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PROSPECTS



Kingdom of the Netherlands

## ► Review of national policy, legislative and regulatory frameworks and practice

A baseline study on the right to work and rights at work for refugees

Egypt, Ethiopia, Iraq,  
Jordan, Kenya, Lebanon,  
Uganda, Sudan

► GLOBAL  
SYNTHESIS  
REPORT



## ▶ **Review of national policy, legislative and regulatory frameworks and practice**

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Cover photo: Angelique Kahindo, a Congolese refugee in Uganda, received training on tailoring and started her own business.

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## ► Foreword

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The world is witnessing the highest levels of displacement on record. In recent years, forced displacement has increased in scale and complexity. According to the UN Refugee Agency (UNHCR), by mid-2022 there were over 100 million people forcibly displaced in the world, of whom 30.2 million were refugees and asylum seekers. Seventy-four per cent of the world's displaced are hosted by low- and middle-income countries. As displacement becomes more protracted, the prospects for return become increasingly less tenable. Responses need to focus on durable solutions backed by more dignified, inclusive and comprehensive programmes for refugees and the communities that host them, enhancing self-reliance, facilitating empowerment and strengthening social cohesion.

The impact of forced displacement is substantial among those in displacement and in the hosting communities. Forcibly displaced persons face specific vulnerabilities, including loss of assets and psychological trauma, lack of opportunities, protection risks, as well as the risk of being out of school and lacking a planning horizon. Often, women and children, who represent at least half of the refugee population, face specific vulnerabilities and additional challenges. Host communities, which tend to be among the poorest in the country, typically in lagging regions, have to pursue their own development efforts in an environment that has been transformed by a large inflow of newcomers. Humanitarian assistance is critical but insufficient when situations become protracted, and it needs to be complemented by a development approach that is focused on the medium- and long-term socioeconomic dimensions of the crisis. Economic opportunities and access to jobs as well as services – especially education and protection services – are key to the successful management of such situations, for both refugees and host communities.

These responses need to be consolidated rapidly through significant international support, built on a foundation of robust and effective partnerships that maximize synergies and leverage comparative advantages. With this in mind, the PROSPECTS Partnership initiative was launched in 2018, spearheaded by the Government of the Netherlands and bringing together the International Finance Corporation, the ILO, UNHCR, UNICEF and the World Bank. The Partnership is targeting forced displacement situations in eight countries in East and North Africa and the Arab States: Egypt, Ethiopia, Iraq, Jordan, Kenya, Lebanon, Sudan and Uganda.

Within this Partnership, the ILO's approach is premised on comprehensive, holistic and integrated programmes to support environments that foster inclusive socioeconomic growth and decent work, strengthen labour markets and promote access to improved working conditions and fundamental rights at work, including through the involvement of its national tripartite constituents. The ILO's mandate, its unique tripartite structure, its growing operational experience in responding to forced displacement situations, as well as its international labour standards, have enabled the organization to guide constituents and other partners on inclusive labour market approaches. The ILO's Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market (2016), together with the Employment and Decent Work for Peace and Resilience Recommendation (2017), provide a unique normative framework focusing on measures related to the world of work to address the situations of refugee and other forcibly displaced movements.

Underpinned by these policy instruments, this synthesis draws upon baseline reviews of relevant policy, legislative and regulatory frameworks in the eight PROSPECTS countries. It also examines current practice on the access of refugees and other forcibly displaced persons to labour market, employment, livelihood and training opportunities, including self-employment and business development, and rights at work, including social protection, access to grievance mechanisms and freedom of association. Through this review, the ILO seeks to explore further opportunities to strengthen policy, legislative and institutional environments and mechanisms, working closely with host governments and other national actors and partners. By providing a comprehensive and robust picture of the situation on the ground, the report offers actionable areas of intervention to support policy development, reform and implementation capacity of the host governments, other national and local actors, including the social partners, to enhance inclusion and protection. To this end, the ILO acknowledges the need to reinforce coordination and coherence between international and regional partners such as the Intergovernmental Authority on Development (IGAD) and the East African Community (EAC) to improve efficiency, effectiveness, sustainability and consistency of efforts.

I would like to thank the Kingdom of the Netherlands for its generous support that ensured the completion and production of this report. I would particularly like to thank IMPACT Initiatives for their excellent work in synthesizing the eight country studies, ILO colleagues at HQ and field for their technical inputs, and the UNHCR colleagues for their review, valuable inputs and continuous collaboration with the ILO. A special thanks to Ms Fatma Kaya of the ILO PROSPECTS global team in coordinating the drafting and completion of the country and synthesis reports and driving this important flagship endeavour forward.

We hope that this report will be a useful reference source to inform future policy dialogue on the access of refugees to labour markets and will feed into the design of integrated interventions that promote decent work for refugees, other forcibly displaced persons and host communities.

**Manuela Tomei**

Assistant Director-General for Governance, Rights and Dialogue Cluster

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This global report was produced by Diana Ihring and Sarah Vassallo of IMPACT Initiatives, with support from Eric Kramak and Dave Curtis, based on eight country reviews. Fatma Kaya, Technical Programme Officer of the ILO PROSPECTS programme, coordinated the overall development of this global synthesis report and the eight country reports.

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## ► Acronyms

COR	Commission for Refugees
FGD	Focus group discussion
FDP	Forcibly displaced person
GFJTU	General Federation of Jordanian Trade Unions
GSO	General Security Office
HRP	Humanitarian Residency Permit
ID	Identification
IDP	Internally displaced person
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
INGO	International non-governmental organization
JLIRP	Jobs and Livelihoods Integrated Response Plan
KI	Key informant
KII	Key informant interview
KNQA	Kenya National Qualifications Authority
KRI	Kurdistan Region of Iraq
KYC	Know Your Customer
MENA	Middle East and North Africa
MoI	Ministry of Interior
MoLSA	Ministry of Labour and Social Affairs
NGO	Non-governmental organization
NHIF	National Health Insurance Funds
PoC	Persons of concern
PC-MoI	Federal Permanent Committee for Refugees Affairs of the Ministry of Interior
RPL	Recognition of Prior Learning and Certification
RSD	Refugee Status Determination
RRS	Refugees and Returnees Services
SACCO	Savings and Credit Cooperative
TVET	Technical and Vocational Education and Training
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
VTC	Vocational Training Centre

## ► Definition of terms

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<b>Act</b>	A statutory plan passed by parliament or any legislature which is a “bill” until enacted and becomes law
<b>Asylum</b>	The grant, by a state, of protection on its territory to persons outside their country of nationality or habitual residence, who are fleeing persecution or serious harm or for other reasons. Asylum encompasses a variety of elements, including protection against refoulement, permission to remain on the territory of the asylum country, humane standards of treatment and access to a durable solution.
<b>Asylum seeker</b>	A general term for any person who is seeking international protection. In some countries, it is used as a legal term referring to a person who has applied for refugee status or a complementary international protection status and has not yet received a final decision on their claim. It can also refer to a person who has not yet submitted an application but may intend to do so, or may be in need of international protection. Not every asylum seeker will ultimately be recognized as a refugee, but every refugee is initially an asylum seeker.
<b>Convention (or Treaty)</b>	An agreement between different countries that is legally binding to the contracting states. A convention becomes legally binding to a particular state when that state ratifies it.
<b>Displacement</b>	The movement of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence (whether within their own country or across an international border), in particular as a result of the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, or in order to avoid them.
<b>Cooperative</b>	An autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise (ILO).
<b>Credit</b>	An agreement to purchase a product or service with the express promise to pay for it later.
<b>Employment services</b>	A service whose primary goal is to match jobseekers with employment opportunities, including job assessment, job training and other additional support.
<b>Formal sector</b>	The formal sector includes enterprises and individual workers operating within the official legal framework for economic units; this generally involves the registration of the enterprise at the national level under the form of a company, partnership, sole proprietorship, or group. Generally, these enterprises must pay taxes legally and adhere to legislation regarding labour rights and conditions. Individuals are employed under an established contract that defines working hours, benefits and salary.
<b>Informal sector</b>	The informal sector is defined as consisting of units engaged in the production of goods or services with the primary objective of generating employment and income to the persons concerned. Informal sector enterprises are owned by individual household members or several members of the same or different households; they are not constituted as separate legal entities independently of their owners (OECD/ ILO, 2019).
<b>Informal economy</b>	All economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements.

<b>Internally displaced person (IDP)</b>	Internally displaced persons (IDPs), according to the United Nations Guiding Principles on Internal Displacement, are “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.”
<b>Key informant</b>	A person with whom an interview about a particular organization, social programme, problem or interest group is conducted.
<b>Microfinance or microcredit</b>	Activity or business of providing financial services, such as micro or small loans and other financial services such a savings, leases and funds transfer services, to poor people or new businesses that cannot use traditional banking services, usually in developing countries.
<b>Migrant</b>	A person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.
<b>Migrant worker</b>	A person who migrates from one country to another (or has migrated) with a view to being employed other than on his own account, including any person regularly admitted as a migrant for employment.
<b>Refugee Status Determination</b>	Legal and/or administrative process by which governments receiving asylum seekers determine whether persons seeking international protection meet the international legal definition of a refugee, thus qualifying for protection and assistance under international, regional or national law. The process could take anything between a few months to a few years. During the Refugee Status Determination (RSD) process, asylum seekers who have made applications for recognition as refugees to the governments of the country in which they are seeking protection are immune from prosecution for unlawful presence. Asylum seekers may not be sent back to their country of origin until their asylum claim has been examined in a fair procedure and are entitled to certain minimum standards of treatment pending determination of their status.
<b>Refugee</b>	<p>Any person who meets the eligibility criteria under an applicable refugee definition, as provided for in international or regional refugee instruments, under UNHCR's mandate, or in national legislation.</p> <p>Under international law and UNHCR's mandate, refugees are persons outside their countries of origin who are in need of international protection because of feared persecution, or a serious threat to their life, physical integrity or freedom in their country of origin as a result of persecution, armed conflict, violence or serious public disorder.</p>
<b>Returnee</b>	A person who was of concern to UNHCR when outside their country of origin and who remains so for a limited period (usually two years) after returning home to their country of origin. It also applies to internally displaced persons who return home to their prior place of residence.
<b>Savings and Credit Cooperative</b>	A member-owned financial cooperative whose primary objectives are to mobilize savings and afford access to loans (productive and provident) on competitive terms as a way of enhancing the socioeconomic well-being of the members.
<b>Technical and Vocational Training and Education</b>	All forms and levels of education and training which provide knowledge and skills related to occupations in various sectors of economic and social life through formal, non-formal and informal learning methods in both school-based and work-based learning contexts.



Apprentice in Uganda undergoing Carpentry training through ILO PROSPECTS supported Rural Employment Service programme. © ILO/AVSI

## ► Executive summary

The world is currently witnessing record levels of displacement, increasing through the years in scale and complexity. The United Nations Refugee Agency (UNHCR) estimates that over 100 million people were forcibly displaced at mid-2022, with up to a third of them being refugees.<sup>1</sup> As displacement becomes more protracted, the prospects for return become increasingly less tenable. As such, it is more important than ever for host countries and international partners to support the integration of forcibly displaced populations. This requires developing policies that address the specific needs of displaced people. One major avenue where countries can facilitate the further integration of refugee populations is via the labour market. This response, however, requires international support, national ownership and strong partnerships with hosting governments which develop a foundation of policymaking that foster inclusive environments for forcibly displaced populations and strengthen the resilience of host communities.

The PROSPECTS Partnership (“Partnership for improving prospects for forcibly displaced persons and host communities”), launched in 2018, aims to improve the hosting and protection of refugees in countries in their region of destination, and to strengthen the resilience of host communities in supporting these forcibly displaced populations. Operating across eight countries in the Middle East, North Africa, and East Africa,<sup>2</sup> PROSPECTS brings together five multilateral organizations including the UNHCR, the United Nations Children’s Fund (UNICEF), the International Finance Corporation (IFC), the World Bank and the International Labour Organization (ILO) to support this approach.

As part of this programme, the ILO has undertaken a national policy, legislative and regulatory frameworks and practice review. This review includes an analysis of current legislation, policies and regulatory frameworks, and how their implementation works in practice across the eight PROSPECTS countries to support the governments in policy, legislation, regulatory development and/or reform as appropriate.

The analysis focuses on the following key policy and sub-policy areas:



### Access to labour markets

- ▶ Legal status
- ▶ Freedom of movement
- ▶ Right to wage-earning employment and the mechanisms governing access to the labour market
- ▶ The right to set up a business
- ▶ Access to finance and financial services
- ▶ The right to form and join cooperatives
- ▶ Access to employment services



### Access to training opportunities

- ▶ Skills development or Technical and Vocational Education and Training (TVET)
- ▶ Recognition of skills, qualifications and prior learning



### Rights at work

- ▶ Access to justice
- ▶ Freedom of association
- ▶ Access to social security and protection



### Naturalization pathways

<sup>2</sup> Egypt, Iraq, Jordan, Lebanon, Ethiopia, Kenya, Sudan and Uganda.

For an analysis of the current legislation and gaps, a desk review of global and regional frameworks, national legislation and policy documents was undertaken. To inform the way in which existing legislation (or lack thereof) operates in practice, key informant interviews (KIIs) with government institutions, workers' and employers' organizations, national legal experts, local administrators and other relevant stakeholders were conducted, alongside focus group discussions (FGDs) with refugees, internally displaced persons (IDPs) and host communities, where applicable. The following report is a synthesis of this country-level analysis.

## Key findings

Overall, as it currently stands, existing legislation does not fully govern the policy areas of interest that inform the access of refugees to labour markets. The absence of legislation or, in particular, refugee-specific legislation and exclusion of refugees in national legislation is observed across many key policy areas. This creates legal ambiguity, which can lead to uncertainty, and in many cases a de facto exclusion of refugees. In other cases where refugees are in practice participating in the labour market, the absence of a refugee-inclusive legal foundation opens up the possibility for expulsion, arbitrary exclusion or exploitation. Further, where present, the existence of refugee-specific legislation does not go far enough to guarantee that it is operating to the benefit of refugees in practice. As a result, refugees largely remain on the margins of the labour market.

The following summarizes the key findings of each policy area:



## Access to labour markets

### Legal status

Globally, the determination of refugees' legal status is well legislated. However, in most countries, refugees face a backlog, lack of clarity, and inefficiency in the Refugee Status Determination (RSD) process. Common problems faced by refugees are administrative delays in the system, short duration in the validity of the status documents, and the inconvenience and cost of having to renew these documents on a regular basis. Overall, in practice, while status is the foundation of all future legal endeavours for refugees, the process of obtaining and continually renewing this status can be cumbersome, inefficient, and costly.

### Freedom of movement

Legislation on the free movement of refugees exists in many countries, but it is often at odds with a full realization of freedom. In countries where this right is legislated, encampment policies make it difficult for refugees to leave their place of residence, in turn making it difficult to seek employment outside the camp or to travel for other personal or professional reasons. In countries where there is an absence of legislation, this can mean either that they are as free as citizens to move around the country, or that their rights are entirely or arbitrarily restricted. In reality, this freedom depends on a number of factors, including the location of the camps, the ease of obtaining movement passes, the relations with the host community, the type of residency permit acquired and the ability to renew it continually, among other things.

## Right to wage-earning employment

There is substantial variation in the laws governing refugees' right to work across the countries, and further, the ease of obtaining employment. Some countries clearly outline the right of refugees to work, which in theory sets the stage for the ability to gain employment devoid of legal burdens and a minimum standard of protection. Others do not have this right codified. In other countries, legislation exists for non-nationals, which, however, requires identity documents and permits, among others, which are difficult to obtain for refugees having fled their countries of origin. Whether the right of refugees to work is legislated or not, several factors make the practical reality difficult. The prevalence of discrimination against refugees, exclusion from certain professions, distance and language barriers, and an already difficult labour market situation with high rates of informality across all host countries, make the likelihood of securing decent employment minimal.

## Mechanisms governing access to labour markets

A legal process for obtaining a work permit is legislated in all countries. However, the process is burdensome, bureaucratic and sometimes costly, and constitutes a key barrier to refugees accessing employment and for employers to tap into the skills and talents that refugees possess. As such, the practice of applying for work permits is rare. Compounded by discrimination and an overall scarcity of formal sector jobs for nationals and refugees alike, refugees resort to the informal sector as an immediate and sole source of livelihood generation, where remuneration is generally lower, employment is concentrated in low-skilled and unstable jobs, and risk of exploitation is more prevalent, in particular for female workers.

## Access to employment services

Access to employment services for refugees is not often codified into law. Yet the legal gap goes beyond a simple absence of legislation. Given the predominance of refugees in the informal sector, the difficulty in securing work permits, and other additional administrative obstacles such as residency requirements, legislation on this topic alone would hardly be sufficient to facilitate refugee access further. Moreover, employment services in these countries are often weak and under-funded and are generally unavailable for citizens, let alone refugees. Thus, in practice, employment services are not accessible to or utilized by refugees as a method of job placement. Refugees rely instead on their social networks as a path to employment, as opposed to employment services or recruitment agencies.

## Right to self-employment

Even if existing global or national legislation recognize the right of refugees to engage in self-employment, there is a lack of legal clarity on how refugees can start a business and what limitations they might face. The absence of the mention of refugees in existing national-level legislation on business registration presents a challenge for refugees wishing to do so. The practical implications of this legal environment, as well as the requirements which come with legally setting up a business (in terms of documentation and financial resources) are that most refugees wishing to start businesses do so informally, that is, without a formal legal status or business registration.

## Access to finance and financial services

Legislation is largely insufficient to facilitate refugees' access to finance. It is codified in some but notably absent from others. Legal gaps can be observed first and foremost in the absence of legislation outlining this policy area, but additionally in the lack of clarity on refugee-specific procedures for going about the process. Where refugees lack legal documents, they are already excluded from accessing formal financial institutions. The absence of legislation leads financial institutions to be conservative in their interpretation, and in the case of refugee clients facing discrimination and the de facto inability to access finance from formal banking institutions. This in turn leads to impediments in registering businesses, obtaining loans or accessing any other financial services. Alternative methods, such as mobile money, Savings and Credit Cooperatives (SACCOs) and microfinance loans exist but are not universal, or widespread, or accessible to refugees across all countries.

## Ability to form and join cooperatives

The ability of refugees to form and join cooperatives is not explicitly codified across the eight PROSPECTS countries. As a result, refugees occupy an ambiguous legal space where it is often assumed that they can participate. Yet the scant legal infrastructure provides little guidance on specific requirements or procedures. In practice, refugees in some countries are actively participating in cooperatives, whereas in other countries, refugee participation in cooperatives is minimal to non-existent.



## Access to training opportunities

### Access to Technical and Vocational Education and Training (TVET)

Generally, with few exceptions, the governance of TVET is a space where there is a noticeable absence of legislation defining the rights of refugees. Even in countries which have refugee-specific frameworks, TVET is not explicitly mentioned among the services from which refugees could benefit. In practice, there is variation across countries in refugees' participation in vocational training programmes. In some countries, TVET programmes are operating and inclusive of refugees. In others, refugee participation is less common because of barriers such as entry requirements, cost, distance and language.

### Recognition of skills, qualifications and prior learning

While the legal infrastructure governing the validation and recognition of educational qualifications is largely in place across all countries, the recognition of skills or prior learning for which certification and proof of experience are absent is much less developed. In practice, recognition of skills, qualifications and prior learning is very difficult for refugees to achieve and remains a barrier to entry into the labour market. Standardized examinations to validate already existing educational qualifications are difficult to pass and a frustrating reality for those who already have qualifications. Other processes of equating qualifications are inefficient, long, difficult for refugees to complete, and often result in a validation and/or recognition of qualifications below the expected level. For refugees who do not have proof of prior learning or experience, few are hosted by countries with functioning Recognition of Prior Learning (RPL) systems that allow them to obtain a full or partial qualification and integrate into the labour market.



## Rights at work

### Right to access to justice

Refugees are not explicitly prohibited in any national legislation from accessing justice systems. Some countries clearly codify the right of refugees to access justice. However, the option for refugees and other categories of vulnerable people to access justice in the workplace is largely unavailable if they work informally, which many refugees choose or are forced to do. Many countries do not have legal mechanisms in place to address work-based violations that occur outside the formal sector, and therefore current legislation does not entirely set the stage for refugees' access to work-related justice. Further obstacles to accessing justice include the following: (i) refugees are often not aware of their rights and the legal mechanisms in place to defend them, and in some cases this may extend to judges and legal staff handling refugees' cases; (ii) practical barriers such as language, cost and distance from legal services act as disincentives for refugees; (iii) refugees are reluctant to take their cases to the courts even when their rights are being violated for fear of losing their job, deportation or other forms of retaliation; (iv) the services they do access are often inadequate and time-consuming, resulting in their cases rarely being heard or properly addressed. This contributes to a vicious circle in which refugees simply stop attempting to access justice.

## Freedom of association

There is no clear global trend on whether refugees are mentioned in existing legislation on freedom of association or not. When they are mentioned, the legislation may ensure that their rights to organize are guaranteed and protected. However, this legislation may also restrict their rights. In countries where refugees have the right to join workers' and employers' organizations freely, either as explicitly stated in the law or implied via other existing legislation applying to non-nationals, it can also be the case that the rights of those working informally – as do many refugees – are not fully protected. In practice, refugees rarely exercise the right to organize. Besides high levels of informality, there is also a pervasive belief among refugees that their issues would not be prioritized. Furthermore, there is a lack of understanding of their rights to join organizations of their own choosing.

## Right to social protection

Overall, the right of refugees to access social security benefits is not particularly well legislated, even in countries where social security schemes exist. There are legal gaps in refugees accessing social security on multiple levels. Firstly, refugees are never mentioned in social security legislation as a group that is entitled to benefits. Secondly, many social security schemes do not extend beyond the formal sector, where refugees are not often employed. Finally, with few exceptions, countries have not made attempts to fill the legislative gaps required in order to expand coverage to vulnerable groups and informal workers. Thus, refugees' access to social security benefits is low.



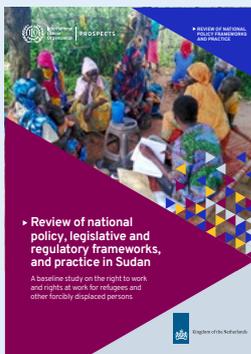
## Naturalization pathways

In theory, legal pathways are in place for refugees to apply for and obtain citizenship. Middle East and North Africa (MENA) countries require connections via marriage or heritage, while East African countries mostly require the applicant to have resided lawfully and be employed legally in the country for several consecutive years, among other criteria. To the extent that legal gaps can be observed in this area, they stem from a lack of clarity on criteria that are ill-defined or so restrictive that they are often unattainable to refugees. Yet overall, the acquisition of citizenship is not a practical, viable route towards durable solutions for refugees. It almost never occurs in practice. The cases where refugees have been successful are mostly due to marriage, familial connections or heritage. Beyond these routes, practice has shown, and refugees understand, that acquiring citizenship is largely unattainable.



- ▶ This global synthesis report should be read in conjunction with the country-specific reports, which provide a more detailed overview of the policy, regulatory frameworks and practice across eight PROSPECTS countries.

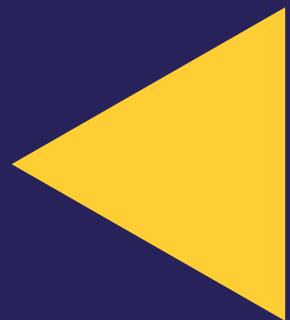
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# Overview

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Refugee trainee undergoing training on laying cobblestone pavement blocks at Jigjiga Polytechnic in Ethiopia. © ILO

# ▶ 1.1

## Context

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The world is witnessing the highest levels of displacement ever recorded, in scale, duration and complexity. As forcibly displaced persons (FDPs) face specific vulnerabilities and needs, the populations who host them also struggle to pursue their own development efforts in an environment that has been transformed by these large movements of people. Displacement is not only a humanitarian issue but also poses development challenges for host populations and countries: FDPs often live in marginalized areas in developing countries that are struggling to meet their own development needs. Meanwhile, displacement contexts are becoming increasingly protracted as conflicts and generalized violence persevere, rendering return for many populations impossible or unforeseeable within the short to medium term. Similarly, despite recent efforts to scale up,<sup>1</sup> resettlement and alternative pathways remain marginal, considering the scope of displacement globally.

This reality calls for responses which are more focused on solutions to support dignified, inclusive and comprehensive programmes for FDPs and the communities that host them. These responses need to be rapidly consolidated through significant international support built on a foundation of robust and effective partnerships that maximize synergies and make the most of each partner's strengths.

The PROSPECTS Partnership ("Partnership for improving prospects for forcibly displaced persons and host communities") aims to achieve just that.<sup>2</sup> With the generous support of the Government of the Netherlands, PROSPECTS brings together the International Finance Corporation (IFC), the International Labour Organization (ILO), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Bank to support this transformative approach. The programme operates in eight countries across MENA in Egypt, Iraq, Jordan and Lebanon as well as the East and Horn of Africa in Ethiopia, Kenya, Sudan and Uganda. It seeks specifically to transform the way that stakeholders respond to forced displacement crises by:

- ▶ fostering an enabling environment for socioeconomic inclusion;
- ▶ improving access to education and protection for vulnerable children on the move;
- ▶ strengthening the resilience of host communities.

As part of this programme, the ILO has undertaken a National Policy, Legislative and Regulatory Frameworks and Practice Review ("the review"). The present synthesis report is the result of this review and is based on eight country-specific assessment reports conducted by country research teams, produced in close collaboration with and under the technical supervision of IMPACT Initiatives.<sup>3</sup> The main purpose of this review is to support policy development, reform and implementation capacity of the host governments, other national and local actors including tripartite constituents to ensure that refugees and other FDPs are adequately protected by national legislation and policies.

# ▶ 1.2

## Aims and objectives

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The aim of this review is to contribute in the eight countries to the goal of inclusive development by establishing a baseline of the relevant policy frameworks and their application that determine access of FDPs to the labour market and livelihood opportunities and their rights at work. This is in line with the ILO's mandate to protect the rights and interests of all workers, including those employed in countries other than their own. Recognizing that refugees and the communities that host them deserve special attention, in 2016 the ILO held a tripartite meeting that resulted in the adoption of the ILO's Guiding Principles on Access of refugees and other forcibly displaced persons to the labour market. These guiding principles, that are rooted in relevant international labour standards and universal human rights instruments and are inspired by good practices implemented in the field, define the framework of this review.<sup>4</sup>

As such, this review aims to provide a baseline understanding of the eight PROSPECTS countries' national policy, legislative and regulatory frameworks, and how they are applied to refugees and IDPs, in relation to identified key priority areas:

- ▶ access to labour markets;
- ▶ access to training opportunities;
- ▶ rights at work; and
- ▶ naturalization pathways.

While the legislative review of this report focused specifically on refugees, the experiences of IDPs are included in the analysis of the practical experience of displaced populations. Findings on this group are included and signposted accordingly in the main findings section of the report.

