



RIGHTS TO WORK'S CHALLENGES FOR REFUGEES, UNHCR AND ILO RESPONSES, WITH SPECIAL REFERENCES TO REFUGEES AND ASYLUM SEEKERS FROM WAR-TORN IN THE MIDDLE EAST

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ABSTRACT

Recently, refugees suffer from most severe consequences of war and immigration, hence giving them the right to work will definitely will decrease poverty among them and their dependency on state support and further even reduces the risk that they will become a burden on public funds and it can be a key for their integration more generally and protected adequately. However, in between particularly, asylum seekers suffer hardly during the transition from the asylum system to being refugees even especially when they do not have sufficient protection from the leading Refugee Convention. Still, many refugees and asylum seekers not registered under the UNHCR mandates. Throughout this time, they typically do not have access to language courses and other training courses to receive any work and often live in remote and inadequate housing.

KEYWORDS: *refugees, Refugee Convention, UNHCR, ILO, protection, asylum seekers'*

INTRODUCTION

Despite all efforts and measures taken by UNHCR and ILO and other organisations sounds refugees still are economically weak, and two-thirds of them do not have access to informal employment and even low skilled work. The most vulnerable part of them is women who are head of household that they have the responsibility to support their families economically and those children who have to work and for this reason, cannot attend school and continue their education. The main objective of this research work is to identify, explore and evaluate the effectiveness of the present UNHCR and ILO practices at refugee development through fostering sustainable livelihood and poverty reduction and to investigate the problems connected with refugees and more about asylum seekers Middle East refugees and asylum seekers' needs and development of their quality of life. Furthermore, this research work will be considered the existing legal guidelines related to these particular rights and international dimension through law reforming, to identify the effectiveness of various projects which have conducted by ILO and UNHCR cooperation and development strategies during these years to assess how they performed and its efficacy, to analyze the multiple conventions, legislation and organizations' practices relating to refugee, specifically recent efforts by them in protection of Middle East refugees and existence gaps particularly about those asylum seekers who are in transition to being refugees and live in poverty under international and national dimensions, to examine roles played by international and local NGOs, community-based organization as well as government

agencies to support refugee through skill development programmes and to analyze problems and barriers in better cooperation between UNHCR and ILO to the pursuit of their life strategies and refugees and asylum seekers' works and to consider the involved state responsibility

REVIEW OF LITERATURE

Some research works have overviewed of right to work for refugees, and some others discussed the particular problems or particular reasons on success or failure of UNHCR and ILO, which are mainly conducted by these organisations itself. In international context, Centre for Multicultural Youth, in its research on "Young People From Migrant and Refugee Backgrounds, Social, Capital and the conversion to Employment" developed a deeper understanding of the approach in which young citizens from migrant and refugee backgrounds experience social capital in relation to work transitions in Australia, particularly for those who are tertiary educated. This is to explore how best to support the breadth and quality of young people's networks to facilitate the transition to meaningful work.¹ Access to bridging capital for employment is an issue of equity, which is a crucial connection frequently missing for young people with a refugee or migrant experience.

Furthermore, International Rescue Committee, in its research title "Overview of Right to Work for Refugees Syria Crisis Response: Lebanon & Jordan, examined the issue of Syrian refugees' access to work, as codified under international law. After that, it will briefly consider the domestic law in Jordan and Lebanon that governs work rights for Syrian

refugees and will provide a summary of key takeaways to be considered in future policy and practice to help realise the right to work for Syrian refugees living in neighbouring countries. ²In this regard, Emily E Arnold, in her research work on “Refugees’ rights to work” argued that host governments require to be capable to show their citizens that granting refugees their rights will profit, not damage the nation. In the case of refugee employment rights, the evidence is mounting of the profit that accrues when refugees are allowed to access safe, lawful employment. ³Besides, International Labour Organization, in its research work on “Refugees Right to Work in Jordan; A view of the Syrian refugee crisis through labour law and policy”, evaluated the right to work of Syrian refugees by assessing international and domestic laws, as well as the policy environment of Jordan, argued that there is need to Develop a Refugee policy and strengthen labour migration policy and addressing more actively the implementation of labour laws in Jordan.

