



SYDNEY

# The role of 'complementary pathways' in refugee protection

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7KH UROH RI ¶FRPSOHPHQWU\ SDWKZD\V. LQ UHI  
protecton

'U 7DPDUD :RRG  
1RYHPEHU

'U 7DPDUD :RRG LV D 9LVLWLQJ )HOORZ DW WKH .DOGRU &HQWU  
816: 6\GQH\ DQG D /HFWXUHU LQ /DZ DW WKH 8QLYHUVLW\ RI 7  
FRQWDF WELSDW ZRRG#XQVZ HGX DX

### Acknowledgments

7KLVHSRDUWFRPPLVLRQHG E\ 81+&5 7KLV GRFXPHQW UHIOHFWV  
WKH DXWKRU ZKLFK PD\ QRW QHFHVVDULO\ EH VKDUHG E\ 81+&  
UHVSRQVLEOH IRU DQ\ XVH WKDW PD\ EH GRXWRII QIRUPD

7KH DXWKRU DWHIXO WR 81+&5 IRU WKH RSSRUWXQLW\ WR XQG  
SDUWLFXODU WR 1LQHWWH .HOOH\ 'HQLVH .RWXOOD \$QQD \*H  
YDOXDEOH GLVFXVLRQV DQG IHGDFN UHODWLQJ WR WKH FR  
DOORWVWKH IROORZLQJ LQGLYLGXDOV IRU WKHLU YDOXDEOH  
UHSRUW 6WHSKDQLH &RXVLQV IURP 7DOHQW %2HREIG RIRXQGD  
WKH 6SHFLDO (QYR\ IRU WKH &HQWU 81+&5 \$NLW FUDPD QVHQ  
-DSDQ ,&8 )RXQGDWLRQ)HGKODDLRQLGURPH &KWHVDOQY DQJHOL  
+HOHQD %DUUR\*OR EDOP3VWIRUP IRU3RWWXQDOWXGIDOW\ JUDW  
WKDQNV WR 5RVLH (YDQV DQG 2OLYHU +RYHQGRXQQIR W HWKHLWF  
IRU WKLV UHSRUW

### The Andrew & Rena Kaldor Centre for International Refugee Law

7KH \$QGUHZ 5HQDWD .DOGRU &HQWU IRU ,QWHUQDWLRQDO 5  
UHVHDUFK FHQWUH WKHGLVFXVGH GR LQWHUQDWLRQDO DOLPHXJHH O  
UHVHDUFK IHGGLQJ LQWR SXEOLF SROLF\ GHEDWH DQG OHJLVO  
SULQFLSOHG EXPDHC DISKURVDFK WR UHIXJHH ODZ DQG IRUFHG  
WKH \$VLELWHLRQ DQG JOREDOO\

ZZZ NDOGRUFHQWU XQVZ HGX DX

# Contents

/LVW RI DFURQ\PV  
([HFXWLYH VXPPDU\  
 ,QWURGXFWRQ  
 %DFNJURXQG  
 6WUXFWXUH RI WKLW UHSRUW  
What DUH FRPSOHP

10160 V B



## List of acronyms

&'()23 (XURSHDQ &HQWUH IRU WKH 'HYHORSPHQW  
(&+5 (XURSHDQ &RQYHQWLRQ RQ +XPDQ 5LJKWV  
(8 (XURSHDQ 8QLRQ  
)&(,



What are complementary paths?

7KH 7KUH <HDU 6WUDWHJ\ RQ 5HVHWWOHPHQW &RPS  
FRPSOHPHQW DU\ SDWKZD\ V DV

VDIH DQG UHJXODWHG DYHQXH V W KDW FRPSOHPHQW UH  
ZKLFK UHIXJHHV PD\ EH DGPLWWH KELLQ LQ WRXQVWL RQ  
SURWHFWLRQ QHHGV PHW ZKLOH WKH\ DUH DEOH WR VXS  
UHDFK D VXVWDLQDEOH DQG ODVWLQJ VROXWLRQ

7KH PRVW FRPPRQ\ FLWHG H[DPSOH RI FRPSOHPHQW DU\  
IDPLO\ UHXQLILFDWLRQW\ SRSRQWRU\ KLSRXPLOD\ PPHV DQ  
DGPLVLRQ SURJUDPPHV DQG HGXFDWLRQ DQG ODERXU P  
&RPSOHPHQW DU\ SDWKZD\ V FRPPRQ\ RSHUDWH DV VWDQG  
WUDYHO DQG VWD\ LQ WKH GHVWLQDWLRQ FRPSOHPHQW  
SDWKZD\ PPHV DQ EH XHG LQ FRPELQDWLRQ

+RZ VKRXOG WKH QHGGV IRU FODULW\ DQG WR DVVHV S  
RI FRPSOHPHQW DU\ SDWKZD\ V EH EDODQFHG ZLWK WKH R  
5HIXJHH &RPSDFW \$QGWUHFMLRQ "

*Why* increase complementary *has*?

