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Working group on legal and safe complementary pathways

Good practices paper

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Foreword: Why a working group on legal and safe complementary pathways?

Forum réfugiés-Cosi (FRC) is a French non-governmental organization (NGO) which is providing accommodation and legal support for asylum seekers, and managing integration programs for beneficiaries of international protection. Thanks to its advocacy, FRC also defends the fundamental rights of asylum seekers, beneficiaries of international protection and administrative detainees. At the European level, FRC is a member of the European Council on Refugees and Exiles (ECRE) and of the European Network on Statelessness (ENS). It also participates in the consultative fora of the European Fundamental Rights Agency (FRA) and the European Asylum Support Office (EASO). It is taking part in several transnational projects co-funded by the European Union.

This working group on complementary pathways is part of a pilot project implemented in Niger and carried out in partnership with the United Nations High Commissioner for Refugees (UNHCR). The aim is to facilitate safe and legal access to a new country of asylum for refugees living in Niger. FRC's office based in Niamey counsels and supports potential beneficiaries. FRC has also developed advocacy activities in Niger and in Europe with diplomatic representations and political makers to support the development complementary pathways, based on concrete cases.

Context

As presented in the UN Refugee Agency's annual Global Trends study in the World Refugee Day, 68.5 million had been driven from their homes across the world at the end of 2017, of which 25.4 million are refugees and 3.1 asylum seekers. Despite the reduction of irregular arrivals in the European Union since the peak of arrivals in 2015, international protection needs and vulnerability of displaced populations are not decreasing. On the contrary, in its Projected Global Resettlement

Needs 2019, the UNHCR estimated that 1.4 million refugees will need access to a durable solution, twice as many as in 2014¹. In 2017, only 75,188 resettlement places were attributed to refugees, while 65 109 of them were actually resettled². Moreover, if the European Commission has developed two resettlements programs since 2015, the United-States, a traditional resettlement state, has drastically reduced its pledges.

The lack of safe and legal pathways for population in need of international protection lead them to engage desperate and often deadly journeys³. The number of people dying in the Mediterranean Sea attempting to reach the European coasts has increased at an alarming rate over the last few years. So far in 2018, more than 2000 people have lost their lives in the Mediterranean Sea, excluding those who have died along routes to and through North Africa, such as in the Sahara Desert or Libya⁴.

The central Mediterranean situation, which concerns 15 asylum and transit States along the migratory route, is particularly worrying. UNHCR has estimated that there are 277 000 refugees in need of resettlement in these countries. In September 2017, UNHCR launched an emergency call for 40 000 resettlement places.

In response to these needs, the principal political response has been to restrict rights to access and to asylum. Member States recognized the serious current needs and their shared responsibility to support the reception and accommodation of persons in need of protection. Furthermore, the Global Compact

¹ UNHCR, *Projected Global Resettlement Needs for 2019*, 25-26 June 2018.

² UNHCR, *Resettlement at a glance. 2017 in review*, 15 March 2018.

³ UNHCR *Desperate journeys. Refugees and migrants arriving in Europe and at Europe's borders*, September 2018.

⁴ IOM, *Missing Migrants. Tracking Deaths along Migratory Routes. Mediterranean Region*. Viewed on 24 October 2018. Available at: <https://missingmigrants.iom.int/region/mediterranean>

on Refugees which will be adopted by the end of 2018 also calls for the development and the reinforcement of resettlement and complementary pathways programs.

Within this context, it is essential to gather all the actors involved in the development of legal and safe pathways in order to encourage political makers and to carry out substantial activity to enlarge protection space. Resettlement is a durable and protective solution for vulnerable refugees who are unlikely to be integrated in the first country that they reach in their search for asylum. But, it should not be the only considered pathway. Opening of complementary, safe and legal pathways more generally would allow for a response to growing needs, thanks to:

- full implementation and enlargement of the right to family reunification, which guarantees the right of families to stay together ;
- issuing student visa and scholarships ;
- issuing humanitarian visas ;
- development and framework for private sponsorship programs ;
- labour pathways.

Objectives of the working group

As part of this project, FRC has proposed to host an international working group on the development of complementary legal pathways. It is composed of organizations involved in the opening of complementary legal pathways (NGOs, network of associations, universities, and think tank⁵...).

Its objectives are:

- to create a platform for information and reflection on the development of complementary legal pathways (problems, obstacles, good practice, strategies);

- to valorize initiatives and projects developed on complementary legal pathways, and to reinforce cooperation between stakeholders;
- to advocate political mobilization in order to reinforce involvement and development on complementary legal pathways.

The working group has met four times in 2018:

- 26th of April: 1st working group meeting (members only) in Brussels
- 2nd of July : 2nd public meeting, round table in Brussels
- 2nd of October: 3rd working group meeting (members only) in Brussels
- 29th of November: Final International Conference, open to political authorities

⁵ Organizations which have participated to meetings are: Bard College Berlin, British Red Cross, Campus France, Caritas Europa, Caritas Italy, CCME, Communauté Sant'Egidio Belgium, DAAD, Durable Solutions Platform, Dutch Refugee Council, ECRE, EU Red Cross, European Universities Association, FCEI, Fedasil, ICMC, IRAP, Migration Policy Institute, Refuge Point, Refugee Hub, Réseau MenS, Talent Beyond Boundaries

Executive summary

The growing needs of displaced populations and the alarming number of people dying in the Mediterranean Sea while attempting to reach the European coasts have stressed the need to develop alternative mechanisms to reinforce the international protection systems.

In that perspective, the implementation of complementary pathways, including family reunification programs, student scholarships, private and community-based sponsorships, labor mobility schemes, humanitarian corridors and humanitarian visas, is crucial in order to respond to international protection needs. This good practices paper aims at providing expertise for an efficient implementation of complementary pathways as well as promoting sustainable solutions to overcome the challenges posed by the development of such legal and safe avenues.

Indeed, many issues have been raised regarding the implementation of complementary pathways during the several interviews led with our partner organizations. There are common challenges to all types of complementary pathways, as well as specific issues depending on the nature of the pathway.

This paper deals with specific stakes faced during the implementation of complementary

pathways, such as the identification of potential beneficiaries, the evaluation of their feasibility, the funding challenges, and provides recommendations on how to develop such solutions in challenging environments, relying on concrete experiences in Niger, Kenya, Ethiopia, and in the Middle East region.

