

Research Report
Highlights



Improving Social Protection for Migrants, Refugees and Asylum Seekers

An Overview of International Practices

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Refugees and asylum seekers often face significant challenges in living safely and productively, and in enjoying access to basic public services, labour rights and social protection.

1. Introduction

These highlights are based on the full research report –
“Improving social protection for migrants, refugees and asylum seekers in Egypt:

An overview of international practices” – available here:
<https://bit.ly/IPC-RR-57en>

Social protection is not consistently available to migrants, refugees and asylum seekers in most developing countries worldwide. Enabling access is one of the functions of national legislation and policy, which in turn emanates from the relationships between host communities and migrants, and the willingness and capacity of governments themselves to promote inclusive social protection. However, migrants, refugees and asylum seekers have increasingly been the focus of polarised discussion, leaving less space for balanced and evidence-based assessment of the real challenges and opportunities they and their host communities face. Some countries have nonetheless achieved substantial progress in reforming their social protection systems to improve access, including a small but growing number of low and middle-income countries.

Social protection is anchored in international human rights principles and is a key policy tool for building resilience, combating poverty and improving economic and social outcomes among vulnerable individuals and families. It can protect people from life-cycle contingencies and external shocks that might otherwise cause them to fall into poverty. Migrants are not always at greater risk of poverty, and well-governed migration has the potential to strengthen social and economic development both for countries of origin and destination and for migrants themselves. However, certain groups, such as low-skilled migrant workers, irregular or undocumented migrants and children who migrate unaccompanied are exposed to greater risks than other migrants. Similarly, refugees and asylum seekers often face significant challenges in living safely and productively, and in enjoying access to basic public services, labour rights and social protection.

While rights-based principles are crucial, it is also worth reflecting on the positive wider societal effects of including migrants, refugees and asylum seekers in national social protection systems. International migration can transform societies for the better when migrants have their human rights respected, can access comprehensive and shock-responsive social protection systems, have accessible regular migration channels and can effectively participate in the labour market (UN DESA, 2018)¹. On the other hand, when migrants remain at the margin of society, discrimination and xenophobia increase their vulnerabilities and reduce their ability to integrate and contribute economically. Evidence shows that the effects of refugee inflows on labour markets are minimal in the short term and disappear in the long term, while fiscal impacts become positive and grow over time. Indeed, in the long term, overwhelming evidence shows that the economic contribution migrants can bring to host societies is substantial. Those who integrate into the destination country’s labour market tend to pay more into contributory social security systems and into overall social protection systems in the form of taxes than they receive in terms of benefits (UN DESA, 2018).

¹ All references refer to the bibliography in the full report.

This summary report² focuses on the inclusion of migrants, refugees and asylum seekers in social protection systems by exploring the particular vulnerabilities associated with migration and how countries are addressing those vulnerabilities through their social protection systems. **It reviews and synthesises lessons from countries that have sought to expand access to social protection for migrants, refugees and asylum seekers.** The focus is primarily on the experiences of middle-income countries and on efforts to include more vulnerable migrants, including low-skilled migrant workers, undocumented or irregular migrants, refugees and asylum seekers. It looks at three categories of social protection – social assistance, social insurance and labour market programmes – and reflects the principle that access to social protection is a fundamental human right. In the light of the COVID pandemic and wider global trends to promote ‘shock responsive social protection’, it also explores the role of social protection in supporting migrants, refugees and asylums seekers in times of crisis.

The structure of the report is as follows. Section 2 reviews core concepts relating to migrants, refugees, asylum seekers and social protection, including key dimensions of migrant vulnerability and how rights-based social protection can help in addressing these. Section 3 is a series of case studies of middle-income countries³ that have included migrants, refugees and asylum seekers within different types of social protection. Section 4 looks at the inclusion of migrants within social protection systems in times of crisis, including during the COVID pandemic. Section 5 concludes by reviewing key enabling factors for the inclusion of migrants, refugees and asylum seekers in social protection drawn from the country case studies and wider international evidence presented below.

In the light of the COVID pandemic and wider global trends to promote ‘shock responsive social protection’, it also explores the role of social protection in supporting migrants, refugees and asylums seekers in times of crisis.

² Based on the full report by Andrade, Sato and Hammad (2021).

³ The only exception is the Danish case study.

2. Core concepts – social protection for migrants, refugees and asylum seekers

Migrants, refugees and asylum seekers often face recurrent and seemingly insurmountable barriers in accessing social protection as a right in countries of destination, especially in low- and middle-income countries. This section provides an overview of the risks and vulnerabilities faced by different migrant groups and the importance of rights-based social protection in addressing these.

2.1 Risks and vulnerabilities throughout the migration cycle

Different groups of migrants face a variety of risks and vulnerabilities but may be excluded by existing social protection policies and programmes in countries of origin and destination:

- **Low-skilled migrant workers** are often excluded from social protection frameworks, especially work-related social insurance and labour rights afforded to high-skilled workers.
- **Irregular migrants** are persons who were smuggled or whose entry was not authorised by a State and are subject to arbitrary detention as a form of immigration control. They may also be **undocumented migrants** whose authorisation to stay in the country expired or who lack proof of identity. Persons in these groups are likely to avoid using basic public services due to their irregular situation and are often excluded from the social protection system.
- **Refugees** are particularly vulnerable persons who frequently suffer trauma or significant socio-economic barriers in countries of origin or during their migration journeys.
- **Asylum-seekers** often have a similarly vulnerable background but have not yet been awarded refugee status so face the additional risk of mandatory return to their country of origin.

