

## Visions for Europe

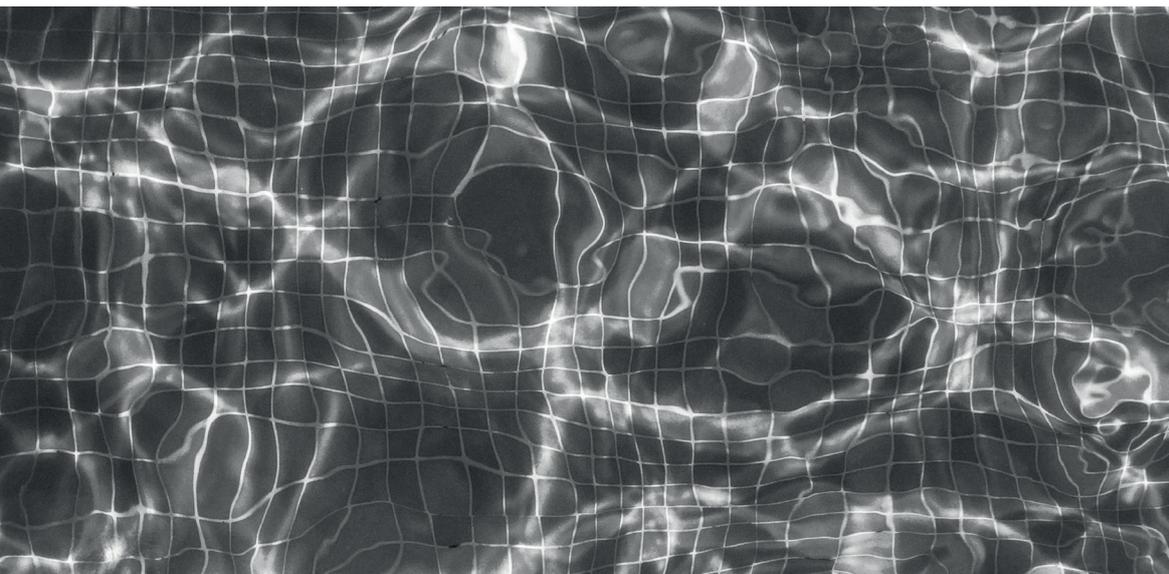
# The EU Talent Pool

## An Opportunity for Skills-based Pathways to Protection

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#EUMigration  
#RefugeeSkills  
#EUTalentPool



**Following the proposal for an EU Talent Pool under the New Pact on Asylum and Migration, the Commission is currently conceptualising a skills-matching mechanism to attract qualified migrants. This presents an ideal opportunity to account for the diverse skill sets of refugees, who possess qualifications needed to fill member states' shortage occupations. In light of the need to diversify and increase the number of safe and legal pathways for refugees, this Visions Paper proposes to incorporate a designated Refugee Track into the envisioned Talent Pool and outlines three ways of linking it with complementary pathways.**

This paper is part of the "Visions for Europe" series, funded by the German Federal Ministry of Finance. Papers within this series develop longer-term visions and recommendations for different EU policy areas and are based on extensive consultation with experts and stakeholders. For this paper, an expert group composed of distinguished scholars as well as representatives from international organisations was convened in June 2020. The paper also draws on insights from interviews with experts from EU institutions and private initiatives. The views and opinions expressed in this policy paper are those of the author and do not necessarily reflect the position of any member of the expert group.

## Executive summary

As part of the New Pact on Asylum and Migration, the European Commission has announced plans for establishing an EU Talent Pool, designed to match the skills of potential migrants with labour market demands in the member states. A more detailed proposal is due in late 2021. The current conceptualisation phase therefore offers an ideal **opportunity for broadening the Talent Pool's framework to embrace skills-based pathways for refugees**. Refugees possess a diverse set of educational and professional qualifications which they wish to put to work. In many cases, their skill profiles match the vacancies registered in EU member states, where jobs marked by both lower and high skill shortages can only be filled with difficulty by domestic or intra-EU labour supply.

What's more, diversifying and increasing complementary pathways to protection should help narrow the gap between the number of displaced persons and the available range of legal avenues to reach safety. To that end, the Global Compacts as well as the Commission's New Pact mention skills-based pathways to protection as an increasingly apt tool for supplementing traditional resettlement efforts. However, diffusing the clear-cut differentiation between refugees and economic migrants carries significant risks. Hence, skills-based pathways to protection must rest on three safeguards: they must remain complementary to traditional resettlement; ensure an adequate protection status for the beneficiary; and grant the right to work in the receiving country.

Based on these safeguards, **this Visions Paper proposes including a designated Refugee Track in the envisioned EU Talent Pool**. A Refugee Track registers the skill profiles of people recognised as refugees by the UNHCR and matches them with employment opportunities in the EU. The paper outlines three ways of linking the Refugee Track with complementary pathways that meet the protection needs of refugees: (i) a Refugee Track Blue Card that reduces barriers for highly skilled refugees; (ii) annual humanitarian admission programmes (HAP) for lower- and medium-skilled refugees who can fill shortage occupations; (iii) and a direct match between employers and refugees allowing the latter to arrive through current economic migration channels.

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## Introduction

For the bigger part of the last six years, the EU's asylum and migration policy has focussed almost exclusively on crisis mitigation. This has left little room to prepare for future challenges in this policy area. Most measures put forward on 23 September 2020 as part of the New Pact on Asylum and Migration continue down this path. Giving priority to proposals for “return sponsorship” and mandatory border procedures demonstrates that “preventing a second 2015” remains the primary objective of EU policy.<sup>1</sup> Less prominent elements in the New Pact, however, might have more potential to deliver the “fresh start” envisioned by the Commission. One of these is the proposal for an “EU Talent Pool”. As part of a larger set of suggestions to attract skills and talent to the EU, the Talent Pool is supposed “to match people, skills and labour market needs through legal migration”.<sup>2</sup>

How the EU Talent Pool would be set up remains unclear. Its basic idea is to establish a database that collects information on the skills and qualifications of potential migrants in order to match them with employment opportunities in the member states. A successful match can then pave the way for legal entry to the EU. Similar schemes are already in place in Canada, Australia and New Zealand. These served as starting points for a feasibility study by the Organisation for Economic Cooperation and Development (OECD), which assessed the prospects for a similar matching mechanism in the EU context.<sup>3</sup> Based on the options presented in the OECD study, the Commission has recently started conceptualising the Talent Pool with more detailed plans expected by the end of 2021.