# ▶ 1.3

## Methodology

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### 1.3.1 Research questions

In line with the aims and objectives of the study, this review aims to respond to the following broad research questions:

1. What is the socioeconomic context in the eight PROSPECTS countries?
  - 1.1 What is the labour market situation?
  - 1.2 What is the refugee context?
2. What are the current relevant legislation, policies and regulatory frameworks (including legislation and relevant secondary legislation and regulations) and gaps?
  - 2.1 What specifically in relation to refugee access to labour markets?
  - 2.2 What specifically in relation to refugee access to training?
  - 2.3 What specifically in relation to refugee rights at work?
  - 2.4 What specifically in relation to naturalization pathways open to refugees?
4. What is the current practice on the implementation of relevant legislation, policies and regulatory frameworks (including legislation and relevant secondary legislation and regulations)?
  - 4.1 What specifically in relation to refugee access to labour markets?
  - 4.2 What specifically in relation to refugee access to training?
  - 4.3 What specifically in relation to refugee rights at work?
  - 4.4 What specifically in relation to naturalization pathways open to refugees?

For detailed questions, please refer to [annex 1](#).



Young refugee persons were trained on the vocational skills at Kakuma refugee camp in Kenya. © ILO/Nilesh Nikade

### 1.3.2 Definitions of legal and policy areas

The report focuses specifically on the following key legal and policy areas.

#### Access to labour markets

**Right to a legal status** – an official legal status conferred through registration and the issuance of a certificate by an authorized registration authority. Legal status for refugees, issued either by a national body alone or in conjunction with UNHCR, is the basis for status recognition and for all subsequent legal ventures in the country or region of refuge. This is codified as a right in the 1951 Refugee Convention article 27.

**Right to freedom of movement** – the right of individuals to travel from place to place within a specified country. This encompasses the right of refugees to choose and leave their place of residence and return to it without restrictions or fear of danger, reprisal or harassment by authorities. This right is enshrined in the Universal Declaration of Human Rights, article 13, as well as the 1951 Refugee Convention, articles 26, 27 and 28.

**Right to wage-earning employment and mechanisms governing access to labour markets** – the right to engage in wage-earning employment within the country or region of refuge. It is codified in the Universal Declaration of Human Rights, article 23 and the 1951 Refugee Convention, article 17. Mechanisms governing access refer to an official document or work permit issued to a refugee or a non-national granting permission to work in a job.

**Right to self-employment** – the right to engage in their own account and to establish and legally operate a commercial enterprise. This right is enshrined in the 1951 Refugee Convention, article 18.

**Access to finance and financial services** – the ability to access finance or credit through formal financial institutions such as banks and credit agencies, as well as through other means such as smaller micro credit lenders, mobile money, cooperatives, and so on.

**Forming and joining cooperatives** – a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise. Forming and joining cooperatives is outlined in greater detail as a policy area in the ILO Recommendation on Promotion of Cooperatives Recommendation, 2002 (No. 193).

**Access to employment services** – services normally provided by government and private employment agencies that match jobseekers with job opportunities. These services provide information about the labour market to unemployed persons, assist with job search and placement services and administer a variety of labour market programmes. They play a crucial role in connecting potential labour market entrants with job opportunities and supporting transition to employment. The different elements included in this policy area are outlined in greater detail in the ILO Convention on Employment Service Convention, 1948 (No. 88).

## Access to training opportunities

**Right to access Technical and Vocational Education and Training (TVET)** – a type of education that aims to increase technical skills and knowledge that are directly applicable to a specific profession. This type of education focuses on practical skills as opposed to general knowledge. This right is outlined in articles 2 and 3 of the UNESCO Convention on Technical and Vocational Education.

**Recognition of skills, qualifications and prior learning** – the process by which individuals can get their previously earned educational achievements, degrees, certificates, vocational training or other professional qualifications and skills accredited, equated and recognized in their country of residence.

## Rights at work

**Right to access to justice and legal services** – access of all persons to courts and legal representation to resolve disputes and address unfair treatment or exploitation. In the context of this report, the term is confined to work-related justice mechanisms to resolve disputes in the workplace. The refugees' right to access to justice and legal services is outlined in article 16 of the 1951 Refugee Convention.

**Right to freedom of association** – the right of individuals to form groups to take collective action and/or collectively express, promote, pursue or defend common interests. This right is codified in the ILO Convention of 1948 (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), as well as in article 15 of the 1951 Refugee Convention.

**Right to social protection** – a system of contribution-based health, pension and unemployment protection, along with tax-financed non-contributory social benefits. Refugees' rights to social protection are outlined in article 24 of the 1951 Refugee Convention, as well as the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

## Naturalization pathways

**Naturalization pathways** – pathways by which non-nationals can legally gain the citizenship of the country in which they reside, as outlined in article 34 of the 1951 Refugee Convention.

### 1.3.3 Approach and data collection tools

This review is a synthesis of eight country-specific assessment reports conducted by country-based research teams. Under the technical guidance of IMPACT initiatives, research teams used qualitative methods to respond to the research questions. To ensure comparability across countries, a set of uniformized tools were developed with research teams who were free to adapt shared tools slightly, in close consultation with ILO PROSPECTS country teams, to take into account local realities and specific information needs at country level.

All country studies employed the following qualitative methods.

1. Secondary data review and identification of primary literature sources to answer the research questions and locate information gaps;
2. Semi-structured KIIs and FGDs to fill identified information gaps and to triangulate findings from the desk review.

#### 1.3.3.1 Secondary desk review

In each of the countries under study, a dedicated desk review took place. A systematic review of global and regional frameworks, national legislature, national policy documents, datasets and grey literature was undertaken to establish the legal basis for refugee access to employment including self-employment, training, rights at work and the right to naturalization, to respond to research questions 1 and 2.

#### 1.3.3.2 Primary data collection

In all eight countries, primary data collection took place to triangulate, substantiate and expand on findings resulting from the desk review. Primary data collection was particularly used to respond to research questions 3 and 4, as well as to determine further secondary sources to respond to research questions 1 and 2.

Data collection lasted from July 2021 to March 2022.

#### Key informant interviews (KIIs)

In each country under study, an average of 10 KIIs took place with experts in the field of study. Respondents were selected purposively based on their expertise in the topic, as well as their representativeness of stakeholders involved in developing and implementing legislation and facilitating access to work for refugees. The types of profiles interviewed included representatives of national and local government offices, workers and employers' organizations, local administrators and labour office representatives, as well as representatives of international and not-for-profit organizations. Further profiles consulted included business owners and local community representatives of the host and displaced persons communities alike.

#### Focus group discussions (FGDs)

To ensure that the realities on the ground are appropriately captured, an important component of the primary data collection involved FGDs with forcibly displaced persons themselves, including refugees and IDPs and, in some countries, host community members.<sup>5</sup> An average of eight FGDs was conducted in each country. The areas where FGDs were conducted were selected purposively, with the aim of representing as many diverse local realities as possible where PROSPECTS operates. As a minimum, in all countries, FGDs were stratified by gender and employment status (employed versus unemployed). To capture context-specific dynamics, further aggregations were included in different countries as follows: displacement type (IDP versus refugee) was captured in Sudan, Ethiopia and Iraq, and refugee versus host community member in Egypt, Kenya, Lebanon and Uganda.

FGDs were limited to 5 to 10 respondents to align with COVID-19 pandemic safety measures.



Young apprentice undergoing work-based-training in Egypt. © ILO

Table 1 gives an overview of primary data locations in each country under study.

► **Table 1. Overview of primary data collection**

Country	Primary data collection locations	# of FGDs	# of KIIs
<b>Egypt</b>	Greater Cairo (specifically Cairo, Qalyubia and Giza), Alexandria, Damietta	12 (8–10 participants)	15
<b>Iraq</b>	Baghdad, Dohuk, Erbil, Nineveh	6, additional 28 semi-structured interviews with IDPs and refugees	44
<b>Jordan</b>	Amman, Zarqa, Mafraq, and Irbid	8	15
<b>Lebanon</b>	Beirut, Baalbeck, Tripoli, Akkar	Semi-structured interviews with 28 Lebanese and 27 Syrian participants	16
<b>Ethiopia</b>	Afar and Somali regional states, Addis Ababa	11	20 at the federal level; 35 KIIs at regional level
<b>Kenya</b>	Nairobi, Garissa, Turkana	14	22
<b>Sudan</b>	East Darfur, West Kordofan and Gedaref	8	10
<b>Uganda</b>	Isingiro, Terego and Madi-Okollo	24	20

### 1.3.3 Limitations

This review seeks to present the state of legislation and access to work of FDPs in a variety of contexts, spanning diverse local realities and very different communities. As such, while secondary data review, sampling and the selection of data collection sites have been designed to ensure as much as possible a representative display of the situation, it is likely that some contexts or realities may be under-represented. It should further be noted that while the section on the legislative framework is primarily based on existing written sources and legal documents, many of the findings on practice and implementation of laws and policies present the responses of authorities, subject matter experts, refugees and IDPs, as well as secondary research findings from relevant literature. Responses here are based on the subjective reporting of respondents and may therefore not represent all the views on the subject.

There are several additional caveats to keep in mind throughout the reading of the report.

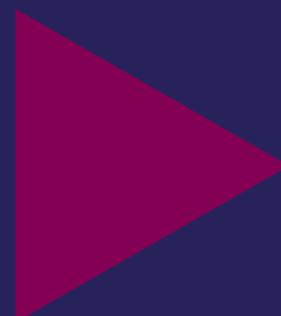
1. For all countries, primary data was collected in the geographical areas where PROSPECTS is implemented.<sup>6</sup> As such, the findings apply to those specific areas only and cannot necessarily be generalized to the whole of the country.
2. Owing to the focus of the PROSPECTS Partnership, persons displaced by conflict are at the centre of the analysis. The report does not consider populations who have moved for primary reasons of work, climate change or other non-conflict related factors.
3. The diversity of refugee contexts and nationalities in the eight countries under study makes a comprehensive assessment of their access to the labour market highly challenging. As far as possible, respondents have been sampled to ensure diverse views and backgrounds, and particular differences have been highlighted in the review. Notwithstanding, it is possible that challenges pertaining to particular groups may go under-reported in this review. This includes the situation of urban refugees, which is not included in this review, with the exception of Egypt.
4. While the primary focus of this report is on refugees, some of the PROSPECTS countries host significant internally displaced populations, which, in the cases of Iraq, Sudan and Ethiopia, heavily outnumber refugees. While the primary focus of the analysis in all countries was on refugees, findings on IDPs in particular have been added throughout the report for these countries where possible.
5. For Iraq, the analysis took place on two levels: one for Federal Iraq, and one for the Kurdistan Region of Iraq (KRI). In some cases, the laws differ, and that difference is noted and elaborated upon when significant.
6. In Jordan, Iraq, and Lebanon, data collection focused on Syrian refugees because they comprise the vast majority of refugees residing in these countries and, in those countries, PROSPECTS targets Syrian refugees. It should be noted that their experience may be different from that of other refugee groups in the country.



# 2

## Main findings

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A student standing near solar panels installed by his team at the TVET centre in Lebanon.

# ▶ 2.1

## Socioeconomic context

### Labour market situation

While each country included in this review presents a very specific labour market profile, some overall trends with regional particularities emerge.

#### A stark divide between the public sector and large informal economies

All countries are characterized by an important divide between the public and the private sectors and, within the private sector, the formal and informal economies. The public sector is a preferred source of employment particularly in Middle Eastern countries, where it forms a sizeable part of the overall economy: in Iraq, some 40 per cent of the labour force is engaged in the public sector, as is the case in Jordan.<sup>1, 2</sup>

While the public sector is a less dominant source of employment in the African countries studied, agriculture is a key economic sector in Uganda, Ethiopia, Sudan and Kenya. There, the labour force is predominantly engaged in subsistence farming, often working on family-owned land: in Kenya, two-thirds (63.5 per cent) of those in the working population are involved in the primary producing industry (agriculture, forestry and fishing), 44.6 per cent of this being mainly for subsistence purposes. Similarly, in Ethiopia, agriculture, forestry and fishing play a dominant role as a source of employment, absorbing 64.9 per cent of the working population in the country.

At the same time, all eight PROSPECTS countries are characterized by large informal economies: in Kenya, it is estimated that around 83 per cent of the workforce operates in the informal economy. This is comparable to Uganda, with 87.3 per cent of those in employment outside agriculture being employed in the informal sector.<sup>3</sup> In Sudan, the ILO estimated in 2014 that 65 per cent of prime age workers (those between the ages of 25 and 54) were working in the informal sector.<sup>4, 5</sup> In Ethiopia, while national data is not available, it is estimated that one in six of the urban employed population (16.1 per cent) are working in the informal sector.

While less severe, in the MENA countries the informal economy also makes up a large part of the labour force: the informal economy in Jordan accounts for approximately 25 per cent of the country's GDP (2016) and 44 per cent of employment. In Egypt, as of 2020, 44.5 per cent of the labour force was employed

1 ILO, A diagnostic of the informal economy in Iraq, 2021. Available at: [https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_830086.pdf](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_830086.pdf)

2 Hernan Winkler and Alvaro Gonzalez, Job Diagnostic Jordan. World Bank. JOBS SERIES 18, 2019. Available at: <https://documents1.worldbank.org/curated/en/681161574097516931/pdf/Jobs-Diagnostic-Jordan.pdf>

3 To note, most agricultural work is also likely to be informal in nature. UBOS ALFS, 2021. Available at: [https://www.ubos.org/wp-content/uploads/publications/05\\_20212018-19\\_ALFS\\_Report\\_FINAL.pdf](https://www.ubos.org/wp-content/uploads/publications/05_20212018-19_ALFS_Report_FINAL.pdf), p. 41.

4 ILO, "Roadmap to National Employment Plan". 2014, p. 35.

5 Owing to the lack of up-to-date data, it is difficult to provide recent estimates on the size of informality in Sudan.

informally, with 46.8 per cent male workers and 32.2 per cent female workers (CAPMAS, 2020). In Lebanon, about 55 per cent of persons were informally employed in 2019 (CAS-ILO, 2019).<sup>6</sup> While informal work has lower entry costs, it also puts workers at risk of abuse and exploitation, owing to the lack of (enforceable) work contracts and lack of access to social security benefits.

## Young populations facing high risks of youth unemployment and a persisting gender divide

The African countries included in this review are all marked by very young populations and rapid population growth. As an example, Uganda's population has a median age of only 16.7 years, making it one of the world's youngest countries<sup>7</sup> with 46 per cent of the population below the age of 15 and just 2 per cent older than 65.<sup>8</sup> This is comparable to the population of Sudan, where 42.5 per cent are estimated to be below 15 years of age. The large proportion of young people, coupled with overall population growth, illustrates the criticality of job creation to match the rapidly growing working-age population.<sup>9</sup>

In most of the PROSPECTS countries, youth unemployment is a significant challenge. In Iraq, the ILO estimated in 2020 that 45.5 per cent of youth aged 15 to 24 were not in employment, education or training. In Jordan the rate of youth unemployment in 2020 stood at 37.4 per cent, compared with 28.8 per cent in Egypt and 25 per cent in Lebanon. While comparatively lower rates were recorded during the same period in the African countries covered by the PROSPECTS programme, youth unemployment was still very high, with 33.5 per cent of youth in Sudan unemployed and out of training, as were 20.3 per cent of Kenyan youth and 17.7 per cent of Ugandan youth.<sup>10</sup>

Differential access to work based on gender remains a particular issue in the Middle Eastern countries included in this review. For example, in Lebanon, the employment-to-population ratio is markedly higher among men (at 63.4 per cent) than women (25.1 per cent). This compares to Egypt, where in 2020 only 18.7 per cent of women of working age were part of the labour force (World Bank Data, 2022). Also in Iraq, while participation of women has increased in recent years, women remain underrepresented in the workforce: in 2020, only 10.6 per cent of the employed population in Iraq was female.<sup>11</sup>

## Recent political and economic crises and the impact of COVID-19

In addition to some of the more transversal challenges faced by the countries covered in this review and outlined above, several countries have also faced specific crises which impact the labour market and the access to it by FDPs.

Sudan has been engulfed in its most recent political crisis since October 2021, when the military dismissed the then-prime minister and his transitional government in what was described as a military coup.<sup>12</sup> A civil war has been ravaging the Tigray, Afar and Amhara regions of Ethiopia since November 2020, a war which, as of early May 2022, has displaced more than 4.5 million IDPs.<sup>13</sup> While a peace treaty was signed between the government of Ethiopia and the Tigray People's Liberation Front (TPLF) on 2 November 2022, the longer-term impacts of this agreement are yet to be seen. Finally, while Lebanon's economic crisis holds deep historical roots tied to governmental overspending since the 1970s, the Beirut port explosion in August 2020 and ongoing political instability have put the country and its people under severe strain, with particularly vulnerable groups – among which many refugees – hit the hardest.<sup>14</sup>

6 [https://www.ilo.org/beirut/publications/WCMS\\_732567/lang--en/index.htm](https://www.ilo.org/beirut/publications/WCMS_732567/lang--en/index.htm)

7 Worldometer, 2021. Link: <https://www.worldometers.info/world-population/uganda-population/>.

8 World Bank, 2022: <https://data.worldbank.org/country/uganda>.

9 On Uganda see: Jobs Strategy for Inclusive Growth – Factsheet, 2020, Available at: <https://www.worldbank.org/en/news/factsheet/2020/02/25/uganda-jobs-strategy-for-inclusive-growth>.

10 Statistics on youth - ILOSTAT.

11 ILO, "World Employment and Social Outlook". Available at: <https://www.ilo.org/wesodata/>.

12 International Crisis Group, *Sudan's Political Impasse*, 26 January 2022.

13 UNHCR, *Ethiopia Data Portal*, accessed 10 August 2022.

14 European Parliament, *Brief: Situation in Lebanon: Severe and prolonged economic recession*, April 2022.



Namukisa Margaret, a sesame aggregator at Rhino Camp benefited from ILO PROSPECTS Sesame Value chain improvement work in Uganda. © ILO/AVSI

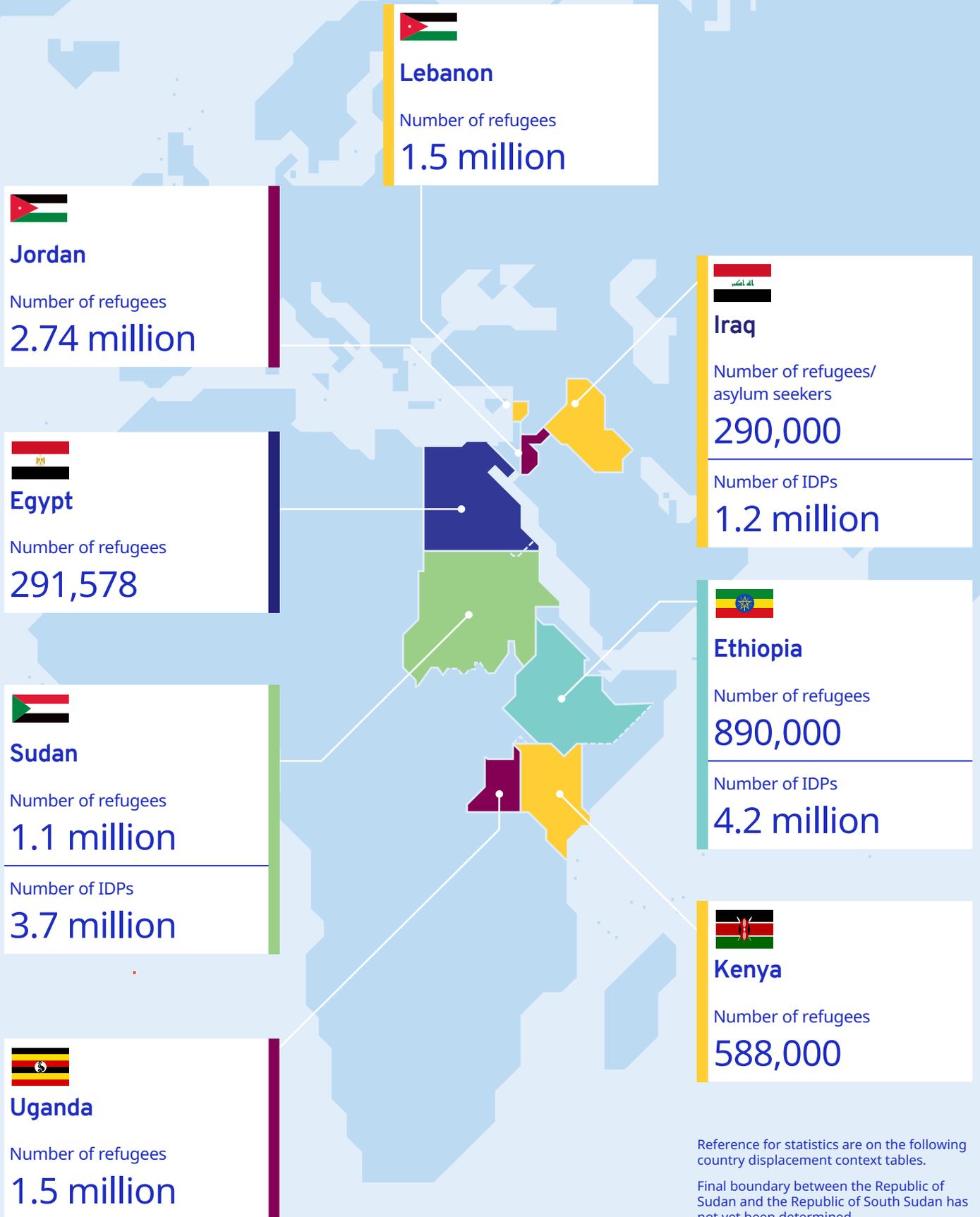
Finally, as is the case globally, the countries covered by this review have been impacted negatively by the COVID-19 pandemic. Studies carried out by the ILO in four out of the eight PROSPECTS countries provide evidence in this regard, pointing to the transversal impacts of the pandemic on the economies and population as a whole, but also on how vulnerable groups, among which refugees and other displaced populations, have been affected disproportionately. All studies on Ethiopia, Sudan, Uganda and Jordan found a negative impact on the population as a whole, whether because of lower working hours or more limited agricultural activities due to the lack of access to inputs and workers. At the same time, findings suggest that in Ethiopia, Jordan and Sudan vulnerable populations, including refugees, were particularly badly affected by the crisis, owing to the disproportionate impact on the informal economy, in which refugees tend to be over-represented, and the more limited access to government support for employees in the informal economy.

These examples illustrate once more that the labour market, access to it, and challenges faced therein, can never be looked at without considering the wider socioeconomic and political context of a country and its society. In this regard, the countries covered in this review have a lot to offer but also present challenges to confront, affecting their host populations and the refugees they shelter alike.

## The forced displacement context and access to the labour market for refugees and other displaced populations

### Forced displacement

All countries included in this review host significant forcibly displaced populations, be that in terms of overall size or in proportion to the host community. Most have been hosting FDPs for years, even decades, frequently also welcoming newly displaced populations to already existing forcibly displaced communities. While some countries mostly host refugees, others also have important IDP populations, who, despite being citizens and, as such, enjoy the same rights as non-displaced citizens, may struggle in accessing employment and their rights more broadly, because they are displaced in their own country.



Reference for statistics are on the following country displacement context tables.

Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.

Map: UN Geospatial. September 2019, Map No. 4136, Rev. 12.2

The descriptions below aim to give a concise overview of the displacement context in each country.

 <p><b>Egypt</b></p> <p>The context</p>	<p>Egypt has a long history of being both a transit and destination country for refugees. Its strategic geographical location makes it an important stakeholder in the geopolitical dynamics, development paradigm, conflict settings and humanitarian crises of the region.<sup>a</sup> In recent years, a series of crises, conflicts and political unrest in Syria and across the African continent has led to an exponential rise in the number of refugees and asylum seekers seeking protection in the country.</p>
<p>Number of forcibly displaced populations</p>	<p>There are 291,578 refugees and asylum seekers in Egypt, around 37 per cent of whom are children. There are no camps, and the refugees live alongside their host communities, mainly concentrated in and around the urban areas of Greater Cairo and on the north coast.<sup>b</sup></p>
<p>Countries of origin for refugees</p>	<p>The majority of registered refugees and asylum seekers are from Syria, followed by Sudan, South Sudan, Eritrea, Ethiopia, Yemen, and Somalia. Most of them live in urban areas, concentrated in Greater Cairo, Alexandria, Damietta and several towns on the north coast.<sup>c</sup></p>
<p>1951 Convention</p>	<p>Egypt acceded to the 1951 Refugee Convention in 1981, however with reservations to article 12(1) on personal status, article 22(1) on access to primary education, article 23 on access to public relief and assistance, and article 24 on labour legislation and social security.</p>

a ILO, [PROSPECTS Egypt country page](#), accessed 12 October 2022.

b UNHCR [Egypt Factsheet](#), March 2023.

c UNHCR, [Refugee Context in Egypt](#), accessed 12 October 2022.

 <p><b>Ethiopia</b></p> <p>The context</p>	<p>Ethiopia maintains an open-door policy for refugees seeking protection within its territory and has a long-standing history of hosting them. Most live in Gambela (42.7 per cent) close to the South Sudanese border and Somali Region (28.5 per cent) bordering Somalia, with smaller groups also present in Benishangul-Gumuz, Addis Ababa and Afar.</p> <p>Owing to ongoing conflict in Northern Ethiopia, the country hosts some of the largest and most mobile internally displaced populations in the region, and their increase has been particularly rapid and severe. At the same time, many IDPs face multiple displacements, becoming returnees and then being forced to leave again.<sup>a</sup></p>
<p>Number of forcibly displaced populations</p>	<p>Ethiopia hosts more than 890,000 refugees and asylum seekers, as well as more than 4.2 million IDPs.<sup>b</sup> Children, women, persons with disabilities and the elderly constitute around 80 per cent of the overall refugee population.</p> <p>According to the IDMC, conflict and violence, mostly in Northern Ethiopia, triggered more than 5.1 million internal displacements in 2021, three times those of 2020 and the highest annual figure ever recorded for a single country.<sup>c</sup></p>
<p>Countries of origin for refugees</p>	<p>A relative majority of refugees originate from South Sudan (46.4 per cent), followed by 28.6 per cent Somali refugees and asylum seekers and a further 18.5 per cent from Eritrea.</p>
<p>1951 Convention</p>	<p>Ethiopia is signatory to the 1951 Convention (1969); however, it holds a reservation against article 17(2) which exempts refugees from restrictive measures imposed on the employment of aliens for the protection of the national labour market.<sup>d</sup></p>

a IOM DTM, [Ethiopia](#), August 2022.

b UNHCR, [Country View, Ethiopia](#) ([unhcr.org](https://www.unhcr.org)), 30 April 2023.

c IDMC, [Ethiopia | IDMC](#) ([internal-displacement.org](https://www.internal-displacement.org)), May 2022.

d UNHCR, [States parties, including reservations and declarations, to the 1951 Refugee Convention](#), accessed 1 December 2022.