&RPSOHPHQW DU\ SDWKZD\ V DUH ODUJHO\ LQWHQG HG WR DG  
WKH QXPEHU RI UHIXJHH UHVHWWOHPHQW SODFHV DYDLODE  
UHIXJHHV LQ ILUVW FRXQWU\ PRVW VHOXPDG OH VROXWLF  
UHWXUQ RU OR@ðOVW FW FP GUHQ `ð LRÐ€PR •V



+RZ FDQ SURWHFWLRQ RXWFRPHV IRU UHIXJHHV EH EDC  
RWKHU DFWRUV HQJDJHG LQ FRPSOHPHQW DU\ SDWKZD\  
RSSRUWXQLWLHV IRU ERWK UHIXJHHV DQG GHVWLQDWL



# 1. Introduction

## 1.1. Background

,Q WKH 8QLWHG 1DWLRQV \*HQHUDO \$VWHPEO\ DGRSWHG  
5HIXJHH &RPSDFW QDGLQJ VHW RI SROLWLFDO FRPPLWPHQWV  
LQWHUQDWLRQDO UHVSRQVHV LQFUDXHHFRPSHUHQV DQG  
UHVSRQVH LQ WKH SURVSHFW RI WKH 5HIXJHH &RPS  
OHPEHUV 6WDWHV RI WKH \*HQHUDO \$VWHPEO\ FRPPLWWHG W  
SUHGLFWDELOLW\ RI FRPSOHPHQW DQVZDUV WKDW HIXJ  
FRPSOHPHQW DU\ SDWKZD\ V DUH PDGH DYDLODEOH RQ D PRU  
VXVWDLQDEOH DQG SURJUDPHU EDVLV >DQG@ FRQWDLQ DSSURS  
VDIHJXDUGV

&RPSOHPHQW DU\ SDWKZD\ V DUH QRW GHILQHG LQ WKH 5HIXJ  
DU\ &RPSOHPHQW DU\ SDWKZD\ V IRU \$GPLVLRQ RI 5HIXJHHV WR  
&RQVLGHUDWLRQV .H\ &RQVLGHUDWLRQV GHVFULEHV WKH

VDIH DQG UHJXODWHG DYHGXHV WKDW FRPSOHPHQW UH  
ZKLFK UHIXJHHV PD\ EH DQVZDUV WKHLU LQWHU  
SURWHFWLRQ QHHGV PHW ZKLOH WKH\ DUH DEOH WR VX  
SRWHQWLDUO\ UHDFK D VXVWDLQDEOH DQG ODVWLQJ VR

([LVWLQJ H[DPSOHV RI FRPSOHPHQW DU\ SDWKZD\ V LQ WKH  
SURJUDP FRPPXLW\ RU SULYDWH VSRQVRUVKLS KXPDLW  
DGPLVLRQ SURJUDPHV HGXFDWLRQDO SDWKZD\ WKURXJK  
VWXGHQW YLVDV DQG ODERXU PRELOLW\ RSSRUWXQLWLHV I

&RPSOHPHQW DU\ SDWKZD\ V IRU UHIXJHHV FRQWULEXWH WRZDUG  
REMHWLYHV RI WKH 5HIXJHH &RPSDFW QDGLQJ SUH  
UHIXJHHV DQG H[SDQGLQJ DFFHVV WKH SURYLGHFRXQW  
VLQILFDQW RSSRUWXQLW\ WR HQKDQFH LQWHUQDWLRQDO SU  
QXPEHU RI UHIXJHHV ZKR FDQ DFFHVV VDIHW\ LQGHXWLRQ  
FRXQWULHV RI DV\OXP \$V ZHOO DV LQFUHDVLRQV LQ DQVZD  
WR DFFHVV WKLUG FRXQWU\ VROXWLRQV FRPSOHPHQW DU\ S  
EHQHILWV LQFOXGLQJ HDVLQJ DOUHDG\ WLJKW ODERXU PDU  
DV\OXP SURPRWLQJ OHDGHVKLS LQGHSHQQHQFH DQG LQWHJU  
SURLGLQJ D µEULGJH EHWHZHHQ KXPDLWDULDQ DQG GHYH  
5HIXJHH &RPSDFW V FDOO WR H[SDQG FRPSOHPHQW DU\ SDWK  
HQGRUVHG E\ LQWHUQDWLRQDO FRQWULHV /DERXU 2U  
,/2 ,QWHUQDWLRQDO 2UJDQLJDWLRQ IRU OLJUDWLRQ ,20  
,QWHUQDWLRQDO VWDWHV WR µH[SDQG DQG LQFUHDVH DY  
UHIXJHHV FRUSRUDWH WKH HQDQVLRQDO ODVZDQV DQG RSHOLFLHV  
IURP D V\VWHP WKDW µHQFRXUDJHV XQFRQWUROOHG DQG LU  
V\VWHP ZKLFK SURYLGHV RUGHUO\ DQG VDIH SDWKZD\