Thus, it provides guidance on the importance of strengthening relations with embassies, fostering a better access to information on potential beneficiaries or enhancing a better coordination between complementary pathways. Moreover, this document identifies key solutions to facilitate access to funding and to address migration differently. Last but not least, this paper addresses the specific challenges posed by some complementary pathways, such as the relevance of outreach efforts for humanitarian corridors, legal requirements for family reunion or language issues for mobility schemes.

Finally, this document is concluded by a call to action to expand legal and safe complementary pathways in response to international protection needs, using a combination of refugee-related schemes and more refugee-friendly regular mobility schemes.

Introduction

The idea to write a good practices paper came out during the first meeting in April, based on the observation that there are plenty of initiatives and projects working on complementary pathways, and that it is harsh to comprehend all these models. Also, it has been emphasized that some practices are relevant and working for only one type of complementary pathway, as well as they can be compatible at a national scale, but not at European level.

Then, the aim of this brief document is to better identify some key steps based on concrete experiences, determine what is working, in which context, how we can find concrete solutions, and try to work together to expand complementary pathways.

FRC has led interviews since the end of August to collect the inputs from organizations implementing projects dealing with complementary pathways in order to present this paper at the Final Conference of the working group, on the 29th of November in Brussels.

FRC decided to focus on several steps and stakes, as they have been identified as challenging in the project in Niger but also following the inputs provided by our partner organizations. The paper deals with:

- The identification of potential beneficiaries
- The evaluation of feasibility to implement a complementary pathways
- The funding challenges
- The implementation of complementary pathways in challenging cases

FRC has led 9 interviews⁶, dealing with humanitarian corridors, family reunion, student mobility, labor mobility and French humanitarian visa. Information in this good practices document are also providing from exchanges and discussions during the meetings of the working group.

⁶ Bard College Berlin, British Red Cross, Caritas Italy, CCME, FCEI, IRAP, Programme PAUSE, Refuge Point, Talent Beyond Boundaries.

Identification of beneficiaries and evaluation of feasibility

Identification of potential beneficiaries to a complementary pathway

The first step of identification can be tackled with different strategies according to the organizations and the complementary pathways. However, common challenges can be identified. First, the access to documentation remains a challenging point for organizations, for example collecting information and document on civil state. For mobility schemes, specific information are not available in classic data base, from UNHCR for instance, including level of studies, diploma, working field. Specific procedures must be developed to collect these data which are key for complementary pathways.

Secondly, the identification and the management of vulnerabilities is also an important feature to include in the identification process. It will ensure a good matching with the reception capacities and determining whether the beneficiary will fit in the program. Understanding the migratory journey has also been pointed out. Indeed, it is preeminent to know what procedure has been done by the beneficiary before and could interfere with the program. A key link with resettlement program has been clearly identified, and demonstrates the indispensable need to coordinate complementary pathways between each other.

Moreover, the funding is also a key challenge for several organizations which can lead some organizations to use resources from other projects, and have seen that developing complementary pathways request an important workload as well as substantial amounts of money. *(see part III. for more details on funding challenges)*

Finally, specific challenges to mobility schemes as student and labor mobility can also be identified, as the language issue and the women's access to complementary pathways.

The cooperation between NGOs, international organizations (IO) and local partners has been identified as a key tool in projects in order to facilitate the referral of potential beneficiaries to complementary pathways. Such partnerships are preeminent to face the several challenges raised by the identification process. It would also be pertinent to foster a better coordination between organizations implementing complementary pathways to consider the most appropriate solution for beneficiaries and avoid crossing process (humanitarian corridor/family reunification, humanitarian corridor/humanitarian visa...), which could endanger the implementation of such complementary pathway.

Moreover, the outreach missions and communication sessions towards beneficiaries are not always relevant and should be only applied when useful. Indeed, it is mainly effective for mobility schemes, such as labor and student mobility programs. As an example, student programs rely widely on social media to identify potential beneficiaries. The word to mouth is also a good way to attract potential beneficiaries for this kind of program, as well as online applications. This project is using this channel because they need to communicate widely on the program, to attract beneficiaries, and also to collect information not available. Wide outreach efforts are also relevant for family reunification in the first country of asylum, though it is less relevant in the country of the sponsor because the sponsor is already aware of this procedure in case of legal support.

On the other hand, outreach missions is not considered as appropriate for humanitarian corridors, as the number of places is limited, the program is already known by refugees and the risk of pull factors is more important.

Finally, contact with refugee communities is also mainly used by organizations whatever the type of complementary pathways, in the

first country of asylum or on the country of destination (Europe, US, Canada...).

Evaluation of identified cases

Once potential beneficiaries have been identified, several other features and challenges have been observed during the evaluation of feasibility to implement complementary pathways. First, the need to organize multiple interviews and meetings with the beneficiary to evaluate the case, whether it is through a face-to-face meeting or a Skype interview. It requests specific procedures but also guarantees the quality of the process.

Secondly, the evaluation phase is mainly an internal work. Indeed, it is possible to work collectively with other colleagues/intern organizations, but there is less cooperation between NGOs during this step. Furthermore, there can be some training or capacity building but the evaluation procedure remains an internal process to decide on the case.

A key aspect of this phase is the matching between the needs and the vulnerabilities of the profile or the “potential” of the beneficiary, in case of mobility scheme, and the reception capacities of the program in the welcoming country.

Regarding the criteria lists, there are different practices. Mostly, criteria are relatively flexible, except for family reunification which is legally bound by restrictive criteria. The projects can also focus on refugees (who already have the statute), people who fulfill the Geneva Convention criteria, or who are “at risk” or “in exile” and do not refer to international protection. The criteria of integration is mainly took into account for humanitarian corridors, but also for student programs. For humanitarian visa, it remains unclear to which extent this criteria of integration is important.

Once again, access to documentation is an important challenge for all complementary pathways (civil registration, academic background...), particularly access to evidences and precise information on their situation.

The role of embassies is also of utmost importance. To this regard, legal requirements are also included in the process of evaluation, mainly as potential obstacles to address rather than a restrictive criteria. Though they are not involved in the evaluation itself – they only carry out the security checks – they are important actors regarding visa policies. Regarding humanitarian visa, fluctuant criteria can be observed and consequently limit the access to this potential legal pathway. Moreover, the evolution of the political context is a main stake and has to always be taken into consideration. Hence, their support in the global process is indispensable and will determine the feasibility of the pathway.