Furthermore, Roger Zetter and Héloïse Ruadel, in their research work on Refugees Right to employment and admission to Labor Markets – An Assessment, argued that; a preventive approach to the right to work prevails, and the majority states are unwilling to ease these limitations. The majority of refugees labouring in the informal segment, but under much less satisfactory and more exploitative circumstances compared with nationals. Informal labour markets also constrained in countries with fragile economies, which frequently host high numbers of refugees. The study concluded that extra-national and international harmonisation is required, several actors must share in the liability to deliver decent work, labour market policies and training must be harness to hold up sustainable livelihoods, and refugee social capital should be more productively engaged.

Moreover, European Parliament, in its depth analysis on “Work and social welfare for asylum- seekers and refugees- Selected the EU Member States, argued that; the study of the national reaction circumstances for asylum-seekers in eight associate States shows that there are without a doubt differences in the principles applied by the elected Member States, both as regards the requirements for admission to employment and access to social profit. However, as a general regulation, the differences in the levels of benefits provided to asylum-seekers correspond to the differences in living standards among the Member States. Practical hurdles to the efficiency of the right to employment for asylum- seekers and refugees are ordinary to all Member States, and consist of lack of knowledge between employers that both groups are allowed to work, insufficient language knowledge, lack of certificates and diplomas to acknowledge specialized skills, as well as the asylum-seeker’ residence in reception centers that are often found in remote areas far from economic centers. ⁴

To the researcher’s knowledge, no previous research on this critical issue in a serious way like a research project, about those countries the refugees and asylum seekers from the Middle East flee, has been published. However, a review of the literature indicated the researcher would be trying to focus more rights of work for refugees and asylum seekers from the Middle East who flee to neighbouring countries because of war and armed conflict. Most parts of research will be related to the new operation of UNHCR and ILO and other organisation towards refugee development and their integration to the labour market.

Moreover, this research work critically reviews some of the problems and barriers which lead to lack of employment for refugees and asylum seekers in particular countries, even as considering examples of good practice, significant policy responses, projects and development strategies in this regard and legal reforms which may offer cause for more excellent development and adequate protection of Middle East refugees and particularly asylum seekers for following years and poverty reduction.

RIGHT TO WORK FOR REFUGEES

The right to work recognised for all people all over the world, in many International Human Rights instruments, together with the Universal Declaration on Human Rights (1948) as one of the fundamental human rights. It refers that, everyone should have the right to engage in productive employment and should not prevent, This right strongly linked to a minimum standard of living, and economic freedom, it is crucial because it provides an individual; income, independence, and social recognition status.

Alongside International Human Rights instruments, there are many national constitutions which protect the right to work. ⁵ In the case of refugees, the leading international and regional legal tools on the right to work are including;

- UN Refugee Convention (1951) which has recognised this right for refugees in Articles 17⁶, 18⁷ and 19⁸, according to this Convention, if any country has ratified this Convention, should give the right to work to a refugee. Due to the Refugee Convention’s obligations and this can be excluded refugees from the dispatch of UN 1990 Convention on the Rights of All Migrant employees and Their relatives. ⁹ Additionally, in Article 24 of same Convention which refer to Labour Legislation and Social Security, state that; “the astringent states shall accord to refugees lawfully, staying in their territory the same treatment as accorded to nationals in respect of matters governed by laws, regulations or subject to the control of administrative authorities, remuneration including relative allowances, hours of work, in due arrangements, pay holidays, homework restrictions, employment age, apprenticeship and training, women’s employment, young persons work, and enjoyment of the benefits of collective bargaining and onwards. ¹⁰
- Most notably, Articles 6¹¹ to 8¹² of International Covenant on Economic, Social and Cultural Rights, particularly in Article 7 recognised the right of everyone to the enjoyment of just and favourable situation of job, which ensure fair wages and equal remuneration for work, equal value without distinction of any kind. Like equal pay for equal works without any gender discrimination. A safe and healthy conditions for work, Equal opportunity for everyone to promoted in his employment to an appropriate higher level and Rest, free time and reasonable working hours limitation, and periodic pay holidays as well as public holidays remuneration. ¹³
- And other core UN Human Rights treaties which are including; the Convention on the abolition of all forms of Racial bias, the Convention on the abolition of all Forms of bias to Women plus the Convention on the Rights of the Child protect against forced