This early stage of conceptualisation offers a good opportunity to incorporate within the Talent Pool a group of migrants often neglected when talking about skills-based pathways: refugees. Whereas refugees are primarily defined by their status as being at risk of persecution, they also possess a wide range of qualifications. As a matter of fact, **refugees are not merely passive recipients of protection, but could be active participants in the domestic labour market.** Including refugees within the Talent Pool's skills-matching mechanism would further respond to two trends that will characterise future migratory movements to the EU. First, the demand for migrants with specific qualifications to fill shortage occupations in the member states is set to grow. Second, the number of displaced persons in the EU's neighbourhood (and beyond) is likely to increase, whereas available safe and legal pathways to protection remain scarce.

Traditional resettlement alone is unlikely to narrow this protection gap substantially. Among the 20 million recognised refugees currently under the UNHRC's mandate, no more than 1.4 million were considered to be in need of resettlement last year. Only 1.6% of them were then in fact transferred to a safe destination country.<sup>4</sup> For the vast majority of refugees, resettlement is therefore not a realistic solution to their displacement. Ongoing negotiations on an EU Resettlement Framework are unlikely to change that. To the contrary: Despite the European Parliament's initial demand to resettle 20% of the UNHCR's projected annual resettlement needs

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<sup>1</sup> Rasche, L. & Walter-Franke, M. (2020), *Clear, fair and fast? Border procedures in the Pact on Asylum and Migration*, Jacques Delors Centre.

<sup>2</sup> European Commission (2020), *Communication on a New Pact on Migration and Asylum*, COM/2020/609 final, p. 23.

<sup>3</sup> OECD (2019), *Building an EU Talent Pool – A New Approach to Migration Management for Europe*.

<sup>4</sup> UNHCR (2021), *Resettlement Factsheet 2020*.

(280,000 based on current needs), the legislative proposal focussed on a ceiling for resettlement pledges and non-binding national “targets”.<sup>5</sup> Consequently, there is a need to enhance and diversify safe and legal routes to protection.

To meet this need, discussions about opening labour mobility routes for refugees have taken on greater salience in the global refugee regime. References to such complementary pathways are included in the Global Compact on Refugees, as well as in the Global Compact on Safe, Orderly and Regular Migration. In its Recommendation on legal pathways, the Commission itself encouraged member states to “develop and support programmes that facilitate access to other existing legal avenues for those in need of international protection [...] to map and document their skills and qualifications”.<sup>6</sup> To that end, the Commission called for “innovative international labour mobility schemes” for protection seekers.<sup>7</sup> Labour mobility programmes for refugees are not without friction though. Refugee protection should first and foremost be granted because a person is at risk of persecution, while subsidiary protection is granted to those at risk of serious harm – independently of their skills and labour profile. With that in mind, resettlement programmes select their beneficiaries exclusively on vulnerability criteria and on the need for protection. To avoid member states from cherry-picking skilled over vulnerable candidates, **any proposal for a skills-based pathway to protection must then be complementary to traditional resettlement.** It must also ensure an adequate protection status for the beneficiary as well as the right to work in the receiving country.

Against this background, this Visions Paper asks: **what possibilities are there for skills-based complementary pathways to the EU?** The first part discusses current displacement trends and the potential drawbacks of labour mobility schemes for refugees. It argues that economic pathways to protection require three safeguards: they must provide an adequate protection status, remain additional to resettlement, and focus on refugees’ rights as labour market participants. The second part then provides a brief overview of existing data on refugees’ skills and qualifications and suggests that many refugees could fill shortage occupations in EU member states. In a third part, **the paper proposes incorporating a “Refugee Track” in the envisioned EU Talent Pool.** By adding a protection dimension to a labour mobility scheme, the Refugee Track can help match the skills of refugees recognised by the UNHCR with potential employment opportunities in the EU. Three complementary options are suggested for creating skills-based pathways to protection for candidates in the track:

**“Many refugees could fill shortage occupations in the EU”**

1. A specific Refugee Track as part of the revised EU Blue Card scheme, designed to lower current barriers for high skilled refugees
2. A humanitarian admission programme (HAP) with an annual quota of refugees with lower and medium skills relevant for sectors facing shortage occupations
3. A direct match between refugee candidates and employers, with a job offer paving the way for beneficiaries to use the available legal channels for economic migration

<sup>5</sup> Bamberg, K. (2018), *The EU Resettlement Framework: from a humanitarian pathway to a migration management tool*, European Policy Centre (EPC).

<sup>6</sup> European Commission (2020), *Recommendation on legal pathways to protection in the EU*, p. 10.

<sup>7</sup> European Commission (2020), *Recommendation on legal pathways to protection in the EU*, p. 10.

All three scenarios developed in this paper aim at **diversifying and increasing the number of complementary pathways** so as to narrow the protection gap. In doing so, the proposals seek to increase refugee self-reliance by taking into account their diverse skill sets and their need for protection in equal measure. The proposals also seek to equip the EU and its member states with more forward-looking policy options for asylum and migration policy. Having said that, additional safe and legal pathways cannot be allowed to affect member states' obligations under international refugee law to receive and process spontaneous asylum seekers, as well as their duty to participate in traditional humanitarian resettlement programmes.

## 1 Labour mobility: a tightrope act for the global refugee regime

Linking refugee protection to labour mobility demands careful consideration. A refugee is defined as a person who has a well-founded fear of persecution on grounds of race, religion, nationality, membership of a particular social group, or political opinion and who has had to cross international borders to reach safety. Refugees therefore have the right to reside in a member state based exclusively on their need for protection against persecution. Economic migrants' residence, on the other hand, is mostly conditional upon employment. This differentiation lies at the heart of the global refugee regime.<sup>8</sup> However, **two major trends are challenging the international community's binary approach to migration and forced displacement**. First, traditional resettlement alone is unable to significantly narrow the gap between the number of displaced persons and available safe and legal pathways. Second, efforts to close this gap increasingly include discussions about integrating labour mobility schemes into the portfolio of the global refugee regime. But this is not without problems.