 <p><b>Iraq</b></p> <p>The context</p>	<p>Iraq has a long history of displacement fed by situations of cross boarding and internal conflict producing the largest population of IDPs across the Middle East. Only about one-third of Syrian refugees live in camps and the majority live in urban areas in KRI. Likewise, the vast majority of IDPs reside in informal settings outside camps.</p> <p>While returns of IDPs have taken place and are generally encouraged by the Iraqi government, many challenges around land ownership, access to sustainable livelihoods opportunities and an overall instable political environment persist, making long-term returns in large scale unlikely for the near future.<sup>a</sup></p>
<p>Number of forcibly displaced populations</p>	<p>The country hosts more than 290,000 refugees and asylum seekers mostly based in the KRI.<sup>b</sup> 1.2 million Iraqis remain internally displaced in the country.<sup>c</sup></p>
<p>Countries of origin for refugees</p>	<p>Iraq hosts refugees mainly from Syria (87 per cent), Turkey (6 per cent), Islamic Republic of Iran (3.3 per cent) and Palestine (2.6 per cent).<sup>d</sup></p>
<p>1951 Convention</p>	<p>Iraq is not a signatory to the 1951 Refugee convention, nor to its 1967 Protocol.<sup>e</sup></p>

a UNHCR, [Iraq country profile](#), accessed 12 October 2022.

b UNHCR, Country View, Iraq ([Country - Iraq \(unhcr.org\)](#)), March 2023.

c IDMC, Iraq | IDMC ([internal-displacement.org](#)), May 2022.

d UNHCR, [Iraq Factsheet](#), December 2022.

e Maja Janmyr, "The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda", *International Journal of Refugee Law*, 33, 2, pp. 188–213, June 2021. Available at: <https://doi.org/10.1093/ijrl/eeab043>.

 <p><b>Jordan</b></p> <p>The context</p>	<p>Jordan has a long history of hosting refugees and has been providing refuge to Palestinian and Iraqi refugees for decades. The country is facing a historic forced displacement crisis with the Syrian refugee situation, which makes the kingdom one of the top refugee-hosting countries per capita worldwide. Responding to the large inflow of Syrian refugees, Jordan has allowed them to live outside camps. More than 80 per cent of them have found refuge in the cities and governorates of Amman, Irbid and Mafraq.</p>
<p>Number of forcibly displaced populations</p>	<p>Jordan hosts over 740,000 UNHCR-registered refugees as well as more than 2 million Palestinian refugees registered with the United Nations Relief and Works Agency. Children represent a little over half of the refugee community.<sup>a</sup></p>
<p>Countries of origin for refugees</p>	<p>Syrians are the largest refugee group in Jordan. Alongside Syrian refugees, Jordan hosts refugees of other nationalities, mainly Iraqi, Yemen, Sudan and Somalia. This is in addition to the over 2 million Palestinians registered with United Nations Relief and Works Agency for Palestine Refugees (UNRWA).</p>
<p>1951 Convention</p>	<p>Jordan is not a signatory to the 1951 Refugee convention, nor to its 1967 Protocol.<sup>b</sup></p>

a UNHCR, [Jordan operational update](#), March 2023.

b Maja Janmyr, "The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda", *International Journal of Refugee Law*, 33, 2, pp. 188–213, June 2021. Available at: <https://doi.org/10.1093/ijrl/eeab043>.

 <p><b>Kenya</b></p>	<p>Kenya is the fifth largest asylum country in Africa. Most refugees are hosted in designated camps in Garissa Turkana Counties while fourteen per cent settle in urban areas, mostly in Nairobi.<sup>a</sup> Discussions are ongoing to close camps and support displaced people's voluntary returns. At the time of writing, the decision to stop the encampment policy was still pending, delayed from an initial plan to close the camps by June 2022.<sup>b</sup></p> <p>In addition to the large refugee population, the Internal Displacement Monitoring Centre (IDMC) estimated at the end of 2021 that Kenya is also home to 190,000 IDPs.<sup>c</sup> While figures on IDPs in Kenya are difficult to verify, as people may have been displaced for a long time and not all IDP return movements may have been tracked, most internal displacement today still originates in the ethnic and political violence and land disputes since the 1990s, as well as inter-communal violence and disputes over resources which have at times plagued the country since then.<sup>d</sup></p>
<p>The context</p>	
<p>Number of forcibly displaced populations</p>	<p>Kenya hosts more than 588,000 refugees and asylum seekers. Three out of four refugees are women and children (76 per cent). More than half are children (52 per cent), while 46 per cent of the population are working-age adults.<sup>e</sup></p>
<p>Countries of origin for refugees</p>	<p>Most refugees originate from the Great Lakes and Horn of Africa regions. People fleeing from conflict in South Sudan arrive in Kakuma in northern Kenya, while most Somali refugees flee to Dadaab, located in Garissa County in the former North Eastern Province of Kenya.<sup>f</sup></p>
<p>1951 Convention</p>	<p>Kenya acceded to the 1951 Refugee Convention in 1966 with no reservations.<sup>g</sup></p>

a UNHCR, [Kenya: registered refugees and asylum-seekers](#), 31 August 2022.

b For more information, please consult UNHCR, [Joint statement by the Government of Kenya and the United Nations High Commissioner for Refugees: Dadaab and Kakuma Refugee Camps Roadmap](#), 29 April 2021.

c IDMC, [Country profile: Kenya](#), accessed 11 October 2022.

d NRC/IDMC, [Global Overview 2014: people internally displaced by conflict and violence - Kenya](#), 2014.

e UNHCR, [Kenya operational update](#), 31 March 2023.

f UNHCR, [Kenya: registered refugees and asylum-seekers](#), 31 August 2022.

g UNHCR, [States parties, including reservations and declarations, to the 1951 Refugee Convention](#), accessed 01 December 2022.

 <p><b>Lebanon</b></p>	<p>Lebanon hosts the highest number of refugees per capita worldwide. Lebanon has also been facing its worst socioeconomic crisis in decades, with both Lebanese and refugee communities struggling to make ends meet.</p> <p>While Syrian refugee populations live alongside Lebanese host communities in areas that are more proximate to Lebanon's border with Syria, almost half of Palestine refugees live in the country's 12 refugee camps.</p>
<p>The context</p>	
<p>Number of forcibly displaced populations</p>	<p>Lebanon remains the country hosting the largest number of refugees per capita, with the Government estimation of 1.5 million Syrian refugees and 11,778 refugees of other nationalities. Syrian refugee populations are concentrated in Bekaa, North Lebanon, Beirut, Baalbeck-Hermel and Akkar governorates.<sup>a</sup></p>
<p>Countries of origin for refugees</p>	<p>Lebanon is host to refugees mainly from Syria, Palestine and refugees of other nationalities.</p>
<p>1951 Convention</p>	<p>Lebanon is not a signatory to the 1951 Refugee convention, nor to its 1967 Protocol.<sup>b</sup></p>

a UNHCR [Lebanon Factsheet](#), April 2023.

b Maja Janmyr, "The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda", *International Journal of Refugee Law*, 33, 2, pp. 188–213, June 2021. Available at: <https://doi.org/10.1093/ijrl/eeab043>.

	Sudan is host to a large population of newly arrived and long-term refugees, asylum seekers and IDPs. Most refugees live in out-of-camp and urban settings (61 per cent), generally in the Khartoum, White Nile and Darfur regions.
<b>Sudan</b>	The country continues to welcome new groups of refugees, with a wave of more than 100,000 asylum seekers in June 2022. <sup>a</sup>
The context	Of the more than 3.7 million IDPs in the country, the vast majority live in and originate from Darfur followed by IDPs who are displaced within the three Kordofan states. The two regions and Blue Nile states have been epicentres of conflict, which is why most internal displacement is concentrated there. <sup>b</sup>
Number of forcibly displaced populations	Sudan is host to more than 1.1 million refugees and asylum seekers, as well as more than 3.7 million IDPs. The majority of the refugee population is very young: 45 per cent are children, and 95 per cent of the population is below the age of 60. <sup>c</sup>
Countries of origin for refugees	Most refugee inflows originate from the separation of the two countries in 2011, due in part to the still on-going dispute over the Abyei territory. As of August 2022, most of the refugees originate from South Sudan (70.7 per cent), followed by those from Eritrea (11.5 per cent), Syria (8.2 per cent) and Ethiopia (6.4 per cent).
1951 Convention	Sudan acceded to the 1951 Refugee Convention in 1974, without reservations. <sup>d</sup>
Footnote	<p>a Refugee Consultation Forum, <a href="#">Sudan Country Refugee Response Plan (CRP) - 2022 Mid-Year Report</a>, September 2022.</p> <p>b UNHCR, <a href="#">Country - Sudan - UNHCR data portal</a>, accessed 11 October 2022.</p> <p>c UNHCR <a href="#">Sudan operational update</a>, 31 March 2023.</p> <p>d UNHCR, <a href="#">States parties, including reservations and declarations, to the 1951 Refugee Convention</a>, accessed 1 December 2022.</p>

	Uganda has a long history of hosting refugees, dating back to the mid-1950s when almost 80,000 Sudanese refugees, fleeing the first civil war, sought refuge in the country. <sup>a</sup> Largely thanks to its geographic location as a stable and welcoming country in a region otherwise ridden by conflict, Uganda has long become a safe destination for refugees in the Great Lakes region, hosting refugees who have been displaced for years as well as more recent arrivals.
<b>Uganda</b>	
The context	Most refugees (over 80 per cent) are hosted in 13 districts in the North and South-Western regions and in the capital Kampala. They live in settlements alongside their hosting communities in the north, south and mid-west regions.
Number of forcibly displaced populations	Uganda is host to more than 1.5 million refugees and this is the largest number hosted by a country on the African continent and the third largest globally. Children constitute 62 per cent of Uganda's refugees. <sup>b</sup>
Countries of origin for refugees	South Sudanese make up the largest population at 61 per cent (953,630), followed by Congolese 28.9 per cent (452,287), Burundian 3.3 per cent (51,775), Somali 3.3 per cent (51,321), Rwandan 1.6 per cent (25,578), and others 1.8 per cent (29,013).
1951 Convention	Uganda acceded to the 1951 Refugee Convention in 1976, with a reservation to article 15 (Right of Association), <sup>c</sup> which specifies that the Government of the Republic of Uganda shall have the full freedom to withhold any or all rights conferred by this article if in the public interest. <sup>d</sup>
Footnote	<p>a Easton-Calabria, <a href="#">Uganda's Long History of Hosting Refugees</a>, 1 September 2021.</p> <p>b UNHCR <a href="#">Uganda operational update</a>, 30 April 2023.</p> <p>c Please note that only reservations that pertain specifically to the areas covered in this study are mentioned. Declarations relating to different articles are not specifically outlined unless they add critical clarifications to how the article is applied in the relevant legislative context.</p> <p>d UNHCR, <a href="#">States parties, including reservations and declarations, to the 1951 Refugee Convention</a>, accessed 1 December 2022.</p>

Overall, the countries included in this review host a combined total of 9 million refugees, as well as 9.6 million IDPs. The breadth of the forced displacement phenomenon in all countries, as well as the fact that most populations are likely to remain in the host country in the near future, highlight the importance of improving the existing legal and policy frameworks underpinning their access to employment. This also requires strengthening the way that government institutions function to facilitate labour market integration, for inclusive policies. This way, refugees and other forcibly displaced communities can be active participants in the local labour market, to meet their own needs, but also to contribute to the communities that welcome them.

## Access to the labour market for displaced populations

One of the greatest differences in the countries included in this review relates to whether they grant refugees the right to settle and move freely in their territory, or alternatively whether they restrict movements, in some cases to refugee camps through encampment policies. Uganda is generally praised for giving its refugee population freedom of movement and allocating land in designated areas for shelter and agricultural use by the government. About 95 per cent of refugees in Uganda are estimated to live in settlements alongside host communities.<sup>15</sup> Also in Jordan, Lebanon and Egypt the vast majority of refugees self-settle, mostly in urban areas.<sup>16, 17</sup> In contrast, notwithstanding discussions to change this, at the time of writing this report Kenya continues to operate an encampment policy towards refugees, meaning that the majority are not allowed to self-settle outside designated camps without permits, and they are confined to three gazetted camps (Kakuma, Kalobeyi, Dadaab), with only a small proportion of the overall refugee population living in urban centres. While in Ethiopia, the Refugee Proclamation formally guarantees refugees freedom of movement and the right to work, the de facto encampment policy that has been in effect for long time has continued to be applied even after the Promulgation of the Freedom of Movement Directive in 2019.<sup>18</sup> As a result, most Ethiopian refugees are hosted in a total of 26 different camps. Sudan presents a more mixed picture, with most refugees living outside camps, though many continue to reside in large collective self-settlements where thousands of refugees live in “camp-like” areas, or areas which formerly were refugee camps.<sup>19</sup> This is somewhat comparable to Iraq, where both IDP and refugee camps still exist, but the vast majority of both population groups prefer to settle in urban areas.

In general, refugees residing in camps are at an overall disadvantage for accessing the local labour market, and in some cases they are not even allowed to do so in the first place. The Kenyan government’s policy,<sup>20</sup> which requires most refugees to live in the designated camps as described above, limits refugees’ access to national labour markets. While this policy was replaced by the 2021 Act, the impact of this change on the refugee population remains to be seen, as it has not yet been implemented. In Ethiopia, the de facto encampment policy limits refugee access to the national labour market to date.

It is noteworthy, however, that even in the absence of encampment policies, refugees face heightened challenges to access the labour market. Where refugees are not integrated with the host community and/or in urban areas, they tend to stay in often isolated and economically disadvantaged or marginalized areas (or specific neighbourhoods within those areas) of the country. This is the case for Sudan and Lebanon, but also Uganda and Jordan, illustrating that even where refugees are not obliged to live in designated refugee camps they can be at severe risk of socioeconomic exclusion. Refugees also face heightened challenges to access labour markets in line with their qualifications or, more broadly still, the formal labour market, as even in contexts where they may have the right to work, bureaucratic or administrative requirements may impede their ability to access these rights, or generally they may lack adequate knowledge on how to secure access to their right to work. In Sudan, for instance, refugees can only obtain a Refugee Card with the required Foreign Number which gives them citizenship-like “rights” in the capital Khartoum, meaning that many refugees who live in remote areas or cannot afford to travel are de facto excluded from securing these rights.



A Syrian entrepreneur sells goods he produces with his wife while holding his baby girl in the Youth Agri Market event in Lebanon's Beqaa Valley. © Elisa Oddone

Unlike refugees, IDPs are citizens of the country within which they are displaced. This means that they are entitled to all the rights, privileges and obligations enshrined in all legislation applicable to nationals of the country. However, because of their displacement status, they also face specific challenges in accessing their rights and the labour market. One challenge shared with refugees is that IDP camps are often situated in remote locations, making access to employment – especially formal employment – difficult. As IDPs often had to flee their homes suddenly without the time to make preparations, many may lack the required documentation, for example to prove their qualifications, that would allow them to access employment in line with their professional backgrounds. As a result, both refugees and IDPs tend to be over-represented in low-skilled, informal and high-risk jobs, which subject them to heightened risks of exploitation. In Iraq, for instance, nearly 50 per cent of IDPs living outside camps and around 40 per cent of those settled in camps rely on daily labour, whereas this is the case for 20 per cent among the non-displaced population in the KRI.<sup>21</sup>

21 Danish Refugee Council (DRC), UN Development Programme (UNDP), UNHCR, "A Study of the Opportunities in Labour Markets for IDPs and Refugees in KRI Construction Labour and Service-Sector Labour Market Systems," December 2014. Available at: <https://bit.ly/2UprErq>, p. 7.



## 2.2

### Access to labour markets

#### General legislative framework at national and regional levels

At the national level, several countries have a broad piece of legislation that sets the legal basis for refugee rights and protection. Notably, the 2006 Refugees Act of Uganda, the 2019 Refugees Proclamation of Ethiopia, the 1971 Political Refugee Law of Federal Iraq, 2021 Refugee Act of Kenya, and the 2014 Asylum Act of Sudan all provide a basis for the entitlements of refugees to access basic rights and freedoms, many of which address the key policy areas covered in this review.

The 2006 Refugees Act of Uganda, considered the refugee Bill of Rights, lays out the right of refugees to obtain legal recognition of refugee status, access to employment, to associate freely, to move freely around the country, and to have access to courts and legal assistance. Similarly, the 2019 Refugees Proclamation of Ethiopia sets the basis for refugees to access lawful employment (including self-employment), the right to association and to join cooperatives,<sup>22</sup> access to education, and the right to open a bank account, among others. In Federal Iraq, while the 1971 Political Refugee Law operates on a narrow definition of refugees, for those who do meet the criteria, it defines their legal status and secures their residency, right to work and access to basic rights, such as legal services and freedom of movement. The 2021 Refugees Act of Kenya replaced the 2006 Refugees Act and sets the basis for refugees' greater access to the labour markets, while refugees are required to live in designated areas during their stay. The 2014 Asylum Act of Sudan also grants refugees the right to wage-earning employment and provides a legal basis for naturalization. While no legislation is entirely comprehensive in addressing the key legal and policy areas covered in this review, they all provide a basis on which further legislation can build, or alternatively, a clarification of refugees' basic rights in areas where no additional legislation exists.

In addition to national legislation, regional frameworks provide further guidance on the commitment of several PROSPECTS countries, specifically Sudan, Kenya, Uganda and Ethiopia, to certain rights and freedoms for refugees. Several important regional frameworks which work in tandem with national-level legislation to guide policymaking with regard to refugees include the following.

1. The Kampala Declaration on Jobs, Livelihoods and Self-reliance for Refugees, Returnees and Host Communities in the Intergovernmental Authority on Development (IGAD) Region (2019) and its corresponding Plan of Action.<sup>23</sup> The Kampala Declaration contains references to almost all policy areas from self-employment to freedom of association, to recognition of skills, to access to finance.

<sup>22</sup> The full wording of the article is "right to association, as regards non-political and non-profit making associations and trade unions in the same circumstances as the most favourable treatment accorded to foreign nationals".

<sup>23</sup> Accessible [here](#).

2. The Djibouti Declaration on Refugee Education was adopted in 2017 by IGAD Member States to implement and develop quality educational standards and inclusion in their national legal framework and educational system.<sup>24</sup> This declaration commits its signatories to improve the skills of refugees, particularly relevant to the sections in this report on skills development.
3. The Free Movement Protocol aims to facilitate the free movement of persons and improve regular labour migration and mobility in the IGAD region.<sup>25</sup> IGAD Ministers of Foreign Affairs adopted the Protocol in June 2021.
4. The 2017 IGAD Nairobi Declaration on Durable Solutions for Somali Refugees and Integration of Returnees in Somalia aims to pursue a comprehensive regional approach to find durable solutions for Somali refugees and facilitate creation of an enabling environment for their safe, sustainable and voluntary return and reintegration.<sup>26</sup>

These frameworks, in tandem with other legislation, set the basis for refugee rights that facilitate increased integration into the labour market of the host country.

## 2.2.1 Legal status<sup>27</sup>

### Key points

While most of the eight PROSPECTS countries have provisions in place for refugee status determination, and recognized refugees are provided with legal identity documents that enable access to their rights in line with national legislation, important gaps remain in the law and in practice. Gaps remain in the law because some countries do not offer a due process to determine refugee status, and others exclude specific groups. Most gaps in practice pertain to refugees facing some form of backlog, lack of clarity, inconvenience or inefficiency in the registration and RSD processes. While some processes do operate with relative efficiency, the burden of cost and regular renewals are present in the majority. Overall, while legal status is the foundation of all future legal endeavours for refugees, the process of obtaining and continually renewing this status tends to be cumbersome, inefficient and costly.

### 2.2.1.1 Current legislation, policies and regulatory frameworks

The majority of the eight PROSPECTS countries have legal processes in place for the determination of refugee status and the issuance of legal status documents for asylum seekers<sup>28</sup> that allow, firstly, for the formal recognition of an asylum seeker as a refugee, and secondly, potential additional benefits such as access to basic services, humanitarian assistance, and, in some cases, residency and the right to work. Thus, among all eight PROSPECTS countries, there appears to be no legal gap in the recognition of refugee status and the subsequent issuance of legal documentation to recognize this status.

24 Accessible [here](#).

25 Accessible [here](#).

26 Accessible [here](#).

27 For a definition of each of the legal and policy areas discussed in this section, please consult the methodology section of this review.

28 With the exception of Lebanon post 2015, after a policy by the Council of Ministers suspended UNHCR refugee registration.

In Jordan and Egypt, as per agreements in 1998<sup>29</sup> and 1954<sup>30</sup> respectively, the responsibility for RSD lies with UNHCR. The same is true in Lebanon, where prior to 2015, UNHCR oversaw the registration of refugees.<sup>31</sup> By contrast, in Sudan, Uganda, Kenya, Ethiopia<sup>32</sup> and Iraq, this process is handled by the government. In all cases, obtaining legal status serves as the basis for all future legal endeavours for refugees.

While an RSD process exists in all countries, the scope of protection and associated rights and services differs by country. In Uganda, the issuing of a refugee identity card includes access to a travel document equivalent to a passport, which allows card holders to travel anywhere except their country of origin.<sup>33</sup> Similarly, in Ethiopia, refugees have the right to obtain identification documents<sup>34</sup> that establish a basis enabling refugees and asylum seekers to access their rights, freedoms and basic services, including telecom services, banking and financial services, and a driver's licence, among others. They also have the right to obtain a travel document for the purpose of travel outside Ethiopia.<sup>35</sup>

In Sudan, asylum seekers can only access a Refugee Card with the required Foreign Number giving them citizenship-like "rights" in the capital Khartoum. In other locations, including in PROSPECTS target areas (East Darfur and West Kordofan), refugees can only access a biometric Photo Slip, which allows for identification, but is not sufficient to access the supplementary rights a Foreign Number would give them. As a result, refugees registered at a camp outside Khartoum can only access services in the camp at which they are registered, limiting their ability to move outside the camp for work or personal reasons.<sup>36</sup> Furthermore, in Sudan, refugees from Arab states are afforded a special status known as the "Brother and Sister" status.<sup>37</sup> This exempts these individuals from having to register with the Commission for Refugees (COR) and essentially offers an immediate pathway to residency, the right to work, and naturalization. However, because they are not covered by the 2014 Asylum Act, their legal status remains ambiguous within Sudanese legislation, which creates challenges for this group, in particular when they seek assistance. Similarly in Iraq, a very narrow definition of "refugee", stemming from the 1971 Political Refugee Law, limits the number of people eligible for refugee status, excluding those who have fled their country of origin owing to general violence or persecution because of their race or religion.<sup>38, 39</sup> There is no additional legislation in place to recognize their status.

29 Under the 1998 memorandum of understanding (MoU) between the government of Jordan and UNHCR, the UNHCR can determine refugee status, and refugees are issued a UNHCR ID card.

30 An MoU between Egypt and UNHCR signed in 1954 gives UNHCR the responsibility to determine the legal status of refugees.

31 In 2015, the Lebanese government decided to stop registrations of newly arrived Syrian refugees. Since then, Syrians who approach UNHCR are "recorded", as opposed to "registered". "Recorded" refugees can access assistance, but they cannot receive a registration certificate, meaning that their rights in the country are more limited as a result.

32 By law, Refugees and Returnees Services (RRS) has the mandate to conduct RSD while the UNHCR has an observer status. In practice, however, UNHCR handles most of the RSD casework.

33 Refugees Act 2006.

34 Identification documents are issued by RRS.

35 The Refugees Proclamation 1110/2019 entitles refugees to education, health and employment, including self-employment.

36 The COR under the Ministry of Interior in Sudan will determine the status of an asylum seekers' application. Once approved, they will be issued a refugee card. If registered at a camp, they will only be eligible to receive services from that camp, and are not permitted to re-register elsewhere.

37 "Brother and sister" status is a special prima-facie-like status for citizens of Arab League countries. Syrians and Yemenis are the dominant nationalities that fall within this category, and with this status, they are not required to register with the COR. They therefore do not have formal refugee status, as the "brother and sister" status should confer the right to reside in Sudan and the right to apply for a Sudanese passport after six months.

38 The 1971 Political Refugee Law defines a refugee as a person who seeks asylum in Iraq for political or military reasons. This definition excludes categories of refugees who fled for reasons of race, religion or generalized violence. For those who meet this criterion, an identity card is issued by the Federal Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI).

39 This leaves a significant portion of refugees residing in Iraq today in a legal void, unable to access sufficient protection and rights under the law. In the KRI, the practice is slightly different, and asylum seekers can obtain a Humanitarian Residency Permit (HRP) issued by the KRI and UNHCR as proof of legal identity. This offers a greater proportion of refugees in the KRI access to official documentation and by extension eligibility for residency and rights to work, compared to Federal Iraq.

In Lebanon and Egypt, refugees can access a UNHCR refugee identification card. In Lebanon, prior to 2015 the UNHCR managed the refugee registration process, but since 2015 Syrian refugees are only “recorded” as opposed to “registered”, offering some assistance, but no certificate of registration. Alternatively, refugees can obtain legal residency through a pledge of responsibility by a Lebanese sponsor, an often costly process which gives the sponsor significant power over the refugee. Reportedly, this change was introduced as a means of encouraging refugees to reside in Lebanon as non-nationals, rather than as refugees whose status is regulated by the Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country of 1962.<sup>40</sup> Thus, the issuance of legal status comes with a varied set of rights and freedoms across countries.

### 2.2.1.2 In practice

In practice, the efficiency and comprehensiveness of the registration and RSD processes vary across the eight PROSPECTS countries. These factors do not seem to be entirely predictable, based on available legislation or whether the RSD process is handled at the governmental level or by UNHCR. Rather, backlog, inefficiency, and general logistical challenges with registration and the RSD process are present in many countries, regardless of the mechanism in place.

In Sudan and Uganda, despite some backlog and the presence of unregistered refugees, the process of refugee registration was noted to be efficient overall. In Uganda, FGDs did not reveal substantial practical barriers or challenges to the registration process. Refugee status is normally granted upon request, and an appeals process is in place for those who are unsuccessful. In Sudan, while bottlenecks in the process do occur and there are groups of refugees that remain unregistered, the latter problem was mostly ascribed to the belief among some refugees who do not see Sudan as their final destination that the full registration process would be completed upon arrival in their country of choice.

In Kenya, FGDs revealed some flaws in the RSD process, including a lack of clarity among refugees regarding the procedures for RSD or status renewal, delays in up to two or three years, and prohibitive travel costs. Similar challenges were noted for refugees in Lebanon, Egypt and Iraq. As no national-level refugee RSD mechanism is in place in those countries, refugees can only obtain a UNHCR or simply a non-refugee-specific form of legal residency. These, however, come with important limitations: in Lebanon, refugees can have residency based on UNHCR registration certificates, which, however, bar from them working.<sup>41</sup> Other options available, such as education or tourism residence permits, are expensive and thus out of reach for many. The situation is similar in Egypt, where refugees can also apply for education or tourism residence permits, but these are costly<sup>42</sup> and complicated to renew, and a major cause of irregular legal status. Another similarity between Egypt and Lebanon is that refugees do not prefer a UNHCR card over other non-refugee-specific legal residency options. In Lebanon, residence permits can be obtained in place of a UNHCR registration, and among the refugees interviewed, neither was strongly preferred over the other.