labour and slavery and the European Social Charter, the European Convention on the Legal Status of Migrant Workers, and the ILO Migration for Employment No. 97 and Migrant Workers (Supplementary Provisions), 1975, No. 143 Conventions.¹⁴

To better clarify this issue, Article 18 of the 1951 Refugee Convention grants both refugees and asylum-seekers the right to self-employment and Article 17, on wage-earning employment, known this right only for those lawfully staying, this can be in controversy because it does not include asylum seekers. However, in this regard, UNHCR believes that “a legalised stay could include asylum seekers in a State where the asylum procedure is excessively extended.”¹⁵ In the same convention, Article 19 governs the recognition of certificates in the liberal professions.¹⁶

Also, these rights are also protected by the eight “fundamental” International Labour Organization (ILO) conventions which are including, four principal values underpinning like freedom of association and collective bargaining; elimination of enforced or obligatory labour; elimination of child labour; and elimination of discrimination.

In the case of European member states in the 1951 Refugee Convention, also requires the Member States to authorise recognised refugees in addition to those in the company of additional protection to employment, soon after granting of status. The right to work may be available to people given complementary forms of security.

In the case of the United States, indefinitely refugees and asylum seekers have the right to work, and they are allowed to receive Social Security cards without employment restrictions, on an equal basis to US citizens. However, related to this issue, research has shown that, in itself, is not a guarantee that they can find a job. In this regard, the ‘New Immigrant Survey’ found that their labour market mixing depended on a range of factors which included the vocal ability in language, experience in education, family support in different forms, mental and physical health and the type of residence and neighbourhood in which they lived.

In between, the Swedish asylum policy can be an excellent example which allows who apply for asylum work immediately, and they receive a daily allowance sufficient to pay for clothes, medical care and leisure activities. In this connection, research has shown that such policies help to reduce unemployment among refugees, mainly, in their first years. However, it still needs to take into account that the employment rate for refugees lags behind that of natives, primarily for the duration of their time in Sweden and it can vary by depending on the country of origin and the age of refugees at the time of arrival.

In the case of asylum seekers and refugees, the right to work is fundamental. This right can enhance refugee’s sense of dignity, self-respect and self-worth and help them to become independence and financial self-sufficiency. Moreover, employment can be a very great help for refugees and asylum seekers to recover themselves from traumatic experiences. As mentioned above, the right to work for refugees is guaranteed by the 1951 UN Refugee Convention, while the right to work for asylum seekers only provided for them after a certain period. To have better clarity on this issue, there is a need to become acquainted with UNHCR and ILO role in this regard.

UNHCR AND ILO’S ROLE

Refugee movements across international borders, they assisted through a joint responsibility between a global organisation and national government for some time which has codified in international law. Hence, the primary responsibility for refugee protection and assistance rests with the UNHCR and other UN agencies like UNICEF, WHO and ILO and many others are also called upon to provide expertise in matters related to their areas of interest.¹⁷

For this purpose, from 1921 to 1929 technical aspects of the work for refugees such as employment, emigration and settlement were transferred to the International Labour Organization (ILO) as they fell within the scope of its activity. In between, the high commissioner retained the responsibility for legal and political questions.

