



SYDNEY

The role of 'complementary pathways' in refugee protection

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7KH UROH RI ¶FRPSOHPHQW DU\ 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

7KLVHSRDUW FRPPLVLRQHG 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 DW HIXO 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 HNLW FUDPD QVH
-DSDQ ,&8)RXQGDWLRQ)HGKODDLRQH GURPH &KWHVDOQY DQJHOL
+HOHQD %DUUR*OR EDOP3VWIRUP IRU3RWWXQDOWXGHOVA JUDW
WKDQNV WR 5RVLH (YDQV DQG 2OLYHU +RYHQGRXQQIR W HWK+LWF
IRU WKLV UHSRUW

The Andrew & Rena Kaldor Center 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 WLSKURVDFK WR UHIXJHH ODZ DQG IRUFHG
WKH \$VLELWJLRQ DQG JOREDOO\

ZZZ NDOGRUFHQWU XQVZ HGX DX

Contents

/LVW RI DFURQ\PV
([HFXWLYH VXPPDU\
 ,QWURGXFWLRQ
 %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 DGPLWWHQ W L L Q L Q W R X Q V W L R Q Q
SURWHFWLRQ QHHGV PHW ZKLOH WKH\ DUH DEOH WR VXS
UHDFK D VXVWDLQDEOH DQG ODVWLQJ VROXWLRQ

7KH PRVW FRPPRQO\ FLWHG H[DPSOH RI FRPSOHPHQW DU\
IDPLO\ UHXQLILFDWLRQW\ S V S R Q W R I U R U L F S R K E P R Q L D P P H I V D Q
DGPLVVLRQ SURJUDPPHV DQG HGXFDWLRQ DQG ODERXU P
&RPSOHPHQW DU\ SDWKZD\ V FRPPRQO\ RSHUDWH DV VWDQG
WUDYHO DQG VWD\ LQ WKH GHVWLQDWLRQ FRPSOHPHQW
SDWKZD\ PDPDR SOVQ EH XVHG LQ FRPELQDWLRQ

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

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 VHOXPDO 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 LQFRUH XHHFRPSHUHQW DQG
UHVSRQVH LQ LQ WKH SURVSHFW RI WKH 5HIXJHH &RPS
0HPEHUV 6WDWHV RI WKH *HQHUDO \$VWHPEO\ FRPPLWWHG W
SUHGLFWDELOLW\ RI μFRPSOHPHQW DQVXVZDWHU WKDW HIXJ
FRPSOHPHQW DU\ SDWKZD\V μDUH PDGH DYDLODEOH RQ D PRU
VXVWDLQDEOH DQG SURJUDGHU EDV\ >DQG@ FRQWDLQ DSSURS
VDIHJXDUGV¶

&RPSOHPHQW DU\ SDWKZD\V DUH QRW GHILQHG LQ WKH 5HIXJ
μ&RPSOHPHQW DU\ 3DWKZD\V IRU \$GPLVVLRQ RI 5HIXJHHV WR
&RQVLGHUDWLRQV¶ .H\ &RQVLGHUDWLRQV GHVFULEHV WKH

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

([LVWLQJ H[DPSOHV RI FRPSOHPHQW DU\ SDWKZD\V LQ WKH
SURJUDPV FRPPXQLW\ RU SULYDWH VSRQVRUVKLS KXPDLW
DGPLVVLRQ SURJUDPPHV HGXFDWLRQDO SDWKZD\V WKURXJK
VWXGHQW YLVDV DQG ODERXU PRELOLW\ RSSRUWXQLWLHV II

&RPSOHPHQW DU\ SDWKZD\V IRU UHIXJHHV FRQWULEXWH WRZDUG
REMHWLYHV RI WKH 5HIXJHH &RPSDFW QDGLQJ SUH
UHIXJHHUHQDQFH DQG H[SDQGLQJ DFFHVV WKH SURYLGHFRXQW
VLQILFDQW RSSRUWXQLW\ WR HQKDQFH LQWHUQDWLRQDO SU
QXPEHU RI UHIXJHHV ZKR FDQ DFFHVV VDIHW\ LQGHQXWLRV
FRXQWULHV RI DV\OXP \$V ZHOOR DV LQFUHDVLRQV LQ DQPHULF
WR DFFHVV WKLUG FRXQWU\ VROXWLRQV FRPSOHPHQW DU\ S
EHQHILWV LQFOXGLQJ HDVLRQ DOUHDG\ WLJKW ODERXU PDU
DV\OXSPURPRWLQJ OHDGHVKLS LQGHSHQQGHQF DQG LQWHJU
SURLGLQJ D μEULGJH¶ EHWZHHQ KXPDLW DULDU DQG GHYH
5HIXJHH &RPSDFW¶V FDOO WR H[SDQG FRPSOHPHQW DU\ SDWK
HQGRUVHG E\ LQWHUQDWLRQDO FRQWULHV /DERXU 2U
,/2 ,QWHUQDWLRQDO 2UJDQLJDWLRQ IRU 0LJUDWLRQ ,20
,QWHUQDWLRQDO VWDWHV WR μH[SDQG DQG LQFUHDVH¶ DY
UHIXJHH FRUSRUDWH WKH LQFRUH DQVXVZDWHU DQG FRPSOHPHQW
IURP D V\VWHP WKDW μHQFRXUDJHV XQFRQWUROOHG DQG LU
V\VWHP ZKLFK SURYLGHV RUGHUO\ DQG VDIH SDWKZD\V¶