40 Other avenues to obtain residency include: 1) Syrians can renew their residency permits based on their UNHCR registration certificate if they were registered with the UNHCR before 2015. This category restricts refugees from working, and the GSO can reject residency renewal if the refugee is found to be working, whether the refugee has a work permit or not. 2) The residency permit can be based on a work permit. This category applies to refugees who do not benefit from the fee waiver to which UNHCR registered refugees are entitled, or to those who “wish to change their sponsors without exiting Lebanon or who have never had a residency permit based on a pledge of responsibility”.

41 Note that in Lebanon this pertains specifically to Syrian refugees. Non-Syrian refugees cannot hold a work permit and an asylum certificate simultaneously.

42 In Lebanon, the yearly fee of a residency permit on a pledge of responsibility or a work permit amounts to 300,000 Lebanese pounds (equivalent to approximately US\$200 as per Lebanon’s official exchange rate on 16 December 2022), in addition to any penalties for illegal entry, which are paid separately. For every year that a non-national fails to have a residency permit, an additional 300,000 pounds must also be paid. In Egypt, residency permits and renewal costs for refugees are 100 Egyptian pounds (US\$5).

In Ethiopia, most of the asylum cases are harmonized through a prima facie approach.<sup>43</sup> Individual RSD is conducted in only two locations, and there is a considerable backlog of RSD cases. The challenges in the asylum system include suspension of refugees' access to asylum, lack of harmonized asylum procedures across the country, and constraints relating to the systematic implementation of legal and procedural safeguards undermining due process and quality of the RSD process. The appeals system for rejected cases is also not functional despite being guaranteed in the Refugee Proclamation.

Another concern is the period of duration of the legal status documents when they are issued. Despite the challenges described in Kenya, refugee ID cards are issued for five years, compared to only one year in Sudan. The validity of refugee residency in KRI is also one year, and between six months and three years in Egypt depending on the type of residency acquired. The short-term duration of certain residence permits in Egypt puts refugees at risk if their permits expire while they are in the process of renewing them.

## 2.2.2 Freedom of movement

### Key points

In the eight PROSPECTS countries, gaps were observed in the absence and the incompleteness of legislation, leading to ambiguity and arbitrary decision-making. When freedom of movement is legally codified, this is largely done to restrict movement, as opposed to facilitating it. Encampment policies make it difficult for refugees to leave their place of residence, in turn making it difficult to seek employment outside the camp or to travel for other personal or professional reasons.

At the same time, there is variation in the degree of freedom of movement exercised by refugees across the countries, which has little to do with the legal frameworks currently in place. Where refugees do face movement restrictions, the barriers they face range from encampment policies and opaque systems of issuing movement passes to vulnerability in travelling with expired identification and occasional curfews. In practice, the absence of a legal framework does not necessarily guarantee or restrict the right of refugees to move freely around the country, and the existence of a legal framework that in theory curtails refugee movement does not always do so.

### 2.2.2.1 Current legislation, policies and regulatory frameworks

Most countries have some form of legislation governing the right of refugees to move freely within the country. A minority of countries<sup>44</sup> lack legislation pertaining to this topic; however, regulations and procedures are well codified overall. Nevertheless, in most countries these laws tend to restrict refugee movements rather than encourage or protect them.

<sup>43</sup> The prima facie approach is applied to refugees originating from South Sudan, South and Central Somalia, Eritrea, the Blue Nile and South Kordofan regions of Sudan, and Yemen (those who arrived after 1 January 2015). The government recently announced that it has lifted prima facie recognition for Eritrean refugees, but it was not done following the proper legal procedures that require issuance of a directive to that effect as per article 21 (4) of the Refugees Proclamation. The decision was also not supported by a functioning individual RSD mechanism for the asylum seekers limiting their access to registration and access to asylum.

<sup>44</sup> Egypt and Iraq.

In Sudan and Kenya, national legislation restricts the movement of refugees and results in encampment policies.<sup>45</sup> Refugees are prevented from leaving their assigned place of residence without special permission from authorized bodies. Furthermore, in Kenya, obtaining a work permit does not automatically guarantee the right of refugees to move outside the camp for work. They are confined to the camps at which they are registered and are unable to leave unless they obtain movement passes. The same is true in Ethiopia: while the Refugee Proclamation does grant the freedom of movement to refugees, including their right to choose their residence, this is restricted by a *de facto* encampment policy which requires refugees to obtain movement passes if they wish to move outside the region where their camp is located. If their intended movement is for a temporary period, they are required to obtain pass permits. However, if they choose to reside outside their designated camps, they need to be included in the urban assistance programme, provided they have protection, medical or other compelling humanitarian reasons, or they must obtain a regular out-of-camp residence permit by proving that they are self-reliant. The same restrictions are upheld in Jordan, where, since 2015,<sup>46</sup> refugees are legally required to obtain movement passes before leaving their camp.<sup>47</sup>

In contrast, Uganda has a relatively progressive legal framework allowing refugees the right to move freely in the country. This right is enshrined in the Refugees Act of 2006.<sup>48</sup> The only restriction they do face is that access to social and other benefits is tied to the official place where they are registered, which means that refugees can only access assistance where they are officially registered. However, other than this, they are legally free to move throughout the country for work, travel or personal reasons.

In Egypt and Lebanon, there is no legislation regarding freedom of movement. In both countries, refugees are not encamped, and in practice they are entitled to the same freedom of movement as citizens, though this is not explicitly stated in legislation. In Iraq, while the rights of refugees to move freely are well defined under the 1971 Political Refugee Law, those who do not meet the restrictive 1971 refugee criteria under that act once again fall outside the legal framework, and their rights are not protected. Even in KRI, those who possess a Humanitarian Residency Permit (HRP)<sup>49</sup> but do not fall under the 1971 definition under the 1971 law face restrictions on their movement, by not being allowed to enter Federal Iraq, for example.

As far as legal gaps can be observed, there are three notable ones. The first is in Kenya. While the national policy does outline the need for encamped refugees to obtain movement passes, there are no regulations on the issuance of movement passes, creating a legal ambiguity that subjects refugees to arbitrary decisions and potential harassment by authorities outside their place of residence. The second is in Iraq, where refugees who do not meet the narrow criteria of the 1971 refugee definition fall into a legal black hole where their rights are not guaranteed. Refugees in KRI who possess an HRP are not entitled to move freely into Federal Iraq. The third is in Egypt, where there is no encampment policy and freedom of movement is guaranteed to all those who possess any type of residence permit. As long as refugees can obtain this (noting the barriers in practice mentioned in 2.2.2.2, specifically with regards to the high cost of obtaining tourism and education visas),<sup>50</sup> their freedom of movement is protected. The situation is similar in Lebanon, where the possession of any type of residence permit facilitates freedom of movement for refugees. While this expands their freedom of movement in practice, it remains a legislative gap.

45 In Sudan, within the 2014 Asylum Act, article 14 (2a) specifically prevents refugees from leaving their assigned residence without special authorization from COR or other competent bodies; In Kenya, the Refugees Act includes substantial restrictions on movement for refugees. Refugees are confined to designated areas and must obtain a movement pass if they wish to travel outside these areas.

46 Since 2015, refugees require vacation passes to leave the camp briefly, heightening the interest in obtaining work permits to leave the camps.

47 This is in addition to work permits, which were previously considered as movement passes. Since 2015, refugees require both a movement pass and a work permit if they wish to leave their camp, for a maximum of two weeks.

48 Article 30 of the Refugees Act 2006 states that "a recognised refugee is entitled to free movement in Uganda".

49 A formal identity card issued by the KRI government that also acts as a temporary residency for one year. It is subject to passing a blood test (for HIV and hepatitis A, B, and C) and security clearance. It is renewable annually. After registration with the KRI authorities, refugees can reside legally in the region, and their identity card entitles them to basic rights, including the right to work, to rent accommodation, and to access public health care and public education.

50 An alternative to education and tourism visas is the blue card, another permit type, which is not costly, but has to be renewed on a six month basis.



Sudanese refugee in Egypt trained on tailoring skills and supported to start her business. © ILO

### 2.2.2.2 In practice

The extent to which freedom of movement is being exercised by refugees in practice is varied, and not necessarily related to national legislation governing this right. In cases where legislation does exist on the right of freedom of movement for refugees, the extent to which it encourages or curtails this right is not always predictive of how it is exercised in practice.

Sudan, Uganda and Lebanon<sup>51</sup> are countries where refugees enjoy a relatively high degree of freedom of movement.<sup>52</sup> Yet, Uganda has a legal framework that guarantees refugees' freedom of movement, Sudan has policies that restrict it, and Lebanon has no legal framework at all. By contrast, refugees in Kenya, Ethiopia, Iraq and Egypt face many practical restrictions on their freedom of movement. While Kenya and Ethiopia do in fact have restrictive legal frameworks on refugee movement, Egypt has none. Thus there is no straightforward relationship between legislation and practice when it comes to freedom of movement.

In Ethiopia, while the legal framework is not restrictive of freedom of movement of refugees, a de facto encampment policy is applied, strictly regulating refugees' movement and residence out of camps through movement passes. The 2019 Directive to Determine the Conditions for Movement and Residence of Refugees Outside of Camps,<sup>53</sup> issued to implement the Refugee Proclamation and Ethiopia's pledge to expand and improve the Out-of-Camp (OCP) scheme,<sup>54</sup> has been largely left unimplemented, and the de facto encampment policy and tight restriction of refugee movement through the pass permit regime continue to be applied.

51 This should be noted with the caveat that refugees' movement was restricted during COVID-19, and some municipalities implemented curfews that applied to refugees only.

52 Noting that in Lebanon specifically, refugees are not de facto recognized as refugees, but can still register or be recorded as persons of concern with the UNHCR.

53 Directive to Determine Conditions of Movement and Residence of Refugees Outside of Camps, Directive No.01/2019.

54 Expanding the "Out-of-Camp Policy" is one of the nine pledges Ethiopia made at the Leader's Summit on Refugees held on 20 September 2016 in New York.

In Sudan, encampment policies and the system of issuing movement passes theoretically put a legal limit on the scope of refugees' ability to travel outside the camps. Indeed, travelling long distances and crossing state borders does require movement passes. However, in practice, travel requests are typically granted within 24 hours. Furthermore, it is common for refugees to travel in and out of the camps without permits for short distances with relative ease. They often travel to nearby towns without a permit. With a few caveats,<sup>55</sup> refugees experience the ability to move freely around the country within the bounds of the law. A similar degree of freedom is exercised in Uganda and Lebanon. In Uganda, refugees are legally entitled to freedom of movement across the country. Refugees often choose to stay in their place of residence for greater access to aid and benefits, however when they do need to move, they do not require permission to travel or work outside their settlements. In Lebanon, although there is a dearth of legislation governing the movement of refugees, and in theory their irregular status introduces risks, refugees interviewed in FGDs did not feel that their movement is restricted. With the exception of curfews for Syrian refugees implemented by certain municipalities across the country, particularly during the COVID-19 pandemic, the majority of Syrian refugees participating in this study confirmed that they were not subject to curfews nor excessive interrogation at checkpoints. This is also the case for camp-based refugees in Jordan.

In Kenya, as in Sudan, refugees are required to apply for a movement pass if they wish to leave the camp. Yet, while in Sudan the process appears to run smoothly, based on primary data collected, in Kenya the process in practice is bureaucratic, opaque, unpredictable and arbitrary. The criteria under which passes are granted are not clear to refugees. Additionally, according to refugee respondents, the office of Refugee Affairs Secretariat where application forms must be submitted is frequently located at the far end of the camp and can take refugees two or three hours to walk there. The same is true in Ethiopia, where refugees require a movement pass to travel outside the region where their camp is located, but the necessity of obtaining this pass and the subsequent ease of travel is not the same for all. Refugees with cultural and ethnic similarities to the host community are more able to move freely outside their camps and live in the locality without a need for a permit. Refugees are also required to obtain an OCP permit by proving that they are self-reliant, or they need to be included in the urban assistance programme owing to serious protection, medical or other humanitarian reasons in order to be given a permit for regular residency outside camps. However, this is not uniformly applied throughout all refugee-hosting regions in which, for instance, Eritrean refugees have been given priority for OCP permit. Thus, in Kenya and Ethiopia, the laws are unequally applied, and movement restrictions remain a reality for many.

In Iraq, freedom of movement is dependent on the type of residency the refugee holds. Refugees in Federal Iraq recognized under the 1971 Political Refugee Law who hold a card issued by the Federal Permanent Committee for Refugees Affairs of the Ministry of Interior (PC-MoI) are free to move within the governorates of Federal Iraq. Refugees in KRI who possess an HRP can move within KRI but are not entitled to move into Federal Iraq. Violations may result in arrest, detention, or deportation of undocumented foreign nationals. Jordan is also a country where different restrictions apply: refugees outside camps can move freely, while those within camps require permission to leave the camp.

While in Egypt there are no legal restrictions on refugees' freedom of movement, in practice, the short validity of differing types of residency permits necessitates frequent trips to renew them. The procedures are centralized in Cairo, and the lengthy process and sometimes long distance required to travel to renew them often exposes refugees to questioning and interrogation if their permits have expired. In this sense, their freedom of movement is practically limited.

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55 South Sudanese who are not registered as refugees may have a hard time proving they are allowed to move. Additionally, the ease of freedom of movement might differ depending on a refugees' nationality. Finally, movement passes are not granted for the purpose of job seeking.

## 2.2.3 Right to wage-earning employment

### Key points

Even if a country guarantees the right of refugees to access wage-earning employment in their legal framework, considering the burdensome and sometimes costly process of obtaining a work permit, this does not automatically mean that refugees can realize this right. In many cases, legislation on access to work permits does not refer to refugees as a distinct group, and thus fails to outline procedures that account for the unique challenges they face. Where legislation refers to non-nationals, requirements tend to be substantial and particularly difficult to satisfy for refugees. Even in countries that do explicitly outline refugee-specific processes for work permits, additional legal burdens act as somewhat of a contradiction to this.

As a result, the practice of applying for work permits is rare. Given the costly and burdensome administrative barriers, there are few incentives on the part of refugees as well as on employers to go through the process. This reality, compounded by discrimination and an overall scarcity of formal sector jobs for nationals and refugees alike, pushes many refugees into the informal sector, where remuneration is generally lower, jobs are low skilled and unstable, and opportunities for exploitation are more present.

### 2.2.3.1 Current legislation, policies and regulatory frameworks

The right to wage-earning employment for refugees is legally codified in Sudan, Uganda, Kenya, Ethiopia and Iraq,<sup>56</sup> with each country allowing refugees to engage in wage-earning employment through a specific piece of legislation, provided they have obtained refugee status. In Lebanon and Egypt, by contrast, the right of refugees to wage-earning employment is not explicitly mentioned in laws, and there are no frameworks regulating the access of refugees to the labour market.<sup>57, 58</sup> Jordan presents a specific case in an MoU with the UNHCR signed in 1998, which provides grounds for wage-earning employment, further codified in the Jordan Compact in 2016. Overall, the lack of legislation defining the rights of refugees to work legally as a specific category of foreign worker can be considered a legal gap in Egypt and Lebanon, as well as for non-Syrian refugees in Jordan.

In countries where the refugees' right to wage-earning employment is not specifically codified, refugees are disadvantaged in comparison with nationals in accessing wage-earning employment, with many having to resort to working informally instead. In the absence of explicit legislation on refugees' right to work, the result is that they are treated the same as other non-nationals, with no recognition of their unique status or the resulting needs and differing resources available to them, in comparison with other categories of foreign workers. This relates to additional administrative burdens, as refugees may have come to the country without certain types of ID or educational certificates and the economic resources that would ease their transition into work. Refugees are also likely to have specific needs and vulnerabilities that foreign workers would not have, and which may need to be taken into account by the law.

<sup>56</sup> In Sudan, the 2014 Asylum Act grants refugees the same treatment as non-refugees with respect to liberal work and liberal professions. The act further states that refugees are allowed to work if they can obtain a work permit; in the other countries the following pieces of legislation outline refugees' right to wage-earning employment: in Uganda, the Refugees Act of 2006; in Kenya, the Refugees Act of 2021; in Iraq, Iraqi Labour Law No.37 of 2015; in Ethiopia, the Refugees Proclamation 1110/2019.

<sup>57</sup> While mechanisms are in place for non-nationals to obtain work permits, there is no refugee-specific legislation guaranteeing refugees the right to work in Lebanon, Jordan, and Egypt. In Egypt, at the time of writing this report, the creation of refugee-specific legislation was reportedly under development.

<sup>58</sup> In fact, in Lebanon, refugees who are registered with the UNHCR cannot legally work unless they forgo their refugee status and accept the status of migrant worker. They are then considered as any other foreigner and can obtain an employer sponsor or residence-based work permit. Non-Syrian refugees in Jordan are also not permitted to hold a work permit and asylum certificate simultaneously. If applying for a work permit, non-Syrian refugees must present evidence that they have closed their cases with the UNHCR.

As such, refugees are subject to the same limitations as non-nationals, and limited from entering certain professions and/or sectors of work reserved for nationals.<sup>59</sup> Furthermore, in some countries, such as Jordan and Egypt, there is an upper limit on the number of non-nationals that employers can hire. While the 1951 Refugee Convention does not oblige states to provide immediately to refugees the same rights to wage-earning employment as those enjoyed by nationals, the convention does, nevertheless, envisage that after three years of residing in a country, refugees shall be entitled to the same treatment as nationals. This is in acknowledgement of the reality that many refugees tend to stay in their host country for a long time, as is the case in the PROSPECTS countries.

Among the countries where the refugees' right to wage-earning employment is codified, there is still variation in the ease and accessibility of obtaining employment. For example, in Uganda, as per the Refugee Regulations of 2010, refugees are not only eligible to seek employment on the same footing as Ugandan citizens but are further exempt from paying fees related to work permits prior to accepting an offer of employment. In Kenya, while the Refugees Act guarantees the right of refugees to work, they are nonetheless disadvantaged compared with Kenyan nationals, in that it is legally not considered discrimination to employ a Kenyan citizen preferentially,<sup>60</sup> creating additional obstacles for refugees who seek wage-earning employment.

In Ethiopia, the 2019 Refugee Proclamation guarantees the right of refugees to engage in wage-earning employment, self-employment, and liberal professions, in the same circumstances as "the most favourable treatment accorded to foreign nationals". The scope of the right, however, is not clearly defined by the Proclamation, nor by the 2019 Right to Work Directive, because the law is silent as to which group of foreign nationals, among many with various levels of treatment, should be used as a reference to determine the treatment accorded to refugees. One line of interpretation is that refugees should be treated on a par with foreign nationals of Ethiopian origin who have a wide range of socioeconomic rights, including the right to be employed in Ethiopia without a work permit. Others argue that foreigners of Ethiopian origin should not be used as a comparative because they are former Ethiopian citizens or their descendants, with strong social, economic and cultural attachment with Ethiopia. These differing interpretations create confusion, barring refugees from accessing the national labour market. A secondary legislation is expected to resolve this legal ambiguity.

In Sudan, even though Chapter III of the 2014 Asylum Act outlines the Rights and Duties of the Refugee, and article 13(2) grants refugees the same treatment as other non-refugee aliens with respect to the right to self-employment and liberal professions, the Labour Act does not consider the rights of refugees. In Federal Iraq, most refugees who fall outside the criteria of the 1971 Political Refugee Law face a similar vulnerability to those in Egypt, where refugees are not specifically mentioned in applicable legislation. The small number of refugees who meet the criteria in the 1971 Political Refugee Law and are issued with a residency or identity card from the PC-MoI are granted the right to work, as well as the same health and education services as Iraqis.<sup>61</sup> However, this right to work is not unfettered, and refugees who wish to engage in certain types of work must also comply with the separate legal requirements that regulate them.

In Jordan, with the announcement of the Jordan Compact in February 2016, the government introduced a range of mechanisms aimed at simplifying the process for Syrian refugees to access work permits, in addition to expanding the number of Syrian refugees that qualify for work permits, and the jobs for which Syrian refugees can apply. At the same time, these regulations only pertain to Syrian nationals, meaning that other refugee groups, including those of Yemeni and Sudanese origins, face more restrictive frameworks.<sup>62</sup>

59 In Egypt, foreigners cannot work in import-export industries as per regulations from the Ministry of Manpower and Migration. In Jordan, foreigners are barred from medicine, engineering, teaching, accounting, and electrical and mechanical professions, among others.

60 Article 5(4c) of the Refugees Act; this article is applicable to all legal residents, so any legal resident that is not a citizen is impacted by this law.

61 Iraq: Act No. 51 of 1971, The Political Refugee Act, Art. 11, 10 April 1971.

62 Johnston et al. Realising the Rights of Asylum Seekers and Refugees in Jordan from Countries Other than Syria: With a focus on Yemenis and Sudanese. 2019. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/71975.pdf>

Instructions issued by the Jordanian Ministry of Interior (MoI) in December 2019 considered individuals applying for work permits exclusively as migrant workers. Since then, the MoI has indicated that non-Syrian Persons of Concern (PoC) in Jordan would no longer be permitted to retain a work permit while simultaneously accessing international protection through the UNHCR. The Government of Jordan requires non-Syrian PoC applying for work permits to close their files with the UNHCR and present evidence of closure.

### 2.2.3.2 In practice

#### Key points

There is substantial variation in the laws governing refugees' right to wage-earning employment across the eight PROSPECTS countries. In countries where the law does not clearly outline refugees' right to access employment, they are subject to restrictions on hiring and, in some cases, outright exclusion from certain sectors.

Even where the right of refugees to wage-earning employment is legislated, a constellation of factors makes the practical reality difficult. The prevalence of discrimination against refugees, exclusion from certain professions, transport and language barriers, and a generally weak economic situation across the eight PROSPECTS countries make the likelihood of securing decent employment minimal. Compounded with the difficulty of obtaining a work permit, explained in 2.2.4, most refugees work in the informal economy.

Despite the existence of legislation codifying the right of refugees to wage-earning employment in most of the PROSPECTS countries,<sup>63</sup> in practice opportunities for refugees to engage in formal employment are minimal. Besides the difficulty of obtaining a work permit, which is outlined in more detail in the subsection that follows, factors such as discrimination,<sup>64</sup> transport costs,<sup>65</sup> and language barriers<sup>66</sup> lead to a concentration of refugees working in low-paying occupations largely in the informal sector. Beyond the aforementioned factors, there are several professions that refugees and non-nationals alike are barred from entering, including roles in the local government and state administration. In Jordan, section 12 of the 1996 Labour Code mandates that "non-Jordanian workers shall only be employed upon authorisation by the Minister, or his duly mandated representative". Decisions about the sectors and occupations open to non-Jordanians remain ad hoc and subject to frequent change. In Kenya, even in professions from which refugees are not explicitly excluded, the law requires employers to ensure that no Kenyan is available to fill the role before hiring a non-national. This is also the case in Egypt and Ethiopia. Furthermore, refugees in Iraq noted that professional fields such as dentistry, pharmacy and law require additional registration beyond simply obtaining a work permit. The same is true in Ethiopia, in which a list of commercial and business activities, as well as employment in the civil service, are reserved for Ethiopian nationals only, save for exceptional situations such as foreign nationals of Ethiopian origin. In reality, as was observed across all countries, refugees are highly under-represented in professional fields.

It is also generally the case across all PROSPECTS countries that the economy is weak, and opportunities for formal employment are scarce for nationals and even scarcer for refugees. An already fragile economic context is compounded by discrimination against refugees. As a result, refugees seek out employment opportunities in the informal sector. This means that conditions are worse, hours are longer, and social protection is lacking. In most PROSPECTS countries, many refugees work in construction and agriculture, or as daily labourers, transport drivers or cleaners. As a result, refugees are also at much greater risk of exploitation, with limited recourse to the law for protection.

63 Sudan, Uganda, Kenya, Ethiopia and Iraq.

64 In Sudan, South Sudanese are likely to be preferred over other nationalities, including Ethiopians who have been living in the country for a long time. In Egypt, perceptions about refugees being poor and uneducated are pervasive. In Iraq, refugees noted that nepotism played a strong role in hiring practices, which often put them at a disadvantage.

65 In Iraq, transport costs for refugees can be prohibitive. In Ethiopia, refugee camps are located far from the city, making employment opportunities in towns more difficult.

66 Arabic-speaking refugees in Kurdistan, non-Arabic speaking refugees in Egypt and French-speaking refugees in East Africa.

While IDPs are citizens, the challenges they face in accessing wage-earning employment are in many instances similar to those of refugees. Like refugees, IDPs are disproportionately over-represented in the informal economy. This is reportedly because IDPs may lack relevant documentation to prove their professional background, as well as missing the relevant social connections needed to access more attractive and better paid jobs. In Iraq this was reportedly an issue in accessing public sector roles in particular, which are deemed attractive but de facto out of reach for most IDPs.

## 2.2.4 Mechanisms governing access

### 2.2.4.1 Current legislation, policies and regulatory frameworks

In all eight PROSPECTS countries, a work permit is a prerequisite for engaging in wage-earning employment for non-nationals, including refugees. All countries have legal frameworks in place which govern the access of non-nationals to employment. However, the process of obtaining a work permit is difficult for refugees and in most countries comes with potential administrative challenges relating to costs and documentation requirements.

An overview of the work permit systems and process are outlined in table 2.