<HW WKH UROH RI FRPSOHPHQW DU\ SDWKZDUJ M JZIPW KLLQ QARKH LQ  
HQWLUHO\ VW\$DL8K+&5R QZDUHG/ μ>F@RPSOHPHQW DU\ SDWKZD\ V  
DFFHVLEOH IRU DUCHI XJH XJH HV DUH XQDEOH WR PHHW WKH EDV  
RI GHVWLQDWLRQ FRXQWULHV LQFOXGLQJ ESRVLFV EDVLRQ JRI DUW  
HGXFDWLRQ UH SXILUHPHQW DO EKDOOHQJHV LQFOXGH GLILFXOW  
DFFHVVLQJ DFFXUDWH LQIRUPDWLRQ DERXW UHOHYDQW SDWKZ  
DVVLVWDQFH QHFHVVDU\ WR PHHW DGRIPOLFRPDWH YH DQG WUD  
μFRPSOHPHQW DU\ SDWKZD\ V¶ GR QRW LQFOXGH HQHFWWV WKDWSU  
WKH ULJKWV RI UHIXJHHV LQFOXGLQJ WKH FULWLFDO ULJKW Q  
EH VXILFLHQWO\ JXDUDQWHHG 7KH WHPSRDUUSQDWZDUH RV XFR  
DV WHPSRUDU\ ODERXU VFKHPHV RU VWXGHQW YLVDV OLPLWV  
μGXUDEOH¶ VROXWLRQV RU μUHVROYH WKH IXQGDFHQWDO SUH  
SDWKZD\ V PD\ HYHQ μH[DFHUEDWH V¶ WKHQHQHWHQOLHG XFM¶ UHIX  
H[DPSOH E\ H[SRVLQJ WKHP WR H[SORLWDWLYH ODERXU PLJUD

,Q 81+&5 SXEOLVKHQGH QKHWZDUWHU\ RQ 5HVHWWOHPHQW DQ  
&RPSOHPHQW DU\ 3DWKZD\ V¶ UZKWHU 'HYHORSHG LQ FROODER  
WKDQ VWDNHKROGHUV LQFOXGHU WRVFDWVWRU WKH 7KUH  
μ>V@XVWDLQDEOH DQGLSUFRSFDHQW DURZSDV¶ KZDEV ZLWK WK  
WKH HQG RI WZR PLOOLRQ SHRSOH ZLOO EHQHMLW IURP FR  
GRXEOH WKH QXPEHU RQH PLOOLRQ VHW IRU UQWKLWOHPHQW  
FRQWH[W WKHUH LV D FULWLFDO QHGH WR EHWWHU XQGHUVW  
UHIXJHH SURWHFWLRQ DQG WR FRQVLGHU KRZ SDVQWHV DQG R  
FRPSOHPHQW DU\ SDWKZD\ V LQ D ZD\ WKDW HQVXUHV WKDW WK  
WKH RYHUDUFKLQJ REMHFWLYHV RI WKH LQWHUQDWLRQDO UHI

1.2. State of his report

7KLV UHSRUW WDNHV D FULWLFDO VOZRWKDWK FRDPSO IR PHHQVORU LS  
PDLQ TXHVWLRQV



&ODULW\ LQ WKH PHDQLQJ RI μFRPSOHPHQW DU\ SDWKZD\ V¶ LV  
H[SDQG VXFK SDDKZFWLWLFDO WR WKH DFKLHYHPHQW RI WKH

2.1.2.

UHIXJHHV EXW DOVR DV D PHDQV IRU KRVW VWDWHV WR DFKLH  
WKHLU RZQ ODERXKHVZREUWMDPIRQ VROXWLRQ IRU UHIXJHHV IRO  
:DU , ZKHQ ,/2 PDWFKHG UHIXJHHV ZLWK ZRSMPSDRUWXREWLH  
UHIXJHHV DFFHV V LQWHUQDWLRQDO HPSOR\PHQW RSSRUWXQLV  
81+&5 RU RWKHUHQMOD YRU\ VPDOO QXVSEHFULRIFUHSXJHHLF ODE  
PRELOLW\ SDWKZD\ DUH DYDLODEOH IRU UHIXJHHV &DQDGD D  
FXUUHQWO\ ZRURLQHUZLWQVQBQ RUJDQLVDWLRQV 7DOHQW %H\  
XQGHUWDNH SLOWXSWRHOEDERXSEPREVQLWOLPLWHG WR WKRVH  
ZLWK VNLOOV RU TXDOLILFDWLRQV LQ GHPDQG LQ FRXQWULHV  
WKH UHIXJHH KDYLQJ D VHFXUH MRE RIIHU