As many beneficiaries have important vulnerabilities that need to be dealt with, managing their expectations appears to be another key issue, especially regarding the duration of the process, reception conditions...

Finally, there are significant challenges to determine the most adapted pathway for a beneficiary. For humanitarian corridors, some organizations explained their difficulties to find suitable reception places for identified beneficiaries. An extensive process is needed for family reunification, what may be a key issue for beneficiaries, all the more that it generates high costs. Regarding the mobility schemes, it is preeminent to evaluate the potential of the beneficiary beyond the writing application and the challenge of language, in order to consider the feasibility of a long-term integration.

All those challenges highlight the necessity of a relevant pro-active approach in the implementation of these legal pathways, what require an important and daily advocacy work.

Lessons learned

Relations with embassies

Interviews and discussions among the working group demonstrate the crucial role of relation with embassies to implement complementary pathways, but also requesting important working time to develop. A better coordination between NGOs and embassies should be in

this way developed. As getting in contact with embassies can be challenging, central authorities should also be targeted to enhance a comprehensive work with States.

Experience of humanitarian corridors demonstrates that a framed agreement including signed protocols between NGOs and authorities facilitates comprehensive relations with embassies. Also, the impact of good relations with embassies staff is also important. Finally, the humanitarian experiences demonstrate that, at the beginning of projects, implementation of news procedures were challenging for embassies and they were able to reinforce their capacities during the implementation of the project.

Another challenge in the relations with political authorities is the risk of manipulation of the development of safe and legal pathways. It is a common and clear shared position among partners that complementary pathways are complementary and additional to the asylum right at the border, and to resettlement programs. Political authorities should guarantee the access to the asylum procedure at the border for irregular migrants, as well as develop safe and legal pathways.

Coordination between complementary pathways

Legal aid and support for beneficiaries remain an important tool to expand complementary pathways. Participants suggested to build a stronger network among NGOs and IO, which could include *pro bono* lawyers for example.

Based on the experience of the humanitarian corridor, other programs are currently under reflections in European countries as for family reunification, studying the key obstacles both on the field and due to central authorities. New approaches as “university corridors” could also be developed and supported by universities and institutions. Positive contacts developed in the frame of humanitarian corridors could allow the opening of other types of complementary pathways. In this regard, the risk of manipulation remains important and should be looked at closely.

Regarding labor mobility, its components and challenges are not well understood by international organizations and by other NGOs. A better definition and communication of this pathway and its potential role for refugees is needed.

As presented in the Global Compact for Refugees, UNHCR has strongly supported the development of complementary pathways. A common approach of complementary pathways should be developed among all its offices in close collaboration with civil society organizations. A strong cooperation with NGOs, including local partners, and IO would enable the organization to adapt its process to integrate complementary pathways as a fourth durable solution alongside resettlement. Information session, training, referrals and cooperation agreements on collecting and sharing data, relevant to complementary pathways would enable a comprehensive and concrete support to projects developing complementary pathways.

Access to information on beneficiaries

As mentioned above, access to information on beneficiaries remains a key challenge in identification and evaluation phases. Some organizations have developed their own data base through outreach missions and information sessions. In order to develop a more comprehensive approach, relations with UNHCR on collecting and sharing data should be developed in respect with the protection of beneficiaries’ data.

One key success identified in a project was the leadership of UNHCR linked to a strong partnership at a local level. A strong coordination and consequent capacities should be implemented (locally and in the country of destination) to work on both sides. In some UNHCR local staffs, they include a durable solutions officer who can be the focal point for NGOs working on complementary pathways and support them for a better access to information on beneficiaries.

Funding challenges regarding complementary pathways

Different sources of funding have been identified among projects, but it appears that organizations are mainly funded by the private sector. As these organizations rely predominantly on the private sector, several advantages and disadvantages can be highlighted. If the aspect of independence and flexibility are the main advantages of the private funding, the question of sustainability has been highlighted as a key challenge. Private funding can also provide additional possibilities for the project for example mentoring for student mobility scheme.

Moreover, the costs of resettlement were also pointed out as very important compared to humanitarian corridor, and could be an argument to develop more complementary pathways, and to request a better repartition of these funds for different other durable solutions. However, negotiations on the new European financial framework is mainly focusing on resettlement. A feasibility study on private sponsorship drafted by European Commission has recently been released and included inputs on funding opportunities. In this study, the European Commission notably advocated for the adoption of non-binding measures by the EU and the funding of private sponsorship activities, as they have a significant added value. Also, the work with private companies could be also developed, as airlines companies to support logistics costs which can be important and since IOM services remain expensive. Moreover, the question of economies of scale has been highlighted. Costs can be less important with extensive programs.

The key challenge in the funding is finally closely linked to the political engagement and the integration policies. Further reflections should be developed on the mobilization of communities (not only individuals), and local authorities to demonstrate the relevance and

the potential of complementary pathways. For example, universities have been mobilizing themselves extensively to adapt their process internally and on their own funds to provide services to refugees. For the case of labor mobility, some employers accept to take in charge some costs. Humanitarian corridors are mainly based on an extensive mobilization of civil society organizations and communities.

The success key identified by participants to guarantee sustainability of projects is the political engagement to valorize the community approach and to facilitate access to funding, and finally to address migration differently. The sustainability would be supported by several ways:

- territorial mobilization, local authorities as a vector/actor/funder of complementary pathways;
- community approach to better include civil society, not only individuals;
- investments from private sector on specific activities.
- researches on benefits of migration and the return investment to receive refugees are extensive, and should be more developed in the perspective to support complementary pathways.

Implement complementary pathways in challenging environments

Lessons learned from Forum réfugiés-Cosi's experience in Niger

By Alexandra Aussage – Head of Mission in Niger – Forum réfugiés-Cosi

In 2012, the outbreak of conflict in Mali launched refugees crossing the border with Niger. In 2013 was the start of the Nigerian situation of refugees fleeing Boko Haram violence in northern Nigeria. Subsequently security situations arising from the Mali and Nigerian situations created internal displacement. Agadez at the centre of the mixed migration flow has persons passing through on both inbound and outbound journeys on their migratory route to Europe and deportation from Algeria.