**“Resettlement alone is unable to significantly narrow the protection gap”**

### 1.1 Narrowing the protection gap

Currently, more than 20 million people are registered as refugees under the UNHCR's mandate. Most of these (73%) have fled to a country neighbouring their own, where they often end up in situations of protracted displacement.<sup>9</sup> For many, appropriate long-term solutions remain out of reach. According to the UNHCR, a durable solution for refugees can either be voluntary return, local integration in the host community, or resettlement. For that matter, resettlement should remain the primary tool through which the EU and its member states contribute to the governance of the global refugee regime.<sup>10</sup> EU member states have been responsible for more than 40% of resettled refugees since the downscaling of the US resettlement programme under the Trump Administration post-2016 (see Table 1). However, despite two ad hoc resettlement schemes in 2015 and 2017, the EU's relative rise to global leadership in this area has failed to narrow the protection gap.

<sup>8</sup> Betts, A. (2015), *The Normative Terrain of the Global Refugee Regime*, Ethics & International Affairs, New York, Bd. 29/4.

<sup>9</sup> UNHCR (2019), *Global Trends – Forced Displacement in 2019*.

<sup>10</sup> In addition to upholding the territorial right to asylum for those reaching the EU.

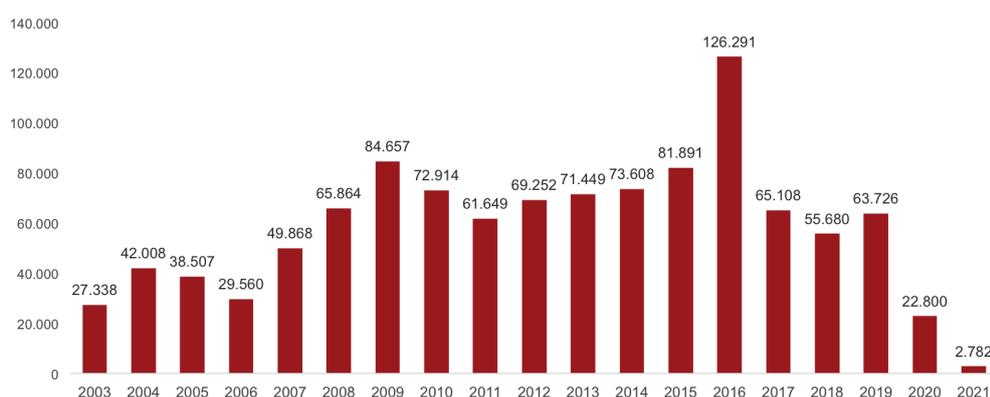
**Table 1: Number of resettlement departures by receiving country/EU & share of global departures**

Year	EU		Canada		United States	
	Total	Share	Total	Share	Total	Share
2016	17,093	14%	21,865	17%	78,761	62%
2017	26,397	41%	8,912	14%	24,559	38%
2018	26,029	47%	7,704	14%	17,112	31%
2019	28,992	45%	9,031	14%	21,159	33%
2020	4,421	43%	1,544	15%	3,085	30%

Source: UNHCR

Instead, the total number of available resettlement places steadily declined over recent years. The Covid-19 pandemic has dramatically aggravated the shortage of resettlement places. In 2020, the UNHCR estimated that out of the 20 million refugees under its mandate, 1.4 million were in need of resettlement. However, given Covid-19 related mobility restrictions, as few as 39,534 resettlement submissions were made that year and just 22,770 people eventually departed to a safe third country.<sup>11</sup> This is less than a fifth (18%) of the resettlement transfers that took place in 2016 (see Chart 1).

**Chart 1: Number of resettled refugees globally**



Source: UNHCR

The decline in resettlement transfers primarily affects the most vulnerable refugees, as the UNHCR considers as eligible for resettlement only those who are, for example, survivors of torture, under threat of refoulement, or in urgent need of medical treatment.<sup>12</sup> While it is hence essential to reinvigorate resettlement efforts, **there is still a need to find durable solutions for refugees who are not eligible for traditional resettlement.** Narrowing the protection gap is hence not merely a matter of increasing resettlement pledges. Equally important, it requires diversifying available pathways to a safe third country and explore options alongside traditional resettlement programmes.

<sup>11</sup> UNHCR (2021), *Resettlement Factsheet 2020*.

<sup>12</sup> UNHCR (2013), *Frequently Asked Questions about Resettlement*.

Such complementary pathways can supplement refugee resettlement by offering safe avenues for refugees to access appropriate protection. Existing pathways that could be further developed include humanitarian admission programmes (HAP), humanitarian visas, educational visas, or family reunification. Another possibility would be to link asylum and labour mobility. There are two options for integrating labour mobility into the portfolio of safe and legal pathways for refugees. Labour mobility can either become a complementary pathway in its own right, or an additional criterion within existing humanitarian pathways.

The 2016 United Nations' Declaration for Refugees and Migrants explicitly mentions the option to expand the number of complementary pathways through "opportunities for skilled migration, [and] labour mobility".<sup>13</sup> Similarly, the Global Compact on Safe, Orderly and Regular Migration addresses the need to help migrants in situations of vulnerability by "expanding and diversifying [the] availability of pathways".<sup>14</sup> Creating "labour mobility opportunities for refugees, including through the identification of refugees with skills that are needed in third countries" is also an objective outlined in the Global Compact on Refugees.<sup>15</sup> The increased recognition of refugees' skills is further mirrored in the Commission's Skills Profile Tool for Third Country Nationals, which helps match the skills of refugees already resident in the EU with employment services in other member states.<sup>16</sup> The tool has helped register 25,000 profiles since 2017 and is also used by the UNHCR, IOM and NGOs to assess the skills of refugees as part of the resettlement process.<sup>17</sup> Beyond the European context, Talent Beyond Boundaries (TBB) is perhaps the best-known private initiative matching refugees' skills with employers in Canada and Australia.

This development is significant, as it could help acknowledge that, besides their need for protection, refugees have plans, aspirations and abilities. So far, discourse on refugee protection primarily treats economic motivation as an argument against the need for protection. As a result, **disregarding a refugee's economic potential is short-sighted** as it contradicts the integration expectations projected onto refugees once they have obtained protection and long-term residency.

**"Refugees have plans, aspirations and abilities"**

## 1.2 Addressing the risks of skills-based pathways to protection

The attempt to link labour mobility with refugee protection is not unproblematic though. First, **there are legitimate concerns that resettlement and complementary pathways are increasingly used as a means for migration management** and instrumentalised to justify policies undermining access to territorial asylum.<sup>18</sup> For example, the proposed EU Resettlement Framework declares refugees to be ineligible for resettlement if they have previously attempted to enter EU territory irregularly.<sup>19</sup> Reasons for setting up complementary pathways can range from an exclusive needs-based selection, helping those displaced by conflict for example, to purely state-driven interests like regulating entry for asylum seekers. Hence, of-

<sup>13</sup> UN General Assembly (2016), *New York Declaration for Refugees and Migrants*, p. 20.