► **Table 2. Overview of work permit systems in PROSPECTS countries**

 Egypt	
Governing body	Manpower and Migration Directorate
Legal basis	<ul style="list-style-type: none"> <li>► Labour Law (2003)</li> <li>► Ministerial Decree No. 305 Regulating Work Permits for Foreigners (2015)</li> </ul>
Process and documents	<ul style="list-style-type: none"> <li>► Refugees are treated the same as other non-nationals when it comes to work permits.</li> <li>► There are certain exceptions. Based on Egypt's principle of reciprocity and bilateral agreements, non-nationals receive the same entitlements in Egypt that Egyptians receive in non-nationals' countries of origin.</li> <li>► In order to apply for work permits, refugees need to find an employer willing to sponsor them. The employer must submit an application with the required documents to the Central Administration of Employment at the Ministry of Manpower, as well as the following: evidence of the potential employee's qualifications and a minimum of three years of experience that is notarized; the employee's passport; academic degrees; the employer's registration and tax certificates; a letter from the employer justifying the reasons for hiring the non-national; a negative HIV test.</li> </ul>
Fees (USD equivalents as per exchange rates in February 2023)	<ul style="list-style-type: none"> <li>► Work permit fees vary per duration and can range between 5,000 to 15,000 Egyptian pounds (between US\$163 and US\$490).</li> <li>► Decree No. 305 exempts Sudanese, Palestinians, Lebanese, Greeks and Italians from work permit fees if they are staying in Egypt for no more than five years.</li> </ul>
Hiring non-nationals, quotas	<ul style="list-style-type: none"> <li>► It must be proved that no Egyptian national is able to perform the job taken by the refugee.</li> <li>► The total number of non-national workers in any establishment, even if it has several branches, may not exceed 10 per cent of the total number of insured Egyptian workers.</li> </ul>
Sectors and occupations in which refugees can work	<ul style="list-style-type: none"> <li>► Non-nationals are prohibited from working in importing, exporting and customs, as well as from working as tour guides in the tourism sector.</li> </ul>

A refugee apprentice enrolled in the welding training at Jigjiga Polytechnic at Somali Region, Ethiopia. © ILO

 Ethiopia	
Governing body	Ministry of Labour and Skills or competent body authorized by the Ministry
Legal basis	<ul style="list-style-type: none"> <li>▶ The Refugees Proclamation (2019)</li> <li>▶ The Right to Work Directive (2019)</li> <li>▶ The Labour Proclamation (2019)</li> <li>▶ Directive on the Issuance of Work Permits for Expatriates (2018)</li> </ul>
Process and documents	<ul style="list-style-type: none"> <li>▶ A recognized refugee may engage in wage-earning employment upon obtaining a work permit.</li> <li>▶ Refugees who have been granted a residence permit to work in a joint project are exempt from the work permit requirement. To get a residence permit, a refugee should fulfil the requirements of the joint project and should have lived in Ethiopia for at least three years after securing refugee status.</li> <li>▶ A refugee who is legally married to an Ethiopian national or has at least one child in possession of Ethiopian nationality may be employed without having to obtain a work permit.</li> <li>▶ For work permits outside a joint project, employers are requested to provide the refugee identification document and support letter from the Refugees and Returnees Service (RRS) to MoLSA.</li> <li>▶ The type of permit granted is a closed work permit which limits refugees' employment to a single employer.</li> <li>▶ The work permit is issued for a period of three years, subject to renewal every year.</li> </ul>
Fees (USD equivalents as per exchange rates in February 2023)	▶ Refugees are not required to pay fees to obtain work permits or residence permits for joint projects.
Hiring non-nationals, quotas	<ul style="list-style-type: none"> <li>▶ The employer is required to attach a support letter from the relevant government office confirming that there is no Ethiopian national with similar qualifications and experience for the specific job.</li> <li>▶ A work permit is granted only until such time that Ethiopians are trained to replace the foreigner(s).</li> </ul>
Sectors and occupations in which refugees can work	<ul style="list-style-type: none"> <li>▶ Restrictive measures are imposed on employment of refugees in national defence, security, foreign affairs and other similar political establishments.</li> <li>▶ Agriculture, industry, small and micro enterprise, handicrafts and commerce are sectors explicitly mentioned in the Refugees Proclamation as sector in which refugees can work.</li> <li>▶ In the context of joint projects, environmental protection, industry and small and micro enterprises are listed among the areas where refugees can engage.</li> </ul>



Internally displaced women entrepreneurs in Iraq were supported by ILO PROSPECTS to access finances and trained on improving businesses. © ILO

	<b>Iraq</b>
<b>Governing body</b>	Ministry of Labour and Social Affairs
<b>Legal basis</b>	<ul style="list-style-type: none"> <li>▶ The Political Refugee Law (1971)</li> <li>▶ The Labour Law (2015)</li> </ul>
<b>Process and documents</b>	<ul style="list-style-type: none"> <li>▶ In Federal Iraq, obtaining a Federal Permanent Committee for Refugees Affairs of the Ministry of Interior residency card is a prerequisite to being eligible to apply for a work permit.</li> <li>▶ In Kurdistan Region of Iraq, the Humanitarian Residence Permit (HRP) gives refugees the de facto right to work, even though this is not reflected in any legal framework. Refugees who do not meet the criteria in the 1971 Law and do not possess an HRP are treated as foreigners and must obtain a work permit.</li> <li>▶ This requires sponsorship by an employer who will apply for the work permit on behalf of the refugee and which requires at a minimum a valid residence document. In addition, depending upon the sector, evidence of valid education and trade qualifications may be required.</li> </ul>
<b>Fees (USD equivalents as per exchange rates in February 2023)</b>	▶ No legal provision observed
<b>Hiring non-nationals, quotas</b>	▶ No legal provision observed
<b>Sectors and occupations in which refugees can work</b>	▶ No legal provision observed

	<h2>Jordan</h2>
<b>Governing body</b>	<ul style="list-style-type: none"> <li>▶ Ministry of Labour</li> <li>▶ Zaatari Office for Employment</li> <li>▶ Azraq Centre for Employment</li> <li>▶ General Federation of Jordanian Trade Unions and agricultural cooperatives as mandated by the Ministry to issue work permits</li> </ul>
<b>Legal basis</b>	<ul style="list-style-type: none"> <li>▶ Labour Law (1996)</li> <li>▶ Instructions for the conditions and procedures for hiring non-Jordanian workers of Syrian nationality for the year 2020 and their amendments</li> <li>▶ Regulation No. 142 on Work Permit Fees For non-Jordanians for the year 2019</li> <li>▶ Circular No. 291/2019 on Free Permits</li> <li>▶ Regulation 18 on the Conditions and Terms of Workers for Employment and Recruitment of Non-Jordanian Workers (2012)</li> </ul>
<b>Process and documents</b>	<ul style="list-style-type: none"> <li>▶ For Syrian refugees there are three types of work permits: <ul style="list-style-type: none"> <li>▶ Regular work permits are tied to a specific employer and allow the worker to work in the professions permitted for non-Jordanians. Work permits are valid for one year on a renewable basis.</li> <li>▶ Temporary work permits allow refugees to work in the Cash-for-Work programmes or labour-intensive projects. Workers are allowed to change employers and the duration of the work permit shall not exceed six months on a renewable basis.</li> <li>▶ Flexible work permits are valid for one-year on a renewable basis and are not tied to one employer or a geographical area. These types of permits are common in the agriculture and construction sectors. GFJTU and agricultural cooperatives are given the authority to issue flexible work permits in these two sectors.</li> </ul> </li> <li>▶ The application for the above work permits shall be submitted by the employers or by the establishments (GFJTU, cooperatives).</li> <li>▶ Documents vary according to the work permit type; however, refugees are required to provide a valid card issued by the Ministry of Interior, one photo and a medical examination.</li> <li>▶ In Federal Iraq, obtaining a Federal Permanent Committee for Refugees Affairs of the Ministry of Interior residency card is a prerequisite to being eligible to apply for a work permit.</li> <li>▶ In Kurdistan Region of Iraq, the Humanitarian Residence Permit (HRP) gives refugees the de facto right to work, even though this is not reflected in any legal framework. Refugees who do not meet the criteria in the 1971 Law and do not possess an HRP are treated as foreigners and must obtain a work permit.</li> <li>▶ This requires sponsorship by an employer who will apply for the work permit on behalf of the refugee and which requires at a minimum a valid residence document. In addition, depending upon the sector, evidence of valid education and trade qualifications may be required.</li> </ul>
<b>Fees (USD equivalents as per exchange rates in February 2023)</b>	<ul style="list-style-type: none"> <li>▶ 10 JOD (USD14) processing fee for regular work permits.</li> <li>▶ 13 Jordanian dinars (US\$18) for a flexible work permit in agriculture.</li> <li>▶ 57 Jordanian dinars (US\$80) for a flexible work permit in construction.</li> </ul>
<b>Hiring non-nationals, quotas</b>	<ul style="list-style-type: none"> <li>▶ The sectors that are open to refugees are governed by the migrant worker sector-based quota system, which also regulates the maximum number of foreign workers in the sectors.</li> </ul>
<b>Sectors and occupations in which refugees can work</b>	<ul style="list-style-type: none"> <li>▶ The Ministry of Labour determines which occupations are open to non-nationals. As of June 2021, open occupations for Syrians include the following: agriculture, forestry, and fishing; transformative industries; electricity, gas, steam, and air conditioning supplies; water supply, sewage treatment, and waste management; construction; wholesale and retail trade; repair of motor vehicles and motorcycles; accommodation and food services; arts, entertainment and recreation.</li> </ul>



A refugee candidate in Kenya undertaking assessment for Recognition of Prior Learning programme. © ILO

 Kenya	
Governing body	Department of Immigration
Legal basis	<ul style="list-style-type: none"> <li>▶ The Employment Act (2019)</li> <li>▶ The Refugees Act (2021)</li> <li>▶ Citizenship and Immigration Act (2011)</li> </ul>
Process and documents	<ul style="list-style-type: none"> <li>▶ Refugees can apply for Class M work permits.</li> <li>▶ The application for a Class M permit requires the submission of the following: Form 25; a copy of the national passport; a letter from the employer; a valid Tax Compliance Certificate; a recommendation letter from the Department of Refugee Services; and proof of qualifications to support the application, including their available capital and academic or technical qualifications.</li> <li>▶ Refugees can initiate the application process from camps, however they have to be present in Nairobi for interviews and appointments to complete the application.</li> <li>▶ Work permits granted to refugees do not formally grant freedom of movement.</li> <li>▶ Refugees with Class M permits are not permitted to change employers, and permits must be renewed every two years.</li> </ul>
Fees (USD equivalents as per exchange rates in February 2023)	▶ Class M work permits are processed free of charge.
Hiring non-nationals, quotas	▶ The application for a class M work permit requires the submission of Form 25, as defined in the Citizenship and Immigration Act, requiring employers to justify hiring a refugee over a Kenyan national.
Sectors and occupations in which refugees can work	▶ No restrictions on the sectors.



A Syrian family with their children sharing a house with other refugee families in Lebanon's capital Beirut. © ILO

 Lebanon	
Governing body	Ministry of Labour
Legal basis	<ul style="list-style-type: none"> <li>▶ Law on Employment of Foreign Persons (1964)</li> <li>▶ Labour Law (1946)</li> <li>▶ Decision number 29/1 issued by the Minister of Labour (2018)</li> </ul>
Process and documents	<ul style="list-style-type: none"> <li>▶ Refugees are considered as foreigners, hence their right to work is covered by the Decree regulating the Employment of Foreign Persons.</li> <li>▶ It is the responsibility of the employer (or sponsor) to apply for the work permit.</li> <li>▶ Documents that must be submitted by Syrian refugees when applying for a work permit include: a request signed by the employer; the employer's identity card; a notarized employment contract with the salary indicated; a valid copy of a passport or a national identity card; the entry card issued by the General Security Office (GSO); a valid residency permit; a return card; a return attestation (issued by the Syrian authority at the Syrian border); and a medical examination.</li> <li>▶ All applications by Syrian refugees must be submitted to the Ministry of Labour in Beirut, irrespective of where the employment will be.</li> </ul>
Fees (USD equivalents as per exchange rates in February 2023)	<ul style="list-style-type: none"> <li>▶ The fees to apply for a work permit vary per category and can range between 750,000 to 2,595,000 Lebanese pounds (equivalent to between US\$50 and US\$173).</li> </ul>
Hiring non-nationals, quotas	<ul style="list-style-type: none"> <li>▶ A justification that no national can be found to fill the role is required to be furnished by the Lebanese sponsor.</li> <li>▶ Different quotas are in place depending on the sector, for example: in construction, the ratio is one Lebanese to three foreigners; in restaurants, it is five Lebanese to one foreigner; in cleaning-related sectors, the ratio is one Lebanese to one foreigner; and for all other sectors it is three Lebanese to one foreigner.</li> </ul>
Sectors and occupations in which refugees can work	<ul style="list-style-type: none"> <li>▶ Syrian refugees are allowed to obtain work permits in a few sectors only, including agriculture, environment or sanitation, and construction.</li> <li>▶ A decision by the Minister of Labour should be issued in December of every year, which specifies the careers or sectors restricted to Lebanese nationals.</li> </ul>



ILO brought together key stakeholders in Sudan to improve micro-finance ecosystem and financial inclusion of refugees and their host communities. © ILO

 Sudan	
Governing body	Ministry of Labour (COR has an agreement with the Ministry of Labour allowing refugees to apply for work permits)
Legal basis	<ul style="list-style-type: none"> <li>▶ The Asylum Act (2014)</li> <li>▶ The Regulation of Employment of Non-Sudanese Act (2000)</li> </ul>
Process and documents	<ul style="list-style-type: none"> <li>▶ Refugees are allowed to apply for work permits if they are registered and in possession of a refugee card.</li> <li>▶ Work permits can be obtained from the competent labour office, which is obliged to send a copy of the permit to the COR and the Ministry of Interior.</li> <li>▶ The work permit application process requires the refugee to prepare a dossier with the following documentation: copy of refugee card; statement from the COR confirming refugee registration; letter issued by the COR supporting the applicant's request; certificate from the Ministry of Health declaring the applicant's good bill of health; and letter from prospective employer.</li> <li>▶ The successful applicant will receive a labour card valid for a year, which may be used for work beyond the position stated in the application process.</li> </ul>
Fees (USD equivalents as per exchange rates in February 2023)	<ul style="list-style-type: none"> <li>▶ A fee of 2,100 Sudanese pounds (US\$3.6) for the work permit application.</li> <li>▶ A fee of approximately 600 Sudanese pounds for the health certificate.</li> </ul>
Hiring non-nationals, quotas	<ul style="list-style-type: none"> <li>▶ A work permit shall not be issued to non-Sudanese workers if there is a Sudanese national able to perform the work. //In the absence of Sudanese workers, preference shall be given to nationals of African or Arab states.</li> </ul>
Sectors and occupations in which refugees can work	<ul style="list-style-type: none"> <li>▶ There is a special provision for refugees to undertake work in agricultural projects subject to COR authorization and satisfactory arrangements for their transport. For example, refugees may be granted a three-month travel and work permit during the cotton-picking season.//Refugees may not be issued a work permit for posts or industries relating to the security of the country.</li> </ul>



Refugee and host community youth participating in integrated UPSHIFT, a social entrepreneurship development training, in Uganda.  
© ILO

	<b>Uganda</b>
<b>Governing body</b>	Office of the Prime Minister
<b>Legal basis</b>	<ul style="list-style-type: none"> <li>▶ The Refugee Act (2006)</li> <li>▶ The Refugees Regulations (2010)</li> <li>▶ Uganda Citizenship and Immigration Control Act (2015)</li> </ul>
<b>Process and documents</b>	<ul style="list-style-type: none"> <li>▶ Refugees who are in possession of a valid identity card are allowed to engage in gainful work benefiting from the most favourable treatment accorded to foreign residents.</li> <li>▶ Work permit cannot be stamped on a refugee's identity card. Rather, it can only be stamped on the associated travel document which is issued to registered refugees by the Directorate of Citizenship and Immigration Control (DCIC).</li> <li>▶ The following documents are required to support the work permit application: valid passport, police clearance from the home country, tax certificate, copy of qualifications and letter from employer.</li> <li>▶ Applications are submitted through the online Immigration Portal.</li> <li>▶ Work permits can be issued for different lengths of time between 6 and 36 months.</li> </ul>
<b>Fees (USD equivalents as per exchange rates in February 2023)</b>	▶ Recognized refugees are exceptionally exempt from any requirement to pay any charges or fees.
<b>Hiring non-nationals, quotas</b>	<ul style="list-style-type: none"> <li>▶ Proof of failure to employ a qualified Ugandan is a requirement.</li> <li>▶ No specific quotas for refugees exist.</li> </ul>
<b>Sectors and occupations in which refugees can work</b>	Professions such as officers of the police, state administration, local government and the judiciary can only be occupied by Ugandan citizens.

As shown in table 2, while all countries have specific processes in place, most still require rather burdensome procedures and requirements to be fulfilled (in terms of documentation to be furnished, proof that no national can fill the role), for the issuance of a work permit.

Kenya, Uganda, Sudan and Ethiopia all have legal frameworks that guide the issuance of work permits specifically for refugees. Jordan has a legal framework for the employment of Syrian refugees, including the issuance of work permits more specifically. In Uganda, work permits are made available without charge for refugees.<sup>67</sup> A travel document is required, yet this can be obtained upon issuance of an identity card. The absence of fees makes the process straightforward, although there are practical barriers on refugees' access to work permits which will be elaborated in the next section. In Ethiopia, the 2019 Refugee Proclamation lays out the right of refugees to engage in wage-earning employment, which is supported by a directive that provides detailed requirements and processes for obtaining a work permit that is inclusive of refugees.<sup>68</sup> In addition, the directive exempts refugees from the work permit requirement when they are employed in joint projects that are designed to benefit both refugees and host communities.<sup>69</sup> In Kenya, a specific category of work permit (Class M) pertains to refugees, and the requirements for obtaining it are clearly outlined.

The legal burden of securing a work permit often involves presenting documentation to the government office responsible for issuing permits, which can include some combination of identification cards,<sup>70</sup> statements from government ministries, tax certificates,<sup>71</sup> travel documents, and attestation from an employer that no citizen is available to fill the role. In practice, these requirements are prohibitive for most refugees, acting as de facto exclusionary factors to refugees accessing work permits, as will be expanded on in the next section.

In Kenya, for instance, the application for a work permit (Class M) requires a copy of the applicant's national passport, a signed cover letter from the employer, a valid Tax Compliance Certificate and a recommendation from the Refugee Affairs Secretariat (now the Department of Refugee Services), all of which require the refugee to have a job offer lined up prior to the work permit application. Furthermore, in Kenya, Ethiopia, Sudan, Lebanon and Egypt, a justification for hiring a refugee or non-national over a national is required.<sup>72</sup> In Lebanon in particular, refugees must have a Lebanese sponsor, who is responsible for obtaining a work permit for them. In countries where no refugee-specific regulations on the obtainment of a work permit are in place, documentary requirements for non-nationals to obtain work permits can be an even greater burden to refugees, as legislation does not take into account the specific situation of refugees and the greater difficulty they may have in retrieving certain documentation.

Another challenge with the legal process of obtaining a work permit is inflexibility. In Jordan, for example, of the three types of work permits that can be obtained,<sup>73</sup> the most common is the "flexible" permit available for Syrian refugees only. While the Jordan Compact has made work permits much more accessible to Syrian refugees, be that in waivers to the fees and types of documentation required, non-Syrian refugees

67 The Refugees Regulations 2010 states that "A person who has been granted refugee status and is in possession of a valid identity card issued by the Commissioner for Refugees ... shall exceptionally be exempt from any requirement to pay any charges or fees prior to the taking up of any offer of or to continue in his or her employment".

68 Directive to Determine the Procedure for Refugees Right to Work ([refworld.org](http://refworld.org)).

69 "Joint project" means an urban or rural development project designed with the support of the international community and the agreement of the Ethiopian government to economically benefit both recognized refugees and Ethiopian nationals.

70 In Iraq, valid residency documents are required.

71 In Sudan a statement from COR is required. In Kenya, a valid Tax Compliance Certificate and a recommendation from the Department of Refugee Affairs is required.

72 In Kenya, the application for a Class M work permit requires the submission of Form 25, as defined in the Citizenship and Immigration Act, which in turn requires that employers who wish to hire a refugee must confirm that the skills and qualifications sought for the position are not available in a local worker. In Egypt, the Decree of the Ministry of Manpower and Migration states that all foreigners must obtain a work permit from the Manpower and Migration Directorate, and it must be proved that no Egyptian national is able to perform the job taken by the refugee. In Sudan, the Ministry of Labour should not issue work permits unless there is no Sudanese citizen available to fill the role.

73 Regular work permits, which are tied to a specific employer, short-term work permits, which have a maximum duration of six months, and flexible work permits which are issued directly to the worker.

do not have access to these.<sup>74</sup> Waivers are also subject to annual review and approval, introducing some uncertainty to both Syrian refugee workers as well as employers. Similarly, in Ethiopia, a work permit that is renewable every year is issued for the purpose of the specific job position, and it may be cancelled if the foreigner is not required for the work. In Lebanon, from early 2015 to mid-2016, regulations required refugees with UNHCR refugee ID cards to relinquish their ID cards if they wanted to apply for a work permit, thus forcing them to choose between accessing the benefits afforded to them through this ID or working legally in Lebanon. Though this requirement was discontinued in 2016, it continues to be applied by some general security offices in practice. Similar practices are applied for non-Syrian refugees in Jordan who cannot simultaneously hold a work permit and a UNHCR asylum certificate.

In Iraq, while work permits are issued automatically upon the recognition of refugee status, the important qualifier and significant legal gap, as above, is that this only applies to refugees recognized under the 1971 Political Refugee Law. Refugees who fall out of this definition remain in a legal void. In the KRI, unlike in Federal Iraq, the HRP provides refugees the de facto right to work automatically, however, this is not codified in any official legal framework and left to interpretation.<sup>75</sup> Therefore, both KRI and Federal Iraq have legal limitations on the acquisition of work permits.

Overall, acquiring a work permit is not straightforward for refugees in most cases. With the exception of Uganda, the processes are highly bureaucratic and require documentation and other criteria that can be prohibitive for refugees. Even in countries where the right of refugees to wage-earning employment is clearly defined, and more specifically, countries which have refugee-specific work permit application mechanisms, these legal gaps remain.

## 2.2.4.2 In practice

In most PROSPECTS countries, the process of obtaining a work permit is burdensome, complicated and expensive. In all countries, this has the effect of incentivizing refugees to work without a permit and employers to hire refugees without a work permit and contract, thus pushing refugees into the informal sector. Even in countries where the right to wage-earning employment for refugees is legislated and clear,<sup>76</sup> the process of obtaining a work permit generally acts as an obstacle to entering the formal labour market. Consequently, across all countries, it can be observed that refugees are concentrated in low-skilled, low-paying, informal jobs, even if their qualifications and skills are above this level. While refugees can be employed in formal sector jobs such as teaching, translation, and NGO services,<sup>77</sup> they are generally confined to elementary occupations in the informal sector.

According to refugees and other key informants, in practice few refugees apply for work permits, and incentives to do so are low among both employers and refugees.<sup>78</sup> In Sudan, Egypt and Kenya, the rare cases in which refugees hold work permits, coupled with the high concentration of refugees in the informal sector, has created the false impression among refugees that they do not have the right to wage-earning employment.<sup>79</sup>

74 In 2019, the MoI indicated that non-Syrian PoC in Jordan would no longer be permitted to simultaneously retain a work permit while accessing international protection through the UNHCR. The Government of Jordan (GoJ) requires that those applying for work permits close their files with the UNHCR and present evidence of closure. This applies to non-Syrian refugees only.

75 Article 23 of the 1987 Labour Law stipulates that no foreign worker may be engaged before having received a work permit from the MoLSA, however, in practice, the HRP issued by the Kurdistan Regional Government provides a de facto right to work for all refugees within the KRI.

76 Sudan, Uganda, Kenya, Ethiopia and Iraq

77 Such is the case in Uganda, for example.

78 Sudan, Kenya, Jordan, Ethiopia, Lebanon and Egypt.

79 In both Sudan and Egypt, FGDs revealed that many refugees incorrectly assumed that they did not have the right to wage-earning employment.

In Ethiopia, the requirements and administrative process to obtain a work permit for foreign nationals is too cumbersome for refugees and employers to meet. The main bottleneck is the prior confirmation required from the sector ministries that the job cannot be covered by Ethiopian nationals. The 2019 Refugee Right to Work Directive, which was issued to ease the work permit requirements for refugees and facilitate their access to employment, remains largely unimplemented owing to limited coordination between the RRS and the Ministry of Labour and Skills. As a result, refugees opt to work in the informal sector, while a small number are issued with residence permits by the RRS to be employed in joint projects – which are designed to benefit refugees and host communities. In Uganda, despite the fact that refugees are exempt from work permit fees, work permits can only be stamped on Convention Travel Documents, which only a limited number of refugees possess. Thus, work permits remain inaccessible for most refugees unless alternative refugee documents are recognized.

Even in Jordan, where specific instructions and decrees have been issued on the employment of Syrian refugees, different types of work permit, their respective requirements and regular changes to procedures introduce confusion for both Syrian refugee workers and their employers. For example, Decision Circular No (3/2021) exempts Syrian refugees from work permit fees and medical examinations required for other categories of non-Jordanian workers. This decision is issued annually, leaving some uncertainty for future prospects for Syrian workers. There are also different types of permits which only Syrian refugees are able to obtain, and others that both migrant, non-Syrian and Syrian refugees can access, but under different procedures.

Across all PROSPECTS countries, refugees and employers have little knowledge about the work permit process, and incentives at both ends to engage in this process are low. In many countries, it is generally accepted that refugees can work without a permit,<sup>80</sup> and often refugees do not even attempt to apply for one.

## 2.2.5 Right to self-employment

### Key points

Even if existing global, regional or national frameworks recognize the right of refugees to engage in self-employment, there is a lack of legal clarity on how refugees can start and register a business and what limitations they might face. The legal ambiguity and absence of the mention of refugees in existing legislation on business registration might present a challenge for refugees wishing to do so. Even where legislation provides for a right to self-employment, there is no further regulation and guidance to clarify and facilitate that right. In a minority of countries, legislation and regulations do exist; however, they also impose important limitations to refugees' ability to set up a business.

In practice, refugees are operating businesses. Yet, owing to a lack of clarity surrounding the procedures, administrative burdens and simply a lack of incentives, the majority of refugees choose to operate their business informally. The informal nature of refugee businesses opens up the risks of exploitation by passport-holding business partners and potential closure by authorities.

<sup>80</sup> Lebanon and Jordan.

### 2.2.5.1 Current legislation, policies and regulatory frameworks

The right to self-employment is a legal grey area. In most PROSPECTS countries, there is an absence of legislation outlining the right or guiding the process of refugees to register commercial enterprises. The countries can be sorted into three broad categories: firstly, those where legislation is entirely absent on the question of refugees, and legislation on non-nationals is applied to refugees;<sup>81</sup> secondly, those where refugees have the right to set up a business, but for which limited guidelines or procedures exist on how to do so;<sup>82</sup> and, thirdly, those where legislation exists and is accompanied by relevant guidelines which, however, limit this right in different ways.<sup>83</sup>

In the first category are Iraq, Sudan, Lebanon and Egypt, which do not have national legislation on the right of refugees to start a business. The same regulations that apply to non-nationals also apply to refugees. However, the legal frameworks for non-nationals in these countries are inadequate to account for the specific needs of refugees. The most decisive problem is the documentation requirement. In Lebanon, for example, the process of registering a business requires a work permit, or a licence to operate a shop, which UNHCR-registered refugees are reluctant to obtain because if they did, they would be ineligible for UNHCR assistance.<sup>84</sup> In Iraq, individuals wishing to register a business must present documents such as legal residency, for which the PC-MoI card in Federal Iraq and the HRP in KRI are accepted.<sup>85</sup> However, particularly for refugees who fall outside the narrow definition of a refugee as per the 1971 Political Refugee Law in Federal Iraq, this is unattainable. In Egypt, non-nationals must submit a valid passport with their business registration application, and this is out of reach for the many refugees who do not have a passport.

In the second category are Kenya, Uganda and Ethiopia. While the right to set up a business is in place, there is little in the way of legal processes or frameworks to inform the registration and ownership of refugee businesses. In Ethiopia, for instance, the 2019 Refugee Proclamation makes a cross-reference to other applicable national laws regarding the details of the legal requirements and processes of setting up a business by refugees.<sup>86</sup> The applicable commercial and investment laws, however, impose restrictions on foreigners, including refugees, from engaging in certain sectors, and require investment permits and impose minimum capital requirements for non-nationals to invest in Ethiopia, which are too cumbersome for refugees to meet.