Moreover, at the end of 2017, UNHCR Niger and the Government of Niger signed a Memorandum of Understanding and launched the Evacuation Transit Mechanism (ETM). This programme is an exceptional and temporary protection tool for the most vulnerable refugees who are languishing in Libyan detention centres by evacuating them to a safe place thus providing life-saving assistance and access to a durable solution such as resettlement, local integration, and voluntary repatriation or an alternate complementary pathway.

Identifying potential beneficiaries and evaluation of cases

Most of the refugees from Malian and Nigerian crisis are refugees “prima facie” and their registration in ProGres is quite basic. The main challenge is to find a way to identify potential beneficiaries, through advocacy dedicated to both UNHCR staff (registration, protection and resettlement) and protection partners in order to improve knowledge and data quality of potential beneficiaries. Potential beneficiaries' awareness of complementary

pathways should also be raised through mass sensitization activities, and using community representative to forward information. Security matters are also to consider in the case of Niger, some of the camps are in areas where security is volatile.

Another challenge identified is how to insure information gathering and sharing from the field to FRC. Few options could be explored: either nominate a focal point at UNHCR field office, to share information with Forum Réfugiés-Cosi and follow up through evaluation of the cases and potential casework; another option could be that community leader or protection partners could refer the files from the field directly to FRC. Both of the options are relying on stakeholder's ability to share information and coordinate to increase chances of success.

People first sensitized benefits from personal interviews in order to assess their complementary pathways claim, as these durable solutions are available only at certain conditions. All these complementary pathways are so far very specific:

- only nuclear family is entitled to family reunification ;
- student visas are restricted to highly educated profile, meeting strict return condition and financial conditions;
- States do not communicate clearly on criteria to fulfil to benefit from a humanitarian visa ;
- Private sponsorship is a long-term procedure; few countries have fully and permanently implemented those so far. In Canada for instance, process sounds to be victim of his success. It is hard to find open slots for people in need for a sponsor, and Canada has yearly quotas per nationalities.

- Most of countries lack skilled workers, still, there are no existing visa facilities for qualified refugee workers.

Countries ruling above visa policies are restricting complementary pathways and durable solution for beneficiaries, as stated below.

For most of the targeted countries, any evolution is conditioned to follow democratic process, and need to be brought to political agenda, questioning of the timing needed for such matter.

Funding challenges

Complementary pathways are quite expensive to implement : due to countries demanding procedures, every case request important working time and staff : identifying needed documentation, gathering documentation, advocating to diplomatic representation and central administration in the hosting country, following up with person of concern, and in case of visa approval, handling operational access.

Also, most of the visas proceeding are to be paid for visa and travel documentation fees. Free procedures should be negotiated in advance with central administration.

Transportation funding is also a challenge, as hosting countries requires travelling by plane, which must be funded. There is also an advocacy possibility to negotiate preferential pricing with airlines companies.

Guarantee access to consular services

Diplomatic coverage is unequally distributed regards to countries' national interests. As for Niger, only France and USA have working consular services. Most of other diplomatic offices or embassies may have emergency documentation process or shuttle, but those are reserved for very specific matters and only country nationals are eligible for those services. In fact, travelling to a third country where the national consulate is located appears mandatory for potential beneficiaries. This enhances logistics complication, notably for unaccompanied asylum-seeking children

and vulnerable persons; and implies also extra travelling and accommodation fees.

A good practice would be for the French consulate to handle documentation issuing as requested by hosting countries located in the Schengen space. This option requires countries coordination and high level cooperation.

To go forward

Complementary pathways involve sovereign decision making and facilitation at the highest level to really become a fourth durable solution. A stronger commitment from authorities is required. In the meantime, a consistent effort has to be done in order to have a better knowledge and understanding of persons of concerns profiles and protection needs, and also to set complementary pathways guidelines in order to institutionalize information sharing with civil society, UNHCR or any other relevant stakeholder and countries of interest (both diplomatic representation and central administration).

Lessons learned from the humanitarian corridor program in Ethiopia

By Daniele Albanese – Coordinator of Humanitarian Corridor – Caritas Italiana

The pilot program of humanitarian corridors was established in December 2015 through protocols signed by ecclesial organizations and the Italian Government. The objective was the prevention of dangerous journeys across the sea to guarantee protection and shelter for vulnerable refugees. All costs of humanitarian corridors (selection, preparation, travel, reception and integration) are sustained by the proposing organizations.

On 12 January 2017 the Italian Episcopal Conference, through Caritas Italiana and Migrants Foundation, and the Community of Sant'Egidio signed a memorandum of understanding with the Italian Government for the opening of a Humanitarian Corridor that for

the first time was from Africa. Ethiopia was the country chosen because of its long history of hosting refugees and maintaining of an open-door asylum policy, giving humanitarian access and protection to those seeking refuge.

At the end of September 2017, it hosted a total of 883,546 refugees mainly from neighbouring countries, making it the second largest refugee-hosting country in Africa. More than 99 per cent of them originate from four countries: South Sudan, Somalia, Eritrea and Sudan. The majority of them are accommodated in 26 refugee camps with limited services and opportunities, and depend largely on humanitarian assistance.

Some features of the program can be taken into consideration regarding the added value that civil society and Churches are bringing to the process in a challenging environment as it is in Ethiopia.

Selection of beneficiaries

The selection of beneficiaries is carried out ensuring maximum transparency and fairness during the process and ensuring adequate preparation of the operators performing the interviews.

This phase is carried out on the field by Caritas Italiana together with the Community of Sant'Egidio, in coordination with the Italian Embassy in Ethiopia, the Ethiopian Government, ARRA (Administration for Refugees and Returnees Affairs) and UNHCR. The reception of beneficiaries in Italy is provided inside the project "Protected, Refugee at my home" which is characterized by the community experience and the presence of Italian tutor families and communities who are available to accompany refugees in the process of integration in Italy.

Local NGOs such as Ghandi Charity who is a strong partner of the program, local Churches, self-organized migrant groups, informal network of associations, play a fundamental role in reporting and identifying potential beneficiaries because they are the ones who know well the refugees' provenance backgrounds since they have projects and

experiences in the field. UNHCR is part of all the process for signalling and selecting potential beneficiaries.