<sup>14</sup> UN General Assembly (2018), *Global Compact on Safe, Orderly and Regular Migration*, p. 11.

<sup>15</sup> United Nations (2018), *Global Compact on Refugees*, p. 38.

<sup>16</sup> European Commission, *EU Skills Profile Tool for Third Country Nationals*.

<sup>17</sup> Interview with DG Employment (2021).

<sup>18</sup> Bamberg, K. (2018), *The EU Resettlement Framework: from a humanitarian pathway to a migration management tool*, European Policy Centre (EPC).

<sup>19</sup> Bamberg, K. (2018), *The EU Resettlement Framework: from a humanitarian pathway to a migration management tool*, European Policy Centre (EPC).

fering safe and legal pathways can serve as a “fig leaf” for otherwise restrictive asylum and migration policies.<sup>20</sup> When presented as the only legal option to seek protection, complementary pathways can thereby become a means for infringing the individual right to asylum.

Second, while complementary forms of safe and legal pathways may enable one to address a more diverse target group, they threaten to divert attention from the most vulnerable. Programmes that favour people based on their human capital “could be thought of as cherry-picking by destination countries, which could cause brain drain and increase inequality in origin countries”.<sup>21</sup> Third, national labour markets are highly regulated and have complex governance structures which makes it challenging to guarantee both adequate employment and the necessary protection.<sup>22</sup>

Given that neither resettlement nor complementary pathways are anchored in international law, states are under no obligation to offer such pathways and thus have considerable leeway in setting their criteria. Favouring skilled rather than vulnerable refugees in the process of selecting candidates for transfer to a safe third country would be to the detriment of those “most” in need of protection. This in return risks undermining the central parameters of the global refugee regime. Against that background, **it is imperative to establish appropriate safeguards.** As outlined in Table 2, three essential safeguards should be considered: skills-based complementary pathways should guarantee adequate protection (i), uphold the principle of additionality (ii), and grant refugees the necessary rights to participate in the domestic labour market (iii).

**“Skills-based complementary pathways should guarantee adequate protection”**

**Table 2: Three parameters for skills-based complementary pathways**

<b>Protection</b>	<b>Additionality</b>	<b>Refugee-centred</b>
A complementary pathway must ensure that refugees are guaranteed protection against refoulement. Refugees must also have access to healthcare and social services as well as the entitlement to family reunification.	Skills-based pathways to protection must provide additional possibilities for legal entry and must remain complementary to traditional resettlement pledges.	Economic pathways to protection should empower refugees and increase their self-reliance. To that end, they must entitle refugees with the right to participate in the labour market without restraints.

The pathways outlined in this policy paper must therefore be thought of as **supplementing, not replacing, traditional resettlement.** In line with the aforementioned principles, these pathways must guarantee an adequate protection status for the beneficiary. This includes protection against refoulement and the right to seek asylum at any time when residing on a work visa, as well as an entitlement to family reunification. They should also ensure that refugees have the right to translate their qualifications into appropriate employment.

<sup>20</sup> Welfens, N. (2020), Expert Workshop “The Future of EU Resettlement Policy”, organised by the Jacques Delors Centre; Hashimoto, N. (2018), Refugee Resettlement as an Alternative to Asylum, *Refugee Survey Quarterly*, Volume 37, Issue 2, p. 162–186.

<sup>21</sup> Schultz, C., Wagner, D., Allemann, S. (2018), *Labour mobility for refugees and asylum seekers: Mending or eroding protection systems?*, *FluchtforschungsBlog*.

<sup>22</sup> Ruhs, M. (2019), *Labour Market Realism and the Global Compacts on Migration and Refugees*, EUI Working Papers, RSCAS 2019/23.

## 2 Tapping into the skill sets of refugees

Information on refugees' skills does not figure among the data typically registered by the UNHCR or state agencies when determining a person's protection status. EU member states do not systematically gather such information either. The available data does therefore not allow for generalisations.<sup>23</sup> Information collected on the integration of refugees into Germany's labour market, as well as data gathered from a number of pilot projects, nevertheless suggest that **refugees possess a wide range of educational and vocational qualifications**. Matching these with employment opportunities in the EU can help address skills shortages in the member states. In return, this may help facilitate refugees' self-reliance.

### 2.1 Refugees have a wide range of qualifications and skills

*Refugees have varying educational backgrounds.* Among a sample of 1,018 Syrian refugees resettled from Jordan, Lebanon and Turkey, the majority have either completed primary, intermediate or secondary education (61%). An overview of refugees' educational background in Germany paints a similar picture.<sup>24</sup> Whereas 26% achieved primary education only, the majority attended secondary schools (44%) and 21% have tertiary qualifications.

The German Institute for Economic Research (DIW) found that stratification across educational levels varies significantly between refugee nationalities.<sup>25</sup> A large proportion of Eritrean (48%), Iraqi (32%) and Afghan (36%) refugees have qualifications at primary level. Syrian refugees were the predominant group at secondary (27%) and tertiary (26%) levels of education. Compared to other groups of migrants and Germany's local population, refugees nevertheless possess a lower level of formal education. However, in relation to the general population in their countries of origin they tend to have higher educational backgrounds. For example, 75% of Syrian refugees in Germany were either equally or better educated than the rest of society in their home country.

*Refugees' mixed educational levels are mirrored by their diverse set of vocational qualifications.* Existing data suggests that **refugees possess work experience in both high- and low-skilled professions**. A report from the EU Skills Profile Tool, which captured skills, qualifications and work experiences of roughly 450 refugees relocated from Greece, indicated that 22% of refugees had previous experience working in the agricultural sector.<sup>26</sup> Another 15% had skills related to construction work, such as carpentry, bricklaying, electrician work or plumbing. Many of the skills mentioned refer to jobs in services. This includes experience in sales (12%), driving (16%), childcare (8%), as well as elderly care (6%) and catering (7%). As with their educational qualifications, refugees often have no formal certificates of their

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<sup>23</sup> Data from UNHCR and IOM referred to hereafter must be considered as having a "vulnerability bias", as the beneficiaries in the sample were selected based on their protection needs, not due to their qualifications.

<sup>24</sup> Graeber, D., Schikora, F. (2020), *Hohe Erwartungen der Geflüchteten an die Aufnahme einer Erwerbstätigkeit haben sich teilweise realisiert* – DIW Wochenbericht.