2.1.5. Third county education oppor8 (1-11048>11F(1)8 (c)8159.25 842 r9(.)TJ ET Q 0 0 59.25

DBI MW VP.WGPHR DMMAR H DPTVD SPZLLB IPBIP.PCHW@MIH GR H B B EVPKIQ R PDHXUO.G,,@PT QW2I WVK

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VIHG\ LQ &\_DPD@GD W@DW VLWV LLWKLQ &\_@QAGD↑LV •PT@Q•RAGHU •P°PHUB







WKH GHVWLQDWLRQ VWDWHV¶ LPPLJUDWLRQ SDRJKZDPAV DZKLC  
PRUH ORNHV\ZLWKLQ H[LVWLQJ ODERXU DQG HGXFDWLRQ PLJ

### 2.3. Issues and questions for further consideration

3UHFLVLRQ LQ ZKDW LV PHDQW E\ μFRPSOHPHQWU\ SDWKZD  
FOHDUO\ ZKDW LV UHTXLHG IUREWPHQWHLQWRWIKH W K H U W K B  
,W LV DOVR D NH\ FRPSRQHQW LQ DVVHVVLQJ SURJUHVV WRZ  
EHQHILWLQJ IURP FRPSOHPHQWU\ SDWKZD\ E\ DQG PDL  
FRPSRQHQWV RU VWDQGDUGV WR HQVXD\DFW\DD\FRPSRQHQW  
SULQFLSOHV WKH\ DUH LQWHQG HG WR DFKLHYH +RZHYHU LV  
D FOHDUHU GHILQLWLRQ RI FRPSOHPHQWU\ SDWKZD\ LV QF  
RI DFKLHYLQJ WKH REMHFWLYHV LWQH\ WRFB\SKDWKZD\Q SDHW  
QXPHULFDO JRDO VHW E\ 81+&5 VKRXOG QRW SURYLGH WKH E  
GHFLVLRQV \$V HPSKDVLVHG E\ 81+&5¶V 6SHFLDO \$GYLVRU IR  
&RPSOHPHQWU\ 3DWKZD\ 'DYLQ ODQWEP RWKWKRYSHUHUHKL  
&RPSDFW LV WR JURZ μWKLUG FRXQWU\ VROXWLRQV¶ DQG Z  
LPSRUWDQW WRRO LQ ZRUNLQJ WRZDUGV WKDW REMHFWLYH  
REMHFWLYH\HLWQ\MOIH YDVW GLYHUVLS\DWKZDWFRPSRQHQW  
VLQJOH GHILQLWLRQ RU VHW RI FULWHULD PD\ EH D ODUJHOV  
,Q RUGHU WR EDODQFH WKH QHHG IRU FODULW\ ZIDWK WKH GI  
QXPEHTXRIVZLQV\QW KHU FRQVLGHUDWLRQ E\ 81+&5

LQWHJUDWLRQ DUHQ QRW DYDOLDEOH WR VHFUXH UHVHWW  
SHU FHQW RI WKRVH UHIXJHHV GHHPHG PRYOLQJWFR RI W  
WKLVWFRD ILQGLQJ DOWHUQDWLYH VROXWLRQV IRU WKRVH U  
FRXQWULHV RI RULJLQ RU LQWHJUDWH LQWR FRXQWULHV RI IL

7KHUH DUH DOVR D UDQJH RI GLIILQJLQJ WDUURJ WR RQDO IUDPHZRUM  
WKH 5HH&RPSDFW WKDW VXSSRUW DQG VKRXOG JXLGH VWDV  
GHYHORS DQG H[SDQG FRPSOHPHQWU\ SDWKZD\V IRU UHIXJHH  
FRPSOHPHQWU\ SDWKZD\V DUH SULPDULO\ D PHDQV RI LQFUHI  
VROXWLRQ UHIXJHHV DQG SURPRWLQJWKDWHQDWLRBODHYHVS  
SUHVXUH RQ WKRVH µIURQWOLQH¶ VWDWHV WKDW KRWW WKH  
+RZHYHU WKHUH DUH RWKHU REMHFWLYHV WKDW PLJKW EH DF  
DV ZHOV VXFK DV DGGUHVVLQJ VNLOOV DQG ODERXU JDSV LQ  
FRXQWULHV

### 3.1. Governing frameworks in international law

&RPSOHPHQWU\ SDWKZDWH WRZDUGV WKUHH RI WKH IRXU NH  
QDPHODVLQJ SUHVXUH RQ KRWW FRXQWULHVHOLHQFDFQJ UHIX  
H[SDQGLQJ DFFHVVR WKWKLUGFRXQWU\WKHDXDWRQVXOILQ DQG  
JXLGHG E\ D UHQIRBODKWLQDO FRPPLWPHQWV DQG REOLJD  
UHIXJHH SURWHFWLRQ KXPDQ ULJKWV DQG VXVWDLQDEOH GHY

7R EHJLQ ZLWK VWDWHV¶ FRPPLWPHQWV XQGHU WKH 5HIXJHH  
SDUWQHUVKLS ZLWK WKHLU FRPDQ&RPSVFWXQGHU DWKH2UGHUO  
5HJXODU 0LJUDWLRQ 0LJUDWLRQ&RREDFWU DWLZHQ &RPSDFW  
VLJQDWRULHV KDYH SOHGJHG WR µHQKDQFH DYDLODELOLW\ DQ  
PLJUDWLRQ¶LQ SDUWLFXODU WR

'HYHORS RU EXLOG RQ H[LVWLQJ QDWLRQDO DQG UHJLRQD  
RI DSSURSULDWH GXUDWLRQ EDVHG RQ FRPSDVVLRQDWH I  
FRQVLGHUDWLRQV IRU PLJUDQWV FRPSHOOHVGRWR OHDYH W  
VXGGHQVHW QDWXUDO GLVDVWHUV DQG RWKHU SUHFDULRX  
SURLGLQJ KXPDQLWDULDQ YLVDV SULYDWH VSRQVRUVKL  
FKLOGUHQ DQG WHPSRUDU\ ZRUN SHUPLWV ZKLOH DGDSW  
RI RULJLQRWLRQ