Within these groups, some individuals are exposed to additional risks and vulnerabilities during the migration process and often face even greater barriers in accessing social protection. These include both accompanied and unaccompanied **migrant children** and **migrant women**. In exploring the specific vulnerabilities associated with migration and how countries have tried to address these through the social protection system, particular attention is therefore needed to **gendered and life-cycle related vulnerabilities** which may in turn be compounded by other demographic and political factors such as race and ethnicity, poverty and family structure.

2.2 Rights-based social protection for migrants

People of every age, sex, nationality and work status have the right to social protection as recognised by the 1948 Universal Declaration of Human Rights. Before departure, during transit, at international borders or at destination, everyone has this right, regardless of their legal status. In practice, however, there is a difference between legal and effective coverage in its realisation. While **legal coverage** refers to recognition of a right in national legislation, **effective coverage** refers to whether a right – in this case to social protection – is actually being realised among the population.

Extending legal coverage of social protection to migrants, refugees and asylum seekers is guaranteed by law in many countries, according to the principle of equal treatment regardless of migrant status. However, in enacting laws that recognise this principle, narrow definitions referring to legal status — for example, to regular or irregular migrants and permanent or temporary migration — or to employment status often hinder effective coverage of non-nationals, especially the most vulnerable (ILO, 2017). In this way, human rights violations can disproportionately affect migrants, refugees and asylum seekers as the law does not explicitly protect them and their rights cannot be enforced.

Since they require countries to embed rights and basic principles into national legislation, the ratification of international standards founded in human rights principles can be a fair indication of a country's ability to safeguard the right to social protection for migrants, refugees and asylum seekers. Core principles of a rights-based approach to social protection include:

- **Equal treatment and non-discrimination under the law** for nationals and non-nationals.
- Treatment of all persons under the law follows a set of **minimum standards**.
- **Social security rights** already acquired or being acquired are **maintained in another country**.

The International Convention on the Rights of Migrant Workers and Their Families set out rights for all migrants, irrespective of legal status or regulations in the country of destination. Nevertheless, it is also one of the least ratified conventions, especially among host countries for migrants. Other more widely ratified universal standards are set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC)⁴.

The right to social protection is also a core component of global development and migration governance frameworks such as the 2012 Social Protection Floors Recommendation 202, the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees. As such, it is embedded in the 2030 Agenda for Sustainable Development through Goal 1.3, which aims to substantially increase coverage of poor and vulnerable people in social protection systems.



⁴ See pages 29-30 of the full report for more details.

3. Case studies

This section presents six case studies that show the steps different middle-income countries⁵ have taken to include migrants, refugees and asylum seekers within social protection systems through social assistance, social insurance and labour market programmes. For each type of social protection, a summary of enabling factors supporting their inclusion is provided.

3.1 Social assistance

Social assistance programmes are non-contributory and often mainly or solely financed by government. They target people or households living under defined income or asset thresholds or focus on specific life-cycle risks or vulnerable groups (ILO, 2017b). These programmes include cash transfers, in-kind transfers and school feeding programmes, among many others. Although migrants, refugees and asylum seekers may be particularly vulnerable to poverty, many countries exclude non-nationals from programmes, imposing legal, administrative and bureaucratic barriers to eligibility.

3.1.1 Turkey

Turkey currently hosts more refugees than any other country in the world. As of September 2020, 4 million refugees were living in the country, of which 3.6 million were Syrians (UNHCR 2020h). The Law on Foreigners and International Protection (2013) regulates the rights and obligations of persons under temporary protection in Turkey. According to the law, refugees have the right to access primary and secondary education, universal health insurance and social assistance on the same basis as citizens. In practice, however, the effective inclusion of refugees depends on a mixture of government and humanitarian programmes supported by the European Union (Yilmaz 2019).

The EU Facility for Refugees in Turkey supports the expansion of the national social protection system to refugees. The Emergency Social Safety Net (ESSN) – an unconditional cash transfer for vulnerable refugees – is the flagship programme resulting from this cooperation. As of July 2020, 1.75 million people benefited from the ESSN, or almost 45 per cent of refugees and asylum seekers in the country (EU 2020). Most beneficiaries are from Syria, but the programme also supports refugees and asylum seekers from Afghanistan, Iraq, Iran and Somalia. Those considered the most vulnerable include single women, single-parent families, elderly people without family support and families with over four children or with disabled or elderly dependents. Eligible families receive USD15 per family member paid monthly through a card that can be used at ATMs and other locations, with a quarterly top-up based on family size (EU 2017). During the COVID-19 pandemic, a rapid one-off cash payment was also made to ESSN beneficiaries (EU 2020).

ESSN aims to be fully integrated within the national social protection system, run by existing national social assistance offices through close cooperation between the Ministry of Family and Social Policy, the World Food Programme, the Turkish Red Crescent and the Turkish National Disaster Management Authority. Coordination between government and humanitarian actors also ensured that ESSN beneficiaries receive the same amount as Turkish citizens in their national scheme (EU 2017). Cooperation between Turkey and the EU also supports conditional cash transfers for vulnerable refugee children. In 2017, the EU began funding the Conditional Cash

⁵ With the exception of the Danish case study.

Transfers for Education (CTTE) using the structure of an existing programme for poor Turkish children, including the same application and registration processes and information management systems (ibid.). Beneficiaries receive a bi-monthly cash transfer on condition they attend school regularly. In June 2020 over 623,000 refugee children in Turkey were benefitting from the programme (EU, 2020).