<sup>25</sup> Graeber, D., Schikora, F. (2020), *Hohe Erwartungen der Geflüchteten an die Aufnahme einer Erwerbstätigkeit haben sich teilweise realisiert* – DIW Wochenbericht.

<sup>26</sup> Peromingo, M. (2018), *Analysis of skills profiling data collected within the EU relocation programme*, International Organisation for Migration (IOM).

work experience. While documents can either get lost during flight, or simply be left behind, some refugees develop skills based on non-formalised experiences and lack documentation in the first place.

Experiences in low-skilled professions can also be found in the data provided by the Talent Beyond Boundary (TBB) project, which registered roughly 20,000 refugees, mostly located in Jordan and Lebanon.<sup>27</sup> The majority in the organisation’s “Talent Catalogue” have worked as carpenters, welders, roofers, or healthcare workers. But a sizeable proportion of candidates have worked in highly skilled professions, including as engineers, tech professionals and teachers. The diverse vocational and educational background of refugees is further reflected in the fact that a quarter of respondents in the organisation’s database have completed higher education, mostly in the form of a bachelor’s degree (65%).

## 2.2 Refugees’ qualifications match shortage occupations in the EU

*Refugees’ educational qualifications and professional experience match the skills shortages apparent in many member states.* For EU countries, migration constitutes an important source of labour, “particularly in the context of rapid labour market transformations, demographic aging or technological change”.<sup>28</sup> Even with increased levels of immigration, the proportion of people above the age of 65 is expected to rise from 19% in 2015 to 29% in 2060.<sup>29</sup> Moreover, employment polarisation is likely to continue. While this will increase demand for highly skilled labour, it will lead to “significant growth in employment also in less skilled areas, especially in the service sector”.<sup>30</sup> A look at the vacancies that were hard to fill with domestic or intra-EU labour supply confirms this. As table 3 shows, only half (10) of the occupational sectors characterised by a lack of candidates with adequate qualifications require highly skilled workers. While the available data suggests that there are also highly skilled refugees to fill respective vacancies, **many of the bottleneck vacancies in the lower-skilled sector require exactly the kind of experience that the majority of refugees bring with them.** This includes demand for cooks, sale assistants, drivers and carpenters.

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<sup>27</sup> Cousins, S., Lawrie, R., Nyce, S. (2019), *The Promise of Labour Mobility – How skills can be passed out of displacement for refugees*, Talent Beyond Boundaries (TBB).

<sup>28</sup> European Migration Network (EMN) (2015), *Determining labour shortages and the need for labour migration from third countries in the EU*, Synthesis report for the EMN Focussed Study 2015.

<sup>29</sup> Lutz, W. et al. (2019), *Demographic Scenarios for the EU*, European Commission.

<sup>30</sup> Cedefop (2016). *Future skill needs in Europe: critical labour force trends*. Luxembourg: Publications Office. Cedefop research paper; No 59.

**Table 3: Bottleneck vacancies in the EU** (highly qualified occupations in red)

Occupation	No. of EU countries reporting bottleneck vacancy
Cooks	17
Metal working machine tool settlers & operators	9
Shop sales assistants	6
<b>Nursing professionals</b>	<b>10</b>
Heavy truck and lorry drivers	8
Welders and flame cutters	10
<b>Mechanical engineers</b>	<b>9</b>
<b>Software developers</b>	<b>9</b>
<b>Specialist medical practitioners</b>	<b>10</b>
Carpenters and joiners	11
<b>Commercial sales representatives</b>	<b>6</b>
<b>Electrical engineers</b>	<b>8</b>
Waiters	7
<b>Civil engineers</b>	<b>6</b>
<b>Systems analysts</b>	<b>7</b>
<b>Primary school teachers</b>	<b>6</b>
Plumbers and pipe fitters	8
<b>Accountants</b>	<b>7</b>
Building and related electricians	6
Health care assistants	3

Source: European Commission (2014), *Mapping and Analysing Bottleneck Vacancies in EU Labour Markets*, p. 9; Kalantaryan S., Martin. I. (2015), *Reforming the EU Blue Card as a Labour Migration Policy Tool?* (EUI), p. 3.

Whereas discussions about legal migration to the EU generally focus on attracting highly skilled workers, many of the lower skilled professions in demand match the qualifications of refugees. The relevance of migrants working as arguably lower qualified “essential workers” in the EU was recently highlighted by the coronavirus pandemic. According to a study from the Commission’s Joint Research Centre (JRC), 13% of “essential workers” in the EU are immigrants.<sup>31</sup> **Migrants from non-EU countries are over-represented among “essential workers”**, when compared to their share as part of the general migrant workforce. This over-representation stems mainly from their occupation as cleaners, in the construction and food processing sector, or as care and health workers. The reliance on migrants to work in such pro-

<sup>31</sup> Fasani, F., Mazza, J. (2020), *Immigrant Key Workers: Their Contributions to Europe’s COVID-19 Response*, European Commission – Joint Research Centre.

fessions was recognised in a number of member states by either passing new, or adapting existing, legislation.<sup>32</sup> It also suggests the need to broaden the available legal pathways to include medium- and lower-skilled migrant workers.

A closer look at the integration of refugees into Germany's labour market equally suggests that **refugees' skills can be of added value to employers**. 40% of refugees who arrived in the country throughout 2015 and 2016 were employed in a position commensurate with their education in 2018.<sup>33</sup> Roughly the same percentage of refugees who worked in manufacturing prior to their flight (28%) still do so after their arrival in Germany (32%). On the other hand, substantially more refugees now work in "logistics" or "security" related jobs (26%) than they did prior to leaving their home country (10%).

### 2.3 Increase refugees' self-reliance through skills-matching

*Skills matching can help increase the self-reliance of refugees as it allows them to meet their aspirations.* Among the sample of refugees resettled from Jordan, Lebanon and Turkey, **35% of female respondents and 64% of male respondents expressed their willingness to find employment or start a business.**<sup>34</sup> 90% of the sample also indicated that they would like to improve their language skills. These numbers are mirrored by a report of the EU Skills Profile Tool, which captured skills, qualifications and work experiences of roughly 450 refugees relocated from Greece.<sup>35</sup> Of those interviewed, 85% wished to work either full- or part-time.