Matching and personalized projects

Key players are the "sponsor" local communities in Italy who are the ones who will carry on the welcoming of beneficiaries. Therefore, during the selection Caritas try to make a correct matching between program beneficiaries and hosting communities. Although the project in which the beneficiaries are included is the same throughout Italy and will follow the same criteria there will be some territorial peculiarities that must be taken into account for a positive integration path. Between North and South Italy, between countryside, suburbs and cities, there are differences that should be known by potential beneficiaries in order to do a proper choice.

It is necessary to make a good matching and a personalized project on each person in order to combine the opportunities of the hosting community and the characteristics of the beneficiary. In fact both beneficiaries and communities will know the destination before departure.

Correct matching must also take into account specific services offered and opportunities for integration, in particular regarding the vulnerabilities of refugees. Where there are support services for victims of torture, for example, there will be greater opportunities for recovery for this category of people, rather than a hospital near the place where the reception will take place or a school with specific courses or a favourable working environment corresponding to the beneficiaries' skills.

Pre-departure training

Another fundamental aspect in the implementation of programs such as humanitarian corridors is the pre-departure training for beneficiaries that, among others, two types of basic elements:

- Management of expectations: being

able to align the expectations of potential beneficiaries with the reality of the host country because very often we can occur in incorrect information, dreams generated by ideas or imaginations that have a huge difference from the reality.

- Self-determination: pre-departure training is fundamental to let beneficiaries understand that they are themselves their main resource in order to break the cycle of addiction and live independently.

During pre-departure it is certainly a qualifying element to make known in detail the place where people will be going, the specific project, the reception rules, the geography of the territory and the people they will meet (maybe through Skype calls or by using video).

However it is not enough to think that only with a good pre-departure training of beneficiaries conduct to simplicity in their integration path. It is also needed a pre-arrival local community training where management of expectation and education to a relationship of help are fundamental tools in order to carry out a challenging experience.

Security

Sponsor organizations are also conducting medical screenings required by the Italian Ministry of Health before departure. Medical screenings are done in order to avoid transmissible diseases and to carry out eventual needed therapy before departure. In any case there is any kind of discrimination regarding the health condition of beneficiaries.

Moreover, together with the Italian Embassy, UNHCR, ARRA and Migration Office, humanitarian corridor procedure require security checks before departure controlling documents and effective registration in Ethiopia but also by fingerprinting and checking in Schengen Area and with the Italian Authorities.

Those two steps make effective the fact that Humanitarian Corridor is of course financed by private organizations and conducted with a

humanitarian spirit, but also match the need of security for communities and for migrants themselves.

Lessons learned from the Economic Mobility Pathways project in Kenya

By Martin Anderson – Director of International Programs – Refuge Point

With the Economic Mobility Pathways Project, the Government of Canada, Talent Beyond Boundaries, UNHCR, and RefugePoint aim to test refugee access to Canada's economic immigration pathways by supporting the immigration applications of at least 10-15 refugees from East Africa (as well as a small number of others in the Middle East), and by documenting any barriers they may face. The learning from the project is intended to inform the development of policy and programming towards enabling skilled refugees to access economic immigration as another solution. The pilot is intended to run for one year, through March 2019.

As of approximately halfway through the project, just under 50 potential beneficiaries have been identified for intake and final screening, all in Nairobi. This is after several previous rounds of intensive screening designed to target potentially eligible individuals from an original pool of well over 1,000 refugees who had been identified in partnership with UNHCR. The various stages of screening considered a wide range of criteria, including family composition, language skills, education levels, employment history, and more, all designed to identify those candidates most likely to meet the needs of possible employers in Canada.

In the next stage, the final 50 or so candidates will be invited for intensive intake interviews. Screening at the intake stage is being segmented by occupation, so that the most qualified candidates are prioritized for any particular employment opportunity, as in any other competitive employment program. This approach is being taken to ensure a higher likelihood of success for those candidates who are actually referred for consideration by

potential employers. Those who are not screened out at this final check will receive support completing application forms for labour visas to Canada. In the coming months, the project will also be extended beyond Nairobi, to include refugees in the camps around Kakuma and Dadaab.

Thus far, the project has proven to be extremely labour intensive at every phase. Information dissemination must be clear, consistent, and transparent, which requires nearly constant engagement with beneficiaries. The process of zeroing in on candidates most likely to be eligible requires significant cross-checking between multiple records. The final phase of intake interviews and completing actual applications requires considerable time, effort, and attention to detail with each potential beneficiary. Managing communication around the status of each application will require regular ongoing attention. The original hope was to implement the project without needing to hire additional staff, but in the end it was necessary to hire a small number of temporary support staff.

To cite just one example of how labour intensive the project has been, most potential applicants don't have readily available resumes, or at least current ones designed to appeal to the employers they might be applying to through this project. Thus, in order to make their applications as strong as possible, they have needed a lot of assistance creating, updating, or polishing their resumes. However, since screening forms were not designed to elicit this level of detail about employment history, caseworkers have had to have separate, detailed interviews with most potential beneficiaries, in order to collect the needed information and help finalize resumes and other application materials.

The project continues to be a learning experience, and some questions remain. For example, the 50 or so candidates who have made it to the intake phase are required to take an online language exam, which may be more difficult for candidates who have less experience with online testing. Similarly, candidates who make it to the stage of submitting an application for a work visa to Canada will be required to complete a formal

language test, which may be cost prohibitive, in particular since there is no guarantee of being hired for a job that would help to recoup the investment.

The project has highlighted broader questions as well, including very fundamental ones about who should be eligible for labour migration programs. Employers, naturally, want recent, relevant work experience. In the context of forced displacement, however, this tends to favor recent arrivals, who may have been working steadily not long ago, over protracted refugees, who may have been working informally for years, or may not have been able to find work at all. Also, what should be the policies for which family members may accompany a refugee issued with a labour visa, and for which other family members may be eligible for family reunification in the future? Labour immigration programs tend to have narrower definitions of family, generally limiting benefits only to nuclear family members. However, in many refugee contexts, family is conceived in a broader, more dynamic way. Lastly, what about refugees who have already been referred for resettlement? Should they be eligible to apply for labour migration as well?

Throughout the course of identifying a small number of refugees for labour migration to Canada, the Economic Mobility Pathways Project is designed to inform exactly these sorts of questions, with the goal of identifying the best practices that may allow for many more refugees to benefit from economic mobility in the future.