, UHVSHFWLYH RI GHEDWHV UHJDUGLQJ WKH UHODWLRQV KLS E  
&RPSDFWV RU WKH DSSOLFDELOLW\ RI WKH UHJUDWLQJ &RPSD  
DQG RYHUFRLQJ EDUULHUV WR PLJUDWLRQDWH DRUGHDUOVWES  
UHJXODU PLJUDWLRQ

, PSRUWDQWO\ FRPSOHPHQWU\ SDWKZD\V DOVR IXUWKHU WKH  
ELQGLQJ &RQYHQWLRQ UHODWLQJ WR WKH 6WDWXV RI 5HIX



WKH IUDPHZRUN RI REOLJDWLRQV DQG FRPPLWPHQW WKHWKDW FR  
GHYHORSPHQW DQG LPSOHPHQWDWLRQ RI FRPSOHPHQW DU\ SDV

### 3.2. Objectes of complementary analysis

#### 3.2.1. Core objectes

&RPSOHPHQW DU\ SDWKZD\ V SURYLG H RQH RI D EURDG UDUQH R  
LQWHUQDWLRQDO UHIXJHH SURWHFWLRQ UHJLPH WKDW XOWLP  
SDWKZD\ V WR SURWHFWLRQ IRU SHRSOH ZKRVH OLYHV DQG IUH  
RWKHU DUHMW YXOQHUDEOH WR VPXJJOLQJ H[SORLWDWLRQ DQG  
VSHFLILFDOO\ FRPSOHPHQW DU\ SDWKZD\ V DLP WR LQFUHDVH D  
VROXWLRQV IRU UHIXJHHV SDUWLFXODUO\ LQ OLJKW RI WKH Y  
QXPEHU RI SODFHV DYDLODEOH IRU UHVHWWOHPHQW HDFK \HD

&RPSOHPHQW DU\ SDWKZD\ V DUH LQWHQGHG WR LFRPSOHPHQW  
μDGGLWLRQDO WR UHVHWWOHPHQW DQG GRUORWHXEXOGWUXWH  
WKH LQWHUQDWLRQDO SURWHFWLRQV UHJLPH IRU REMHFWLYHV  
SDWKZD\ V UHJLPHV QDPHOSUWR LGH SURWHFWLRQ DQG GX  
VROXWLRQV IRU UHIXJHHV DQG SURPRWKDLOVWLRQDO UH  
SURWHFWLRQ RI UHIXJHHV

&RPSOHPHQW DU\ SDWKZD\ V FDQ μEXLOG GXUDEOH VROXWLRQ  
6RPH SDWKZD\ V VXFK DV ODERXU PRELOLW\ KDYH EHHQ SURS  
GXUDEOH VROXWLRQ WR GLVSODFH PHQW LQ DGGLWLRQ WR W  
UHVHWWOHPHQW DQG, GRFDLQ\ LFRPSOHPHQW DU\ SDWKZD\ V  
VROXWLRQ HTXLYDOHQW WR WROXWLRQV GHGHWMOHFRHQW S  
&DQGD IRU H[DPSOH FRPPXQLW\ VSRQVRUH UHIXJHHV UHFH  
DUULYDQGXVWUDOLD IDPLO\ UHXQLILFDWLRQ SDWKZD\ V WKRXJ



QHHGV DQG WRS ~~EWIRUBED~~WJKLWKGHQWV WR WKHLU HGXFDWLRQ  
VSRQVRUVKLS ODER ~~RXPDRFLDLDLWDQDDG~~PLVVLQRQV SDWKZD\ DOO  
RSSRUWXQLWLHV IRU WKLUG FRX ~~QWUOLXGLOR~~WQHDSJHLR ~~DWHUVER~~  
FRPPXQLW\ JURXS ~~DVHGGRIUJLWGLQ~~DWKLRSU RYLVLRQ RI UHIXJHH S  
DQG VROXWLRQV

7KH DGGL ~~MQRIQDW~~EWKDW FRPSOHPHQWDU\ SDWKZD\ HQWDLO  
LQFHQWLYHV WR VWDWHV DQG RWKHUV HQJDJHG LQ SURYLGLQ  
REMHFWLYHV ~~IRU~~ FRPSOHPHQWDU\ SDWKZD\ 7KHVH VXEVLGL  
HLWKH ~~FLWPSORU~~LPSOLFLO\ LQ FDOOV IRU WKH H[SDQVLRQ R  
RIWHQ DV SDUW RI HIIRUWV WR PDNH FRPSOHPHQWDU\ SDWKZD  
FRXQWULHV RI GHVWLQDWLRQ 7KH\ UHODWH QRW RQO\ WR WK  
SURLGH WR UHIXJHHV EXW DOVR WR KRZ WKH\ PLJKW DGGUHY  
LQFOXGLQJ JRYHUQPHQWV KRVW FRPPXQLWLHV SULYDWH DFW  
FRPPXQLWLHV OHIW EHKLQG LQ FRXQWULHV RI RULJLQ RU ILUV