**"Skills-based pathways can offer an economic perspective to refugees"**

Yet, many refugees experience longer periods of displacement, which often prevents them from finalising education or further developing existing skills. The absence of durable solutions can mean that refugees are left in camps or settlements, isolated from the host society and with relatively little socio-economic rights or opportunities. While this is not necessarily the case for all "refugee economies", refugees are frequently among those hit hardest by a mal-functioning economy.<sup>36</sup> Skills-based pathways to protection can therefore not only offer an economic perspective to refugees. They can also help ease the strain on countries of first refuge that might experience economic hardship, or that simply remain unable to offer refugees the perspective of integration into the domestic labour market.

## 3 A "Refugee Track" for the EU Talent Pool

In its Communication accompanying the New Pact on Asylum and Migration, the Commission referred to the EU Talent Pool as an "EU-wide platform for international recruitment, through which skilled third-country nationals could express

<sup>32</sup> Overseas Development Institute (ODI), *Migrant's contribution to the Covid-19 response*.

<sup>33</sup> Brücker, H., Kosyakova, Y., Schuß, E. (2020), *Integration in Arbeitsmarkt und Bildungssystem macht weitere Fortschritte* – IAB Kurzbericht.

<sup>34</sup> International Organisation for Migration (IOM) (2019), *LINK IT – Skills Profiling Report*.

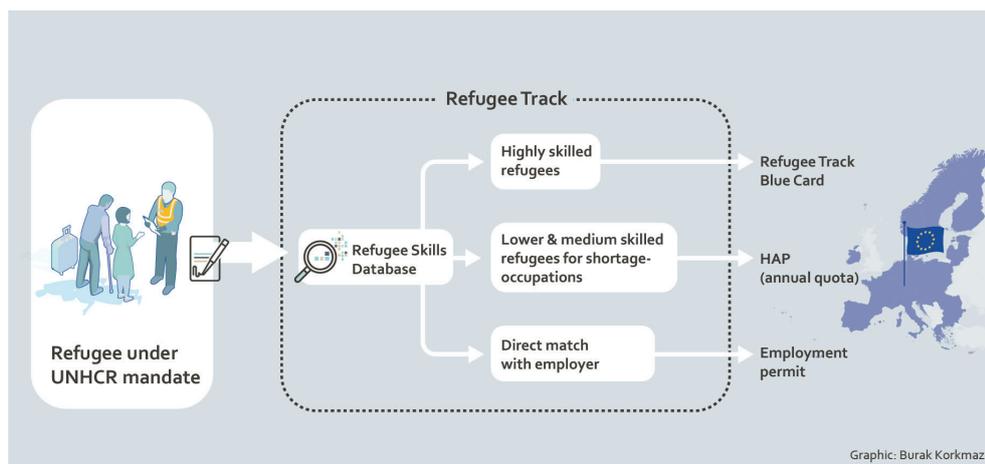
<sup>35</sup> Peromingo, M. (2018), *Analysis of skills profiling data collected within the EU relocation programme*, International Organisation for Migration (IOM).

<sup>36</sup> Betts, A., Bloom, L., Kaplan, J., Omata, N. (2014), *Refugee Economies. Rethinking Popular Assumptions*. University of Oxford.

their interest in migrating to the EU”.<sup>37</sup> The Talent Pool is thereby not conceived as a pathway in its own right. Rather, it would be a database that collects information on potential migrants’ age, educational background, skills, work experience, language proficiency, etc. This information would then be used to identify candidates with the skills required to fill certain labour market shortages in the EU. Candidates with the skills required to fill a certain vacancy would be offered the chance to apply for a specific legal pathway to the EU. Similar programmes are already in place in New Zealand, Australia and Canada. Based on these, a study from the OECD has outlined several options for replicating the model in the EU context, essentially describing them as “a two-step process for creating a pool of eligible candidates and then selecting from this pool”.<sup>38</sup>

With the announcement of the New Pact in September 2020, the Commission has started conceptualising which options are best suited to establish a skills-matching system within the EU. Most current proposals exclusively focus on highly skilled economic migrants. However, this paper suggests **widening the scope of options for the Talent Pool to account for the diverse skill sets of refugees**. Specifically, this paper suggests complementing the EU Talent Pool with a “Refugee Track”. The Refugee Track would be a specific part of the regular Talent Pool. It would thus collect the same information on candidates’ skills and qualifications as the “regular” Talent Pool in order to match them with employment opportunities in the EU. Yet, **entry to it would be limited to people identified as refugees** by the UNHCR but ineligible for traditional resettlement. The track could be tied to three different, but supplementary, pathways that take into account refugees’ protection needs as well as their different educational and professional qualifications. The types of pathways outlined below are compatible with both an employer-led and a government-led selection process for refugee candidates.

**Graph 2: Refugee Track as part of the EU Talent Pool**



In line with the options for regular economic migrants sketched out by the OECD, the Refugee Track needs to incorporate three elements: a selection process for accessing the Refugee Track; a management process to guarantee a certain turnover rate; and a process for linking the Refugee Track to the prospect of legal entry to the EU.

<sup>37</sup> European Commission (2020), *Communication on a New Pact on Migration and Asylum*, COM/2020/609 final, p. 26

<sup>38</sup> OECD (2019), *Building an EU Talent Pool – A New Approach to Migration Management for Europe*, p. 75.

### 3.1 Access to the Refugee Track

A focus on the protection needs of applicants is what distinguishes the Refugee Track from the regular Talent Pool. Entry to the Refugee Track should therefore be limited to persons who are registered as refugees by the UNHCR or, where possible, by a major refugee-hosting country, but not eligible for traditional resettlement. An exception could be made to include the 3.6 million refugees residing in Turkey, who are not granted official refugee status given that Turkey applies “geographical limitation” to the 1951 Geneva Convention.<sup>39</sup>

The eligibility assessment for entering the Refugee Track could be integrated into a person’s registration process with the UNHCR. Registration typically includes recording and verifying information on people of concern to the UNHCR with the aim of finding a durable solution.<sup>40</sup> This includes registration of (returned) refugees, asylum seekers, stateless and internally displaced people. According to the UNHCR, a basic registration process in official refugee camps should be completed within three months. In this case, refugees could be given the option of entering their profile in the Refugee Track through a specific code which they receive upon successful registration with the UNHCR. **Refugees could then enter their personal data into the refugee skills database, including their educational background, language skills and work experience.** After registration, refugees should be able to both update and delete their information at any time.