3.1.2 Morocco

Besides being a traditional transit country for migrants seeking to reach Europe, Morocco has also become an important host country for migrants from sub-Saharan Africa and the MENA region. Approximately 700,000 sub-Saharan African migrants live in Morocco and, as of September 2020, a total of 11,960 refugees and asylum-seekers (Ghazouani, 2019; UNHCR, 2020f). In recent years, Morocco has been adapting its migration policies towards a human rights-based approach through, among other things, changes in the legislative framework, a new migration policy and a comprehensive strategy to guarantee fundamental rights for migrants.

In 2011 Article 30 of Morocco's new Constitution determined that non-nationals should enjoy the same fundamental freedoms as nationals. The Constitution also created an independent institution, the National Human Rights Council, empowered to promote human rights in the country (UNHCR, 2017). This new institution has played a fundamental role in changing Morocco's migration policy. Prior to 2013, a security-based approach criminalised irregular migration, imposed severe penalties for those who supported and organised it, and increased border control capacities (Kostas, 2017). In 2013, the National Human Rights Council issued recommendations re-orienting migration policy towards Morocco's international commitments and the law on refugees (UNHCR, 2017). The new policy represented a paradigm shift in committing the country to improving access to basic services and safeguarding migrants' rights. Aligned with this shift in policy, Morocco also conducted two regularisation campaigns benefiting tens of thousands of irregular migrants (Benjelloun, 2020).

In 2014 the National Immigration and Asylum Strategy (Stratégie Nationale d'Immigration et d'Asile) was adopted. This included measures to ensure that regular migrants have access to public health services, public schools and social housing (Benjelloun, 2020; UNHCR, 2017). The strategy also established programmes to provide social assistance and humanitarian assistance to migrants. By 2018 more than 2,500 migrants had benefited from programmes provided by Entraide Nationale, the government's social assistance authority (Government of Morocco, 2018). Coverage of beneficiaries, especially those in the most vulnerable groups, has been extended over the years and capacity development has been offered to social workers on migration issues to provide better assistance to migrants, asylum-seekers and refugees (ibid.). The importance of migration in the region has also fostered international cooperation resulting in the development of new programmes in Morocco supported by the EU and Denmark and implemented by the Government of Morocco with UNICEF and IOM⁶. However, despite these efforts, only a very small proportion of non-nationals currently benefit from Entraide Nationale's programmes (0.4 per cent of the estimated 700,000 migrants in the country), indicating that much still needs to be done to overcome access barriers.

⁶ See pages 35-36 of the full report for more details.

3.1.3 Brazil

As of October 2020, Brazil was hosting over 262,500 Venezuelans refugees, asylum seekers and migrants (UNHCR, 2020d). Migrants in the country can access national social assistance programmes and evidence shows that vulnerable Venezuelan families are receiving the two main cash transfers: Bolsa Família, a conditional cash transfer targeting poor households with children, and Benefício de Prestação Continuada (BPC), an unconditional cash transfer targeting older people and persons with disabilities living in poverty. Between 2016 and 2019, 6,470 families with at least one Venezuelan member were included in the national Social Registry, with 10,618 Venezuelans benefitting from Bolsa Família (SENARC, 2019) and 160 receiving the BPC (Fundação Getúlio Vargas, 2020).

Efforts to guarantee social assistance for non-nationals started in 2010. Responding to an inflow of migrants following an earthquake that devastated Haiti, the government provided humanitarian aid and enhanced the capacity of the Single System of Social Assistance (Sistema Único de Assistência Social) to provide services, particularly in regions with large numbers of migrants (Government of Brazil, 2016). Moreover, in 2014 the Ministry of Social and Agrarian Development⁷ clarified the right of non-nationals to enrol in the Single Registry of Social Programmes (Cadastro Único de Programas Sociais) which enables access to targeted social assistance programmes and Bolsa Família (ibid.).

These decisions reflect rights guaranteed in the Brazilian Constitution (1988), which affirms the principle of equality between nationals and non-nationals, including universal and equal rights to health services (Art. 196), public and free education (Art. 208) and the national social protection system (Art. 194). The country has also internalised the principles of the Cartagena Declaration, recognising the right to asylum of individuals from countries facing extreme and generalised human rights violations, and extending the same rights to nationals and asylum-seekers. The new migration law of 2017 maintains these rights, through principles such as non-criminalisation and equal rights in accessing social benefits, programmes and services. However, the low number of Venezuelan families currently registered in the Single Registry suggests Brazil still faces difficulties in identifying vulnerable families and a range of challenges to ensuring effective as well as legal coverage remain.



⁷ Now called the Ministry of Citizenship.

3.1.4 Enabling factors



Turkey

- ✓ Alignment between humanitarian efforts and the national social protection system
- ✓ Political economy interests favouring Turkey-EU cooperation including financing for social protection
- ✓ Inclusive legal framework: Refugees have access to education (primary and secondary), universal health care insurance, social assistance and services on the same basis as citizens



Morocco

- ✓ Progressive change towards more inclusive legal frameworks
- ✓ Created institutions aimed to promote human rights (such as the National Human Rights Council)
- ✓ Reformed the national migration policy, based on a humanitarian approach and committing the country to improve migrants' access to basic services and safeguard their fundamental rights
- ✓ Promoted regularisation campaigns
- ✓ Adopted the National Immigration and Asylum Strategy, establishing a logical framework and a governance strategy for immigration
- ✓ Promoted capacity development for social workers on issues related to migration to provide better assistance to migrants, asylum-seekers and refugees
- ✓ Established partnerships between international humanitarian actors and the national government



Brazil

- ✓ Inclusive and clear legislative framework: Brazilian Constitution (1985); recognised and internalised the principles of the Cartagena Declaration; ministerial directives (2014); new migration law (2017)
- ✓ Strengthened capacity of Single System of Social Assistance in regions with large numbers of migrants

Source: Authors' elaboration (Andrade, Sato and Hammad, 2021).