3.2.2. SbsidiET 0253f320003Tj ET 0 0 59.25 7 q 0 0 50B0003Tj ET 0 0 59S(.)-7 (2)8





YLVDV DQG DGPLVVVLRQVSWRQHDPVVDULO\ WDUJHW WKRVH UHIX  
YXOQHUEOW DQGPHRQ RI D GXUDEOH VROXWLRQ ,QGHG 7DO  
7%RQH RI WKH IHZ IDFLOLDWRU\HRSKDIVXJHHV QDKERXU UPHFELX  
KDSSHQV IURP DUGMFDQGHUVSHFWGYHLYRQVDSXLSORISLORW  
SURJUDQV&DQDGD DQG \$XWUDOLD WKH RUJDQLOHFWLHQV DWV  
UHIXJHHV ZLWK MRE RSSRUWXQLWLHV LQ GHVWLQDWLRQ FRXQV  
GXH WR WKH µKLJKO\ VSHFLDOLVHG7KH[SHFDWLDWLRQIFRPSOR  
µ(PSOR\HUV DUH WKH EHVW SODFHG WR VHOHFW WKH ULJKW HF  
LWV UROH LV RQO\ WR DVVLVW LQ WKDW SURFHVV E\ SURYLGLO

,Q WKHRU\ WKH DEVHQFH RI YXOQHUEDELSOWRPHQV DUGHUDWLRQ  
SDWKZD\V QHHG QRW EH D OLPLDWLRQ JLYHQ WKH H[LVWHQF  
QDPHO\ UHVHWRWPHQV YXOQHUEOH UHIXJHHV \*LYHQ WK  
DYDLODEOH UHVHWWOHPHQW SODFHV QRWQDERYRIKRZHYHU  
FRPSOHPHQWDU\ SDWKZD\V ZLOO VWLOO OHDYH DURXQG RI  
ZLWKRXW D VROXWLRQ LQ VLJKW 7KLV UDLVHV TXHVWLRQV DE  
SDWKZD\V LQ DGGUHVVLQJ RYHUDOO UHIXJHH SURWHFWLRQ QH  
DVVRFLDWHG ZLWK GLYHUWLQJ DWWHQWLRQ UHVXRUFHV DQG  
RWKHUV DZD\ IURP UHVHWWOHPHQW WR IRFXV RQ FRPSOHPHQ



UHIXJHHRV H[DP SOH ZKHUH WKH\ FRQVLVW RI H[SORLWDWLYH V  
SXW UHIXJHHV DW ULVN RI UHIRXOHPHQW ,Q OLJKW RI VWDWH  
DFFHVV WR FRPSOHPHQW SDWKZD\V DQG HIIRUWV E\ 81+&5 DQG RWK  
DVVHV SURJUHVV WRZDUGV WKHVH FRPPLWPHQWV VRRP VSHF  
FULWLFDO WR HQVXULQJ WKDW VXFK SDWKZD\V DGYDQFH DQG  
RXWFRPHXJRUWH

4XHVWLRQV UHJDUGLQJ WKH DISSURSRLOMHHQW DQG SDWKZD\V L  
PXVW FRPSOHPHQW DU\ SDWKZD\V JXDUDQWHH UHIXJHHV D GXU  
UHVLGHQFH RU FLWL]HQVKLS" 'R WHPSRUDU\ PEHUVWLRQ FKDQ  
SURWHFWLRQ DQG GXUDEOH VROXWLRQV IRU UHIXJHHV ZKR DF  
EHWZHHQ FRPSOHPHQW DU\ SDWKZD\V DQG FRPSOHPHQW  
SDWKZD\V SURYLGH PHDQLQJ IXO VROXWLRQV IRU QDWLRQDO LQ  
DV\OXP V\WHP" +RZ LPSRUWDQW LV IRUPDO UHFRJQLWLRQ RI  
RYHUDUFKLQJ REMHFWLYHV RI FRPSOHPHQW DU\ SDWKZD\V"

\$V QRWHG HDUOLHU LQ WKLV UHSRUW WKHVH TXHVWLRQV DUH  
ZKD\ FRXQWV DV D FRPSOHPHQW DU\ SDWKZD\V XOG DOWHUQDWL  
LQ WHUPV RI WKH VWDQGDUGV UHTXLUHG LQ RUGHU IRU FRPSO  
QRW XQGHUPLQH WKH LQWHUQDWLRQDO UHIXJHH SURWHFWLRQ  
PRUH LQFOXVLYH YLHZ RI ZKDW FRXQWV DV D FRPSOHPHQW  
GLVFXVVRQV DERXW WKH EHQHILWV DQG ULNVN RI LQGLYLGXD  
SDWKZD\V PLJKW EH LPSURYHG FDQ WDNH SODFH

:LWK WKLV LQ PLQG WKH DQVORZUHSRQHGDQ VWDQGDUGV  
FRPSOHPHQW DU\ SDWKZD\V FDQ EH DVVHVVHG WR GHWHUPLQH  
XSKROG WKHLU REMHFWLYHV DQG WKH LQWHUQDWLRQDO FRPP  
VWDWHV ([DFWO\ ZKHU LHD ERXWV XQVWDQGDUGV DQG ZKH  
WKUHVKROG RI DFFHSWDELWLW\ VKRXOG DSSO\ PD\ UHTXLUH I  
LQFOXVLRQ RI DGGLWLRQDO VWDQGDUGV RU IHDWXUHV QRW GI  
SURLYGH D VWDQGDUGV DERXW WKH VWDWHV DQG RWKHUV V  
GHYHORSLQJ LPSOHPHQWLQJ DQG H[SDQGLQJ FRPSOHPHQW DU\

4.1.1. 3ULQFLSOH RI DGGLWLRQDOLW\.