Complementary Pathways for Syrian Refugees in the Middle East

By Simon Verduijn – Durable Solutions Specialist and Researcher – Durable Solutions Platform

About the Durable Solutions Platform

The Durable Solutions Platform is a joint initiative of the Danish Refugee Council (DRC), International Rescue Committee (IRC) and Norwegian Refugee Council (NRC). The platform aims to generate knowledge that

informs and inspires forward-thinking policy and practice on the long-term future of displaced Syrians. Since its establishment in 2016, the DSP has developed research projects on key questions regarding durable solutions for Syrians. In addition, DSP has strengthened the capacity of civil society organizations on solutions to displacement.

Access to durable solutions for refugees in the Middle East

As the Syrian displacement crisis has become protracted, attention has increasingly turned to long-term solutions for the refugees involved. With return in safety and dignity seeming a distant possibility, and local integration being difficult and sometimes discouraged in countries of first asylum, third country solutions are a priority. However, despite earlier enthusiasm and commitment to increase and improve access, such as pledges made by States during the 2016 UN Summit for Refugees and Migrants in New York, the number of resettlement places have decreased and no considerable number of complementary pathways have been developed to date.

Less than 1% of registered refugees worldwide are resettled annually and this is not different for Syrian refugees as the percentage was 0.41% in 2017 and is 0.26% so far in 2018 (August). These numbers fall far short of the estimated resettlement needs, which is about 10% of the 5.6 million Syrian refugees currently registered and residing in the Middle East region. The Syrian conflict did trigger several European states in particular to expand refugee protection regimes by developing complementary pathways (See box 1). However, many of the complementary pathways are in their infancy and their actual complementarity to resettlement as a durable solution remains unclear. Because complementary pathways can take many forms, they do not necessarily provide a clear and predictable path to longer-term status for refugees and could therefore pose a serious problem for refugees when *non-refoulement* and refugee or subsidiary protection status is not guaranteed.

The situation in the Middle East is particularly challenging because of the sheer number of refugees who are in need of protection and do not have access to a durable solution. Governments in the Middle East have been reluctant to accept local integration as a durable solution for Syrian refugees, with its implication of 'assimilation' and 'naturalisation'.⁷ Refugees are seen as 'guests' who will return to their homeland as soon as possible. Meanwhile, with the crisis becoming protracted, the pressure on economies, societies and infrastructures is increasing, which is making it problematic to meet the need of the host population and those displaced within the borders. The capacity for the neighbouring countries to accommodate the 5.6 million refugees is limited and the present conditions in Syria are not conducive for voluntary, safe, and dignified repatriation whereby the promotion of returns is not an option. From a durable solutions lens, this prioritises resettlement, and potentially complementary pathways, as the most likely and foreseeable long-term protection solutions for refugees stuck in protracted displacement in the Middle East region.

Challenges to implement complementary pathways as durable solutions?

Complementary pathways could provide a durable solution for Syrian refugees. However, some aspects would need to be considered in the design. The principle of non-refoulement must be upheld and a clear pathway to long-term protection provided. Refugees cannot be forced to return to the country of first asylum (if even allowed by the country) or origin at any moment in time. Based on focus group discussions with 60 Syrian refugees in Jordan⁸,

⁷ Syria's neighbouring countries of Jordan, Lebanon, and Iraq are not party to the 1951 Refugee Convention, and Turkey has signed but maintains a geographic limitation which avoids its application to Syrian refugees in Turkey.

⁸ This input reflects some findings from research conducted by the Durable Solutions Platform (DSP). The aim was to better understand the conceptual, practical and numerical relationship between

there were refugees who expressed the fear that they would be forced to return when e.g. a scholarship or employment contract would come to an end. Family unity has also been expressed as a concern and there have been reports of Syrian students rejecting scholarships because they would need to leave their family behind and/or would have limited opportunities to meet with them. Fuelled by stories refugees had heard from others, some are also concerned about the impact of a foreign culture on their family or on their children (and daughters in particular). Among those most willing to move, and willing to go alone, seem to be educated working-age youths (aged 20-30) and male breadwinners with a long-term perspective and future nuclear family in mind. But then there are still challenges people face. For example, providing valid proof of vocational skills or education is a challenge for those who were not able to complete their education in Syria or have no diplomas or certificates with them. Language is another barrier as most international studies are offered in English which students may either not master or not able to proof. Universities usually demand language certification, which is costly to obtain. Costs are another key barrier in accessing complementary pathways and may include paying for transportation, application fees, documentation, translation, visas, training, et cetera. People also need to put a lot of efforts to find opportunities for accessing complementary pathways (in other words, awareness is limited) and also understanding and navigating the something lengthy and complicated application procedures. Some have also indicated having difficulties in accessing countries with no local embassy or

resettlement complementary pathways, take stock of the opportunities currently available to Syrian refugees, and highlight design and practical considerations for states and NGOs to maximise refugee access and protection. The research is based on a policy analysis, 13 key informant interviews and focus group discussions with 60 Syrian refugees in Jordan. The full report can be found here: DSP (2018). Access to Resettlement and Complementary Pathways for Syrian Refugees, <https://drc.ngo/media/4676369/dsp-resettlement2.pdf>

consulate presence in the countries of first asylum. Furthermore, refugees are not always aware of their rights which makes them vulnerable to exploitation and abuse. In sum, these are all considerations that would need to be taken into account when designing or promoting complementary pathways.

Recommendations to develop complementary pathways

The international community has the responsibility and obligation to shoulder the burden of refugee protection with countries of first asylum. This starts with the political will to implement pledges, increase quotas to meet resettlement needs and expand access to third country refugee protection through complementary pathways. In the latter regard, it is important that complementary pathways augment and broaden the scope of traditional resettlement programmes and allow refugees to achieve safety, protection, and ultimately a durable solution.

NGOs and the humanitarian community, together with major resettlement actors such as the UNHCR and IOM, can play vital roles in enabling complementary pathways through the entire cycle: designing and developing complementary pathways; overcoming barriers and being vocal and informed advocates and awareness-raisers that hold governments accountable. Provided that governments express political will, they can also be active participants in various roles from identification and referral, preparedness and access to the tools needed for integration and protection in third countries.

Above all, *non-refoulement* must be upheld when promoting or designing complementary pathways, particularly when individuals are eligible by virtue of their vulnerable situation as refugees but granted admission for other reasons (e.g. employment or studies). Complementary pathways should ensure that protection of refugees is safeguarded. Also, pathways must not have any restriction on people's rights to family unity and to seek and be granted asylum.