<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 EDVQLXQ JRI DUW
HGXF DWLRQ UH SXILUHPHQW DO EKDOOHQJHV LQFOXGH GLILFXOW
DFFHVVLQJ DFFXUDWH LQIRUPDWLRQ DERXW UHOHYDQW SDWKZ
DVVLVWDQFH QHFHVVDU\ WR PHHW DGRFDLFDWLYH DQG WUD
μFRPSOHPHQW DU\ SDWKZD\V GR QRW LQFOXGH DQGLFHV WUDWSU
WKH ULJKWV RI UHIXJHHV LQFOXGLQJ WKH FULWLFDO ULJKW Q
EH VXILFLHQWO\ JXDUDQWHHG 7KH WHPSRDU S D W Z D W R V X R
DV WHPSRUDU\ ODERXU VFKHPHV RU VWXGHQW YLVDV OLPLWV
μGXUDEOH VROXWLRQV RU μUHVROYH WKH IXQGDFHQWDO SUH
SDWKZD\V PD\ HYHQ μH[DFHUEDWH V P W K Q H W D E Q O L H G X F M U H I X
H[DPSOH E\ H[SRVLQJ WKHP WR H[SORLWDWLYH ODERXU PLJUD

,Q 81+&5 SXEOLVKHG H D Q K W Z K U W H H U \ R Q 5 H V H W W O H P H Q W D Q
&RPSOHPHQW DU\ 3 D W K Z D \ S T U Z K W H H J ' H Y H O R S H G L Q F R O O D E R
WKDQ V W D N H K R O G H U V L Q F O X G H Q W S R V E D W O N D W R U V W K H 7 K U H
μ>V@XVWDLQDEOH DQGLSUFHGLSOFHDFHQW DURZSDW KZDEV ZLWK WK
WKH HQG RI WZR PLOOLRQ SHRSOH ZLOO EHQGLW IURP FR
GRXEON WKH QXPEHU RQH PLOOLRQ VHW IRU UG W K L W O H P H Q W
FRQWH[W WKHUH LV D FULWLFDO QHHG WR EHWWHU XQGHUVW
UHIXJHH SURWHFWLRQ DQG WR FRQVLGHU Q R Z S D W Q G W H V D Q G 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 VOZLRWKDWK FRDPSO IR PHHQ SVORU 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 DFFHVV LQWHUQDWLRQDO HPSOR\PHQW RSSRUWXQLV
81+&5 RU RWKXUHQMOD 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>11F08 (c)8159.25 842 r9(.)TJ ET Q 0 0 59.25

DBI MW VP.WGPR DMMAR H DPTVD SPZLLB IPBIP.PCHW@MIH GR H B B EVPKIQ R PDKXUOG,,@PT QWZI 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\ μFRPSOHPHQWDU\ 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 FRPSOHPHQWDU\ SDWKZD\V E\ DQG PDL
FRPSRQHQWV RU VWDQGDUGV WR HQVXDIFHWKDDW\FRPSRQHFWK
SULQFLSOHV WKH\ DUH LQWHQG HG WR DFKLHYH +RZHYHU LV
D FOHDUHU GHILQLWLRQ RI FRPSOHPHQWDU\ SDWKZD\V LV QF
RI DFKLHYLQJ WKH REMHFWLYHV LWQH V WRFKFDWKZD\Q SDHW
QXPHULFDO JRDO VHW E\ 81+&5 VKRXOG QRW SURYLGH WKH E
GHFLVLRQV \$V HPSKDVLVHG E\ 81+&5¶V 6SHFLDO \$GYLVRU IR
&RPSOHPHQWDU\ 3DWKZD\V 'DYLQ ODQWEP RWKWKRYSHUHUHKL
&RPSDFW LV WR JURZ μWKLUG FRXQWU\ VROXWLRQV¶ DQG Z
LPSRUWDQW WRRO LQ ZRUNLQJ WRZDUGV WKDW REMHFWLYH
REMHFWLYH YLWQ MOIH YDVW GLYHUVLS\DWKZDW FRPSDHOHQW
VLQJOH GHILQLWLRQ RU VHW RI FULWHULD PD\ EH D ODUJHOV
,Q RUGHU WR EDODQFH WKH QHHG IRU FODULW\ ZIDWK WKH GI
QXPEHTXRIVZLROVDXQWKHU FRQVLGHUDWLRQ E\ 81+&5

