

Literature Round Up— Sponsorship, Resettlement and Pathways to Protection

Theme: Complementary Pathways, Legal Aspects, and Mapping

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- Mapping of pathways

Katsiaficas, C., Matos, M. T., and Castelanelli, C. (2023, May). [*Mapping of complementary labour and education pathways for people in need of protection*](#). Migration Partnership Facility & International Centre for Migration Policy Development.

Conducted as part of the European Union-funded and ICMPD-implemented Migration Partnership Facility project Making refugee talent visible and accessible to EU labour markets – tapping into the potential of skills-based complementary pathways, this mapping looks globally at channels through which persons in need of protection can work and study in a third country. These schemes enable people in need of protection to utilise and develop their skills.

- Employment pathways

Higgins, C., Baker, S., Cousins, S., Wang, B. Z., Cheng, Z., Tani, M., and Jack, V. (2023). [*Refugees as Skilled Migrants: Insights from Australia’s 2018 Employer-Sponsored Refugee Migration Pilot*](#), *Social Indicators Research*.

Many of the more than 27 million refugees in the world today are highly educated professionals, but resolving their displacement via skilled migration pathways is typically not possible. At the request of employers facing severe skill shortages and the coordination of Talent Beyond Boundaries (TBB)—a non-profit organisation—the Australian government introduced in 2018 a pilot program enabling employers to sponsor refugees through an employment contract meeting existing skilled visa requirements. The pilot effectively added immigration places to refugees, as employer-sponsored visa are uncapped in Australia. We highlight some insights collected from TBB’s 2018 and subsequent pilots.

Katsiaficas, C., Wagner, M., Matos, M.T. (2023, May). [*Tapping displaced talent: Policy options for EU complementary pathways*](#). Brussels: ICMPD. Policy Brief.

To support the understanding and implementation of complementary labour pathways in Europe, this brief shares policy options identified as part of the EU-funded and ICMPD-implemented project “Making refugee talent visible and accessible to EU labour markets – tapping into the potential of skills-based complementary pathways”, financed through the Migration Partnership Facility. For this project, alongside desk research, ICMPD conducted dozens of interviews with relevant stakeholders. These stakeholders included representatives from national and local government agencies, the private sector, employer associations, NGOs, and academics, with a focus on five EU Member States in particular: Austria, Czechia, Germany, the Netherlands, and Sweden. These states were selected with

a view to identifying challenges and opportunities in EU Member States with diverse political, demographic, and migration contexts.

Katsiaficas, C., Wagner, M., Matos, M.T. (2023, June 12). [Can the EU Talent Pool drive complementary pathways to the EU?](#) ICMPPD, Blog.

Within the EU, there are growing concerns about the ever-increasing numbers of displaced persons globally on the one hand, and the ever-increasing need for workers in all sectors on the other. While displacement and labour shortages are treated as separate policy areas, their potential solutions might be well connected. Complementary labour pathways are a promising solution for both challenges, and the EU Talent Pool could support their expansion in Europe if accompanying measures help it to meaningfully include displaced persons and support employers.

- Education pathways

Verberg, N. and MacDonald, J. (2023). [Meso-Level Analysis of the Revitalization of the WUSC Student Refugee Program at St. Francis Xavier University](#). *Refuge: Canada's Journal on Refugees*, 39(1), 1–16.

Although millions of community members have come together in various ways to sponsor and resettle refugees for decades, scholars are just now beginning to study why people get involved and how they organize themselves to accomplish the practical, organizational, and emotional tasks community sponsorship requires. This article contributes to this emerging literature with a meso-level analysis of actions taken by one student-led local committee (LC) to revitalize the World University Service of Canada (WUSC) Student Refugee Program (SRP) nested at its university. Over 2,200 refugee youth have been sponsored through the WUSC SRP to study and settle in Canada since 1978, yet little is known about how campus LCs navigate their responsibilities or evaluate and sustain their program. Analysis of in-depth interviews with executive members was guided by and informs research on community sponsorship and theories of group action, community of practice, and stewardship.

- Family reunification

Meyer, A.P.G. (2023, February). [Straightforward? Family Reunification for Refugees in France: Aligning Legal Standards, Institutional Practices and Procedural Guarantees](#), *Journal of Human Rights Practice*, Volume 15, Issue 1, February 2023, Pages 156–185.

This article addresses family reunification in France (*réunification familiale*) as an essential right of refugees and a clear legal entitlement under domestic law. It proceeds with a reality-check on access to the designated visa for families and support professionals and discusses potential grounds for future advocacy on the matter. Available data, reports and complementary feedback gained from several practitioners in the field suggest hurdles stand in both law and practice, at odds with international standards and guidance. Strengthening information, physical and financial access to the procedure and ensuring due diligence, flexibility and transparency when examining applications arguably remain on the agenda for reform. Further adjustments to both administrative and judicial options for appeal and legal aid rules could also upgrade guarantees for families, with greater chances for an effective remedy in a timeframe compatible with the stakes. Filling standing gaps in data, research and evaluation would seem equally essential for an evidence-based debate, and in calling for a proactive reunification policy

that acts on its potential as a pathway towards international protection. Ultimately, while a reminder of the multiple dimensions to investigate if one is concerned with effective access to reunification beyond its legal consecration as a right, the ‘French case’ certainly illustrates the need for advocates in this field to keep widening strategies and tools, besides litigation.

