional status, a temporary protection under which refugees may apply for work permits, but issuance is not guaranteed by the government.⁶⁹

In January 2016, the Turkish government implemented legislation allowing Syrian refugees to access work permits. In reality, however, these permits are difficult to obtain, and few refugees know how to apply for them. As of 2016, the Turkish government has received \$161 million from a pledged \$3 billion from the EU’s European Commission “Facility for Refugees in Turkey.” This money funds humanitarian aid programs for refugees across Turkey.⁷⁰

PROTECTION OF REFUGEE WORK RIGHTS

After six months, Syrian refugees that have been granted “temporary protection” can access the work permit application process. Except in cases of self-employment, employers must apply for the work permit on behalf of the refugee. Once a work permit is granted, refugees must begin work within 30 days of receiving the permit. Employers are required to pay at least minimum wage and provide social security benefits to Syrians with valid work permits.⁷¹ Turkish law allows refugees’ freedom of movement in relation to work opportunities.

66 “Turkey.” UNHCR Global Appeal 2008-2009. Available at: <http://www.unhcr.org/474ac8e60.pdf>

67 “Access to Labor Market for Persons Seeking Asylum in Turkey.” Refugee Rights Turkey, February 2016.

68 Collett, E. “The Paradox of the EU-Turkey Refugee Deal.” Migration Policy Institute, March 2016. Available at: <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>

69 Leghtas, I., Sullivan, D. “Turkey Field Report.” Refugees International, February 2016. Pg. 6 Available at: <http://www.asylumineurope.org/sites/default/files/resources/2016.2.8turkey.pdf>

70 “Turkey: Refugee Crisis.” European Commission, July 2017. Available at: http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf

71 “Access to Labor Market for Persons Seeking Asylum in Turkey.” Refugee Rights Turkey, February 2016.

In reality, however, few work permit applications have been approved, and Syrians continue to be subject to exploitation in the workforce. Among Syrian refugees, 85% live outside of camps and seek work in the informal sector where many employers pay half of normal wages.⁷² Foreigners are prohibited from undertaking certain jobs or occupations, including work in the medical field and law, even with a work permit. Syrians also lack access to high-level positions, mostly due to language barriers and lack of recognized credentials.⁷³ Refugees also face employment instability, physical abuse and poor working conditions. Since most refugees work in the informal sector, workplace violations often go unreported.⁷⁴ Many local and international organizations including Refugee Rights Turkey and IRAP work to serve this need by providing legal aid to refugee communities.⁷⁵

PROMOTION OF REFUGEE WORK RIGHTS

Refugees in Turkey receive job training and support from both the Turkish government and local and international NGOs. The Turkish Employment Organization (İŞKUR) is a government agency that provides vocational training and job placement assistance for Syrian refugees with valid work permits.⁷⁶ Syrian refugees may also attend Turkish language courses and vocational training through Turkey's Public Education Centres (Halk Eğitim). Relevant ministries in coordination with UNHCR also organize trainings for government officials on Turkish refugee law⁷⁷ while DRC and Rizk assist in job placement.⁷⁸

These programs, however, reach only a fraction of the refugee population as most are only offered in Turkish. Syrians can access Turkish language courses, but few are available compared to the need. In general, the supply of refugee employment services is not adequate for the growing refugee population.



A Syrian refugee sells coffee to refugees, foreign and local volunteers at a refugee camp. © Laura Samira Naude

72 Kingsley, P. "Fewer than 0.1% of Syrians in Turkey in line for work permits." Guardian News and Media Limited, 11 April 2016.

73 Access to Labor Market for Persons Seeking Asylum in Turkey." Refugee Rights Turkey, February 2016.

74 Ibid.

75 "Turkey Pro Bono Directory." The International Refugee Rights Initiative.

76 "The ILO Response to the Syrian Refugee Crisis: March 2017 Update." ILO, March 2017.