By the middle of 1928, the number of unemployed refugees has been reduced, and the majorities of unemployed were neither agriculture worker nor equipped to accept industrial contracts. Therefore at the request of ILO since the problem had reached another stage, the refugee administration was reconsidered in 1928.¹⁸ In the year of 1953, because of a significant number of demands from refugee seamen for UNHCR assistance, UNHCR sent a memorandum to the ILO suggesting that its governing body consider the problem.¹⁹

This issue should not be ignored, the rights of refugee to enjoy fair working conditions is a new feature of the 1951 refugee convention, and not guaranteed in any of the predecessor’s refugee treaties, nor was it proposed in the French’s government draft of the 1951 Refugee Convention. Although the resolution of the Secretary-General promotes right through contemporaneously drafted Articles 23²⁰ and 24²¹ of the Universal Declaration of Human Rights based on detailed work of the International Labour Organization²² or on 1982 Maintenance of Social Security Rights Convention which drafted under the sponsorship of the International Labour Organization and UNHCR participated in the negotiations of the agreement, during which it made intervention.²³

UNHCR incorporated other agreement into the refugee law framework, and in this regard, UNHCR spurred the General Assembly to adopt resolution and EXCOM to adopt conclusions that encourage states to accede to relevant international laws or organisations.

Furthermore, UN 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and Relevant ILO Conventions are excellent examples.²⁴

The UNHCR under Article 35 is mandated to supervise the application of the Refugee Convention while these Convention provisions do not apply to asylum seekers, as they are not recognised, refugees. ILO also focuses on the right to employment, and in its conventions, address rights at work and aim to ensure that employment is fair and well-mannered. However, there is a big difference in the operation of UNHCR and ILO which is the ILO conventions and principles be relevant to all workers without any discrimination between nationals and foreign nationals and in this context, several conventions deal specifically with the rights of migrant workers, while these conventions have shallow levels of ratification.

This is noteworthy to say that, the four core principles of Fundamental Principles and Rights at Work states under ILO 1998 Declaration apply to all countries, regardless of

their ratification of related instruments which are including, freedom of association and effective recognition of the right to collective bargaining; abolition of all forms of forced or compulsory labour; effective abolition of child labour; and elimination of bias in respect of employment and occupation. Thus the UNHCR monitors compliance with the non-discrimination of refugees in accessing employment, as defined in the Refugee Convention, whereas the ILO's conventions and standards aim to ensure that all workers, including refugees, are treated fairly and involved in "social dialogue". This division of labour does not preclude joint activities between the UNHCR and the ILO. However, both agencies conducted joined projects to identify and foster income-generating activities for refugees in different countries towards refugees and asylum seekers like what they had done in Somalia and Sudan in the early 1980s.

In many cases, the UNHCR asked the ILO for assistance and provided funding aside from other donors. From the 1980s, the UNHCR became more and more involved in refugee repatriation and took liability for internally displaced people (IDPs), so its role in humanitarian relief expanded considerably let ILO to more involvement in a context of globalisation.²⁵

For instances, in 1983, ILO director-general Francis Blanchard and high commissioner for refugees Poul Hartling signed a Memorandum of Understanding (MoU) which becomes valid in July 2015. The ILO also long-drawn-out its labour-supporting activities in post-conflict situations.²⁶ Since the 2000s both were involved in the development of a rights-based dialogue on migration, the UNHCR by focusing on rights in the context of "mixed migratory flows" while the ILO Governing Body mandated the organisation to develop a plan of action for migrant workers in 2004.²⁷

For better clarification, there is a need to examine UNHCR and ILO joint activities in recent years. In this regard, the primary focal point of UNHCR-ILO cooperation in promotion of refugees' right to employment in the 21st century is the changeover from relief to development which incorporated those activities that prepare refugees for economic reintegration interested in their country of origin and assist them during repatriation or locating in the country of origin. This can be reflected opportunities to jointly promote refugees' right to work in the field delineated in the 1983 UNHCR-ILO MoU.

From 2000, these two promoted micro-finance, taking into consideration the financial vulnerability of many refugees particularly women refugees who wish to build up business through conducting different training workshops in field offices, a publication of the manual Introduction to Micro-Finance in Conflict-Affected Communities, and production of policy guidelines on micro-finance.²⁸ While the UNHCR at the same time increased focus on refugee livelihoods. Between 2003 to 2007, Italy provided almost US\$1 million in funding to support the establishment of the "ILOUNHCR Partnership through Technical Cooperation: Socio-economic Integration of Refugees, Returnees and Internally Displaced persons." This partnership approved at the top of the agencies.