Jordan, in the third category, does have relatively detailed legislation on the registration of foreign businesses, and it is recognized that refugees can legally register a business; however, there are limitations to this. The first is that all non-nationals, including refugees, must have a Jordanian business partner.<sup>87</sup> Nevertheless, for Syrian refugees operating home-based businesses in the permitted sectors of food processing, handicrafts and tailoring, a Council of Ministers decision issued in 2018 allows Syrian owners to have full ownership, without a Jordanian partner. The second limitation is that there are restrictions on non-Jordanian investment in certain sectors.<sup>88</sup>

81 Iraq, Sudan, Lebanon and Egypt.

82 In Kenya, the Refugees Act grants refugees the right to self-employment. In Ethiopia, the Refugees Proclamation No. 1110/2019 provides refugees and asylum seekers with the right to work in employment, including self-employment. In Uganda, the Refugees Act 2006 grants refugees the right to establish commercial and industrial companies.

83 This is the case for Jordan.

84 Though this requirement was discontinued in 2016, it continues to be applied by some general security offices.

85 Stated under the Companies Law No.21 of 1997, amended in 2004.

86 Article 26(2), Refugees Proclamation No.1110/2019.

87 The only exception is in the case of home-based businesses, which Syrian refugees can register independently from any business partner. This includes activities such as cake-making, pickles, small artisanal work, making of hand-woven textiles and painted ceramics, which are done at the home without the employment of other staff.

88 The Regulation of non-Jordanian Investments No. 77 of 2016.

### 2.2.5.2 In practice

As a result of insufficient, inexistent or restrictive legislation on the topic, a common pattern emerges across all eight PROSPECTS countries: while refugees do operate their own businesses in both camp and non-camp settings, this is almost always done informally. This is comparable to the situation of IDPs who, while citizens, face in practice many of the same challenges refugees do when setting up a business.

The challenges around setting up a business stem from several factors beyond the lack of a clear legal framework, including a lack of understanding of refugees' rights to register a new or existing business among both authorities and refugees themselves. In Sudan, none of the authorities interviewed were able to articulate the process of starting a business. Some noted that it was against the law for refugees to start a business. In Iraq, there is generally a poor understanding of the law, as well as an assumption that refugees need an Iraqi partner to set up a business, even if this is not true. In Lebanon, there is conflicting understanding between authorities and refugees and even between employers on whether or not refugees are allowed to start a business. Similarly, in Jordan, authorities were not all aware of a Council of Ministers decision in 2018 that permitted Syrian refugees to open home-based businesses. Administrative obstacles including documentation and fees,<sup>89</sup> and in some cases the reliance on a national business partner, are further limitations refugees face in setting up a business legally.<sup>90</sup> The result is that incentives for refugees to register their businesses are low, and most operate without registration.

Across most of the countries, there is a plethora of information confirming that refugees are operating businesses. In Sudan, KIIs with authorities in camps confirmed that refugees are running kiosks, tea stalls, and clothing shops. It was acknowledged that the registration of these small businesses was unnecessary. This is also true in Ethiopia where refugees operate unregistered small businesses such as tearooms, hair salons, kiosks and restaurants in and around refugee camps, and registered businesses with Ethiopian partners in urban areas. In Uganda, refugees are working as boda-boda drivers and running informal cattle and transportation businesses, among others. Key informants stated that these businesses have very little difficulty in operating. In Kenya, while government officials stated that refugees can start and run any legal business, and in fact obtaining a business licence is more prevalent than obtaining a work permit,<sup>91</sup> challenges for refugees remain, including high fees, lack of clarity regarding the process and documentation. As a result, many businesses resort to operating informally.

In other contexts, while there were fewer examples of refugee-owned businesses currently operating, it was recognized that the difficulty, lack of clarity and potential discrimination they might face from host communities<sup>92</sup> act as disincentives for refugees to formally registering businesses.

In Egypt, while there are thousands of Syrian-registered businesses that employ tens of thousands of individuals, the legal procedures for setting up these businesses are still complicated and lengthy, particularly for refugees. Despite the fact that business licences have been obtained by refugees, getting a security clearance, procuring the minimum amount of financial capital and presenting a passport remain prohibitive obstacles for a large number. Consequently, many businesses operate informally.

<sup>89</sup> In Kenya, a permanent address and a payment of fees is required for business registration; in Egypt, a valid passport is required.

<sup>90</sup> An ILO study confirmed that in Sudan, a passport-holding partner is required. This is also the case in Jordan, and the requirement of a Jordanian partner sometimes leads to cases of exploitation where profits are not shared equitably.

<sup>91</sup> By law, both are required to open a business.

<sup>92</sup> In Lebanon, key informants noted that Syrian businesses would face hostility from the host community.

## 2.2.6 Access to finance and financial services

### Key points

Legislation is largely insufficient to facilitate refugees' access to finance. It is codified in some countries but notably absent from others. Legal gaps can be observed first and foremost in the absence of legislation, policy and regulatory frameworks outlining this area, but additionally in the lack of clarity on refugee-specific procedures in relation to the process. De facto, across the eight PROSPECTS countries, refugees are unable to access finance from formal banking institutions. A lack of documentation, capital and guarantor requirements, and general discrimination are all barriers that refugees face in opening bank accounts, accessing loans and any other type of financial services. As such, alternative methods exist, but are not universal, widespread, or accessible to refugees across all countries.

### 2.2.6.1 Current legislation, policies and regulatory frameworks

Regarding legislation on access to finance, there is very little refugee-specific legislation. In all countries, apart from Sudan and Ethiopia, there is no explicit legal basis for refugees to open bank accounts. While the codified right in these countries, at least in theory, lays the groundwork for refugees to access accounts, loans and other financial services from banks, a lack of specific guidelines and procedures often makes it difficult for refugees to do so. In Uganda, Kenya, Jordan, Iraq, Lebanon and Egypt, the right to access to finance is notably absent from legislation.<sup>93</sup> In Uganda's Refugees Act of 2006, an otherwise highly comprehensive bill of refugee rights, the right specifically to set up a bank account is not stated. Similarly in Kenya, Iraq, Lebanon and Egypt, there are no specific legal provisions recognizing the ability of refugees to open bank accounts. While there is no specific prohibition, the requirements of financial institutions and central banks de facto largely impede refugees' access to finance.

In Jordan, for example, the documentation (passport), fees and minimum deposit requirements are enough to prohibit many refugees from opening accounts. In Egypt, banks require a passport to open a bank account, meaning that refugees are de facto excluded from opening bank accounts. A UNHCR card is not recognized as sufficient identification in Egypt, and an MoI card is not accepted in the case of Jordan. Combined with other required documents such as proof of valid accommodation and an employer's letter, documentational requirements essentially shut refugees out of formal banking institutions in Egypt. In Kenya, refugees must satisfy the Know Your Customer (KYC) requirements, which often require identity documents that refugees do not possess. Even in countries where refugees are granted the right to access finance,<sup>94</sup> the lack of secondary legislation governing the procedures might de facto prevent them from doing so and therefore still represents a gap in legislation. In Ethiopia, for example, a refugee ID card is not recognized by applicable financial laws as part of the KYC requirements. In the absence of a secondary legislation that implements refugees' right to banking and financial services as guaranteed in the Refugee Proclamation, the RRS and the National Bank of Ethiopia made an interim arrangement that allowed refugees to open bank accounts and access related banking services. However, refugees are constrained from accessing credit facilities owing to the lack of clear procedures as well as exorbitant requirements, such as high interest rates on loans and the provision of collateral to guarantee the payment of debts. Also in Sudan, requirements such as guarantees and additional national documentation beyond a refugee ID are often required to open bank accounts, as only refugees who have an ID card which includes a foreigner

<sup>93</sup> In Uganda, the Financial Institutions Regulations of 2010 provide guidance on customer identification, but do not mention refugees. In Kenya, it is recognized that refugees can open bank accounts, however this is not codified in the Refugees Act. In Egypt, the Egyptian Banking Law (No. 194/2020) does not specify refugees. In Iraq, no legal provisions recognizing the ability of refugees to access formal banking were mentioned.

<sup>94</sup> Sudan and Ethiopia.

number (at the time of writing only available in Khartoum) can access bank accounts. Additional legislation making exceptions for refugees or allowing the use of a refugee ID card as the sole identifying document would make it much easier for refugees to access finance, yet no country has any such legislation in place.

As a result of exclusion from formal financial institutions, many refugees have turned to alternatives such as mobile money wallets in order to receive cash transfers. In Iraq, a special provision from the Central Bank permits refugees to have SIM cards to allow them to open temporary wallets and receive cash. In other countries, while mobile money remains a viable alternative to formal banking, refugees still face documentation obstacles stemming from a lack of legal provisions codifying the right of refugees to register SIM cards.<sup>95</sup> In Sudan, for instance, only a foreigner number allows refugees to register SIM cards, as is the case in Kenya where an ID is required to open an e-wallet linked to one's SIM card.

Regardless of whether the law specifically allows for refugees to access finance from formal institutions or mobile alternatives, a common barrier across all countries is legal documentation which refugees may lack, and further, the discretion of individual financial institutions which set up rules such as screening procedures and minimum balance requirements, and may consider refugees to be high risk clients. Protection against such discrimination is difficult to legislate, though not necessarily impossible.

### 2.2.6.2 In practice

Across the board, refugees are generally unable to access finance through formal banking institutions. While it is not legally prohibited in any country for a refugee to open a bank account, in practice, it remains exceedingly difficult to do so. Documentation such as legal identity,<sup>96</sup> proof of residency, the existence of a guarantor, and adequate funds are all requirements that are difficult for refugees to fulfil. Alternatives such as microfinance institutions, savings cooperatives and mobile money operators exist in some countries but are often insufficient to cover financial needs, particularly for refugees wishing to procure enough capital to start a business. Further, in the case of mobile money, access for refugees is restricted across a number of countries to begin with, because refugees are unable to register SIM cards in their name. Thus, access to finance is a practical obstacle for refugees.

In all eight PROSPECTS countries, refugees are considered high-risk clients, making banks reluctant to deal with them. On top of this, the stringent requirements for opening a bank account and accessing loans are difficult for refugees to meet.<sup>97</sup> Beyond formal identification, for which refugee ID cards are not accepted, this can include collateral, a minimum amount of capital, a secure salary, and proof of residency. While in Uganda it was noted that financial institutions have attempted to develop products that serve refugees, until now, formal access to finance remains limited.

As large banks are generally sceptical in dealing with refugees, alternative methods of accessing finance have been used, but important challenges remain. In Uganda, Savings and Credit Cooperatives (SACCOs) are a common way for refugees to access finance. In Egypt, the use of borrowed, hence unsafe "smart wallets"<sup>98</sup> has become a common way to transfer funds. Similarly in Jordan, digital methods of accessing finance are also well known; however, it was noted that the pronounced gender divide in the ownership of mobile phones prevents refugee women from reaping the benefits of this alternative. In contrast, refugee participants in FGDs in Kenya stated that they do not have access to mobile money, the reason being that documentation barriers prevent them from registering SIM cards in their own name. They are thus

95 In Egypt, even small mobile money transactions require a valid proof of residence or official documents. Thus, refugees often rely on Egyptian friends to register SIM cards for them. The same is true in Kenya, where documentation barriers force refugees to rely on Kenyan counterparts in order to receive mobile money services. In Sudan, the law makes no mention of whether or not a refugee ID is an acceptable form of identification, and in practice, it is often not accepted.

96 In Sudan, Kenya, Jordan and Egypt, refugee ID cards are not accepted in place of other formal legal identification.

97 In Sudan, banks require proof of residency, for which refugee camps are not accepted. In Uganda, collateral, securities requirements are difficult for refugees to meet. In Kenya, it was reported that loans must be guaranteed by a Kenyan. In Jordan, documentation and adequate funds were cited as the two most common barriers. In Iraq, secure salaries, collateral, high interest rates, and formal identification were all cited as barriers to refugees accessing finance.

98 A mobile app that allows users to perform financial transactions with their phone. Refugees rely on their Egyptian social networks to transfer funds using mobile phones.

forced to rely on their Kenyan counterparts if they wish to register a SIM card. The same is true in Egypt and Sudan. While in Sudan refugees holding a foreigner number (at the time of writing only available for refugees who registered in Khartoum) can obtain their SIM card officially, refugees often find that in practice it is not accepted.

Beyond these methods, microfinance loans were reported to be available in Egypt. Refugees in Lebanon can also benefit from microfinance and microcredit through microfinance institutions or humanitarian organizations, while some NGOs also provide small grants to refugees to start micro-enterprises. However, micro loans were unheard of in Sudan, and most refugee business owners were unaware of any financial services available in their communities, apart from traditional financial products (Salam), reportedly available in the PROSPECTS intervention areas. In Ethiopia, microfinance institutions provide micro-credit facilities to their customers without being constrained by the unavailability of collateral and by using flexible means of identity verification. Refugees are, however, constrained by loan eligibility criteria used by these institutions that require permanent residency to access credit services. In Iraq, humanitarian organizations provide financial support in the form of grants, but these are not sufficient to respond to the high demand, and the selection process is perceived to be obscure. Reportedly, grants have also created a dependency culture in Iraq, where business owners have become used to receiving funding without having to invest their own capital. This creates challenges in expanding financial services in host communities, and for refugees to accept microfinance loans. Therefore, alternative options for accessing finance for refugees remain limited and are not used widely.

## 2.2.7 Right to form and join cooperatives

### Key points

With few exceptions, because the right of refugees to form and join cooperatives is not codified nor explicitly prohibited, refugees occupy an ambiguous legal space where it is often assumed that they can participate. Yet the scant legal infrastructure provides little guidance on specific requirements or procedures. In practice, refugees in some countries are actively participating in cooperatives, whereas in other countries, their participation in cooperatives is minimal to non-existent. No link was found between the presence of legislation and other regulatory frameworks on the topic and refugees' actual participation in cooperatives in practice.

### 2.2.7.1 Current legislation, policies and regulatory frameworks

The right of refugees to form and join cooperatives is a legal grey area, where legislation regulating it is sparse. As with the right to start a business, in all countries except Ethiopia,<sup>99</sup> legislation regarding the right to establish and join cooperatives does not explicitly mention or provide instruction on the rights of refugees. In most of the PROSPECTS countries,<sup>100</sup> while refugees are not prohibited from joining cooperatives, there is a dearth of legislation or other regulatory frameworks regulating their membership. In Uganda, the Refugees Act of 2006 mentions the right of refugees to join associations, but no further framework exists to guide or inform this. In Egypt, there are national legal frameworks for regulating non-nationals' rights to establish and join cooperatives, but they do not recognize refugees' distinct status or the unique barriers they might face. In most countries, owing to the lack of explicit prohibition of refugees from joining cooperatives, it is assumed that if refugees meet the membership criteria, they are allowed to join.

<sup>99</sup> Refugees Proclamation No. 1110/2019 establishes the right of refugees to associate, including to form and join cooperatives.

<sup>100</sup> Sudan, Uganda, Kenya, Iraq, Lebanon and Egypt



Alma Gladys, a single mother residing in Rhino camp, Uganda, trained on carpentry skills found a job in her locality. © ILO/AVSI

In Jordan, the law states that non-Jordanians are not allowed to become members of Jordanian cooperatives, nor can they form their own.<sup>101</sup> While this law mentions non-Jordanians as opposed to refugees, the interpretation of the provision includes refugees. Finally, in Ethiopia, refugees are implicitly afforded the right to form and join their own cooperatives, as could be inferred from the provisions of the Refugee Proclamation guaranteeing their right to freedom of association and the right to self-employment. However, no further restrictions, guidance or specific procedures regarding their membership is highlighted in this legislation. The proclamation regulating cooperative societies also does not explicitly mention refugees, nor does it bar refugees from establishing or joining cooperatives.

### 2.2.7.2 In practice

There is variation in how common it is for refugees to establish and join cooperatives. Despite the dearth of legislation, in some countries, refugees are participating as active members in cooperatives<sup>102</sup> on issues ranging from savings and finance to business and agriculture. However, in other countries,<sup>103</sup> no evidence of refugee participation in cooperatives was identified.

As discussed above, SACCOs are a common way for refugees in Uganda to access finance in lieu of formal banking institutions. Some SACCOs have been formed in refugee camps. In Kenya, refugees use cooperatives as a platform to share business knowledge, sell food at a fixed price, and band together as a protection strategy. While these cooperatives are mostly small scale, the government is providing opportunities for them to be registered. In Jordan, cooperatives have been used in the agricultural sector as a way of facilitating the issuance of flexible (non-employer-specific) work permits, which introduced a modality that corresponds to the daily and seasonal work not specific to a single employer. Finally, in Ethiopia, small business training for refugees and host community members is provided and organized into cooperatives, signalling that cooperatives are generally welcoming of refugee participation. One example

<sup>101</sup> Even though non-Jordanians cannot become members of cooperatives, they can benefit from their services.

<sup>102</sup> Uganda, Kenya, Jordan and Ethiopia.

<sup>103</sup> Sudan, Iraq and Egypt.

is the project in the Meldkadida area supported by the IKEA Foundation, in which refugees and host community members organized in cooperatives engaged in agricultural irrigation schemes, contributing to socioeconomic outcomes for the two communities and improving their social cohesion. In Sudan, some cooperatives, mostly in the agricultural sector, reported having refugees among their members.

By contrast, no evidence of refugee participation in cooperatives was found in Iraq or Egypt. The reasons for this could be that refugees are spread across a large urban area, making it difficult for them to band together in such groups, or that cooperatives are generally not common even among host community members. This does not necessarily indicate a hostility of cooperatives towards refugees, nor the inability of refugees to form or join cooperatives in the future. Currently, however, this is not happening.

## 2.2.8 Access to employment services

### Key points

Across the eight PROSPECTS countries, refugees' access to employment services is not outlined in national legislation, policy documents or other regulatory frameworks. Also in practice, employment services are not accessible to refugees or IDPs, nor are they heavily used by them as a method of job placement. Yet this gap goes beyond a simple absence of specific legal provisions related to refugees: in most PROSPECTS countries employment services are already scarce for the host population. This means that while some countries display a willingness to make employment services available to refugees, even host communities have limited access because of the lack of resources. In all countries, refugees and IDPs rely mostly on their social networks as a path to employment, rather than employment services.

### 2.2.8.1 Current legislation, policies and regulatory frameworks

Access to employment services for refugees is not outlined clearly in current legislation, policies and regulatory frameworks in any of the eight PROSPECTS countries. While some countries have legal guidelines committing to the inclusion of refugees, none have legislation which clearly outlines refugees' rights in relation to accessing employment services. Furthermore, in many of the countries, employment services are severely under-funded, they are not widely available to begin with, and the capacity to extend these services to refugees barely exists.

Kenya and Egypt have no legislation, nor regulatory frameworks, defining the right or lack thereof of refugees to access employment services.<sup>104</sup> In Jordan, the Ministry of Labour explicitly excludes refugees from employment services available to Jordanian nationals, while there are cases for refugees to access employment services through INGO programmes. In Iraq, a national website offers a form for jobseekers to support them in finding employment, but applicants must have legal residency in order to register. This excludes all refugees who fall outside the 1971 refugee definition residing in Iraq. There is no mention of any additional legislation regarding the rights of this excluded group to employment services. In Egypt, employment services target the formal labour market, while refugees are predominantly employed informally. Similarly, in Ethiopia, the Labour Proclamation determines employment services for foreign nationals provided they possess work permits, even though it does not explicitly mention refugees. Therefore, even if legislation existed codifying the right of refugees to access employment services, it would not necessarily reach the majority of informally employed workers.

<sup>104</sup> In Kenya there is no refugee-specific legislation governing refugees' access to employment services. In Egypt, asylum seekers are simply treated the same as foreign nationals, and their right to access employment services is neither stated nor prohibited.

In Sudan and Uganda, while no legislation is in place, governments have signalled an interest to invest in this area. In Sudan, the Vocational Training Centre (VTC) Operation and Management Guidelines issued by the Supreme Council for Vocational Training and Apprenticeships in 2021 outline that employment services should be inclusive of vulnerable groups, such as refugees. In Uganda, Pillar 4 of the Jobs and Livelihoods Integrated Response Plan (JLIRP) for Refugees and Host Communities<sup>105</sup> aims to increase job placement opportunities for refugees and host communities alike.

### 2.2.8.2 In practice

In practice, employment services are not used by refugees in most PROSPECTS countries as a method of finding work. To the extent that they exist in host countries, refugees and IDPs interviewed have generally never heard of them or have little access to them. FGDs confirm<sup>106</sup> that refugees and IDPs are largely unaware of employment services in their community and instead rely on their social networks and connections to find opportunities. Despite legislation in some countries<sup>107</sup> specifying the right of refugees to access employment services or pledging to increase job-matching services for refugees, refugees are not currently accessing these services in practice. The main challenge is the capacity of public employment services in most of the participating countries which struggle to serve their own citizens and are concentrated in urban areas. Except for Egypt, refugees are generally located in rural areas where formal jobs are scarce.

There are a few exceptions to the general trend. In Jordan for example, the ILO is working with the UNHCR and the Ministry of Labour to extend employment services to Jordanians and Syrian refugees alike. The service providers are located in labour directorates and in the two large refugee camps, Al-Azraq and Al-Za'atari. The initiative aims to guide jobseekers to available jobs, provide career counselling, and assist with work permit procedures. In Iraq, the ILO has held consultative and capacity-building workshops with representatives from the MoLSA working in employment centres to enhance career guidance and job-matching services for jobseekers in both Federal Iraq and KRI. These services would assist both Iraqis and refugees. The ILO in Lebanon also provides capacity-building to staff members of employment service centres and career guidance centres of public technical schools to serve vulnerable Lebanese and Syrian refugees.

Beyond these examples, employment services, particularly those open and available to refugees, are few and far between. In African countries, few respondents had heard about them, let alone made use of them. In Egypt, in lieu of employment services, refugees reported using private recruitment agencies to find work opportunities. Refugees reportedly used them mostly to access jobs in the informal economy. They explained that there is often a mismatch between the services provided and their needs, and that private employment agencies are not sensitized to properly matching the skills of refugees with the needs of the Egyptian labour market. There were other reported incidents of exploitation, fraud and deceit, where recruitment agencies would place a fee on their services and fail to place clients in an appropriate job.

Given this reality, and despite the use of recruitment agencies by refugees in Egypt, many refugees still prefer to rely heavily on their social networks as an entry point to gain access to information on work opportunities.

<sup>105</sup> The JLIRP was launched by the Government of Uganda in 2021 and envisions secure, self-reliant and resilient refugee and host community households in refugee-hosting districts with a goal of ensuring refugees and host communities that are socially, economically and financially included in a sustainable manner in local development by 2025. [Document - Jobs and Livelihoods Integrated Response Plan for Refugees and Host Communities in Uganda \(unhcr.org\)](#).

<sup>106</sup> Sudan, Uganda and Kenya.

<sup>107</sup> In Sudan and Uganda, national legislation indicates that refugees have the right to access employment services.



## 2.3

### Access to training opportunities

#### 2.3.1 Access to skills development and TVET

##### Key points

Generally, with few exceptions, the governance of TVET is a space where there is a noticeable absence of legislation and other regulatory frameworks. What happens in practice thus stems from legal ambiguity, and potentially subjects refugees to arbitrary decisions by individual institutions. Indeed, there is significant variation across PROSPECTS countries in refugees' participation in vocational training programmes. In some countries it is uncommon, while in others, TVET programmes are operating and inclusive of refugees. In most cases, government-run TVET programmes are not accessible to refugees, therefore the gap is filled by international organizations. Despite refugee enrolment in TVET in some countries, critical barriers remain that prevent refugees from reaping the full benefits of training and participating fully in the labour market. These barriers include entry requirements, cost, distance and language barriers. Some barriers also impact host community members, as in the case of a reported mismatch between the skills taught in courses and labour market demands, frequently cited as a key barrier to the relevance and take-up of TVET programmes in practice.

##### 2.3.1.1 Current legislation, policies and regulatory frameworks

In the eight PROSPECTS countries there is an absence of legislation, policies and regulatory frameworks specifying the inclusion or exclusion of refugees from national skills development or TVET policies. Uganda, Kenya, Sudan and Iraq have no specific laws or policy documents mentioning the right of refugees to access TVET, nor any guidelines or strategy documents to include refugees in these programmes.<sup>108</sup> While in countries such as Iraq and Uganda, the language of existing legislation or the de facto assumption that all laws applying to citizens also apply to refugees might provide some basis for the inclusion of refugees in TVET programmes,<sup>109</sup> there remains a legal gap in this area.

<sup>108</sup> In Sudan, neither the Asylum Act nor any other piece of legislation references refugees' right to access formal work-based training or prohibition from it. Although some vocational training laws and policies mention "displaced people" or "vulnerable groups", refugees are not referred to explicitly. In Uganda, TVET legislation does not include or exclude refugees, and this is not listed in the Refugees Act 2006. In Kenya, there is no framework for allowing refugees to access formal TVET institutions. In Iraq, neither the National Qualifications Framework, nor the TVET strategy, or any other piece of legislation, mention provisions for refugees.

<sup>109</sup> In Uganda it was noted that, in line with the Djibouti Declaration, all laws and policies governing training and work apply to refugees. In Iraq, the 2015 Labour Law states that vocational training is available to all on an equal opportunity basis, including to migrant workers, which could provide legal basis for the inclusion of refugees.

In Egypt, there is some legal basis for refugees to access TVET, but the grounds are not entirely clear. TVET is regulated under more than 15 different ministries, leading to a complicated legal landscape in general. Access to public educational institutions is granted to certain nationalities on the same basis as Egyptians, including Sudanese, South Sudanese, Libyan, Syrian and Yemeni students. Beyond that, as is the case with much legislation in Egypt, there is no distinction between refugees and other non-nationals. As a result, the specific challenges refugees face are not accounted for, which may make their participation in TVET difficult in practice. The same can be said in Ethiopia, where the Refugee Proclamation outlines the right of refugees to access pre-primary and primary education on the same footing as nationals, an approach which goes beyond the 1951 Convention, and it was noted that access to TVET can be available to refugees subject to availability of resources and the education policy of the country. However, older documents on TVET, such as the 2008 National Technical and Vocational Education and Training Strategy, are not inclusive of refugees and may need to be harmonized to be aligned with the 2019 Proclamation. As of October 2022, a new TVET policy is under approval process by the government, which has reflected the needs and inclusion of refugees and may be able to guide promotion and support for refugees' access to TVET in Ethiopia if approved.

Jordan has a legal framework that allows refugees to access TVET institutions, which is an exception to the global trend. A law on vocational training centres states that apprenticeship training can be provided to both Jordanians and refugees.<sup>110</sup> Moreover, the National TVET Strategy includes a clause aimed specifically at improving the inclusiveness of vocational training for refugees.

### 2.3.1.2 In practice

Across the eight PROSPECTS countries, the extent to which refugees are included in and actively participate in TVET is varied. The scope of TVET programmes for refugees, in scale and by training provider (run by the government, an INGO, an NGO or the private sector), varies widely from country to country, as does refugees' access. In some countries, despite pledges to serve refugees and the existence of institutions that theoretically operate to provide TVET opportunities for refugees, the practice is not very common. In others, refugees are participating in TVET programmes, although this is not without challenges.