3.2 Social insurance

Social insurance schemes provide protection for life-course or work-related risks and contingencies such as maternity, old-age, unemployment and sickness (Barrientos, 2010). Usually financed through contributions by workers and employers, schemes may also incorporate government subsidies. Social insurance systems are based on the principles of solidarity and collective risk-pooling and benefits include medical care, maternity, unemployment, injury, survivors' and old-age benefits (ILO, 2003). Migrant workers contribute to the economy in host countries – as well as in countries of origin through remittances – but are often excluded from social insurance systems. This is especially true of low-skilled, less educated or undocumented migrants. In host countries migrants face legal, administrative and bureaucratic barriers to enrolment, while often losing entitlements in countries of origin due to their absence. Constraints on the portability of benefits between different social insurance systems may also result in migrants contributing without receiving benefits (ILO, n.d.).

Against this background, the ILO has developed conventions and recommendations to ensure access to social insurance for migrant workers based on the following principles:

- Equal treatment and non-discrimination between nationals and non-nationals.
- Maintenance of acquired rights and rights in the course of acquisition.
- Payment of benefits to beneficiaries residing abroad.

These principles may be embedded in bilateral and multilateral labour agreements, memoranda of understanding (not generally legally binding) and formal social security agreements. Countries may also act unilaterally to expand coverage of social insurance for migrant workers. For example, countries of destination can cover informal workers through mandatory systems with effective and attractive collection systems, or through specific approaches for vulnerable categories of migrant workers. On the other hand, countries of origin can cover overseas workers by creating welfare funds through which workers can contribute to national systems even when working abroad (van Ginneken, 2013). The case of the Philippines below demonstrates some of these possibilities.

3.2.1 Philippines

The Philippines is a top migrant-sending country in South-East Asia, actively encouraging labour migration (UN DESA, 2019; Rodrigues, 2019). An estimated 2.2 million Filipinos were working in another country as of 2019 (PSA, 2020). This massive diaspora makes remittances very important for the Philippine economy, representing 9.3 per cent of GDP in 2019 (World Bank 2020). However, despite their contributions to the national economy, migrant Filipinos face challenges accessing social insurance schemes in host countries due to a lack of portability or social security agreements. In response, the Philippines has pioneered efforts among countries of origin to provide social protection for their workers overseas (van Ginneken, 2013).

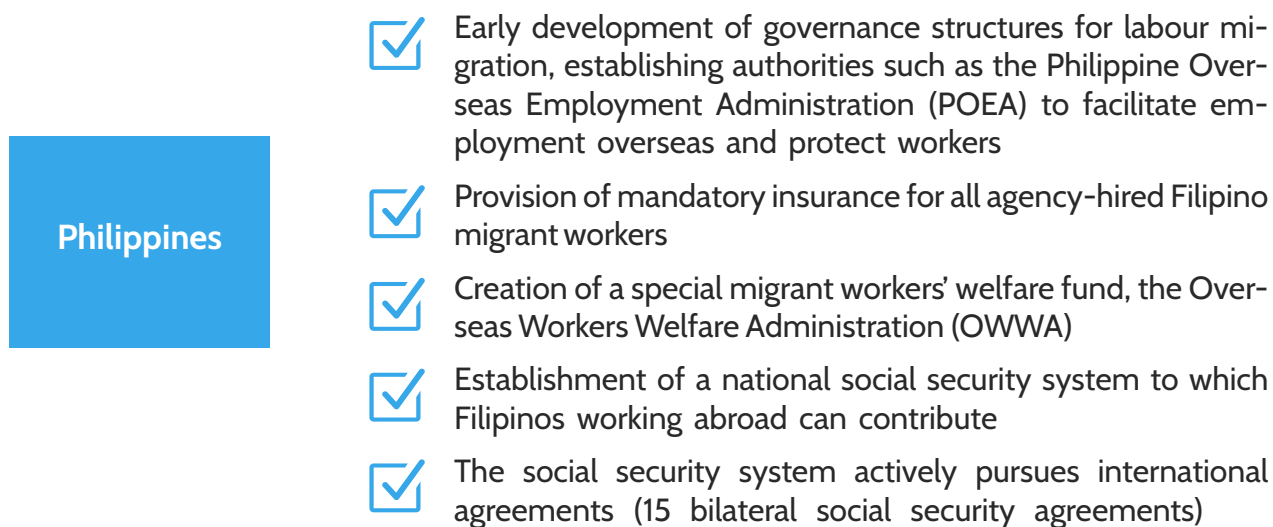
A key strategy has been the development of recruitment agencies which facilitate the provision of social security. Founded in 1982, the Philippine Overseas Employment Administration (POEA) manages recruitment agencies, protecting migrant workers by registering them, evaluating and processing employment contracts and providing repatriation and legal assistance to irregular workers. Further, through the Overseas Filipinos and Migrant Workers Act of 1995, all agency-hired Filipino migrant workers are covered by compulsory insurance through a special

overseas workers' welfare fund (Government of Philippines, 2016). The Overseas Workers Welfare Administration (OWWA) was established in 1977⁸ and contributors pay a membership fee of UDS25, valid for two-years. Contributions from insured workers and foreign employers constitute most of the fund, which only started receiving financial support from the government in 2018. Benefits include emergency repatriation support; death, disability and life insurance; special loans; reintegration support through livelihood assistance and training on entrepreneurship; and scholarships for children of migrant workers (Agunias et al., 2012; Rodrigues 2019). In 2017, 3,233 migrant workers and their families were provided with social insurance benefits (Government of Philippines, 2017).

