



**UNHCR Observations on the European Commission Communication:  
“Migration and Development: Some concrete orientations”**  
[COM (2005) 390 final, 1 September 2005]

## **Introduction**

The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomes the publication by the European Commission of a second Communication on migration and development<sup>1</sup>, and shares the Commission’s objective of improving the impact of migration on the development of migrants’ countries of origin. The Communication, which should be read in conjunction with other recent Commission policy documents,<sup>2</sup> is a constructive contribution to the ongoing global debate on this subject.

The scope of the Communication is intentionally limited to three topics in the context of South-North migration, and their potential impact on development: remittances, the role of the diaspora, and brain circulation/brain drain. The Communication examines possible EU actions in these areas, to be undertaken in partnership with countries from which migrants originate. UNHCR recognizes that this Communication does not specifically address the situation of refugees and asylum-seekers,<sup>3</sup> the overwhelming majority of whom find refuge in countries of the developing world.

Nonetheless, refugees and asylum-seekers constitute a significant proportion of migratory flows to Europe, and are of course also economic actors. Although there is little data available about their contribution to the European economy, it is clear that refugees and asylum-seekers are present in the labour market, both formally and informally. In view of the importance of refugees and asylum-seekers to the migration debate in Europe, and their potential role in the development of their countries of origin, UNHCR wishes to comment on the present Communication.

## **Policy coherence and multidisciplinary approaches**

In 2002, UNHCR issued a preliminary position on “Protection and Durable Solutions for Refugees in the Context of Migration and Development,”<sup>4</sup> in advance of the

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<sup>1</sup> Hereafter “the Communication”.

<sup>2</sup> See: “Proposal for a Joint Declaration by the Council, the European Parliament and the Commission on the European Union Development Policy, ‘The European Consensus’”, COM (2005) 311 final, 13.7.2005; the Communication on Regional Protection Programmes, COM (2005) 388 final, 1.9.2005; the Communication entitled “External Actions through Thematic Programmes under the Future Financial Perspectives 2007-2013”, COM(2005)324 final, 3.8.2005; and the “Proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals”, COM(2005) 391 final, 1.9.2005.

<sup>3</sup> COM (2005) 390, pp. 10-11, conclusion.

<sup>4</sup> UNHCR, “Protection and Durable Solutions for Refugees in the Context of Migration and Development,” UNHCR Geneva, September 2002.

Commission's first Communication on this subject.<sup>5</sup> At that time, UNHCR urged governments to incorporate the needs of refugees into development planning, and to invest in durable solutions – return and reintegration in particular, especially in post-conflict situations. Development assistance, UNHCR stressed, should also address the underlying causes of many refugee situations. UNHCR recommended recognizing the needs of refugees as a cross-cutting concern in EU development policy.

This recommendation remains relevant and urgent. As the subject of migration has risen to the top of the political agenda in both developing and industrialized countries, the importance of policy coherence has become increasingly evident. Migration and development can only be dealt with effectively in a truly multidisciplinary framework. UNHCR urges authorities responsible for migration and development policies to work together, also with their counterparts dealing with foreign affairs and social affairs, both at the EU and national levels.

UNHCR welcomes the EU effort to mainstream migration into its relations with third countries, and into development planning in particular. The Country Strategy Papers constitute the framework for development programming. UNHCR urges the EU to ensure that the needs of refugees, returnees and the internally displaced are properly reflected in these Papers, and is ready to work with the Commission to ensure that this happens.

At the same time, UNHCR encourages efforts to better understand the social and economic impact of asylum-seekers and refugees in the broader context of migration to the European Union. It would be important to know more about the underlying – often mixed -- motivations of people who enter asylum procedures in Europe, and in particular the extent to which these flows include economic migrants and family migrants, as well as persons seeking refuge from conflict and protection from persecution. A better understanding of these motivations could enable governments to develop immigration programmes in such a way as to reduce pressure on or abuse of asylum procedures, as well as the negative perceptions of asylum-seekers prevalent in many countries.

### **Forced migration and development**

In any discussion of migration, it should be recognized that refugees and other persons in need of international protection are a distinct group. They do not enjoy the protection of their countries of origin, and their particular situation often means that they have less contact with their home countries, and even with their own families, than other migrants. Some refugees may never be able to return, and therefore discussions of temporary or circular migration are frequently not relevant to them. It would nonetheless be a mistake to neglect refugees and asylum-seekers in the broader discussion of migration, or to ignore their economic potential.

Refugees in regions of origin are often the beneficiaries of humanitarian aid, but they are frequently excluded from development programmes. Yet ignoring the potential of refugees and returnees to participate in the development of regions in which they are living -- or to which they are returning -- may hamper efforts to attain the Millennium Development Goals. Although the Commission's Communication on Regional Protection Programmes<sup>6</sup> recognizes the specific needs of refugees and seeks to enhance

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<sup>5</sup> COM (2002) 703 final.