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

7KHUH DUH DOVR D UDQJH RI GLIILQWHULOODWRUQDO IUDPHZRUM
WKH JHX&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
VROXWLRQUHIXJHHV DQG SURPRWLQJWKDWHQDWRLERODHVHVS
SUHVXUH RQ WKRVH IURQWOLQH VWDWHV WKDW KRVW WKH
+RZHYHU WKHUH DUH RWKHU REMHFWLYHV WKDW PLJKW EH DF
DV ZHOO VXFK DV DGGUHVVLQJ VNLOOV DQG ODERXU JDSV LQ
FRXQWULHV

3.1. Governing frameworks in international law

&RPSOHPHQWUFRSOWKZDXWH WRZDUGV WKUHH RI WKH IRXU NH
QDPHODVLQJ SUHVXUH RQ KRVW FRXQWULHMOLHQFDDQJ UHIX
H[SDQGLQJ DFFHVVR WKLUHFRXQWU\WKHDXDLRQVXOILO DQG
JXLGHG E\ D UHQJLQWHROD
UHIXJHH SURWHFWLRQ KXPDQ ULJKWV DQG VXVWDLQDEOH GHY

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

3.2. Objects of complementary analysis

3.2.1. Core objects

&RPSOHPHQW DU\ SDWKZD\ V SURYLG H RQH RI D EURDG UDUJH R
LQWHUQDWLRQDO UHIXJHH SURWHFWLRQ UHJLPH WKDW XOWLP
SDWKZD\ V WR SURWHFWLRQ IRU SHRSOH ZKR VH 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 LPSOHPHQW
μDGGLWLRQDO WR UHVHWWOHPHQW DQG GRUORWHXEXOGWUWH
WKH LQWHUQDWLRQDO SURWHFWLRQV UHJLPH IRU REMHFWLYHV
SDWKZD\ V UHJLPHV QDPHOSURYLGH SURWHFWLRQ DQG GX
VROXWLRQV IRU UHIXJHHV DQG SURPRWKDQWV WLRQDO UH
SURWHFWLRQ RI UHIXJHHV

&RPSOHPHQW DU\ SDWKZD\ V FDQ μEXLOG GXUDEOH VROXWLRQV
6RPH SDWKZD\ V VXFK DV ODERXU PRELOLW\ KDYH EHHQ SURS
GXUDEOH VROXWLRQV WR GLVSODFH PHQW LQ DGGLWLRQ WR W
UHVHWWOHPHQW DQG, GRFDLQ\ LPSOHPHQW DU\ SDWKZD\ V OHGR
VROXWLRQ HTXLYDOHQW WR WROXWLRQV GHGHWMOHFR&QW S
&DQGD IRU H[DP SOH 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\ 7KXVH 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 DQGPRG RI D GXUDEOH VROXWLRQ ,QGHG 7DO
7%RQH RI WKH IHZ IDFLOLDWRU\HRSKDIVXJHHV QDKERXU UPRFELX
KDSSHQV IURP DUGMFDQGHUVSHFWGYHLYRQVDSXLSORISLORW
SURJUDQV&DQDGD DQG \$XVWUDOLD WKH RUJDQLOHFWLHQV DWV
UHIXJHHV ZLWK MRE RSSRUWXQLWLHV LQ GHVWLQDWLRQ FRXQV
GXH WR WKH KLJKO\ VSHFLDOLVHG WKH [SHFDLWLDLVRQ IFRPSOR
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\ UHVHVRWVPHQV YXOQHUEOH UHIXJHHV *LYHQ WK
DYDLODEOH UHVHWWOHPHQW SODFHV QRWHDERYRIKRZHYHU
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
ZKDWRXQWV DV D FRPSOHPHQW SDWKZD\V DQG 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 LHDWK TXLWKB VXQVWDQGDUGV DQG ZKH
WKUHVKROG RI DFFHSWDELWLW\ VKRXOG DSSO\ PD\ UHTXLUH I
LQFOXVLRQ RI DGGLWLRQDO VWDQGDUGV RU IHDWXUHV QRW GI
SURLYGH D VWDWLRQDQJSDERXWRK VWDWHV DQG RWKHUV V
GHYHORSLQJ LPSOHPHQWLQJ DQG H[SDQGLQJ FRPSOHPHQW DU\

4.1.1. 3ULQFLSOH RI DGGLWLRQDOLW\.