In November 2004, ILO director-general Juan Somavia and high commissioner for refugees Ruud Lubbers signed a statement aim for a "strengthened partnership" over the transition from relief to development to foster sustainable livelihoods and poverty reduction. This means that other EU citizens and lawfully residing third-country nationals obtain

precedents over available positions in the labour market. The organisation established more than US\$2 million in funding and intervened in 15 countries in Africa, Latin America, Central and South Asia, and Southeastern Europe.²⁹

The ILO also released a review of its projects mentioned above for African refugees in the 1980s, to "direct future work" by the ILO and other agencies on the issue as well as "revive the ILO's institutional memory" concerning refugees.

In case of women refugees' empowerment, Maratane refugee camp in Mozambique is a perfect example of the ILO-UNHCR partnership's projects which was developing "the socio-economic empowerment of women in the refugee community" of the camp in the early 1980s. In this case, collaboration with local governments, and especially with financing institutions, was also sought. According to a UNHCR press which has released since 2007, the project well realised by participants and expanded to the entire Maratane camp notably, where self-sufficiency improved. While the original ILO report announces a three-year monitoring period, the 2007 UNHCR press release does not mention the ILO anymore, self-reliance activities now being offered by World Relief International.³⁰

In 2007, ILO and CRISIS expressed high hopes for the partnership and stated that "Potentially this agenda will be capable of serving up the entire refugee population assisted by UNHCR as it sets the structure for the quick deployment of ILO source of revenue experts to UNHCR's country operations. This project has confirmed its effectiveness in combination ILO's expertise in livelihoods and sustainable development with UNHCR's expertise and authorisation to offer protection and support to refugees, returnees and at times, IDPs, and to discover durable solutions to their troubles."³¹ Besides, From 2007, alongside the above-mentioned micro-finance activities, UNHCR-ILO technical cooperation promoting refugees' right to work appeared to occur primarily in the context of the UNHCR's Strengthening Protection Capacity Projects (SPCPs). It started in 2005 and were funded to a great extent by the European Union. This project took place in a dozen countries; the ILO seldom appears to participate in an critical role in project blueprint and generally one partner among numerous. This is not surprising, as SPCPs not only aim to improve refugees' self-reliance but also to strengthen the capacity of refugee-hosting countries to protect at the legal and institutional level.

The ILO training material, such as on the community-based development of business skills, is used by NGOs today through pursuing livelihood activities in cooperation with UNHCR. While the UNHCR Global Strategy for Livelihoods for 2014 to 2018 does not refer to previous ILO-UNHCR collaboration, nor does it quote ILO sources on the issue. In contrast, the UNHCR highlights its partnership with the World Food Programme (WFP). This matter appears that a sustained period of bilateral technical cooperation between the UNHCR and ILO between 2003 to 2007, entailed knowledge transfer and institutional innovation by the UNHCR in more than a dozen field projects worldwide, followed by a loosening of the partnership between these two and extra multilateral projects. The dissemination of ILO information to the UNHCR and other partners has occurred primarily from side to side use of ILO publication in the field, yet the contribution of the ILO does not appear to much recognised beyond the field level.

Both International Organizations pledge to jointly work on various issues like; protecting the socio-economic rights of refugees through developing new standards and considering the helplessness of refugees, fostering the social and economic combination of refugees in their country of residence, and of returning refugees in their countries of origin, building refugee skills and developing job opportunities, on the source of early ILO assistance to UNHCR and mutual funding agreements, exchanging information among field offices regarding refugee support and exchange policy information at headquarter level. It can be argued that the MOU hopefully extended upon the ILO and the UNHCR's joint normative basis to support refugees' right to work while fostering their rights at work, even though the latter aspect is less specific in the agreement than the former. Over the following decades, the focus of both International Organizations experienced significant transformations.