77 "Syrian Refugees in Turkey: Frequently Asked Questions." UNHCR. Available at: http://www.unhcr.org/turkey/uploads/root/frequently_asked_questions.pdf

78 Issele, Leonore. DRC. (Email interview, August 8, 2016).

RECOMMENDATIONS

Evidence from this report indicates that refugee work rights should be a priority for host governments and the refugee-response community in the Middle East. The following actions are various ways that state and non-state-actors can address the gaps in current domestic frameworks and eliminate barriers to refugee work rights in practice. Refugee participation should be encouraged in work rights advocacy at all levels.

HOST GOVERNMENT RECOMMENDATIONS

Strengthen policies to integrate refugees into the workforce and legalize informal sector work. Host governments should adopt, strengthen and enforce laws, policies and practices - including, for example, domestic labor law, issuance of permits and implementing guidelines for bilateral agreements - that respect refugee rights and allow for economic and social participation.

Seek support and collaboration from the international community. Host governments should work with the global refugee-response community to create pathways for formal refugee entry into the workforce without restrictions based on nationality or location. Support from donor governments and banks is critical for the continuation and implementation of work rights programs in host countries.

Sponsor employment services. Evidence shows that refugees often lack the necessary services to find jobs and fully integrate into the labor market. Host governments should sponsor vocational skills, and language training programs in conjunction with local and international NGOs to promote refugee work rights and match refugees with employment opportunities.

Engage the private sector. Evidence indicates that corporate social responsibility can be a motivating factor for businesses to employ refugees legally in the private sector. When governments protect and promote refugee work rights, private corporations often follow suit. Evidence of this has occurred in Jordan where a range of manufacturing CEOs began to explore the possibility of refugee labor market integration upon encouragement from Queen Rania in January 2016.⁷⁹

INTERNATIONAL RESPONSE AND DONOR COMMUNITY RECOMMENDATIONS

Form strategic partnerships with host governments. Rather than acting independently, the international donor community should coordinate with host governments to develop multifaceted livelihood implementation plans. The Jordan Compact is a recent example of international actors collaborating to create frameworks supporting work rights.

Provide financial support to refugee initiatives. Strategic partnerships lead to innovative response plans. However, many of these plans are underfunded and thus cannot be implemented fully. A recent example of this is the UNHCR South Sudan Refugee Response Plan in Uganda. In 2015, the UN only received 26% of the desired funding for this program.⁸⁰ Without adequate funding and technical assistance from the international donor community, host governments cannot implement crucial work rights initiatives.

⁷⁹ Betts A., Collier P. "Refugee- Transforming a Broken Refugee System." (2017), pg. 37

⁸⁰ Humanitarian Funding Analysis: Uganda--Influx of Refugees from South Sudan." Start Network, Global Humanitarian Assistance, 8 February 2017.

Encourage corporate investment. The donor community should encourage private corporations to play a role in international partnerships. The private sector can provide valuable insight and financial support to existing and future global refugee employment initiatives.

NGOS AND CIVIL SOCIETY RECOMMENDATIONS

Engage in policy advocacy. Refugee-rights advocates should work toward improving domestic legal frameworks through direct government engagement. Advocacy work could include lobbying for formal recognition of refugees, elimination of excess fees and extension of national labor protections.

Provide legal aid and assistance. Access to justice for employment rights violations is a key condition of refugee work rights. Protection officers and legal advocates should provide refugees with non-formal dispute resolution mechanisms and support in navigating the legal processes for obtaining work authorization. Advocates should also provide individualized legal representation as well as coordinate strategic litigation with academics and pro bono law firms to bring impact cases that will set legal precedent in support of work rights.

Start a dialogue between the private sector and civil society. NGOs should facilitate communication between the private sector and refugees. These efforts should prioritize providing refugees with safe pathways to legal work opportunities in the private sector. Global NGOs like Talent Beyond Boundaries match refugees with corporate labor demands overseas. More local NGOs can connect large-scale suppliers to local refugee businesses, which facilitates the incorporation of refugee entrepreneurs into the larger national economy.



Refugee children pose for a picture at a refugee camp in Greece. © Laura Samira Naude