In situations where determining an individual’s status takes more than three months on average, or where large-scale arrivals of protection seekers make individual registration impossible, entry to the Refugee Track can also be granted to *prima facie* refugees. According to the Commission, a *prima facie* status is based on “objective criteria related to the circumstances in their country of origin, which justify a presumption that they meet the criteria of the applicable refugee definition”.<sup>41</sup> A *prima facie* recognition of a person’s refugee status is granted following a group-based determination, “whereby each member of the group is regarded *prima facie* (i.e. in the absence of evidence to the contrary) as a refugee”.<sup>42</sup> Forgoing the right to an individual asylum assessment raises legitimate questions as to the standards by which *prima facie* status determination should be applied. Even so, the procedure ensures that beneficiaries are entitled to the rights enshrined within relevant international treaties, such as protection against refoulement.

### 3.2 Managing the Refugee Track at EU level

Granting entry to refugees via skills-based complementary pathways remains a member state competence. **There is hence a need to clarify how far managing the Refugee Track at EU level makes for real added value.** To that end, lessons can

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<sup>39</sup> European Council on Refugees and Exiles (ECRE) (2020), *Country Report: Introduction to the Asylum Context in Turkey*.

<sup>40</sup> UNHCR (2003), *Handbook for Registration*.

<sup>41</sup> The European Commission defines *prima facie* recognition as a: “Person recognised as a refugee, by a State or the United Nations High Commissioner for Refugees (UNHCR), on the basis of objective criteria related to the circumstances in their country of origin, which justify a presumption that they meet the criteria of the applicable refugee definition.”

<sup>42</sup> UNHCR (2011), *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status*.

be learned from member states' experiences with traditional resettlement programmes. Here, the EU has become a centre of gravity for innovation, enabling lower costs in setting up new programmes and leading to greater sharing of expertise.<sup>43</sup> **A dedicated instrument at EU level would ideally incentivise all member states to actively use the system and support them in doing so.** Here, the EU can play an important role in facilitating the exchange of best practices in member states' skills matching under the Refugee Track. This includes identifying shortage occupations, short-listing adequate refugee candidates, as well as helping member states to monitor and evaluate their programmes. Managing the Refugee Track at EU level would further present an opportunity to streamline the validation of refugees' work experiences and recognise their diplomas. To that end, the Refugee Track could build on the Commission's collaboration with the ENIC-NARIC network, which supports the sharing of information on academic and professional qualifications recognition.

**“The EU can play an important role in facilitating the exchange of best practices”**

Compared to 27 individual systems, setting up a single database with information on refugees' qualifications at EU level makes the skills matching procedure more transparent for refugee candidates and for member states alike. **A single database thereby reduces the efforts and costs for refugee candidates and employers in advertising their skills and vacancies.** Moreover, smaller member states that traditionally do not serve as receiving countries for migrants and refugees might benefit from a single EU Talent Pool – and Refugee Track – as it would increase their visibility and grant them access to a larger set of candidates.

There are two options for setting up the Refugee Track's database. First, the Commission could construct its own skills matching powerhouse. This would mean expanding the Skills Profile Tool to include third country nationals residing outside the EU. Alternatively, the Commission could collaborate with international and non-governmental organisations which already collect data on migrants' and refugees' skills and qualifications. Whereas the first option gives the EU exclusive database ownership, this second option might prove to be more pragmatic. For example, the Talent Catalogue designed by TBB already comprises more than 20,000 profiles of refugees.<sup>44</sup> The organisation has, moreover, a successful track record of linking refugees with employment opportunities. Similarly, the UNHCR has a database that allows refugees to find scholarship programmes for higher education, skills or professional development.<sup>45</sup> Integrating these into the Refugee Track's refugee skills database would add to its comprehensiveness, avoid any unnecessary doubling of existing databases and thus streamline registration procedures for refugees.

### **3.3 Linking the Refugee Track to skills-based complementary pathways**

Entering the refugee skills database does not automatically guarantee access to a pathway into the EU. Yet, for the Refugee Track to be a credible route to immigration, **there must be an effective link between refugees' different levels of skill and a corresponding pathway.** In the following, three options are outlined for including a set of complementary pathways into the Refugee Track, which accommodate

<sup>43</sup> Kainz, L. (2020), *Expert Workshop “The Future of EU Resettlement Policy”*, organised by the Jacques Delors Centre.

<sup>44</sup> Cousins, S., Lawrie, R., Nyce, S. (2019), *The Promise of Labour Mobility – How skills can be passport out of displacement for refugees*, Talent Beyond Boundaries (TBB).

<sup>45</sup> UNHCR, *Scholarship Opportunities for Refugees*.

various situations and types of skills. Depending on how the Talent Pool is set up, these can work alongside one another, allowing member states to choose the option that best suits their political preferences.

### **Option 1: A Refugee Track for the EU Blue Card**

The first option for a complementary pathway is tailored to highly skilled refugees. As discussed in the previous section, many refugees hold a university degree or have substantive work experience in high-skill professions. This allows EU member states to combine their quest for recruiting foreign workers with a talent for innovation with a humanitarian approach.

The EU's instrument for attracting highly skilled migrants is its Blue Card Scheme. **While refugees are not explicitly excluded, there are practical hurdles that can prevent them from applying for a Blue Card.** For example, refugees might meet the formal criteria of having a university degree or at least five years of relevant work experience, which would qualify them for a Blue Card. Yet, their lack of access to recruitment services in the EU will make it difficult to present a binding job offer with adequate payment – another eligibility criterion for the Blue Card.<sup>46</sup> Linking the Refugee Track's skills database to the Blue Card scheme can therefore help compensate for refugees' insufficient access to skills-matching services. Another obstacle regards the fee for applying for a Blue Card, which can range from 50 EUR in Bulgaria to 500 EUR in Finland and might well present a financial barrier for refugees.<sup>47</sup>

In order to use the Blue Card as a complementary pathway to protection, the Commission could offer an annual quota for refugees with a fee waiver. Such a quota could amount to 10% of the total number of “regular” Blue Cards issued in the previous year. In 2019, EU member states issued 36,800 Blue Cards.<sup>48</sup> Based on a 10% quota, this would result in 3,680 **“Refugee Track Blue Cards” that could be awarded to eligible candidates from the refugee skills database.** To ensure the “Refugee Track Blue Card” is considered a pathway to a durable solution, eligible refugees should further be granted permanent residence status after one year of employment, as opposed to 33 months under the regular Blue Card (21 months for candidates who have at least a B1 language proficiency of their host country).