Recently, the latest UNHCR-ILO Memorandum of Understanding focuses on developing better leadership to sustain governments to discover safe and decent work for refugees and people displaced within their own countries. This memorandum sets out many purposes in ensuring the inclusion of refugees in labour markets and development initiatives.³² This memorandum of understanding will enable two agencies to link forces and promote a broad and durable solution to enable the refugees and other forcibly displaced people to obtain decent employment while protecting their rights and sustaining the communities hosting refugees," said Deborah Greenfield, Director-General for Policy at ILO. This Memorandum establishes a number of priorities, These priorities include, first, promotion of solutions to refugees' problems and protection of their rights, secondly, inclusive and equal treatment in access to work opportunities and social security and support of local communities, thirdly, efforts to prevent economic exploitation of the displaced and the most important one is ending child labour; and finally, inclusion of refugees in development initiatives.

RECENT EVENTS TOWARDS REFUGEES FROM THE MIDDLE EAST

According to the UNHCR at the last part of 2015, there were 21.3 million refugees globally, many of them are jobless, or not having a job in the formal segment and left scraping a living doing low-paid, menial and sometimes risky work. In numerous cases, they were unemployed or underemployed, having only low-paid, basic, and hazardous jobs.³³

In this regard, Volker Türk, UNHCR's Assistant High Commissioner for Protection said, "allowing refugees to work assist them in fending for themselves, restores self-assurance, and rebuilds their lives, but only as significantly it permits them to contribute economically to the communities they are part of".

This is obvious if asylum seekers and refugees are employed can contribute to a more harmonious society by cheering and improving contacts between refugees, asylum seekers and the local community rather than dependent on state support. Surrendering these peoples the right to work and enabling their access to the labour market is more beneficial to the societies, they live, and to the communities, they return. The majorities of these persons are of working age and bring knowledge, skills and training with them. Therefore, allowing and enabling them to work reduces the likelihood of them taking up informal employment or becoming dependent on state support. In this case, the state has fewer costs providing

social assistance, and societies are more likely to be cohesive, as employment linked to other areas of integration. Whereas access to the labour market is also essential to the individual, it can help reinstate a sense of self-worth in refugees which is crucial to human dignity and facilitates them to recover from trauma and encourages them to financial independence.

Due to recent events that happened in the Middle East, Turkey extended the right to occupation to all refugees. Jordan, meanwhile, has taken a progression of steps to pick up access to employment for Syrian refugees, including a temporary waiver of work permit fees, an action that immediately impacted the lives of refugees.³⁴ The Syrian refugee emergency embodies one of the largest and most protracted and complex humanitarian emergencies of the new stage.³⁵ Since 2011, the bulk of refugees fleeing difference in Syria have found refuge between host communities in neighbouring states. Host communities in Lebanon and Jordan at this time face a myriad of social and economic pressures stemming from the refugee crisis, including A rise in labour furnish, which results in increased employment competition as well as a downward force on wages, particularly among low-income and low productivity jobs.

- A grow in market demand, which exerts upward pressure on consumer goods.
- A reduce in entrance and quality of public services including utilities, infrastructure, healthcare and education.
- An increase in child labour between refugees and host society residents, including the awful forms of child labour; and
- increasing social pressure and lower community consistency among refugees and host community residents.³⁶

By 2017, over ten million registered Syrian refugees resided Lebanon with official estimates at over 1.5 million, over a quarter of Lebanon's estimated 4.3 million native residents.³⁷ As an outcome of the Syrian refugee disaster in Lebanon, by 2015 an estimated 170,000 Lebanese had fallen into poverty, unemployment had doubled to around 20 percent, and economic fatalities of some of 7.5 billion US dollar had incurred. At the equivalent time, only approximately half of the Syrian refugees are reasonably on the go, and just one-third have access to devastatingly informal and low-skilled employment.³⁸