Besides the OWWA, Filipinos working abroad can also contribute to the national social security system. Migrant workers may contribute voluntarily under the self-employed category and receive the same benefits available to local workers in the Philippines. They can also enrol in the Flexi-Fund Programme, a voluntary individual and supplemental pension savings plan (Olivier, 2017). User-friendly service channels for migrants have been established including over 20 offices in different host countries (ibid.). The Philippines also pursues bilateral social security agreements to secure equal treatment and portability for migrant workers, with 15 bilateral agreements signed to date.

3.2.2 Enabling factors

Figure 3-1. Enabling factors for the inclusion of workers abroad in the national social insurance system



Source: Authors' elaboration (Andrade, Sato and Hammad, 2021).

⁸ Originally called the Welfare and Training Fund for Overseas Workers.

3.3 Labour market

Labour market programmes include passive programmes addressing the needs of unemployed people, and active programmes that aim to encourage employment, increase earnings capacity and reduce unemployment risks (Bird and Silva, 2020). Non-nationals, especially undocumented migrants, often face greater difficulties in finding work and are more often employed in precarious and informal jobs. Women are especially likely to engage in low quality, low paid employment in insecure conditions with no access to social benefits (Lodovici, 2010). However, when incorporated effectively into national development strategies, migration inflows of working-age individuals can have highly positive economic, labour market and business outcomes for host and origin countries. To maximise these benefits, countries around the world have established labour market programmes especially designed to integrate migrants and refugees into the labour market, as the examples of Denmark and Colombia below demonstrate.

3.3.1 Denmark

As of January 2018, Denmark was hosting 284,537 migrants from outside the EU, or 5 per cent of the total population of the country. The right to work is guaranteed to non-nationals by the country's legislative framework. However, in 2015, at the height of the migration crisis in Europe, only 3 per cent of newly arrived refugees were assessed as being able to work due to barriers such as language requirements and social, professional or health problems. Among working age refugees already in the country, only 20 per cent had a job after three years in Denmark (Thomassen 2019). Against this background, the Government undertook several measures to improve access to the labour market.

In 2015, Denmark adopted a new Integration Policy in which employment was the main path to social integration of non-nationals. The Integration Act of 1999 already had a focus on employment and made municipalities responsible for integration. However, a Tripartite Agreement on Labour Market Integration in 2016 introduced some major innovations, including the creation of an Integrative Training Programme combining employment with structured training and education to enable refugees to meet Danish standards. Refugees are employed as apprentices through the programme for two years and given 20 weeks of training (including language training), with almost 2,000 IGU contracts made by February 2019 (Thomassen, 2019). Other changes include:

- Improved screening of asylum-seekers' formal and informal qualifications.
- Transferring refugees to municipalities with better availability of job opportunities.
- Early and intensive job orientation measures by municipalities for those in the programme.
- Reformed, up-to-date Danish language education oriented to the labour market.
- Bonus schemes for private companies that hire refugees and reunified relatives.

Some Danish municipalities also developed 'industry packages' to equip refugees and migrants with qualifications to match local labour market needs and implemented their own integration strategies in line with the Integration Act. As of 2018, 42 per cent of refugees were employed after three years in Denmark, more than double the proportion three years earlier (European Union, n.d.).

3.3.2 Colombia

Colombia is the main host country in the world for Venezuelan migrants and refugees. As of September 2020, more than 1.7 million were living in the country, 55 per cent as irregular migrants (Government of Colombia, 2020). In 2018/2019, 75 per cent of employed Venezuelans were in informal jobs, compared to just 24 per cent of non-Venezuelans. Moreover, Venezuelan employees usually worked more hours than Colombians and received 10 per cent lower wages on average. Recognising the need to promote equitable labour market policies for Venezuelans, the Government is working in partnership with international organisations to achieve this (Farné and Sanín, 2020).

In Colombia, migrants and nationals have the same civil rights, including the right to work. This is reflected in the national Constitution (1991, Art. 13), the Labour Code and several other legislative instruments. Recognising the importance of socio-economic integration through formal work, Colombia has made efforts to regularise Venezuelan migrants and guarantee access to labour market programmes (Government of Colombia, n.d.). For example, it created the Special Permit of Permanence for the Promotion of Formalisation (Permiso Especial de Permanencia para el Fomento de la Formalización) which can be requested by employers who intend to hire irregular Venezuelans, regularising their migratory status and allowing them to work in the formal labour market.

Colombia is also making efforts to ensure Venezuelans can access services provided by the Public Employment Service (Servicio Público de Empleo—SPE). The Ministry of Labour has issued directives that both regular and irregular Venezuelan migrants can access services offered by SPE's network, including management and placement services, occupational guidance, and referral services. In 2018 the National Council of Economic and Social Policy launched a strategy to improve the employability of Venezuelans and reduce barriers to accessing the formal labour market through the provision of management services and job placements. As a result, all Venezuelan migrants can benefit from the services provided by SPE's network of agencies free of charge throughout the country.