7KH SULQFLSOH RI DGGLWLRQDOLW\ UHTXLUH WKDW FRPSO  
UHVHWWOHPHQW DQG VKRXOG OHDG WR DQ RYHUDOO QHW LQF  
VROXWLRQV IRU UHIXJHHV SOH LV HPEHGGHG LQ VWDWHV FR

DGGLWLRQDOLW\ \$XVWUDOLD¶V IDPLO\ UHXQLILFDWLRQ SUR  
EHHQ FULWLFLVHG IRU EHLQJ LQFOXGHG LQ \$XVWUDOLD¶V RY  
KDYLQJ LWV RZQ VHSDUDWH TXRWD 0RUHRYRU VRPH VWDW  
LQFRUSRUDWLQJ LQWR WKHLU UHVHWWOHPHQW SURJUDPV FU  
UHVHWWOHPHQWRE\HIDBSOH WKH µLQWHJUDWLRQ SRWHQWL  
DSSOLHG E\ VRPH (XUFRNDLQJVVWHVHQ PRVWGLXLLVXEWWRH



)LQDOO\ EH\RQG HOLJLELOLW\ IRU LQWHUQDWLRQDO SURWH  
FRQVLGHUDWLRQV PD\ ~~FORXQEH ZKDHOHQHOHW WLDQJ~~ EHQHILFLD  
FRPSOHPHQWDU\ SDWKZD\V UHPDLQV RSHQ WR GLVFXVVLRQ  
GHHPHG LQDSSURSUSLSDVRIG XDFQGL YR XZLWKKLQ DW ~~CEDDAHG~~ VRPH T  
SDWKZD\OVHZKHUH KRZHYHU ~~ZSWRQVQ FVRKPSX QJWKXPDQLWDU~~  
DGPLVVRQ SURJUDPV DQG HYHQ V ~~VRKHWHG XPDV EHR QRSJHWKZRS~~  
HUH `V YR ~~BYR~~ PH YRXHEP0FR€... V•ÖP` ;P0VRÂ RXHRJ Freig€SH IRU

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SDWKZD\ V DFFRUGLQJ WR D PRUH QXDQFHG VHW RI VWDQGDUG  
GLYHUVLW\ LQ GLIIHUHQW W\SHV RI FRPSOHPHQWDU\ SDWKZD\ V  
WKDW DIIHFW WKH H[WHQW WR ZKLFK FRPSOHPHQWDU\ SDWKZD  
XSKROG VWDWHV¶ LQWHUQDWLRQDO FRPPLWPHQWV DQG REOLJ  
7R WKLV DQG EHTXHV WLRQV ZDUUDQW IXUWKHU FRQVLGHUDWLRQ

+RZVKRXOG FRPSOHPHQWDU\ SDWKZD\ V EH GHYHORSHG DQG LP

Key issues and questions

:KDW VWDQGDUGV DUH UHTXLUHG WR HQVXUH WKDW FRPSOH  
REMHWLYHV LQGHVWDLRQDO FRPPLWPHQWV DQG REOLJDWLRQ  
IRU µPLQLXP VWDQGDUGV¶ EH EDODQFHG ZLWK HIRUVV WR  
GHYHORS PHQW LQ WKH REMHWLYHV RI FRPSOHPHQWDU\ SDV



# Appendix Case Studies

7KH IROORZLQJ FDVH VWXGLHV SURYLGH D PRUH GHWDLOHG DG  
SDWKZD\V \$Q RYHURGLGHZ\$QRYUH IHD FWK D VHVVSUXBY ÀR D ORZHG E\

(OLJLEIROLW,&8)¶V 6\ULDQ 6WXGHQWV ,QLWLDWLYH LV RSHQ W  
7XUNH\ 7KH LQLWLDWLYH LV EDVHG RQ 6\ULD¶V VWDWXV DV  
DQG RQ WKH SUHVXPSWLYH UHIXJHH VW\$SOLFDWUROQ QDW  
DFFHSWHG RQO\ IURP VLQJOH UHIXJHHV ZLWK QR GHSHQGDQ  
DYDLODEOH WR VXSSRUW UHIXJHHVXUQXUZOJ WKHILFWWG\DLQW  
VRXUFH ORFDWLRQ GXH WR -, &8)¶V H[LVWLQJ UHIDWLRQV KLS  
5HIXJHHV -\$5 ZKR WR DVVLVW ZLWK VWXGHQW UHFUXLWPH  
XQGHUWDNH UHIXJHH VWDWXV GHWHUPLQDWLRQ EXW UDWKH  
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7KH VWXGHQW YLVD XQGHU ZWVFWUDXFHFWWRXO\$SOLFBQO\ V  
WKXV GRHV QGKSDRYHGRQXWVROZQ WKRXJK UHIXJHH VWXG  
D MRE IROORZLQJ WKHLU VWXGLHV PDVSDLOLQ R ZRUNQVQHJ  
KDV UHSRUWHGO\ SURYHSDUFDMRUHKXW\$GHQWV ODFNLQJ -DS  
VNLOOV ,W LV KRSHG WKDW WKH UHIXJHH VWXGHQWV HQWHU  
SODFHG WR SXUVXH WKLV SDWK RZLQJ WR WKH LQFOXVLRQ R  
SURJUDP DQG ERLODQX\$W WXLWL