Recently, inside the structure of the Regional Refugee Response and flexibility Plan (3RP), the ILO has adopted a development-focused and employment-driven strategy to maintain host communities and refugees. The ILO strategy builds on its core directive to promote employment, social dialogue, social protection and rights at work through three key pillars first through contributing to making the flexibility of host communities and refugees by attractive access to employment opportunities and livelihoods, secondly, through increase institutional capacities and harmonization to reduce child labour and supporting evidence-based course of action development to ensure an employment-rich national response, rooted in the principles of decent work. This strategy firmly anchored within the broader institutional refugee response policy structure outlined in the ILO's 2016 "Guiding doctrine on the admission of Refugees and other Forcibly Displaced Persons to the Labour Market". In this regard, the ILO paying attention to;

- 1- promote the right of entry of refugees to employment and labour markets and collective representation.
- 2- Creating instant jobs and improving economically critical infrastructure through Employment Intensive Investment Programmes (EIIP) through promoting restricted resource-based technologies optimising the use of labour and local procurement
- 3- Developing access to and capacities to deliver market-based Vocational and Technical Education and Training (TVET) for refugees and host communities.
- 4- Investing in aptitude and possession of local actors in the identification and implementation of local economic development, as well as value chain development and income production projects in crisis-affected areas, which do well to both host communities and the refugees.
- 5- pleasing to the eye employment services, and supporting business development and livelihoods projects, Improving the regulatory framework for refugee workers from the Middle East
- 6- Promoting improved linkages sandwiched between national and humanitarian responses to child labour by ensuring stronger consistency and more efficient coordination with the National Frameworks and tactics to combat child labour, especially in its worst forms.

The ILO in react to current events and Middle East refugee's work Problems, as part of the broader UN-response to the refugee crisis , the ILO Regional Office for the Arabian States has adopted a cross-cutting development-focused strategy in Jordan and Lebanon which supports equally refugees and host community residents in order to protect social and economic stability as well as appreciate the rights of mutually to decent work and social justice. As such, the ILO strategy construct on presented country programmes in Jordan and Lebanon to apply country-specific interventions that focal point on the following areas of reaction to **build the resilience of host communities** in order to make possible access to employment and livelihood opportunity, **reinforce institutional capability and harmonization mechanisms** at local, regional and national levels to battle improper forms of work with a focal point on child labour; and **support policy development** to ensure an employment-rich federal response, embedded in the principles of decent job.³⁹

As the number of Syrian refugees inflowing Lebanon begin to plateau in late-2014, international agencies and the Government of Lebanon have on track to phase out humanitarian support in favour of a development-focused reply targeting refugees and host community residents alike. As a result, the ILO has been active in on four areas of the working class- and policy-level intervention to:

- 1- **Build up local economies** in Northern Lebanon's host communities. In collaboration with local stakeholders, the ILO has recognised the vegetable division for expansion and 50,000 beneficiaries expected to assistance from ongoing Local Economic growth initiative.
- 2- **Make available policy track** to deal with the Syrian Refugee disaster by producing actionable, evidence-based studies on the crisis in Lebanon. So

far, the ILO has built critical assessment on the magnitude and attributes of Syrian labour on the labour market in wide-ranging as well and child labour inexact.

In fact, in 2019, the ILO's interventions will continue based on the following components:

- 1- **Charge the impact of the Syrian Refugee Crisis on decent work** through a range of research actions, mutually within and outside of the association, to provide all actors working on the Syrian refugee crisis with evidence-based information and adequately respond to the needs of refugees and host community residents.
- 2- **Develop admission to employment opportunities and livelihoods in host communities** through launching participatory projects and initiatives that encourage Local Economic Development and add value to critical local job-rich creative sectors in Lebanon.
- 3- **Conflict the worst forms of child labour and improper forms of work through** launching the National Action arrangement to Combat the Worst Forms of Child Labour by 2019 alongside other initiatives to measure and respond to the extent of the worst forms of child labour in Lebanon.⁴⁰

However, unfortunately, still, refugees face with some problem in working, while we have many international legal instruments that establish the rights to work, but also remain many barriers in practice which avoid refugees and asylum seekers from pleasing full advantage from this right. These contain troubles linked to poor language skills, lack of knowledge of the labour market, lack of training and work experience, and issues related to the recognition of education and experience.⁴¹ In this regard, the critical point is the changeover beginning the asylum scheme to that of being a recognised refugee. As mentioned above, for asylum seekers, the right to occupation is incomplete in most member states, a sense that the mainstream is unable to work and instead rely on social assistance from the state.