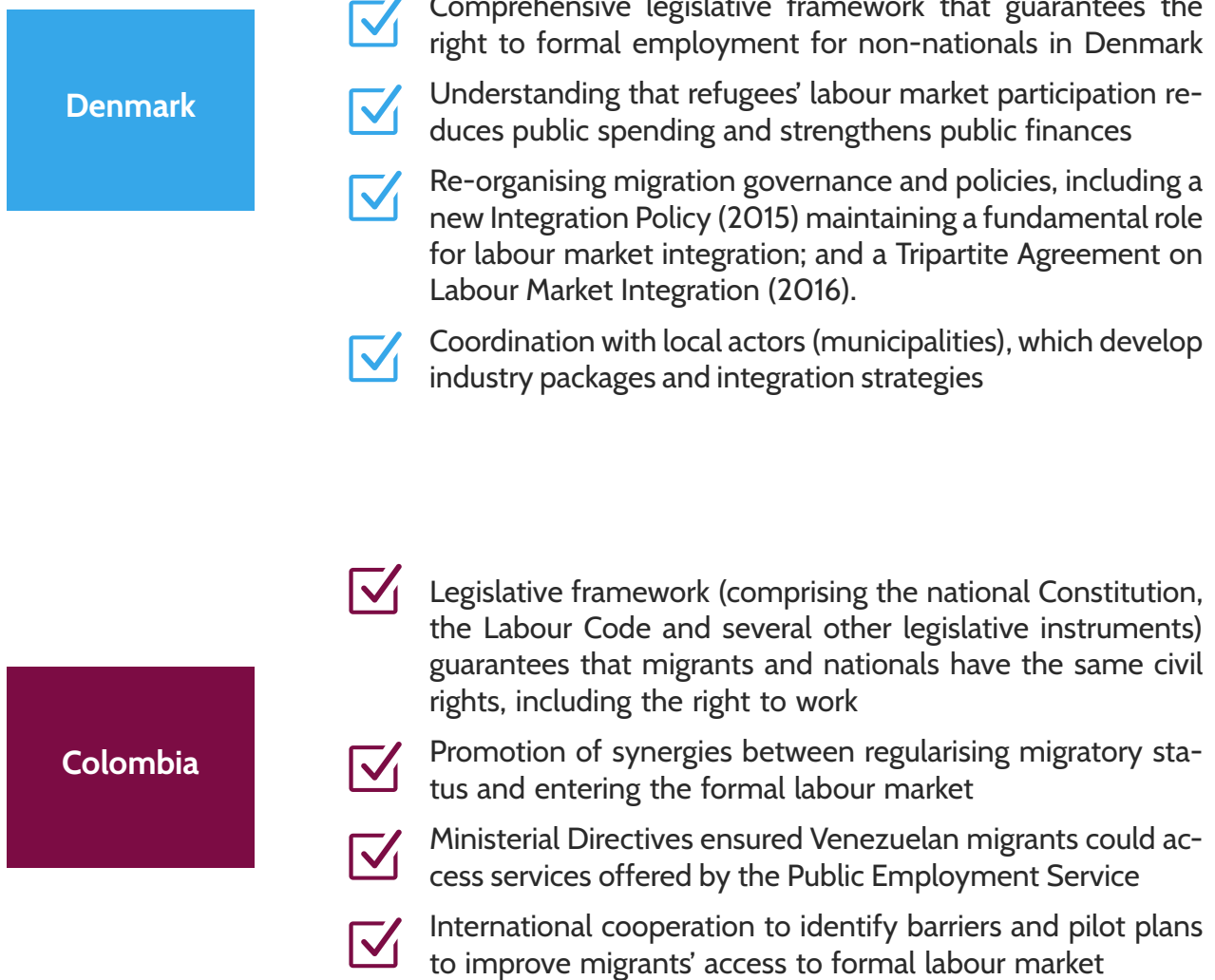
Despite this, only a small number of Venezuelans currently access these services as most look for jobs using informal channels. In response, the SPE has established partnerships with several international actors⁹ to identify barriers and pilot plans to improve migrants' access to the formal labour market. An analysis of SPE implementation in 10 cities in 2019 identified a range of ways to address these issues, including (ILO and Inter-American Development Bank, 2020):

- Creating incentives for employers to hire Venezuelan migrants.
- Reducing cost barriers associated with work training, transport and validating qualifications.
- Coordinating strategies with the Ministry of National Education to facilitate validation of qualifications and equivalent studies for Venezuelan migrants.
- Coordinating strategies for Venezuelan migrants between federal and municipal levels

⁹ Including UNDP, IOM, ILO, UNHCR, GIZ, the Inter-American Development Bank and the Pan American Development Foundation.

3.3.3 Enabling factors

Figure 3-2. Enabling factors for the expansion of labour market policies to international migrants



Source: Authors' elaboration (Andrade, Sato and Hammad, 2021).

4. Social protection for migrants in times of crisis

In 2020 the global economy was affected by the outbreak of the COVID-19 pandemic. The crisis exposed many gaps in social protection and prompted countries to extend the coverage of their systems. Migrants, refugees and asylum seekers are not only traditionally excluded from social protection, they are also among those most affected by the crisis and the resulting contingency measures. Countries around the globe made efforts to approve emergency measures rapidly, in many cases including non-nationals in their social protection systems for the first time.

In the MENA region many countries expanded coverage of their social protection systems through measures that included migrants. A common response was to expand health care services to non-nationals as a way to protect those living in the country. For example, in Iran, Qatar and Saudi Arabia all migrant workers, explicitly including irregular migrants, received free testing and treatment for COVID-19 (IBC-SP, 2020). In many cases, these efforts were motivated by the desire to protect nationals rather than a human rights-based and universal approach. However, other social assistance measures added foreign workers to food assistance interventions in Kuwait, Oman and Saudi Arabia; ensured the right to housing by paying rents and cancelling fines, as in the United Arab Emirates; and provided shelters for migrant workers, as in Kuwait (*ibid.*). Social insurance measures in Qatar also ensured that foreign workers received their full salaries even in quarantine. While in Jordan, non-national workers insured by the Social Security Corporation can benefit from the new Musaned 2 programme, allowing them to withdraw up to JOD450 (USD634) of their savings (*ibid.*). Additionally, Bahrain, Kuwait, Qatar, Saudi Arabia and Tunisia exempted migrant workers who become irregular from the payment of penalties and/or extended work/residence visas (*ibid.*).