In Sudan, despite national pledges<sup>111</sup> committing Sudan to be more inclusive of refugees in education, the mandated bodies responsible for TVET<sup>112</sup> do not prioritize refugee inclusion in practice. For example, none of the vocational or training centres visited had refugees enrolled. Similarly in Lebanon, of the youth enrolled in TVET schools, less than 2 per cent were refugees.<sup>113</sup> According to respondents, the TVET sector in Lebanon is generally under-funded and under-valued. In Egypt, while refugees of at least some nationalities are entitled to access public education until the age of 18, including TVET, most (if any) access TVET programmes offered by third actors, such as INGOs or NGOs, including Don Bosco, Catholic Relief Services and Caritas. The total number of refugee trainees in courses is limited, and there is generally confusion and vagueness with regard to refugees' access to such programmes. Looking at the technical training services announced by the government, it was indicated that even though 10 to 20 per cent of places are dedicated to the refugees, the number of refugees joining the training programmes is low to non-existent. According to refugees interviewed during FGDs, they generally do not consider TVET as a pathway towards employment.

By contrast, in Uganda, Kenya, Jordan, Iraq and Ethiopia, TVET is found to be a more viable and utilized education pathway towards employment for refugees. In Uganda, TVET was noted to be the most popular form of education for refugees, as it is seen as a faster track to employment compared with traditional education. One notable feature common across all these countries, however, is that the training provided

<sup>110</sup> According to Law No. 11 of 1986 and its amendments, VTCs can provide apprenticeship training for youth and adults in Jordan, including Jordanians and refugees.

<sup>111</sup> The National Education Sector Strategic Plan aims to be more inclusive of refugees. Further the Djibouti Declaration, to which Sudan is party along with Kenya, Uganda and Ethiopia, aims to facilitate refugee integration into host country education systems.

<sup>112</sup> SCVTA and the Ministry of Higher Education.

<sup>113</sup> Of them, most were attending the TVET school under donor-financed programmes.



A refugee youth from Uganda undertaking apprenticeship programme in tailoring through the ILO supported Rural Employment Services programme. © ILO/AVSI

by the government is rather limited and is usually administered by different development partners, UNHCR, INGOs, or humanitarian agencies in collaboration with the government. In Kenya, centres managed by the Danish Refugee Council (DRC) and the Norwegian Refugee Council offer TVET courses for refugees. In Jordan, INGOs are leading the effort to include refugees in TVET programmes. In Iraq, refugees' ability to access skills development and TVET is reliant on international actors for funding. In Ethiopia, organizations like GOAL, along with other local NGOs, provide skills development and training related to specific jobs for refugees, as do international organizations, including the UNHCR, ILO and GIZ. Additionally, regional TVET bureaus together with INGOs and NGOs such as Mercy Corps and the DRC are also working together to equip refugees with the necessary skills and knowledge they need to join the labour market.

In Egypt, both governmental and non-governmental actors such as CRS, Caritas, and Save the Children are working together to provide refugees with vocational training. In Lebanon, as the budget for TVET allocated by the Ministry of Labour does not include refugees, UNICEF, ILO, UNHCR, and several other NGOs are working to provide TVET to refugee youth.

Even in countries where refugees are participating in TVET programmes, many practical barriers common across the board hinder refugees' access to TVET: (i) the location of training centres, which is often in urban areas, combined with movement restrictions; (ii) entry requirements, such as the completion of basic education;<sup>114</sup> (iii) cost;<sup>115</sup> (iv) language;<sup>116</sup> and (v) most commonly, poor quality, outdated material, and a perceived mismatch between skills acquired and the demands of the labour market, a challenge faced by refugees and host community members alike. In almost all countries, refugees report that the training delivered does not always lead to employment, and that the types of skills gained are not necessarily well suited to the labour market.

114 In Sudan, the completion of Sudanese basic education is a requirement for entry into TVET. In Kenya, some institutions have high qualification requirements for entry.

115 Sudan and Ethiopia.

116 Uganda, Kenya and Egypt.

## 2.3.2 Recognition of skills, qualifications and prior learning

### Key points

While the legal infrastructure governing the validation and recognition of qualifications is largely in place across all countries, the system for recognition of prior learning for which certifications and proof of experience are absent is much less developed. Some countries have made progress towards filling this legal gap by developing or strengthening RPL certification systems and frameworks with varying degrees of success.

In practice, recognition of skills, qualifications and prior learning is very difficult for refugees to achieve and remains a barrier to entry into the labour market. Standardized exams are difficult to pass and a frustrating reality for those who already have vocational or professional qualifications. Other processes, such as equation of certificates, are described as inefficient, long and difficult for refugees to complete, and often result in equivalence of qualifications at lower levels.

### 2.3.2.1 Current legislation, policies and regulatory frameworks

The validation and recognition of skills, qualifications and prior learning is an essential part of a refugee's path towards integration into the labour market of the host country. While all countries have a system for recognizing prior educational qualifications for refugees and other non-nationals, few have a system for the recognition of prior learning in the absence of recognized qualifications.<sup>117</sup>

Regarding educational qualifications, all countries have a system in place for validation and recognition and ensuring that all foreign educational qualifications are assessed. Overall, this area is not one where legislation is particularly lacking. However, a legal gap can be observed in the recognition of prior learning, which was acquired through formal, non-formal and informal means. Few countries have systems in place to recognize and properly accredit such qualifications. One possible limitation even for formally acquired qualifications is a lack of mutual recognition of qualification frameworks among countries of origin and hosting countries.

Kenya, Jordan and Iraq are countries where some efforts have been made to address this legal gap. In Jordan, the Recognition of Prior Learning and Certification (RPL) processes were revised under the Technical Vocational Skills Development Commission, which are accredited through a formal examination process culminating in a written exam. In Kenya, the RPL process is managed by the Kenya National Qualifications Authority (KNQA), which provides refugees with the opportunity to have their skills officially recognized even without formal documentation. Applicants are asked to prepare an evidence portfolio of résumés, work examples, photos or videos, and any other qualifications they have. RPL assessors then go through this portfolio before contacting applicants for a competency conversation and a practical observation. In Iraq, the recently passed National Qualifications Framework aims to expand its activities to include RPL. Currently however, the process is unclear, and the impact of the new framework on recognition of refugees' prior learning has yet to be seen.

<sup>117</sup> The Ministry of Higher Education in federally administered Iraq and KRI is responsible for certifying the academic school records for refugees seeking to pursue tertiary education, and the Department of Equivalence of External Certificates within the Ministry of Higher Education handles the equivocation of university degrees. In Ethiopia, the Refugee Proclamation declares that refugees are entitled to "favourable treatment" with regard to education qualifications. In Egypt, a placement exam is given to assess the educational qualifications of foreign nationals including refugees. In Uganda, the Refugees Act guarantees the recognition of foreign certificates, diplomas and degrees, and the equivocation process is handled by the Uganda National Examination board. In Kenya, the KNQA is mandated by law to recognize foreign qualifications and equate them. In Sudan, a number of regional protocols and conventions, such as the Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in Africa (Addis Convention), commit Sudan to assessing refugees' prior qualifications for employability and integration. In Jordan, the Ministry of Education recognizes all officially accredited foreigners' university qualifications, though this is mostly targeted at Jordanians studying abroad. In Lebanon, the Equivalence Committee in the Lebanese Ministry of Education and Higher Education accredit previously obtained certificates.



Students wear OSH gear and equipment before installing solar panels on the roof of one of the TVET schools in northern Lebanon.  
© ILO/Elisa Oddone

### 2.3.2.2 In practice

In all eight PROSPECTS countries, refugees and other KIs interviewed described the process of validating and recognizing educational qualifications as complicated and unlikely to result in equation of qualifications at the desired level. While every country has a validation and recognition process in place, refugees are unable to use this system to obtain equivalence for their qualifications or continue with their education or training and achieve entry into the labour market at the same level as they were operating in their country of origin. The recognition of vocational qualifications for which they do not have physical proof or certification is often even more difficult. Furthermore, as mentioned in the previous section, systems for the RPL are absent in the majority of countries.

Regarding recognition of educational qualifications, in Egypt, the recognition process includes an exam, even when refugees have evidence of prior certification.<sup>118</sup> For professional fields such as dentistry, medicine and pharmacy, a special licence is required which refugees, by law, cannot obtain. In Jordan, a skills test is needed to obtain an occupational licence. In Ethiopia, refugees who are not in possession of their academic credentials are accommodated through placement exams that are prepared to evaluate their level of education or skills in accordance with the curriculum.

For countries with different methods of authenticating educational qualifications beyond a standard exam, the process often does not result in the desired outcome. In Uganda, for example, refugees noted that the process of validation often resulted in under-equated recognition of foreign certificates and diplomas from refugee-sending countries. In Lebanon, most refugee respondents were not even aware of any recognition process and were under the impression that their educational qualifications were not recognized. Refugees in Sudan, Kenya and Iraq expressed similar sentiments on the difficulty of equating previous certificates.

Regarding the RPL, a minority of countries have developed systems to recognize prior learning in the absence of official diplomas, certificates or other documented proof. As shown in the previous section, Kenya is currently implementing systems developed by the KNQA, giving refugees a chance to showcase their skills practically via evidence portfolios, work examples and assessments. In Iraq, the National Qualifications Framework makes similar efforts toward this end, however it was only passed in 2021, and it is unclear what it will mean in practice.

<sup>118</sup> In Egypt, a levelling exam is in place to equate foreign qualifications, even if they have evidence of prior certification.



# 2.4

## Rights at work

### 2.4.1 Access to justice and legal services

#### Key points

Refugees are not explicitly prohibited in any national legislation from accessing justice systems. However, in many cases, neither are their rights clearly codified. Further, the option for refugees and other categories of vulnerable people to access justice in the workplace is largely unavailable if they work informally, which many refugees choose or are forced to do. As a result, the legal frameworks in place for refugees to access justice are not ensuring that workplace grievances and violations of rights are effectively dealt with in the courts in practice. Firstly, refugees are often not aware of their rights and the legal mechanisms in place to defend them. Secondly, practical barriers such as cost, language barriers, lack of legal representation and distance from justice centres act as disincentives for refugees. Thirdly, refugees and IDPs are reluctant to take their cases to the courts even when their rights are being violated for fear of losing their job, other forms of retaliation and, in the case of refugees specifically, deportation. Finally, the services they do access are often inadequate and time-consuming, resulting in their cases rarely being heard or properly addressed. This contributes to a vicious circle in which refugees simply stop attempting to access justice.

#### 2.4.1.1 Current legislation, policies and regulatory frameworks

The right of refugees to access justice is in place across many of the PROSPECTS countries, though it is not explicitly stated in all national legal frameworks. In Uganda and Ethiopia, this right is explicitly guaranteed in national legislation.<sup>119</sup> In other countries, it is not clearly stated in the law, but is included in existing relevant legislation either through lack of explicit exclusion<sup>120</sup> or because by default no distinction is made between nationals and non-nationals.<sup>121</sup> In Kenya, for example, the right of refugees can be indirectly assumed in the wording of the Refugees Act of 2021, which makes it clear that refugees are entitled to

<sup>119</sup> Refugees Act of 2006 for Uganda, Refugees Proclamation for Ethiopia.

<sup>120</sup> This is the case in Sudan. The 1997 Labour Code provides legal framework for worker protection. While there is no reference to refugees, they are not cited within the list of excluded categories.

<sup>121</sup> This is the case in Kenya (the Refugees Act), Jordan (assumption that refugees are subject to Jordanian Labour Law), and Egypt (by default no distinction being made between Egyptians and non-Egyptians).

all rights provided in Kenyan legislation. Overall, in no country is there an obvious gap in the legislation on refugees' access to justice and legal services except for Iraq. Once again, in Iraq, refugees who are not recognized under the 1971 Political Refugee Law fall into somewhat of a legal black hole, where their inability to obtain formal recognition as refugees prevents them from accessing the full range of rights. It is stated that refugees who do fall under the 1971 definition receive the same protection as Iraqi citizens. While there is no clear legal prohibition for refugees who do not meet this criterion, they are not able to access justice on an equal footing to citizens. In KRI, by contrast, protection in the labour market and access to legal services is available to refugees with an HRP,<sup>122</sup> significantly expanding the proportion of refugees eligible for protection compared to Federal Iraq.

One potential legal impediment, notably in Egypt, is that access to justice, particularly relating to labour disputes, hinges on the ability of refugees to secure formal employment. Owing to the complication and legal burden of obtaining a work permit, but also high levels of informality in general, as discussed above, refugees are often pushed to work informally, excluding them from legal protection against injustices. There are no grievance mechanisms in place for informal workers. Refugees are thus unlikely to be able to access justice in practice, even though they are legally entitled to do so. This constitutes a legal barrier not just for Egypt but for all countries where most refugees work informally. In Ethiopia, refugees' access to justice is impeded by legal and practical barriers. Because of differing interpretations of the laws on the jurisdiction of courts to see cases involving foreign nationals, some courts, particularly regional first instance and district courts, invoke lack of jurisdiction to decline cases involving refugees, hindering their right to access to courts.

In addition, particularly in countries where no legal difference is made between non-nationals and refugees in their access to justice and legal services, these rights do not afford special assistance to refugees, who have specific vulnerabilities, making them more vulnerable to discrimination as a result (see practice section below).<sup>123</sup>

### 2.4.1.2 In practice

Several barriers prevent refugees from accessing work-related justice in practice. These barriers include lack of awareness of their rights, lack of adequate legal representation, distance from legal centres, cost of legal services, jurisdictional barriers, language barriers, and overall reluctance to take their grievances to the courts. Across all eight PROSPECTS countries, the legal services that are theoretically available to refugees are either not being used or are not functioning in a way that ensures that justice is served.

While there are instances where refugees are successfully able to access justice (for example, in Sudan a key informant in Khartoum affirmed that refugees commonly take their grievances to the courts), overall, refugees experience obstacles to the full realization of justice. To begin with, hiring lawyers is expensive, and compounded by the fact that many refugees are physically isolated from centres of justice, refugees interviewed report there is rarely an incentive to go through the difficulty of the legal process. More foundational perhaps is the reality that many refugees are unaware of their rights, and therefore lack the knowledge to demand them in cases where they are being violated. Furthermore, even when refugees recognize that their rights are being violated, there is reluctance to take these grievances to the courts for fear of losing their jobs, employer retaliation or being deported.

This is also tied to the reality of most refugees and IDPs in the eight PROSPECTS countries working informally and without a contract. This puts them in a vulnerable situation vis-à-vis their employers and the law itself. However, as jobs are so difficult to come by, many are hesitant to challenge any rights violations through legal means. As a result, refugees and IDPs are reluctant to access justice and legal services when they are available, as they fear retaliation for having worked in the informal sector and losing the scarce opportunities available to them.

<sup>122</sup> Refugees in KRI who possess an HRP receive the same protection under the 2015 Labour Law as Iraqi citizens or other workers.

<sup>123</sup> Kenya, Jordan and Egypt.

In several countries, non-governmental initiatives have emerged to address these gaps. For example, in Uganda, the Refugee Law Project,<sup>124</sup> through various programmes, seeks to bring legal aid services closer to refugees. In Egypt, organizations such as the Africa and Middle East Refugee Assistance (AMERA), Save the Children, Caritas, and CRS contribute to referral pathways to connect refugees to justice. In Lebanon, NGOs provide legal counselling and guidance to refugees regarding their rights. The same is true in Kenya and Ethiopia, where legal aid NGOs and university legal aid clinics have stepped in to provide an alternative to private legal representation. However, they cannot entirely fill the gap in access to justice. While they play a role in referral pathways, there are few NGOs which offer court representation, and, as noted in Kenya, even fewer who specialize in issues related to refugees. This, coupled with the high degree of informality of refugees' work, means that refugee rights in the workplace are frequently violated. According to refugees interviewed in this study, frequent employer transgressions include paying refugees lower salaries than their national counterparts, denying them the right to take leave, and forcing them to work overtime, among others.

When refugees do attempt to access legal services, these are often inadequate. Refugee respondents have noted a lack of response to their complaints, difficulty finding services that specialize in refugee rights, and general case overload as obstacles. In Lebanon, there is a lack of monitoring of legal violations. In Kenya, few legal aid NGOs specialize in refugees. In Jordan, courts often suffer from case overload. In Iraq, refugees have faced different standards of treatment, and employers were rarely held accountable for violations. In Ethiopia, refugees are frustrated with the process owing to the lack of timely responses and complaints that they do not receive answers. In Egypt, legal services are reported to be inadequate.

## 2.4.2 Freedom of association

### Key points

There is no clear trend across the eight PROSPECTS countries on whether refugees are mentioned in existing legislation on freedom of association. However, while in some cases this ensures that refugee rights to join workers' and employers' organizations are guaranteed and protected, in other cases this legislation restricts their rights. In practice, refugees rarely exercise the right of association. Barriers such as high levels of informality, a belief that their issues would not be prioritized, or a lack of understanding of their rights to join associations contribute to low to non-existent levels of participation across the eight PROSPECTS countries.

### 2.4.2.1 Current legislation, policies and regulatory frameworks

When it comes to freedom of association, the degree to which refugees are covered by existing legislation varies across the eight PROSPECTS countries. In Sudan, Lebanon and Kenya,<sup>125</sup> refugees are not explicitly mentioned in existing legislation, but neither are they mentioned in the excluded categories. In Egypt, there is a lack of distinction between nationals and non-nationals.<sup>126</sup> Thus, if refugees meet the criteria for membership in a union, they can, in theory, join, even though there is no framework proclaiming this right. However, for several reasons that will be elaborated below, the full realization of this right is met with several obstacles, for example, the requirement that workers be employed formally.

<sup>124</sup> The Refugee Law Project of Makerere University was established in 1999 to provide free legal assistance to refugees and asylum seekers in Uganda.

<sup>125</sup> In Sudan, it is not specified whether or not refugees are able to join trade unions. In Lebanon, the Constitution provides for freedom of association, and while this could theoretically extend to foreigners, the right for refugees is not made explicit. In Kenya, the legislative framework provides for the freedom of association, however refugees are not explicitly included.

<sup>126</sup> In Egypt, freedom of association is enshrined in Egyptian Labour Law and the Trade Union Law (No. 213/2017), however this only applies to formal workers. Egyptian law makes no distinction between foreigners and refugees in general, and here eligibility of refugees is even further reduced by excluding workers in the informal sector.

In countries where the right of refugees to associate is legislated,<sup>127</sup> there is wide variation in the extent to which this guarantees or restricts refugee rights. In Uganda and Ethiopia, refugees are guaranteed the right of association.<sup>128</sup> By contrast, Iraq and Jordan demonstrate clear cases where the right of refugees to associate is explicitly legally restricted. In Jordan, there is one national trade union, the General Federation of Jordanian Trade Unions (GFJTU). For refugees, the labour law guarantees their right to join existing trade unions, but further stipulates that they are not allowed to form trade unions.<sup>129</sup> In Iraq, the right to associate is governed by reciprocal arrangements with the refugees' country of origin: nationals whose countries allow Iraqis to freely associate and join trade unions are afforded the same right in Iraq.<sup>130</sup> Yet outside this framework, refugees would not be allowed to join unions. It should be noted that even nationals in Iraq, Jordan and Lebanon face challenges in joining trade unions because of restrictions on freedom of association, adding an extra layer of complexity to refugees' rights to organize in those countries.

### 2.4.2.2 In practice

Employers' organizations can mobilize their membership and help navigate the legal framework; workers' organizations, together with employers, can work towards creating a welcoming environment for refugees in the workplace and ensuring that their rights and obligations as employees are clearly articulated and respected.<sup>131</sup> In practice, refugees or refugee-owned businesses are rarely represented in trade unions, employers' organizations, collective bargaining mechanisms, or any other associations.

Freedom of association remains a difficult topic in Jordan, Iraq and Lebanon for refugee and host community members alike. Across all eight PROSPECTS countries, the biggest obstacles to refugee and refugee-owned business representation in relevant organizations is their predominance in the informal sector combined with a pervasive belief among refugees and others that they are not allowed to join these representative organizations. The latter stems mainly from their lack of participation in practice, which reinforces the false belief that they cannot join.<sup>132</sup>

High levels of informality are perceived to be the most common reason that refugee and refugee-owned business representation in workers' and employers' organizations is low.<sup>133</sup> Whether this is because work permits are an entry requirement, informal workers are difficult to organize, or because trade unions are perceived to offer limited protection for informal workers, informality is the most pervasive and common barrier for refugees. Beyond this, there are other factors that contribute to refugees' low participation rates in unions. For example, in Lebanon, Syrian refugees believe that unions would not prioritize their issues. There are similar sentiments among refugees in Iraq suggesting that nationals may not feel a sense of solidarity with refugee workers, given the already challenging economic situation in Iraq and lack of jobs for refugees and nationals alike. In Jordan, there is a sole nationally recognized trade union, and non-Jordanians, including refugees, are not able to run for elected positions with limited scope for freedom of association, regardless of nationality or status. In Ethiopia, in addition to the limited participation of refugees in formal employment, the overall awareness about refugees' right to form and

127 Ethiopia, Uganda, Iraq and Jordan.

128 In Uganda, Article 29 of the Refugees Act 2006 affords refugees a right of association with "non-political and non-profit-making associations and trade unions". In Ethiopia, the Refugees Proclamation 2019 grants refugees the right to associate, including the right to form and join cooperatives.

129 Jordanian Labour Law 26 of 2010.

130 Governed by the Union Assembly Law (No.52 of 1987).

131 ILO (2022), The role of employer and business membership organizations in promoting the labour market integration of refugees: Good practices from Colombia, Germany, Türkiye and Uganda. Available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg\\_p/documents/publication/wcms\\_863915.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_863915.pdf)

132 In the specific case of Sudan, as a result of the 25 October 2021 military coup, trade unions and professional associations were dissolved. As of October 2022 they are still not functioning.

133 In Sudan, refugees are not heavily represented in the formal sector and often work without contracts, therefore representatives from Chambers of Commerce and labour officials state that they cannot be considered for membership. In Uganda, lack of refugee representation in unions was attributed to high levels of informality. In Kenya, refugees' lack of documentation, namely work permits, was cited as a barrier. In Iraq, it is extremely difficult to organize workers who are not in stable employment and are employed informally. In Egypt, trade unions are depicted to be suited only for the formal sector and offer very little protection for those employed informally.

join trade unions is very limited, even among trade unions. As it currently stands, FGDs and KIIs reveal that these representative organizations can play an important role in adequately representing the voices of refugee workers and businesses.

Given these realities, refugee participation in workers' and employers' organizations is minimal to non-existent across all countries. In many cases, this creates the impression that refugees cannot join these organizations. Indeed, in Lebanon, Kenya and Iraq, most refugees believe that they are not allowed to participate in these organizations at all. While in Iraq reciprocal agreements with refugees' countries of origin may restrict their rights, Kenya and Lebanon have no explicit legal restrictions on the right of refugees to associate, indicating that this belief among refugees comes from practice as opposed to the law itself.

### 2.4.3 Social protection

#### Key points

Overall, the right of refugees to access social security benefits is not particularly well legislated, even in countries where social security schemes exist. There are legal gaps affecting the access of refugees to social security on multiple levels. Firstly, refugees are never mentioned in social security legislation as a group that is entitled to benefits. Secondly, many social security schemes do not extend beyond the formal sector, where refugees are not often employed. Finally, with few exceptions, countries have not made attempts to fill the legislative gaps required in order to expand coverage to vulnerable groups and informal workers. While individual private insurance schemes might have specific regulations for the inclusion or exclusion of refugees, generally on a national level, their rights to access them remain an open question.

In reality, social protection schemes are weak in most PROSPECTS countries and do not provide comprehensive coverage for nationals, let alone refugees and asylum seekers. Refugees have only limited access to national social protection schemes owing to a number of legal and practical obstacles. However, there is progress towards the inclusion of refugees in national social health protection schemes.

#### 2.4.3.1 Current legislation, policies and regulatory frameworks

National legislation governing refugees' access to social protection is sparse, and the right of refugees to access social protection is not explicitly codified in any country. It can thus be considered a legal gap across the board. Even in countries where refugee-specific legislation exists,<sup>134</sup> refugees are absent from all legislation concerning social protection coverage.

With regards to social security schemes, in Sudan, Uganda, Kenya, Ethiopia and Egypt,<sup>135</sup> refugees are not mentioned in any of them, while the National Health Insurance Funds (NHIF) in Kenya and Sudan include refugees as a target group. In Uganda, Ethiopia and Egypt by contrast, there is no supplementary legislation which might provide the legal basis for refugees' access to social security. While it might be the case that as long as they are employed formally, they are able to access social security schemes on an equal

<sup>134</sup> Sudan, Uganda, Kenya and Ethiopia.

<sup>135</sup> In Sudan, relevant legislation includes the 1997 Labour Code, the 2001 Zakat Act. In Uganda, relevant legislation includes Uganda's Vision 2040, the Uganda National Social Protection Policy (2015) and the National Development Plan III (NDP III) (2020). In Kenya, the National Social Security Fund Act of 2013 stipulates the policies and procedures for the National Social Security Fund and the National Hospital Insurance Fund, two contributory schemes which employers with at least one employee are obliged to register with and contribute to. In Egypt, the Social Insurance and Pension Law (no. 148/2019) unifies all social security laws and includes insurance against a number of risks including unemployment, employment injuries, old age, disability, and many more. In Ethiopia, the Private Employees' Pension Scheme is available to employees of private firms.

footing to citizens, the absence creates legal ambiguity. In Uganda, the Health Sector Integrated Refugee Response Plan establishes a goal of integrating refugee and host community health care provision, and outlines actions to be taken to achieve this within the lifetime of the Plan (2019-2024).<sup>136</sup>

A new law in Egypt<sup>137</sup> aims to expand social security coverage to certain categories of informal workers, which by extension would benefit refugees. However, this does not cover all sectors. This is true in Ethiopia, for instance, where although refugees' right to social security is not explicitly mentioned in the Refugee Proclamation, it is provided that refugees who are engaged in formal employment would have the rights and be subjected to the obligations imposed by other relevant laws related to employment. Social security can, thus, be construed as one of the rights related to formal employment that refugees can enjoy on a par with nationals.

In Iraq and Lebanon, legislation on social security is generally extremely limited. Social protection schemes are usually open to civil servants only and, in some cases, extended to those who are formally employed in the private sector. Beyond this, there is no legislation detailing the right of citizens, let alone refugees, to access social protection. As of early 2022, there is a draft Pension and Social Security Law before the Iraqi Parliament aimed at workers in the private sector. This, in theory, could cover refugees as well, however, they are not explicitly mentioned. In Lebanon, it is legally very difficult for refugees to access social security. Requirements such as the reciprocal treatment policy<sup>138</sup> and the acquisition of a valid work permit are major legal barriers for refugees.

In Jordan, the law stipulates that formally employed individuals have the right to access social security coverage without discrimination based on nationality.<sup>139</sup> While this creates a legal foundation for refugees to access these benefits alongside citizens and other foreign workers, de facto barriers may still impede access to such benefits. Also in Jordan, Law Fund No. 36 of 1986, created the National Aid Fund (NAF) as the main provider of poverty targeted social assistance. However, this fund is available exclusively to Jordanian households.

### 2.4.3.2 In practice

Social protection schemes in the PROSPECTS countries tend to cover only a small part of the population, usually workers in the public and formal sector, and only few contingencies, such as health or old age. As there is considerable room for coverage extension for host communities, refugees and asylum seekers are mostly excluded from national social protection schemes, both legally and in practice.