<sup>6</sup> COM (2005) 388 final.

the protection capacity of the regions from which refugees originate, UNHCR urges the EU to take this one step further, by specifically targeting development aid towards areas hosting refugees, internally displaced persons and returnees.<sup>7</sup> This approach requires new partnerships between humanitarian and development actors, but can yield many benefits, including reducing tensions between refugees and host communities, redressing the economic or environmental impact of the presence of large numbers of refugees, easing pressures which generate secondary movements, ensuring the sustainability of return and generally contributing to peace and security.

In view of the above, UNHCR recommends that the relationship between migration and development be specifically taken into account in planning for the EU's new financial perspectives. The dedication of development resources specifically to enhancing the capacity of countries in the developing world to protect refugees and to find durable solutions to refugee problems would be in line with Commission's affirmation that "[d]evelopment cooperation is also part of the recipe for durable solutions for refugees and displaced persons..."<sup>8</sup>

### **The European context**

The potential of refugees and asylum-seekers in the European Union to contribute to the economy of their host countries as well as to the development of their countries of origin, is often underestimated or neglected. Moreover, a significant number of refugees in developing countries, in particular in Africa, are supported by remittances sent to them by refugees who have gone to industrialized countries, whether as asylum-seekers or through resettlement programmes. Although little empirical research has been done on this matter, it is likely that these remittances have helped to cushion the impact of uneven levels of assistance to refugees in Africa, including periodic reductions in food aid. This topic would deserve more investigation.

In the European Union, many refugees and asylum-seekers have skills which go to waste, in some cases because they are not given access to the labor market<sup>9</sup> and in others because their qualifications are not recognized by the authorities of their host countries. Facilitating refugees' access to employment in line with their qualifications would fulfill the Communication's call for "better use of existing skill resources in the EU".<sup>10</sup>

Even for refugees and asylum-seekers who may not ultimately remain in the European Union, it would be important to put their stay to productive use, so that they will be able to contribute to the development of their own countries upon return. Education and vocational training for refugees and asylum-seekers in the European Union are an

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<sup>7</sup> See UNHCR, "Statement of Good Practice on Targeting Development Assistance for Durable Solutions to Forced Displacement," 2.5.2005, Forum/2005/3.

<sup>8</sup> COM (2005) 311 final, at 1.5.2.

<sup>9</sup> Under recently agreed EC Directives, little encouragement is given to States to utilize the potential of asylum-seekers and persons granted protection in their territory. The Directive on minimum standards for the reception of asylum-seekers (2003/9/EC of 27.1.2003) requires Member States to fix a minimum period during which asylum-seekers may not work, and permits States to give priority to EU, EEA and other third-country nationals in employment (article 11). The Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees and persons who otherwise need international protection and the content of the protection granted (2004/83/EC of 21.4.2004) leaves to States' discretion the question of whether and to what extent to grant beneficiaries of subsidiary protection access to the labour market, taking into account the local situation (article 26(3)). Family members are also given no assurance of rights to work or to residence permits (Article 23(2)).

<sup>10</sup> COM (2005) 390, Annex 6, p. 34

indirect investment in development and stability of the regions from which they originate.

Substantial numbers of persons who have been found not to be in need of protection are required to leave EU territory each year. Making their return –as well as that of refugees -- sustainable is of critical importance. Combining return and development projects, facilitating employment on return, and developing partnerships in order to monitor the safety and welfare of returnees -- thereby building confidence in the possibility of return- - can all contribute to the viability of re-integration. In certain cases, it may be possible for European governments to facilitate “Go and see visits” or even to allow returnees to opt to come back to Europe during a certain period following their initial return. These can also be important confidence-building measures.

UNHCR urges that refugees and rejected asylum-seekers returning from the EU be enabled to transfer – or take with them -- assets acquired during their stay in Europe, including such acquired rights as contributions to Member State pension funds. This can constitute an important capital for reintegration.

### **Conclusion**

Asylum-seekers, refugees and others in need of protection constitute a significant proportion of South-North and South-South migratory flows. Their potential contribution to development should be taken into account and actively encouraged. The European Union can and should address refugee needs as a cross-cutting issue in development policy, requiring coherence and co-ordination among humanitarian, development and immigration actors. This connection should be reflected in planning and decision-making on the EU’s new financial perspectives, and will require a sustained, longer-term approach. Within the European Union, there are a number of areas where action could be taken to make positive use of the skills of asylum-seekers and refugees, including to improve the sustainability of return where this is possible. UNHCR is ready to work with the Commission, the Council and Member States to promote further reflection and action on these topics.

UNHCR  
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