Whereas complementary pathways have a lot of potential, it is too soon to promote them as a durable solution if they do not provide a clear and predictable path to a secure status for refugees in a third country. At the same time, even though most complementary pathways

are in their infancy, one should not throw the baby out with the bathwater but rather continue initiating, verifying and validating examples of complementary pathways to better assess their potential and impact on refugees and all stakeholders involved.

Box 1: Examples of Complementary Pathways for Syrian Refugees

Humanitarian Admission Programmes

Ireland has run two Humanitarian Admission Programmes for extended family members of Syrians in Ireland (the first in 2014 welcomed about 70 people, the second started in late 2017). Switzerland has run two Humanitarian Admission Programmes for extended family members. The UK and France's Humanitarian Admission Programmes have been more closely intertwined with their resettlement programmes, either through conversion (the UK) or running closely parallel (France). In these cases, places have been available to the broader refugee population, with no family tie eligibility criterion.

Humanitarian visa

Brazil (8,450 visas issued) and France (4,600) have provided Syrian refugees with access to a third country and the opportunity to apply for asylum. Brazil's National Committee for Refugees developed its humanitarian visa scheme in 2013 specifically for Syrian refugees. Brazilian embassies in Syria's neighbouring countries issue humanitarian visas for refugees who may then travel to Brazil and apply for asylum, or an alternative applicable immigration status, once there. France has the most highly developed humanitarian visa system in Europe (visa asile). Refugees in countries neighbouring Syria can apply for the long-stay visas online, for the purpose of claiming for asylum once in France. After submitting the application, they are called for an interview at the appropriate French consulate in Amman, Beirut, Ankara and Cairo. If selected based on their vulnerability criteria (similar to those of UNHCR), the French consulate refers their case to the Département du Droit d'Asile et de

la Protection at the Ministry of Interior, which will take the final decision on whether or not the family is granted a long-stay visa for the purpose of claiming asylum.

Labour mobility

Temporary residence based on employment visas is not a regular route to protection, however, it can be a path to a permanent status and even naturalization. The EU Blue card scheme is an example of such a scheme. It legally entitles the holder to work and live in the EU for professional reasons for an initial period of 2 years, with the possibility to apply for permanent residence after 5 years. Successful visa applicants admitted will receive a special residence and work permit, entitling them to EU residential and economic rights and favourable conditions for the admission of family members. However, the Blue Card (which is to be replaced in the near future) is only for very specific and highly skilled categories as well as for seasonal workers. The former is unlikely to be accessible to the broad Syrian population, and seasonal work with short-term residence does little to address the long-term needs of a refugee population.

Student mobility

The Czech, French and German programmes have all specifically selected Syrian refugee students from Jordan. Sometimes, programmes have restrictions on subjects that can be studied and are specifically aimed not just at enrichment for the individuals, but at their potential participation in the rebuilding of a post-conflict Syria. Whereas other scholarships are only for the individual student's admission, the Japanese and

German programmes include the right for close family members to accompany the student. The Canadian programme, operated by the World University Service of Canada (WUS-C) is in fact a private sponsorship programme, under which HEIs become sponsors, and students generally are involved both in fundraising and in mentoring activities.

Extended family reunification

The EU Family Reunification Directive is the basis for family reunification laws and policy in 25 of the 28 current EU Member States. States are permitted to go beyond the minimums. Hence, they are permitted under the Directive to broaden out from the nuclear family for example. Refugees are permitted to request admission for reunification of the family members within three months of the granting of their protection status, and do not face the same financial limitations as immigrants. In terms of more explicit extended family reunification: IOM runs a Family Assistance Programme (FAP) for Syrians with the German government. It is estimated that there are 200,000 Syrians and Iraqis registered and awaiting family reunification in Germany. The programme has reduced the waiting time needed for family reunification from two years to a few weeks or months. Unaccompanied minors and individuals with health issues are prioritised. Extended family reunification has been facilitated for Syrians, sometimes through private sponsorship and sometimes under Humanitarian Admission Programmes (e.g. those in Germany, Austria and Ireland). However, in some cases this requires that the relatives in the destination country demonstrate quite significant financial

resources to insure the ability to accommodate and support arriving family members, which can act as a barrier.

Private sponsorship programme

Canada has a longstanding, and for a long time the only, private sponsorship programme. This is in fact a strand of the Canadian resettlement programmes and not a complementary pathway. In the Canadian programme, groups of citizens or sponsorship agreement holders commit to sponsor refugee travel to Canada and the first year of integration. Sponsored individuals or families need to meet the refugee definition, and documentation demonstrating refugee status must be submitted with sponsor-identified applications. Of the 38,713 Syrians resettled to Canada from December 2015 to early 2017, 13,702 were privately sponsored, and 3,877 were on the Blended Visa Office-Referral Programme (BVOR), which matches UNHCR referred refugees with Canadian sponsors. By the end of 2016, reality was setting in, as hundreds of Syrians who had not yet found employment moved from sponsorship support to government welfare programmes while schools had been overwhelmed by the sheer number of arriving Syrian children. Target arrivals for 2017 had been reduced to 7,500 (for all nationalities), while 'Group of 5' sponsorships of Syrians and Iraqis were limited to 1,000, largely due to backlogs in the referral system (roughly 41,000 refugees are waiting to be processed). In 2018, Canada aims to welcome 18,000 privately sponsored refugees from around the world, including 1,500 via BVOR.