\$QRWKHU NH\ LVVXH IRUSU&8)¶V YSLORJIDYFOKFDSDQ¶V ODFN RI  
HIIHFWLYH DV\OXZRH\ZDWHPKH SURJUDP VHHNV WR SURWHFW V  
HYHQW WKDW WKH\ DUH XQDEOH RU GR QRWEZLOKPLWRLQHFK  
VFRSH RI WKH SURJUDP WR 6\ULDQ QDWLRQDOV IRU ZKRP W  
ZLOOLQJ WR SURYLGH KXPDLWDULDQ VWDWXV LQFOXGLQJ  
ZRUN )RU VRPH UHIXJHHV DQRW\$UH SRWHQDEOLHDORSMHPDQ  
IROORZLQJ WKHLU VWXGLHV LVRWRBFWXUOLWQV7XUNHLDLQGH  
XQLYHUVLW\ GHJUHH YLD -, &8)¶V SURJUDP LV SDUW RI WKHLU  
7XUNLVK FLWLJHQV KLS DRXUWKZDSGUVWRG XUWHOWKVRIOXWWRQ  
FRXQWU\ RI DV\OXP +RZHYHU UHWXUQ WR 7XUNH\ LV QRW Q  
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C. Talent Beyond Boundaries <sup>2</sup> Labor Mobility for Refugees in Australia <sup>187</sup>

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# Endnotes

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8 1 + & 5 Report of the United Nations High Commissioner for Refugees: Part II: Global compact  
on refugees 8 1 \* \$25 U<sup>g</sup> VHV 6 XSS 1R 8 1 'RF \$ 6 H \$ X U H H P E H U  
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Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons 8176  
-XO\ 5HFRPPHQW 1LFKROVRQ μ7KH <sup>3</sup>(VVHQWLDO  
)DPLO\ 8QLW\ RI 5HIXJHHV RQ 2WHUQDULR QIDG 3URWHFWLRQ LQ WKH  
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)DPLO\ UHXQLRQHMLRQ & 5\ IRUPDO UHVHWWOHBHQW VXEPLVVLRQ  
UNHCR Resettlement Handbook UHYLVHG  
6HH JHQHUDOO\ 1LFKROVRQV UDQDQDQDQ DQG .DWKOHHQ 1HZODQG μ)DPLO  
3URWHFWLRQ LQ (ULND )HOHU 9RONH Refugee Protection UDQFHV 1LFKRO  
International Law: UNHCR's Global Consultations on International Protection & 83 81+&5  
μ & HQDO 0HGLWHUUDQHDQ )DPLO\ 5HXQLILFDWLRQ 3URMHFW ,QIRUPD  
&RXQWU\ 2IILFH DQG /HJDQ 3UDFWLWLRQHUV\ \$SULO 6HH DOVR

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, & 3 International Covenant on Economic, Social and Cultural Rights RSHQHG IRU VLJQDWXU  
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5HVROXWLRQ 6HSWHPEHU  
<sup>67</sup> 6HH HJ 3HWUD 1DKPLDV DQG 1DWDOLD .U\QVN\ %DDO μ,QFOXGLC  
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6HH DERYH VHFWRQ  
)RU[DPSOH 3RUWXJDO¶V \*OREDO 3ODWIRUP IRU 6\ULDQ 6WXGHQW  
FRQVLGHUDWLRQV LQWR WKHLU VHOHFWLRQ SURFHGXUHV &RQYHU  
%DUURFR 'LSORPDWLF \$GYLVHU WR 3UHVLGHQW 6\UXJHQWPSDLR \*  
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&RQYHUVDWLRQV ZLWKDQG 7BQGD %DUURFR Q  
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SURYLGHG GXULQJ D FRQYHUVDWLRQ EHWZHHQ WKH DXWKRU DQG \*  
(YDQJ~~K~~U~~L~~Q ,WDOLD 2FWREHU  
6HH 0HGLWHUUDQH DQ +RSH μ+RZ GR KXPDLWDULDQ FRUULGRUV  
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([SDQGLQJ SURWHFWHG ~~D~~Q~~V~~B~~U~~I~~R~~W~~U~~H~~M~~J~~H~~R~~H~~V~~↑~~Q.WHUQDWLRQDO 5HIX  
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HVVDEOLVKLQJ D &RPPXQLW\ &RGH RQ 9LVDV 9LVD &RGH \$UW  
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