7KH SULQFLSOH RI DGGLWLRQDOLW\ UHTXLUH WRKDW 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\H↑D&SOH WKH μLQWHJUDWLRQ SRWHQWL
DSSOLHG E\ VRPH (XUFRNDLQJWWWHVHQ PRVWLGLXLLVXEWWRH

)LQDOO\ EH\RQG HOLJLELOLW\ IRU LQWHUQDWLRQDO SURWH
FRQVLGHUDWLRQV PD\ ~~FORXQEH ZKDHOHQHOHW WLDQJ~~ EHQHILFLD
FRPSOHPHQWDU\ SDWKZD\V UHPDLQV RSHQ WR GLVFXVVLRQ
GHHPHG LQDSSURSUISDVRIG XDFQGL YR XZLWKLQ DW ~~CEDDAHG~~ VRPH T
SDWKZD\ ~~OVHZKHUH~~ KRZHYHU ~~ZSWRQV UFRPLXQLWKXPDQLWDU~~
DGPLVLRQ SURJUDPV DQG HYHQ ~~VWPKHWHG XPDV~~ VEHR ~~RSJHWKZDS~~
HUH `V YR ~~BYR~~ PH YRXHEP0FR€... V•ÖP` ;P0VRÂ RXHRJ Freig€SH IRU

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SOLJKW

4.1.4. Preservation of asylum and fundamental human rights

\$V QRWUHLHD LQ WKLV UHSRUW WKH 5HIXJHH &RPSDFW GRHV
VWDWHV LQWHUQDWLRQDO FRPPLWPHQWV WR SURYLGH FRPSC
DUH D UDQJH RI RWKHU QRUPDWLYH IUDLPHV IRU WKLW WKH
PLQXP VWDQGDUGV RI WUHDWPHQW IRU UHIXJHHV DQG RWKHUV
GHVWLQDWLRQ 7KHVH LQFOXGH WKH 5HIXJHH &RQYHQWLRQ LQ
MORFHUD FRPSOHPHUWV DQG SDW&ZD\ &RQYHQWLRQ LQ
ZHOO DV UHOHYDQW UHJLRQDO LQVWUXPHQWV

3HUKDSV PRVW LPSRUWDQWO\ FRPSOHPHQWU\ SDWKZD\ PXV
UHIRXOHPHQW HQVXULQJ WKDW QR SHUVRQ LV UHWXUQHJ WR
IUHHGRP LV WKUHDWPHQWV SOLHV DV D PDWHU RI FXVWRP
QRW RQO\ WR UHIXJHHV DV GHILQHJ LQ UHOHYDQW LQWHUQDW
WR LQGLYLGXDOV DW ULVN RI RWKHU IRUPV RI VHULRXV KDUP
ULJKW :KLOH WKH SUHQRXSDPHRQWV QHVV QRW UHTXLUH D SHU
SHUPDQHJ OHJDO VWDWXV LW FUHDWHV SDUWLFXODU FKDOO
SDWKZD\ IRU WKRVH ZKR FDQQRW UHWXUQ WR WKHLU FRXQWU

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D`OHP6

WR IXQGDPHQWDO KXPDQ ULJKWV VWDQGDUGV +RZHYHU D KR
SDWKZD\ V DFFRUGLQJ WR D PRUH QXDQFHG VHW RI VWDQGDUG
GLYHUVLW\ LQ GLIIHUHQW W\SHV RI FRPSOHPHQWDU\ SDWKZD\
WKDW DIIHFW WKH H[WHQW WR ZKLFK FRPSOHPHQWDU\ SDWKZD\
XSKROG VWDWHV¶ LQWHUQDWLRQDO FRPPLWPHQWV DQG REOLJ
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+RZVKRXOG FRPSOHPHQWDU\ SDWKZD\ V EH GHYHORSHG DQG LP

Key issues and questions

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

Appendix Case Studies

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ZRUN)RU VRPH UHIXJHHV DQRWBUH SRWHDEALDOR SMIPDQ
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C. Talent Beyond Boundaries ² Labor Mobility for Refugees in Australia ¹⁸⁷

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Endnotes

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