Conclusion: Call to action to expand legal and safe complementary pathways to respond to international protection needs

1. We, civil society actors and networks promoting and defending human rights and the dignity of asylum seekers and refugees, call for expansion of legal and safe complementary pathways in response to international protection needs.
2. As presented in the UN Refugee Agency's annual Global Trends study in the World Refugee Day, 68.5 million people had been driven from their homes across the world at the end of 2017, of which 25.4 million are refugees and 3.1 million are asylum seekers. Despite the reduction of irregular arrivals in the European Union since the peak of arrivals in 2015⁹, international protection needs and the vulnerability of displaced populations are not decreasing. On the contrary, in its Projected Global Resettlement Needs 2019, UNHCR estimated that 1.4 million refugees will need access to resettlement, twice as many as in 2014¹⁰. In 2017, only 75,188 refugees were referred for resettlement, and 65,109 were actually resettled¹¹. Moreover, whilst the European Commission has developed two resettlement programs since 2015, the United States, a traditional resettlement state, has drastically reduced its pledges.
3. The lack of safe and legal pathways for people in need of international protection leads them to engage in desperate and often deadly journeys¹². The number of people dying in the Mediterranean Sea while attempting to reach the European coasts has increased at an alarming rate over the last few years. So far in 2018, more than 2000 people have lost their lives in the Mediterranean Sea, excluding those who have died along routes to and through North Africa, such as in the Sahara Desert or Libya¹³.
4. By unanimously adopting the New York Declaration for refugees and migrants at the General Assembly of the United Nations in September 2016, member states recognized the serious current needs and their shared responsibility to support the reception and accommodation of people in need of international protection. The forthcoming adoption of the Global Compact on Refugees by the end of 2018 will initiate a new reference framework for planning and monitoring government policies and practices on refugee and asylum, including ensuring expansion of safe and legal pathways. The three-year resettlement strategy will integrate complementary pathways for admission with a view to increasing significantly their availability and predictability. States are expected to make concrete pledges for the 2019 Global Refugee Forum, to facilitate effective access and procedures for family reunification, and to establish private or community-based sponsorship programs, humanitarian admission programs, educational opportunities for refugees, and labor mobility opportunities for refugees.
5. In a recent feasibility study, the European Commission encouraged European Union Member States to pursue legal pathways of admission for people in need of protection, such as humanitarian visas and private sponsorship. The European Union Agency for Fundamental Rights

⁹ Website of the Council of the European Union and the European Council, *EU migration policy*. See <https://www.consilium.europa.eu/en/policies/migratory-pressures/>, consulted on 16 November 2018.

¹⁰ UNHCR, *Projected Global Resettlement Needs for 2019*, 25-26 June 2018.

¹¹ UNHCR, *Resettlement at a glance. 2017 in review*, 15 March 2018.

¹² UNHCR *Desperate journeys. Refugees and migrants arriving in Europe and at Europe's borders*, September 2018.

¹³ IOM, *Missing Migrants. Tracking Deaths along Migratory Routes. Mediterranean Region*. Viewed on 24 October 2018. Available at: <https://missingmigrants.iom.int/region/mediterranean>

has recommended that the EU increase legal avenues to reach European territory using a combination of refugee-related schemes and more refugee-friendly regular mobility schemes¹⁴.

6. We, therefore, call on States to take steps to expand access and facilitate procedures to implement complementary pathways as a fourth durable solution¹⁵ and protection possibility for people of concern.
7. The diversity of projects and initiatives implementing complementary pathways demonstrates the mobilization of civil society in all its forms – associations, universities, citizens, refugee communities, and companies – and the potential for complementary pathways to respond to protection needs, specifically:
 - a. Full implementation and enlargement of the right to family reunification guarantees the right of families to stay together and is a key support to the integration process for refugees in third countries. Recently, many European countries have limited access to family reunification through restrictive criteria for subsidiary protection beneficiaries, suspending family reunion programs, or reducing the window for filing an application. These obstacles must be removed and States should overcome practical and legal obstacles preventing or delaying the reunification of family members.
 - b. Broad implementation of refugee scholarship programs would allow refugees to pursue qualifications with financial support and therefore facilitate their integration and empowerment through education. Access to student visas should also be facilitated and clear support mechanisms should be developed for refugee students after graduation for professional integration. Universities have mobilized well to facilitate access to higher education for refugees and should be concretely supported by States.
 - c. Development of private or community-based sponsorships enables more successful integration of beneficiaries, enlarges the admission of protection beneficiaries (including broader family members) and increases public engagement. Multiple initiatives and projects have developed through the mobilization of citizens and communities. States should support and build with civil society a strong and sustainable sponsorship mechanism.
 - d. Issuance of humanitarian visas by embassies and consulates abroad enables people seeking protection to access Europe without having to risk their lives. In this regard, we support the request by European Parliament's Civil Liberties Committee to table a legislative proposal establishing a European Humanitarian Visa¹⁶.
 - e. Strengthening the labor mobility scheme is an alternative solution for refugees to rebuild their lives, capitalize on their skills and reinforce their empowerment.
8. We remind States that complementary pathways are a way to ensure protection and to demonstrate international solidarity and responsibility-sharing with major refugee-hosting countries, who put forth tremendous effort to respond to the needs of refugees and host 85% of the global refugee population¹⁷.
9. The development of complementary pathways must be achieved through a multi-stakeholder approach. The support of national governments is obviously indispensable; however, complementary pathways encourage the involvement of new and diverse actors, such as civil society, who have a fundamental role in their design and implementation, as well as local

¹⁴ European Union Agency for Fundamental Rights, *Legal entry channels to the EU for persons in need of international protection: a toolbox*, 2015.

¹⁵ The three durable solutions for refugees developed by UNHCR are local integration, voluntary repatriation, and resettlement.

¹⁶ European Parliament, *Humanitarian visas to avoid refugees' deaths*, 10 October 2018, Press release. Available at: <http://www.europarl.europa.eu/news/en/press-room/20181008IPR15261/humanitarian-visas-to-avoid-refugees-deaths>

¹⁷ UNHCR, *Global Trends. Forced Displacement in 2017*. 19 June 2018

communities, academic institutions, refugees, and companies. The commitment of local communities in particular is a key tool to enhancing refugee integration, notably where there are highly polarized opinions towards migrants and refugees.

10. Further, the implementation of complementary pathways is crucial in order to provide refugees with a fourth durable solution. However, it is necessary to consider them as an added value to routes that already exist. Such pathways shall neither undermine resettlement programs nor replace the possibility to request asylum on the territory or at borders, but rather to reinforce the international protection regime. We therefore urge States to create broader opportunities for asylum seekers through the progressive implementation of legal and safe complementary pathways that do not restrain the right to seek and enjoy asylum.
11. Finally, we urge national governments to build upon the successful complementary pathways already in place and to develop mechanisms that open new pathways for refugee protection. Not only will they contribute to developing alternative durable solutions for refugees, enlarging the scope of refugee policy to new actors, partnerships and practices, but they will “help refugees thrive, and not only survive”¹⁸.



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¹⁸ UNHCR, *Comprehensive Refugee Response Framework*. Available at: <http://www.unhcr.org/587dfb3b4>