- Complementary pathways and legal order: Articles from the Special Issue, Complementary Pathways in Murky Legal Waters, *European Journal of Migration and Law* (May 2023)

Stoyanova, V. (2023). [Complementary Pathways in Murky Legal Waters: A Lost Cause or a Light in the End of the Tunnel?](#), *European Journal of Migration and Law*, 25(2), 131-136.

[T]he objective of this special issue is two-fold: first, to enquire into the policy drivers and the actors behind these complementary pathways that might make them possibly successful; and second, to better understand their relationship with the law. The reason for the difficult relationship between complementary pathways and the legal order is two-fold. First, these pathways are discretionary. They themselves are not demanded by any international law obligations. Respectively, there is no right to a complementary pathway and their regulation remains a matter of state discretion. Second, their engagement with extraterritorial issues places them in an awkward position in an international legal regime formed in a neatly cut Westphalian territorial order. Does this mean that law is irrelevant in the discussion of complementary pathways, and they should be left entirely for the power-laden international relations context? If the answer is negative, how is law relevant? How do any relevant legal frameworks at international, regional and national level relate to complementary pathways? Does the relevant law encourage the establishment of complementary pathways? In the alternative, does it contain certain conditionalities that constitute obstacles? By engaging with these questions, the contributions in this special issue also seek to shed light on the international protection regime, including the protection regime established at the EU level, and on the place of complementary pathways within it.

van Selm, J. (2023). [Whose Pathways are They? The Top-Down/Bottom-Up Conundrum of Complementary Pathways for Refugees](#), *European Journal of Migration and Law*, 25(2), 137-163.

With so many actors and varying motivations involved, one aspect of the ongoing development of complementary pathways that requires greater attention is the question of whether the pathways are best seen as a top-down or a bottom-up endeavour. Linked to this is the issue of the roles of various actors (i.e., communities, national authorities, the national protection regime and the refugees themselves) in practically creating pathways, and embedding them in an overall refugee protection regime, and how to keep a balance of inputs and expectations among all these different players. The key enquiry of this article is thus whether the bottom-up aspect of complementary pathways lend them any greater chance of success? Can community action be inspired, even requested ‘from above’ by governments or the international organizations? Or does it have to be organic, and start from below? And if complementary pathways are for refugees, how are refugees included?

Stoyanova, V. (2023). [Addressing the Legal Quagmire of Complementary Legal Pathways](#), *European Journal of Migration and Law*, 25(2), 164-199.

Complementary pathways have been offered as a possible solution for facilitating legal admission of people in need of international protection. The current debates about these pathways are characterised by a conceptual and legal quagmire since various issues are invoked and conflated. The objective of this article is to dissect the relevant issues in light of the existing relevant legal frameworks to achieve better clarity. For this purpose, the pathways are compared with resettlement and territorial asylum, to demonstrate their distinctiveness. This possible distinctiveness (i.e., the combination of protection-related and not protection-related considerations) disrupts the existing legal categories for regulating migration. The article shows how the European Convention on Human Rights, EU law and domestic law might respond to this disruption, by examining the granting of visas, the right to leave any country, the right to non-refoulement, the right to family life and relevant procedural rights.

Bratanova van Harten, E. (2023). [Complementary Pathways as “Genuine and Effective Access to Means of Legal Entry” in the Reasoning of the European Court of Human Rights](#), *European Journal of Migration and Law*, 25(2), 200-225.

Complementary pathways are often viewed as an entirely political matter. While there is no legal obligation for states to introduce such, this article shows that their presence or absence has a bearing on how the ECtHR assesses compliance with the prohibition of collective expulsion of aliens. This concrete interaction between complementary pathways and human rights law has been introduced through the requirement of “genuine and effective access to means of legal entry” in the case law of the ECtHR. This article clarifies this requirement and assesses its general significance for the role of complementary pathways as a promotor of or a hindrance to human rights protection.

Loxa, A. (2023). [Complementary Pathways: Pledging Protection at the Edges of EU Law](#), *European Journal of Migration and Law*, 25(2), 226-248.

In September 2020, the EU Commission published the New Pact on Migration and Asylum in order to offer ‘fresh start’ for EU migration law and policy. Complementary pathways for admission to EU territory were among the proposals set out in the Pact. This article takes stock of the different measures suggested by the Commission to create such complementary pathways. It suggests that the aim of creating complementary pathways remains to a large extent declaratory, it is devised in discretionary operational measures with loose grounding in EU law, and reproduces systemic deficiencies that have characterized EU asylum law in the past decades.