In Latin America the adaptation of school feeding programmes was the most comprehensive intervention covering migrants, with universal programmes in many countries benefitting all national and non-national children enrolled in public schools (Machado et al., forthcoming) and efforts to continue delivering meals despite school closures (Rubio et al., 2020a). Latin American countries also created new emergency cash transfers to respond to the crisis, with non-nationals explicitly eligible to benefit in Colombia (Ingreso Solidario), Brazil (Auxilio Emergencial) and Argentina (Ingreso Familiar de Emergencia). In Asia, government institutions in Afghanistan are collaborating with UN agencies to provide emergency in-kind and cash transfers to internally displaced persons and returnees (IPC-IG 2021). In India the Antyodaya Anna Yojana programme was expanded to cover 80 million migrant workers, providing subsidised food for low-income families (*ibid.*); and China is supporting migrant workers by providing employment subsidies, developing projects to promote employability, and investing in training skills for unemployed migrants (*ibid.*).

The COVID-19 crisis has thus brought social protection to the centre of national and international political debates. Almost all countries have adopted social protection policies to mitigate the increase in poverty, food insecurity and vulnerabilities caused by the pandemic. Although many interventions continue to exclude migrants, refugees and asylum seekers, there are examples across all regions of the world where programmes allow them to register and access benefits. Although most of these measures are temporary, they have created fundamental legal precedents, strengthened social registries and paved the way towards comprehensive social protection systems. The pandemic has shone a spotlight on parts of society traditionally excluded from social protection and generated political momentum capable of favouring coalitions that champion inclusive systems.

As COVID has made clear, social protection is therefore a key tool for countries in responding to crisis and shocks. Growing evidence also supports the influential role of social protection in response to a broader range of humanitarian emergencies (Beazley et al., 2017; Peterman et al., 2018). This literature on ‘shock-responsive social protection’ shows that there are five main strategies for countries to prepare for, respond to and recover from covariate shocks (OPM, 2015):

- Vertical expansion: Increasing benefit values or the duration of an existing scheme.
- Horizontal expansion: Design adjustments or additional resources to increase coverage.
- ‘Piggybacking’: Using existing administrative features of a social protection system to implement a separate response.
- Shadow alignment: When a parallel humanitarian system exists but efforts are made by State and humanitarian actors to align social protection responses as much as possible.
- Refocusing: Reprioritising existing resources and measures towards the most vulnerable.

Social protection in response to crises can be implemented through national or humanitarian social protection systems or a combination of both. In humanitarian crises involving forced migration, international and non-governmental organisations are commonly responsible for carrying out the urgent, immediate response. Yet, in promoting more effective and lasting responses for displaced populations, non-state actors must coordinate with national and local governments. Indeed, there is growing consensus within the humanitarian community that State actors should play a key role in emergency responses to protect migrants, with resources invested to strengthen governments’ technical and financial capacities to continue actions started with international support (UNHCR, 2019). Humanitarian social protection systems should thus be aligned with national priorities to the greatest extent possible, strengthening the capacity of the national social protection system to respond to shocks and crises over the long-term.





Financing migrant-friendly social protection policies

Financial constraints are a critical barrier to the creation of migrant-friendly social protection policies, especially in low- and middle-income countries with limited public budgets. Bilateral and multilateral international partnerships are often fundamental in responding to this challenge, helping secure positive outcomes for both migrants and host communities.

Bilateral cooperation can help finance programmes and projects to address the demands created by migration crises. Germany, for example, promotes social protection initiatives through the Ministry for International Cooperation and Development (BMZ) and the Ministry of Foreign Affairs, in collaboration with organisations such as GIZ, the German Development Bank (KfW) and research institutions. As of 2017, KfW had invested EUR 717 million in more than 60 social protection projects in 18 countries. In countries such as Iraq, Jordan, Lebanon and Turkey, programmes were specifically developed to respond to the Syrian refugee crisis through support to both migrants and host communities. For example, between 2016 and 2018 the Beschäftigungsoffensive Nahost cash-for-work programme created around 242,000 jobs in host countries and in Syria, as well as funding the salaries of thousands of teachers and school staff.

Multilateral cooperation also finances humanitarian assistance, education, health, infrastructure and socio-economic support for refugees and host communities. For example, the EU Facility for Refugees in Turkey is a EUR6 billion fund for projects strengthening services available to over 4 million refugees in Turkey (see case study). Another innovative financing instrument is the Global Concessional Financing Facility (GCFF), a partnership between the United Nations, the World Bank and the Islamic Development Bank providing concessional funds to middle-income countries hosting large numbers of refugees. The GCFF has already provided USD3 billion to Jordan, Lebanon and Colombia to enhance access to basic services for refugees and host communities.

Similarly, the Prospects Partnership – initiated by the Netherlands and involving collaboration between UNICEF, the ILO, UNHCR, the International Finance Corporation and the World Bank – aims to develop sustainable solutions for forcibly displaced populations and host communities. The Partnership has already invested EUR 500 million to enhance education, develop skills and generate jobs for both refugees and nationals in Iraq, Jordan, Lebanon, Egypt, Ethiopia, Kenya and Uganda. The most recent initiative established in 2020 with Sudan improves protection for vulnerable children on the move, enhancing access to education and socio-economic inclusion.

5. Conclusion – key enabling factors for including migrants in social protection systems

The evidence on migration and social protection presented above supports some key findings on factors that enhance migrants' access to social protection and positively affect their integration.