### **Option 2: Annual quotas for refugees to fill shortage occupations**

The second option foresees filling bottleneck vacancies in EU member states with candidates from the refugee skills database. Member states register shortage occupations not only in high-skill professions, but also in sectors that typically demand lower- and medium-skilled workers. As outlined above, many refugees bring with them exactly the kind of qualifications that are required to work as carpenters, welders, food processors or sales assistants.

If they are to tap into refugees' potential, **member states should make an annual pledge to receive a certain number of candidates from the refugee skills database** who possess the type of qualifications required to fill their shortage occupations. This quota could be based on a list of occupations for which a member state's employment agency cannot find adequate candidates at domestic or intra-EU level.

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<sup>46</sup> Desiderio, M. V. (2016), *Blue Card Redux: European Commission plans to recast work permit for highly skilled holds question mark*, Migration Policy Institute (MPI).

<sup>47</sup> European Commission (2021), *EU Immigration Portal*.

<sup>48</sup> Eurostat (2021), *Statistics Explained: Residence Permits – statistics on authorisations to reside and work*, European Commission.

To respond to labour market fluctuations, the type of occupation and the respective number of available places pledged by each member state could be modified annually. **Each member state could hence define the scope and composition of its quota.** Based on needs identified by each member state, the refugee skills database would then produce a set of candidates with the qualifications in demand.

Entry of selected candidates could then take place through a humanitarian admission programme (HAP). Humanitarian admission has traditionally been an instrument for organising the legal entry of large groups of refugees from crises. As such, there are no generally applicable procedures for a HAP, with their design mainly left up to the receiving member state. Generally, HAPs are characterised by their flexibility and their expedited processing of applicants for international protection.<sup>49</sup> This allows member states to supplement the vulnerability criteria of beneficiaries with other aspects, such as family links to the receiving country or professional qualifications. **Member states could hence set up annual HAPs for candidates from the refugee skills database** with the additional criterion of having the skills needed to fill occupational shortages in a specific sector. It is important though that humanitarian admission programmes are designed in a way that offers adequate protection to the beneficiary. The status awarded as part of the HAP must therefore be in line with the criteria set out in the Qualification Directive and should include the prospect of family reunification.<sup>50</sup>

**“Member states could set up annual HAPs for candidates from the Refugee Track”**

### **Option 3: Employment-based permits for refugees**

The third option for establishing a skills-based complementary pathway supplements the previous ones through an employer-led approach. Essentially, **it makes use of the refugee skills database as an international recruitment service** catering for a direct match between employers and refugee candidates. In this scenario, employers can register a vacancy with the Refugee Track and are then presented with a short-list of candidates who possess the skills in demand. Once this is done, employers can interview candidates to see if they meet the job's requirements. Employers are often in the best position to judge whether a candidate can perform the tasks required for a job. A direct match between employers and refugee candidates hence helps increase the likelihood that selected candidates from the Refugee Track indeed match the requirements of the vacancy they apply for.

Based on a successful match and respective job offer, candidates can then enter the member state in question via existing economic pathways. The type of pathway used would depend on the receiving member state and would generally take place through employment-based permits, including entry via the EU's single permit. Here the beneficiary's rights would be limited to the purpose of his or her entry, in this case the job. Entry via temporary, employment-based residence status cannot be considered a regular pathway to protection. It must therefore be complemented with specific safeguards and should assume that admission, in principle, would have to be permanent. This includes acknowledging that a beneficiary “does not stop being a refugee as long as s/he fulfils the definition according to Article 1A of the 1951 Refugee Convention”.<sup>51</sup> It should also include entitlement to family reunification. Whereas the principle of non-refoulement and the right to

<sup>49</sup> Von Selm, J. (2018), *Humanitarian Admission Programmes – Expanding and Increasing Pathways to Protection*, European Resettlement Network.

<sup>50</sup> European Parliament (2011), *Qualification Directive*, Directive 2011/95/EU.

<sup>51</sup> Cedefop (2016). *Future skill needs in Europe: critical labour force trends*. Luxembourg: Publications Office. Cedefop research paper; No 59, p. 49.

seek asylum at any time during a person's stay in the EU continue to apply, this pathway would frame the beneficiary not primarily as a protection seeker. Rather, it emphasises the beneficiary's contribution to the domestic labour market in the country of arrival.

To foster employer participation in the scheme, the Commission should cover costs that may arise during the process of hiring from the Refugee Track. **A pilot project funded by the Asylum and Migration Fund (AMF) could, for example, reimburse employers** for visa fees and the costs of having to certify educational or vocational qualifications. Such a programme should also subsidise the costs of language courses and possible retraining. Moreover, employers hiring from the Refugee Track could enter a Corporate Social Responsibility (CSR) partnership with the Commission and serve as best practice examples with the aim of encouraging other organisations to follow their lead.

## Conclusion

Despite the Commission's ambition, the New Pact has thus failed to reboot a grid-locked European asylum and migration policy. However, incorporating refugees' qualifications in the Talent Pool's proposed skills-matching mechanism could provide a real impetus behind the promised "fresh start" and help move policy beyond the current crisis mitigation mode. Setting up a Refugee Track under the Talent Pool as a complementary skills-based pathway to protection offers an opportunity for a more forward-looking EU asylum and migration policy. This will be essential to account for the fact that a growing protection gap demands diversifying and increasing safe and legal pathways to protection. A forward-looking policy is further necessary given that EU member states remain unable to fill shortage occupations in both lower- and high-skilled professions.

The proposal for a Refugee Track responds to these developments by **combining refugees' need for protection with a mechanism that links their diverse skills to employment opportunities in the EU**. Whereas the three pathways (Refugee Track Blue Card; HAP for refugees to fill shortage occupations; direct match with employer) outlined in this paper meet the variety of educational and vocational backgrounds among refugees, they also recognise the demand for different job profiles in the member states. As labour mobility options become an increasingly relevant instrument for the global refugee regime, **providing skills-based pathways must not undermine traditional resettlement efforts** at all costs. Further, providing safe and legal pathways does not exempt EU member states from their obligations under international law to receive and process spontaneous asylum seekers. To that end, the proposed Refugee Track must come with three distinct safeguards: it must respect the principle of additionality; grant adequate protection; and entitle refugees with the right to work.

Incorporating a designated Refugee Track into the Talent Pool can thus help providing additional safe and legal pathways to a policy area that otherwise remains too focussed on restricting entry to the EU. In that regard, this Visions Paper is designed to frame refugees as positive contributors to member states' labour market rather than a threat to be contained at the border.

**"A Refugee Track can help providing additional safe and legal pathways"**

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