Most refugees work in the informal economy and are therefore less likely to access contributory social protection schemes. If social protection schemes are inclusive of workers in the informal economy and refugees are legally allowed to participate, they still face numerous practical barriers, such as the complexity of administrative procedures, limited access to information and hence, awareness of their right to enrol, lack of a national ID number or access to SIM cards, and often living in camp-like or remote settings where national services, such as healthcare, are not accessible. In Kenya and Uganda, National Social Security Fund schemes designed as saving schemes for workers in the informal economy are currently viewed to be more inclusive for refugees.

<sup>136</sup> Health Sector Integrated Refugee Response Plan, Uganda (2019–2024). Available at: <https://health.go.ug/sites/default/files/Final%20HSIRRP%2031%20Jan%202019%20MASTER.pdf>.

<sup>137</sup> Social Insurance and Pension Law (No. 148/2019).

<sup>138</sup> If Lebanese workers abroad are able to access social security in those host countries, foreigner workers from those countries would be able to access benefits in Lebanon.

<sup>139</sup> Formally employed refugees with a contract have access to social security under the Social Security Law (No. 1 of 2014) which makes no distinction based on nationality as far as the requirement to register formally employed workers in social security. The law necessitates coverage of social security without discrimination based on nationality.

In countries where refugees have the right to work and are active in the formal sector, they can still enrol in national social protection schemes and receive the benefits. In Sudan, there is ambiguity among employers as to whether refugees are entitled to social protection, even if they are working in the formal sector. While the NHIF is the only programme that explicitly includes refugees as a target group, in practice they cannot access the programme as they do not own national ID cards, which are usually a precondition to benefit from the programme.<sup>140</sup> In Lebanon, there is a reluctance among refugees and employers to pay contributions, as refugees are not entitled to receive benefits.

In Jordan, non-national workers, including refugees, are covered by legal social security provisions in terms of equality of treatment, however, effective coverage is extremely low: 96 per cent of Syrian employees in Jordan lack social security coverage, and only 13 per cent of non-national permanent employees are registered for social security.<sup>141</sup> In the case of Syrian refugees, intersections with work permit policies also complicate access. While most non-national workers require their employers to submit proof of social security registration and payment at the time of applying for a work permit, this was waived for Syrians under a 2019 cabinet decision. When the requirement was reinstated, there was general confusion about how social security contributions applied for different types of Syrian work permit holders. The added cost of social security contributions to a work permit then dissuaded many Syrian refugees from renewing their permits, without sufficient information about the benefits of protection coverage.

Most countries have prioritized the inclusion of refugees in social health protection schemes. In Kenya, vulnerable refugees in urban areas and selected camps are being enrolled in the NHIF, with the UNHCR covering their contributions. In Sudan, refugees in North and South Kordofan are also being allowed to join the NHIF, with vulnerable groups being covered through the UNHCR. Refugees can already access the national health system at par with nationals in Uganda, as well as primary healthcare in Egypt. Discussions on opening national social health protection schemes are also underway in Egypt to facilitate access to social health insurance and thus move beyond primary care. Similar discussions are ongoing in Ethiopia on the inclusion of refugees in urban areas in the Community-Based Health Insurance Scheme.<sup>142</sup>

Most PROSPECTS countries are also operating non-contributory cash transfer schemes for the vulnerable and poor, including IDPs. Countries are often struggling to identify sufficient fiscal space for nationals and therefore rarely agree on the inclusion of refugees. Efforts are undertaken to align humanitarian cash transfers with national cash-transfer schemes to use the same channels and integrate refugees over time, thus avoiding the creation of parallel schemes while strengthening existing national schemes, reducing potential tensions between host communities and refugees and promoting social cohesion.

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140 ILO (2021), [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg\\_p/documents/publication/wcms\\_856609.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_856609.pdf).

141 ILO (2021), [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg\\_p/documents/publication/wcms\\_770085.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_770085.pdf).

142 The Community-Based Health Insurance Scheme is mainly designed for small-scale, informal sector workers and the general public at large. It started as a pilot in 13 districts and four regions in 2010–2014, has gathered strength and gained a significant number of members. It currently covers about 70 per cent of all the districts in the country, with more than 22 million members in both rural and urban areas. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg\\_p/documents/publication/wcms\\_821183.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/publication/wcms_821183.pdf)



# 2.5

## Naturalization pathways

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### 2.5.1 Current legislation, policies and regulatory frameworks

#### Key points

In theory, legal pathways are in place for refugees to apply for and obtain citizenship, the same as other non-nationals. There is a regional difference across PROSPECTS countries on how legally attainable this is for refugees. MENA countries require connections via marriage or heritage, while African countries mostly require the applicant to have lawfully resided in the country for several consecutive years, among a number of other criteria. Overall, the acquisition of citizenship at present is not a practical viable route towards durable solutions for refugees in the countries under study. It almost never occurs in practice. The cases where refugees have been successful are mostly due to marriage or familial connections or heritage. Beyond these routes, practice has shown that acquiring citizenship is largely unattainable and refugees understand this.

Across the board, all eight PROSPECTS countries have a legal pathway to naturalization. Most processes involve spending a number of consecutive years in the country, speaking at least one of the national languages, marriage (although in some contexts this is gendered), and generally abiding by national laws, among other criteria. On the question of naturalization, there is a regional trend: the MENA countries of Jordan, Egypt, Lebanon and Iraq have substantially more restrictive naturalization criteria than African countries. In Iraq, citizenship can only be granted by the federal government as one of its executive powers.<sup>143</sup> In Jordan and Egypt, there are few pathways to naturalization outside marriage, particularly for non-Arabs, and the marriage pathway is highly gendered: women can obtain citizenship upon marrying a national, but the same is not true for men.<sup>144</sup> In Egypt, any further qualifications for citizenship stem mainly from familial connections or birth circumstances, requiring in all cases some Egyptian origin. Similar gendered restrictions exist in Lebanon, where, for example, women married to Syrian refugees cannot pass on citizenship to their husbands and children.

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<sup>143</sup> Further conditions are stipulated under Article 6 of the 2006 Nationality Law.

<sup>144</sup> Egyptian Nationality Law No. 26/1975.



A refugee community woman from Somali region in Ethiopia getting trained on vocational skills at Jigjiga Polytechnic. © ILO

By contrast, Sudan, Ethiopia, Uganda and Kenya have more permissive naturalization policies, and a legal infrastructure is largely in place for non-nationals to obtain citizenship, at least in theory. In Sudan, after ten years of residing in the country earning a lawful living, refugees are eligible to apply.<sup>145</sup> There is an exception for South Sudanese, who are automatically eligible for citizenship if they were born to a Sudanese mother or father, a requirement met by anyone born before 9 July 2011.<sup>146</sup> In Kenya, this requirement is only seven years,<sup>147</sup> and additionally requires applicants to be a resident under the authority of a valid work permit. In Ethiopia, the Refugee Proclamation includes a provision on naturalization whereby every recognized refugee who fulfils the necessary requirements of the Ethiopian Nationality Law may apply to acquire Ethiopian nationality.<sup>148</sup> However, in these countries, the requirement of a “lawful living” and a valid work permit poses a potential challenge for refugees who struggle to secure formal employment. In Uganda, it is required that a person reside in the country for at least 20 years before they are eligible to apply for citizenship<sup>149</sup>. Therefore, while in theory the pathway to citizenship is more attainable in the African context than in MENA, there are still significant legal challenges for refugees.

If legal gaps can be observed in this area, they would come not from an absence of legislation, but rather from legislation that is so restrictive that it is in practice very difficult for refugees to meet the criteria. In Lebanon and Jordan, there is little political willingness to integrate refugees into the country in the long term, so naturalization of refugees is not encouraged. Lebanon’s refugee strategy is ultimately to work towards a solution in which refugees can return safely to Syria. Similarly in Iraq, the general refugee

<sup>145</sup> The Asylum Act of 2014, Article 23.

<sup>146</sup> Article 45 of the 2019 Constitutional Charter for the Transitional Period.

<sup>147</sup> Citizenship and Immigration Act.

<sup>148</sup> Ethiopian Nationality Law No.378/2003, Article 5(2).

<sup>149</sup> Refugees Act 2006 as well as the Uganda Citizenship and Immigration Control Act.

policy does not provide a means towards naturalization, and the criteria to obtain citizenship, including legal entry into the country, cannot be met by the majority of refugees in Iraq today. For non-nationals in MENA countries, marriage remains the most viable path to naturalization, and it is only viable for women.

For African countries, there are still areas which can be identified as gaps in the legislation, relating mostly to lack of clarity and ambiguity. For example, in Kenya, applicants must have made substantive contributions to the national development of Kenya. The objective criteria by which this is determined are not well highlighted in the Citizenship and Immigration Act. In Sudan<sup>150</sup> and Ethiopia,<sup>151</sup> applicants must be earning a lawful living, a requirement that refugees working without permits may not be able to fulfil. Further, in Sudan, applicants must be of “good morals” and “sound mind”, terms which are not well defined. Similarly in Ethiopia<sup>152</sup> and Uganda,<sup>153</sup> “good character” is a requirement that is not clearly defined.

## 2.5.2 In practice

Every country has a legal pathway in place for non-nationals to obtain citizenship, but in practice, it is exceptionally rare for refugees to achieve this. Across all countries, there is a pervasive belief among refugees that it is nearly impossible to become a citizen. Very few refugees have been successful, and most consider it entirely out of reach.

In Lebanon, among both refugees and Lebanese citizens, it is commonly understood that the only available solution to refugee displacement is an eventual return to Syria, and that the option of integrating into Lebanese society is not realistically available. Refugees in Iraq believe that acquiring citizenship is unattainable, and most have never even considered applying. In Sudan, during the period of the transitional government, Syrian refugees who had previously been issued passports had them revoked.

While in Kenya, Jordan, Uganda and Egypt there have been cases of successful acquisition of citizenship, this normally occurs via marriage or other familial relations.<sup>154</sup> However these pathways are rare, and not a practical option for all. Even rarer are cases of refugees becoming citizens owing to substantial business investment in the country.<sup>155</sup> For the majority of refugees across the eight PROSPECTS countries, these pathways are hence not viable.

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150 Sudanese Nationality Act, 2011.

151 See Ethiopian Nationality Proclamation No.378/2003, Article 5(4). The applicant is required to have a sufficient and lawful source of income to sustain himself and his family.

152 Ethiopian Nationality Proclamation No.378/2003, Article 5(5).

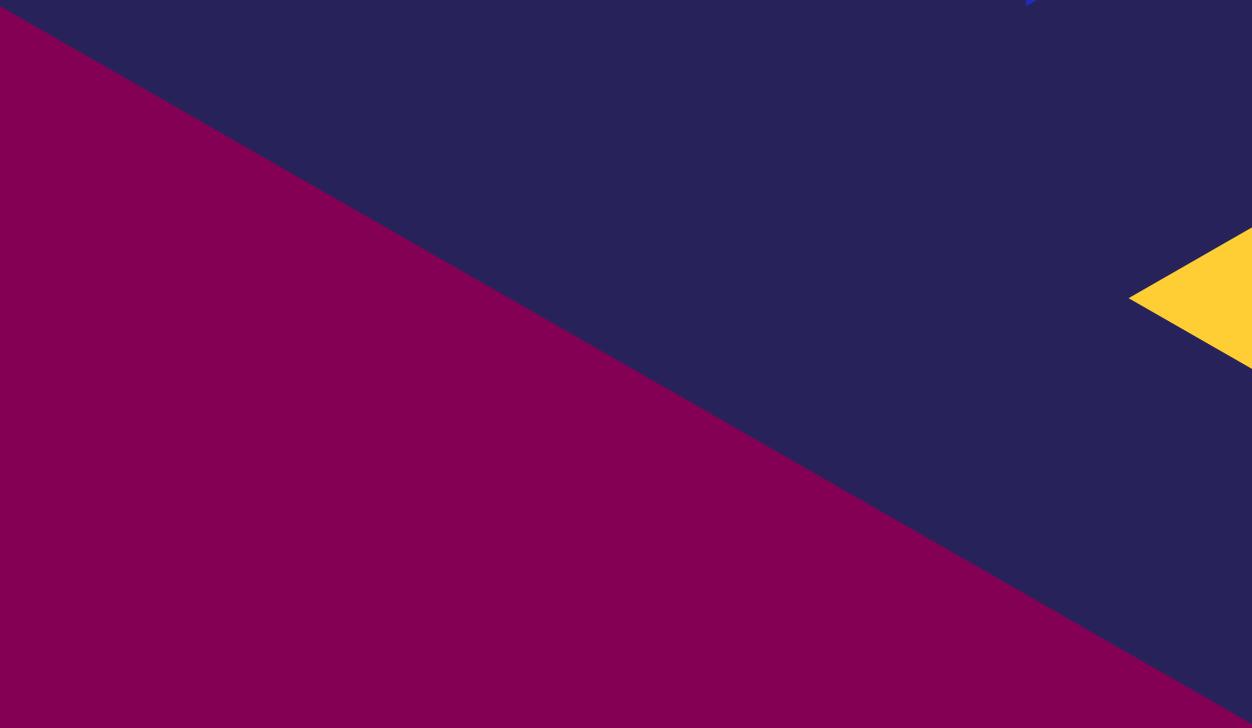
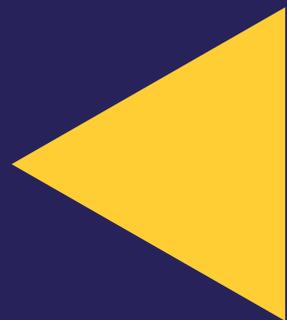
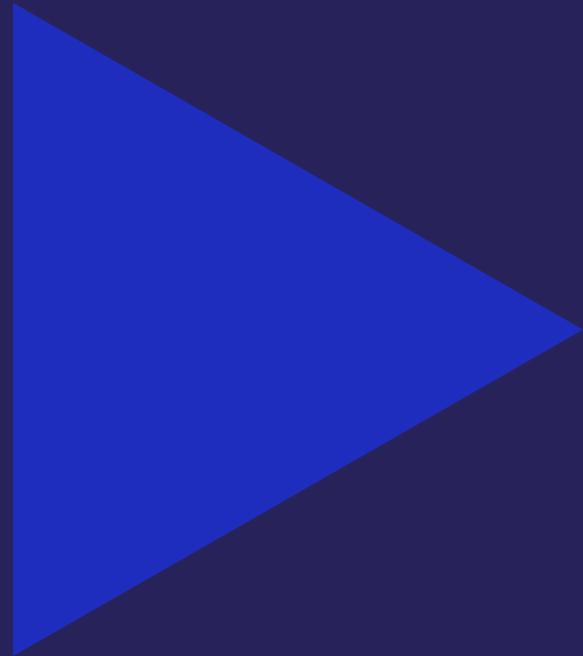
153 Section 16 of the Uganda Citizenship and Immigration Control Act.

154 While some refugees in Kenya have been successful via the marriage pathway to citizenship, this is not well known among all refugees, and thus rarely used. In Jordan, marriage is the only practical pathway to citizenship for refugees, and it is only available to female refugees. Male refugees who marry Jordanian women cannot acquire citizenship. In Egypt, there have recently been several cases of refugees being granted citizenship, but this is mostly to those who have Sudanese or Syrian fathers.

155 Kenya and Jordan.

# ▶ 3

## Conclusion and next steps



## ► Conclusion

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It is important to keep in mind that the eight PROSPECTS countries jointly host more than 18.6 million refugees and IDPs, nearly 18 per cent of the entire forcibly displaced population worldwide.<sup>1</sup> The generosity provided by these countries over the years to different movements of FDPs frame the overall report, which seeks to explore further opportunities around inclusive policy approaches that support both host and refugee communities. The impact of forced displacement is substantial in these countries, among those in displacement and the hosting communities. While FDPs face specific vulnerabilities, host communities, which tend to be among the poorest in their country, typically in lagging regions, have to pursue their own development efforts in an environment that has been transformed by a large inflow of newcomers.

In this context, participating in labour markets through training, employment services, opening up businesses, accessing finance and cooperatives and benefiting from social protection enable refugees to contribute effectively to the economies and societies that host them, and reduce the burden on host governments. Nevertheless, the challenge to provide for their needs and ensure that both host community members and displaced communities can thrive, is significant. The aim of this report was to identify key avenues for action in this area, to inform all policy interventions and to work more closely with governments, national, regional and international partners to jointly address some of the most important challenges.

This report provides an in-depth look at the eight PROSPECTS countries on refugee access to labour markets, training and rights at work and determine what legislation currently exists, the gaps in this legislation, and how this legislation or lack thereof is operating in practice. The areas explored are all fundamentally linked to one another. The acquisition of legal status affects a refugee's access to all aspects of the labour market, from obtaining a work permit, to accessing finance, to freedom of movement. The right to work in a country offers a pathway for membership in cooperatives, social security schemes, freedom of association and access to justice, all of which are difficult to attain for workers in the informal sector. The ability to access employment services and skills training, as well as recognition of qualifications and prior learning and the ability to move freely around the country in search of employment equally impact the likelihood of refugees being able to secure employment. Therefore, ensuring refugees' access to the labour market of the host country is a multi-faceted operation.

As it stands, current legislation does not fully govern the areas of interest highlighted in this report. There are instances where countries have not (yet) introduced policy reforms to align with regional frameworks they are part of. At the same time, where governments have established the right to work for refugees, the existence of legislation does not guarantee that it is operating to the benefit of refugees, as additional obstacles affect the application of this right in practice and often result in the de facto restriction of refugee rights and freedoms. While most countries covered under this review have legislation in place outlining access to legal status, freedom of movement, the right to wage-earning and self-employment, as well as mechanisms governing access, both practical barriers, and in some cases legal ambiguity, make access to employment difficult for many refugees. As a result, the vast majority of refugees and other forcibly displaced populations work in the informal sector, where they do not face the same barriers as they do in accessing formal employment, where the risk of exploitation is much higher.

In comparison, access to training, skills development and upgrading opportunities is an area with significant variation across PROSPECTS countries, in the extent to which it is regulated, and in the way it is used by refugees in practice. While procedures for the recognition of skills, qualifications and prior learning are outlined in most countries, in practice refugees often face difficulties in successfully completing these procedures, making this area an important barrier to refugees' employability and using their skills in the local labour market in line with their qualifications and professional backgrounds.



Bosco from Isingiro Uganda runs his own barber shop after completing a ILO supported apprenticeship programme. © ILO/AVSI

While by law refugees are not explicitly excluded from accessing rights at work, the reality that many refugees are faced with no other choice than to enter the informal economy, given large informal economies in the hosting countries, means that in practice they rarely access justice when they need to. This also impacts the right to freely associate, as well as access to social protection, both of which are almost exclusively available to workers in the formal sector.

As a result, many refugees remain on the periphery of the labour market, unable to easily access lawful employment in line with their qualifications and access their work-related rights fully. Even if legislation exists and might theoretically be inclusive of non-nationals, refugees face unique challenges and vulnerabilities that should be accounted for if legislation is to be considered fully inclusive. Further, in areas where refugee-specific legislation does exist to facilitate access and expand their rights, difficulties of implementation should be monitored and addressed to ensure that refugees can fully benefit from them, in line with their rights and entitlements as outlined in international and regional policies and commitments.

Against this background, significant efforts are required to support policy, legislative and regulatory development and reform. Effective policies need to build on robust and up-to-date knowledge which informs policy development, implementation and advocacy, as well as capacity- and systems-building. To this end, an important entry point to strengthen the policy development and implementation capacity of host governments is through an enhanced evidence base that involves review of legal and policy frameworks and their application.

## ▶ Next steps for consideration

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Through this review, the ILO aims to assist national and local institutions, including tripartite constituents, in developing, reforming and implementing policy, legislative and regulatory frameworks that promote decent work, employment, livelihoods and training for host and refugee communities. While not exhaustive, the following section suggests some key steps to be considered for going forward, which can be addressed through PROSPECTS and other related programmes by a wide range of actors with a view to improving policy coherence. Of particular importance is the coordination and synergy between international and regional partners to improve efficiency, effectiveness, sustainability and consistency of responses. This includes closer alignment with other refugee policy and institutional framework reviews, including the Refugee Policy Review Framework conducted by the World Bank to document progress over time in countries eligible for the Window for Host Communities and Refugees.

### Access to labour markets

- ▶ Support governments, employers' and workers' organizations in formulating, reforming and implementing labour market policies that include refugees and other FDPs in line with economic, sectoral, social and regional priorities in the countries.
- ▶ Support governments, employers' and workers' organizations in simplifying, clarifying and harmonizing processes key to opening up refugees' access to wider rights and entitlements. This includes mechanisms governing access to wage-earning employment, self-employment and processes to gain legal status.
- ▶ Strengthen the capacities of government institutions and labour market actors, including ILO's tripartite constituents, for the implementation of established policy measures, including for example work permits and business licences.
- ▶ Provide technical assistance to the governments, social partners and other relevant actors in developing actionable and practical guidelines on how refugees can exercise their rights in line with existing legislation and policy documents. This includes the development of guidelines and practices easing the translation of rights and entitlements into practice by lowering administrative hurdles to accessing rights, to mirror the specific challenges that refugees are likely to have, for example, in retrieving certain documentary evidence and financial resources.
- ▶ Support governments, employers' and workers' organizations to enhance the capacity of public employment services and improve cooperation with other providers of services, including private employment agencies, to support the access of refugees and other forcibly displaced persons to the labour market.
- ▶ Work with governments, social partners and other relevant actors to establish a legal framework that facilitates cooperatives to formalize and refugees to join cooperatives, and strengthen existing cooperatives and other social and solidarity economy enterprises to become vehicles for inclusive employment and livelihoods for both refugees and host communities.
- ▶ Work with governments, central banks and financial institutions to put in place facilitation measures so that refugees are better integrated within host countries' financial systems. Access to finance remains an area where no specific legal barrier exists, whereas refugees struggle in practice to open bank accounts. Therefore, supporting financial institutions to embrace the new client segment and the host communities through product diversification and innovation becomes critical.

## Access to training opportunities

- ▶ Strengthen the capacity of TVET institutions to improve access to skills development and upgrading opportunities for refugees and other FDPs. While resource constraints likely limit the services available as a whole, concerted efforts to open up such opportunities to host communities and refugees will increase social cohesion and ensure that available opportunities can benefit all.
- ▶ With the involvement of governments, employers' and workers' organizations, the private sector and other relevant actors, provide technical support to skills-training institutions to improve demand-driven TVET provision, curriculum development and institutional capacity-building.
- ▶ Work closely with qualifications and accreditation institutions in developing processes to support recognition and accreditation of acquired skills and competencies by refugees and other FDPs through appropriate skills-determination tests which better mirror the reality that many refugees face in terms of the difficulty of retrieving documentation and other supporting documents proving their skills.

## Rights at work

- ▶ Provide technical assistance to national and local actors to reduce implementation frictions and gaps between legislative and policy frameworks and reality in practice, by, for example, lowering the barriers to the take-up of available rights and services by refugees. This may include ensuring that services are available in the languages most spoken by refugees, and that refugees are aware of their rights and ability to access justice even if employed in the informal sector.
- ▶ Strengthen the capacity of employers' and workers' organizations in developing, implementing and monitoring effective policies. This may include supporting the institutional capacity of social partners and addressing freedom of association and the inclusivity and effectiveness of social dialogue mechanisms to include protection for host and refugee workers.
- ▶ Address the protection needs of refugees and other FDPs in the labour market through, for example, working with labour inspection and labour administration actors, as well as legal aid services and grievance mechanisms, and build their capacity.
- ▶ Provide technical guidance to governments, including social security authorities, to assess current social protection policy and regulatory frameworks and programmes and how these might be enhanced over time to include all workers and their families, regardless of nationality and status.
- ▶ Support governments to take steps to facilitate the portability of social security benefits of refugees and other FDPs between countries of origin, transit and destination.

## ► Annex 1. Research questions

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### 1. What is the socioeconomic context?

- ▶ What is the labour market situation?
- ▶ What is the refugee context?

### 2. What are the current relevant legislation, policies and regulatory frameworks? (Including legislation and relevant secondary legislation and regulations)

- ▶ What specifically in relation to refugee access to labour markets?
  - ▶ What specifically in relation to obtaining legal identity for refugees?
  - ▶ What specifically in relation to the freedom of movement of refugees?
  - ▶ What specifically in relation to the right to work and mechanisms governing access to work for refugees?
  - ▶ What specifically in relation to refugee rights to set up a business?
  - ▶ What specifically in relation to refugee rights to access financial services?
  - ▶ What specifically in relation to refugee rights to form and join cooperatives?
  - ▶ What specifically in relation to refugee rights to access employment services?
- ▶ What specifically in relation to refugee access to training?
  - ▶ What specifically in relation to refugee rights to access TVET?
  - ▶ What specifically in relation to recognition of prior learning/professional qualifications for refugees?
- ▶ What specifically in relation to refugee rights at work?
  - ▶ What specifically in relation to refugee access to justice and legal services?
  - ▶ What specifically in relation to refugees right to freedom of association?
  - ▶ What specifically in relation to refugee access to social security and protection?
- ▶ What specifically in relation to naturalization pathways open to refugees?

### 3. What are the current gaps in relation to relevant legislation, policies and regulatory frameworks? (Including legislation and relevant secondary legislation and regulations)

- ▶ What specifically in relation to refugee access to labour markets?
  - ▶ What specifically in relation to obtaining legal identity for refugees?
  - ▶ What specifically in relation to the freedom of movement of refugees?
  - ▶ What specifically in relation to the right to work and mechanisms governing access to work for refugees?
  - ▶ What specifically in relation to refugee rights to set up a business?
  - ▶ What specifically in relation to refugee rights to access financial services?
  - ▶ What specifically in relation to refugee rights to form and join cooperatives?
  - ▶ What specifically in relation to refugee rights to access employment services?

- ▶ What specifically in relation to refugee access to training?
  - ▶ What specifically in relation to refugee rights to access TVET?
  - ▶ What specifically in relation to recognition of prior learning or professional qualifications for refugees?
- ▶ What specifically in relation to refugee rights at work?
  - ▶ What specifically in relation to refugee access to justice and legal services?
  - ▶ What specifically in relation to refugees right to freedom of association?
  - ▶ What specifically in relation to refugee access to social security and protection?
- ▶ What specifically in relation to naturalization pathways open to refugees?

#### **4. What is the current practice with regard to the implementation of relevant legislation, policies and regulatory frameworks?**

- ▶ What specifically in relation to refugee access to labour markets?
  - ▶ What specifically in relation to obtaining legal identity for refugees?
  - ▶ What specifically in relation to the freedom of movement of refugees?
  - ▶ What specifically in relation to the right to work and mechanisms governing access to work for refugees?
  - ▶ What specifically in relation to refugee rights to set up a business?
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  - ▶ What specifically in relation to refugee rights to access employment services?
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  - ▶ What specifically in relation to refugee rights to access TVET?
  - ▶ What specifically in relation to recognition of prior learning/professional qualifications for refugees?
- ▶ What specifically in relation to refugee rights at work?
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  - ▶ What specifically in relation to refugee access to social security and protection?
- ▶ What specifically in relation to naturalization pathways open to refugees?



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