Enabling factors to expand access to social protection for migrants, refugees and asylum seekers in countries of transit and destination

Legislation and policy

- Progressively more inclusive legislation and policies based on human rights principles.
- An inclusive and comprehensive national legal framework with explicit rights to social security and work for all residents, including migrants, refugees and asylum seekers.
- Inclusion of migrants in the social protection system as part of a comprehensive and long-term strategy to govern international migration.
- Ratification of conventions that recognise rights of forcibly displaced populations and migrant workers, and implementation of directives in national regulatory frameworks.

International cooperation

- International cooperation to identify barriers to accessing social protection and to establish standards, policy and legal frameworks for effective migration governance.
- Partnership and alignment between humanitarian and government responses, with humanitarian action supporting development of national social protection systems.
- Economic and political climate favouring international cooperation on migration matters.
- Bilateral cooperation to finance extension of social protection policies and programmes.
- Establishment of social security and labour agreements with countries of origin.

Migration governance

- Creation of national governance structures for migration and for the general protection of human rights for residents e.g. national agency, committee.
- Organisation of migration governance structures according to strategic objectives, coordinating with local government as necessary.
- Executive regulations concerning different migrant groups' access to social protection and basic public services.
- Capacity development of government workers working on migration issues to improve services and assistance offered to migrants, refugees and asylum seekers.
- Strengthening the capacity of social assistance institutions to provide assistance in regions with high numbers of migrants.
- Promoting participation of migrants, refugees and asylum seekers in formal labour markets, reducing public spending on integration and strengthening public finances.
- Promoting regularisation campaigns for irregular migrants.

Social protection implementation

- Promote consistent monitoring and evaluation practices for social protection policies and programmes inclusive of migrants, refugees and asylum seekers.
- Enhanced systems for identification of foreign social assistance beneficiaries, using innovative and language-accessible registration tools, setting clear rules for participation, and using communication channels accessible to the most vulnerable migrants.
- Equality of treatment in the delivery of social protection and basic public services.
- Promotion of formal employment to integrate forcibly displaced persons, including through innovative active labour market policies and voluntary contributory schemes.



The exclusion of certain groups from legislation on account of their nationality is one of the main determining factors preventing access to social protection for migrants, refugees and asylum seekers

For example, the exclusion of certain groups from legislation on account of their nationality is one of the main determining factors preventing access to social protection for migrants, refugees and asylum seekers (Hirose et al., 2011). As a result, **the principle of equality of treatment — part of the human rights-based approach to social protection — is paramount in setting parameters for legal coverage of social protection**, as shown in many of the case studies above. The **ratification and implementation of international conventions affords an additional layer of legal protection**. Effective social protection coverage, on the other hand, requires sound policy formulation and design, including appropriate social protection instruments, efficient mechanisms to identify beneficiaries, effective delivery channels, and rigorous monitoring and evaluation processes.

Another important finding is the need for **cooperation among States and international parties to develop and implement effective migration governance frameworks**. Frameworks that establish basic guarantees for migrants, such as the Global Compact for Safe, Orderly and Regular Migration, or promote the development of universal social protection, such as the Social Protection Floors Recommendation, originated from international cooperation. These can help guide countries in their own efforts to protect rights for all within their borders, combat abuse and exploitation, address key social and economic vulnerabilities, and increase migration gains for national development.

Evidence also shows that countries of origin that **create specialised government bodies or other governance structures to facilitate access to regular and accessible migration channels for citizens wanting to migrate** help amplify the positive effects of migration nationally. These institutions can offer services to prospective migrant workers, sharing information and raising awareness about their social security rights and duties, fair recruitment, formal remittance channels, and the risks associated with migration. In addition, they strengthen the capacity of governments to cooperate with other States to prevent irregular migration. To reduce irregular migration in countries of destination requires a mix of measures including the creation of additional legal channels for migrants and both formal and informal labour market interventions in relevant sectors.

Having ensured legal social protection coverage of migrants, and with migration governance and social protection structures in place, governments can focus on **improving implementation of inclusive social protection policies and programmes**. One of the ways to improve coverage of vulnerable migrants identified in this study is to conduct and promote regularisation campaigns for irregular migrants, providing them with registration and documentation, and including them in government databases. This improves the evidence base for policymaking, enhances the targeting of programmes and can strengthen the capacity to manage problems caused by sudden migration flows.

Preparing a **business case for inclusive social protection** can also demonstrate the economic affordability, long-term fiscal sustainability and rates of return of investment in extending social protection to migrants, including refugees and asylum seekers.

Finally, the extension of coverage to migrants through national social protection systems is also strengthened by **partnerships between governments, international and humanitarian organisations and donors to implement shock-responsive social protection responses in crisis contexts**. Beyond their direct role in emergency situations, these partnerships can contribute to enhancing the administrative, technical and operational capacity of national social protection systems, benefiting both host communities and migrants.

Bilateral or multilateral agreements for financing the extension of social protection policies and programmes to migrants is another key enabling factor.

In addition, **social security agreements between countries in migration corridors** help in securing the portability of social security entitlements and in adapting qualifying conditions to ensure migrants are not excluded. Along with labour agreements setting minimum standards, this enables labour-sending countries to protect their citizens' rights outside their territory and increase legal guarantees for their safety, employment quality and income security. Destination and transit countries that wish to guarantee and respect the human rights of their residents should also seek to make these agreements for migrants living, even if temporarily, within their borders.

Effective social protection coverage, on the other hand, requires sound policy formulation and design, including appropriate social protection instruments, efficient mechanisms to identify beneficiaries, effective delivery channels, and rigorous monitoring and evaluation processes.