Furthermore, many refugees and asylum seekers not registered under UNHCR mandates. Throughout this time, they frequently do not have a way into language classes, other educational courses, and are unable to obtain any work and habitually live in isolated and inadequate housing. This situation of asylum seekers can last for many months. thus They are powerless to gain familiarity of the member states' labour market; they lack self-confidence, and may still produce with expressive and mental health issues as an result of trauma

However, some legal and administrative barriers survive, which already mentioned, such as the requirements of a work permit particularly about asylum seekers which have not given under Article 17 of the major Refugee Convention, or other technical measures, and provisions granting priority to nationals over aliens. More precisely 1951 Convention exempts refugees from administrative requirements that they are not able to meet because of their particular situation as refugees. Therefore, the lack of labour market combination of refugees and asylum seekers may force them to look for employment in unregulated, dangerous, degrading and unfair environment which can expose them to additional risks including sexual and gender-based violence or human trafficking, and interfere with a broader range of human rights particularly for those women refugees who are the head of

household or otherwise have responsibility to support their families economically. Today, the main problem of Middle East refugees is the transition from the asylum system to being refugees. Therefore, most of them are living below the poverty line (BPL) and in an unfortunate situation.

As mentioned above, it is crucial for refugees and asylum seekers to have the right to work for several reasons. Many studies have shown that being in employ enhances their self-esteem and sense of worth. According to the Committee on Migration, Refugees and Displaced person work opportunity can give satisfaction, hope and re-establish refugees and asylum seekers sense of self-worth. Employment is also crucial in terms of integration, as the workplace offers essential opportunities for “positive socialisation and for the development of resourcefulness”, and with income and independence, comes greater financial self-sufficiency and decreasing economic deprivation, often seen in inadequate housing. However, the UNHCR’s Executive Committee has argued that promoting self-sufficiency from an early stage will improve the sustainability for future durable solutions for refugees.⁴²

CONCLUSION

In not shot, the practice of UNHCR and ILO the present legal frameworks do not provide adequate explanation and response to the needs of asylum seekers and refugees from the Middle East, hence, through removing or reforming all judicial and administrative barriers affecting refugees and asylum seekers to permit them full admission to the labour market and removing restrictions such as the need for a work permit particularly towards asylum seekers which is not recognized under Article 17 of the central Refugee Convention, to ensure they enjoy the right to work. Respectively early Speed up asylum procedures and offer asylum seekers with right of entry to the labour market awaiting the outcome of a choice on their status and taking into account may benefit the asylum seeker and Develop policies and dedicate resources to support individuals in transition from the asylum system to mainstream integration services and to provide the opportunity to work with employers’ associations and employers’ trade unions and the private and voluntary sector, to develop placement programmes for refugees and asylum seekers, it can help them become established in the labour market and self-sufficient and financially independent. Therefore The nature of domestic legislation and their conformity to international legal standards of refugee protection directly impacts the experience of urban refugees in countries of asylum. The national legislation of several key refugee-hosting states for Middle East refugees and asylum seekers do not protect refugees and asylum seekers effectively.

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14. ¹⁴ Please see the Appendix and the Michigan Guidelines for a more comprehensive list of relevant international conventions.
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20. ²⁰ Article 23 states that; (1) everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone

ENDNOTES

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5. ⁵ Michigan Guidelines on the Right to Work, 31 Michigan Journal of International Law 289 (2010)
6. ⁶ In Article 17(2). Emphasize on, restrictive measures which imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions: (a) He has completed three years' residence in the country; (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefits of this provision if he has abandoned his spouse; (c) He has one or more children possessing the nationality of the country of residence. Retrieved from: <http://www.unhcr.org/3b66c2aa10>, Accessed on: 5 January 2019
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