

Refugees' Integration into the Labour Market: Discharging Responsibility in the UK

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ABSTRACT

The State's legal obligation towards refugees comprises granting protection and conferring post-determination rights. This chapter queries how the UK discharges its legal obligation to facilitate refugees' engagement with work and whether it contributes towards their 'othering'. It examines the Syrian Vulnerable Persons Resettlement Scheme (VPRS) as a case-study, assessing how 'resettled' refugees access support to labour market integration through various organisations and actors, comparing the support provided to them with the assistance available to 'recognised' refugees. The latter are those who have reached the UK by their own endeavours, applied for asylum and been granted refugee status. The study has demonstrated how diverse networks of organisations and state actors facilitate or inhibit refugees' access to the labour market, counterbalancing State actions on integration.

Key words: Labour Market Integration, Refugee, Socio-legal Research

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Abbreviations used in this Chapter:

ICESCR: International Covenant on Economic, Social and Cultural Rights

ILO: International Labour Organisation

IOM: International Organisation of Migration

LA: Local Authorities

RIES: Refugee Integration and Employment Service

TSO: Third Sector Organisations

UK: United Kingdom

UNHCR: United Nations High Commissioner for Refugees UNHCR

VPRS: Syrian Vulnerable Persons Resettlement Scheme

1. INTRODUCTION

Refugees' 'othering' is often exacerbated by their engagement with or exclusion from the labour market, and their experiences, opportunities and choices in accessing work are shaped by multiple factors.¹ Whilst refugees are offered protection under international, national and European law, the State has the primary responsibility for safeguarding refugees' human rights and their integration into the host country.² Refugees differ from economic migrants in their trajectories and legal protection,³ but both are 'newcomers' and often considered as '*the other*' in the host society. They are often excluded from economic, social and political participation in the host society, and frequently face discrimination.⁴

This chapter considers different outcomes for what is denominated in this chapter as newly 'recognised' refugees as compared to the cohorts of refugees who are 'resettled' in the United Kingdom [UK]. The latter are those welcomed and accommodated under the Government's resettlement schemes selected by the UNHCR in accordance with their 'vulnerability' criteria.⁵ There are four resettlement programmes in the UK: The Vulnerable Persons Resettlement programme; The Gateway Protection Programme; The Mandate Scheme and Vulnerable Children Resettlement Scheme from Middle East and North Africa.⁶ This chapter analyses the legal framework applicable to supporting refugees and evaluates how it operates in practice. It looks at the assistance provided to 'resettled' refugees under the Syrian Vulnerable Persons Resettlement Scheme [VPRS],⁷ comparing and contrasting it to the support available to 'recognised' refugees, who were given refugee status in the UK under the asylum process.

Drawing on qualitative data gathered from interviews with refugees and associated stakeholders undertaken in the course of a socio-legal project,⁸ this chapter provides insights into labour market integration services delivered by multiple providers in England. The findings show that support is often fragmented and offered by State, Central Government and

¹ See e.g. J Phillimore, and L Goodson, 'Problem or opportunity? Asylum seekers, refugees, employment and social exclusion in deprived urban areas' (2006) *Urban Studies*, 43(10): 1715-1736; L Bakker, S Y Cheung, and J Phillimore, 'The asylum integration paradox: Comparing asylum support systems and refugee integration in the Netherlands and the UK' (2016) *International Migration*, 54(4): 118-132.

² See also Chapter 12 by Bratanova van Harten.

³ Refugees are defined and protected in international law. The 1951 Refugee Convention and other legal instruments such as the 1969 OAU Refugee Convention whilst economic migrants find no such definition or protection in international law.

⁴ OIM, Thematic Paper on Integration and Social Cohesion, Key Elements for Reaping the benefits of Migration 2011. https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Integration-and-Social-Cohesion.pdf (accessed on 19.06.19). See further <https://migrationdataportal.org/themes/migrant-integration>.

⁵ See Chapter 5 by Welfens and Pisarevskaya.

⁶ For further detail on this point, see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789120/Funding_Instruction_gov.uk_GDPR_-_final.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631369/170711_Syrian_Resettlement_Updated_Fact_Sheet_final.pdf and

<https://www.gov.uk/government/publications/gateway-protection-programme-information-for-organisations/gateway-protection-programme>, (last accessed on 03.09.19)

⁷ In September 2015, the government of David Cameron pledged to resettle 20,000 of the most vulnerable Syrian refugees in the UK by May 2020. In July 2017 the Home Secretary announced the expansion of the VPRS to include other nationalities that have fled Syria, acknowledging other groups that have also been displaced by the conflict. The scheme now covers vulnerable refugees in Middle East and North Africa (MENA). From July 2017, Local authorities might receive non-Syrian nationals as well as Syrian nationals through the VPRS. References to resettled refugees from Syria in this work are intended to reflect all those eligible for the VPRS, regardless of nationality.

⁸ The socio-legal pilot project, which underpins this chapter 'Labour Market Integration of New Refugees: Entry Channels, Strategies and Experiences' (LAMINER) was funded by Oxford Brookes University.

Local Authorities, civil society and private sector agencies without adequate governance mechanisms. The discussion also explores how refugees engaging with diverse actors encounter multiple, overlapping challenges, which facilitate or inhibit their labour market integration.

To capture refugees' integration into the labour market, this study adopted a context-sensitive approach, analysing the functioning of the system in a county in the south of England, which participated in the VPRS. This helps to understand the contextually specific practices of actors and agencies, and the experiences of refugees who engage with them. In addition to this local dimension, the study focused on entry channels of refugees to evaluate the diverse challenges⁹ impacting on their experiences of accessing the labour market.

2. DISCHARGING RESPONSIBILITY FOR LABOUR MARKET INTEGRATION

Research has shown that work and engagement with the labour market influences migration and integration experiences¹⁰ and that the employment rate of refugees is often significantly lower than for other migrant categories.¹¹ Studies have concluded that various networks, organisations and institutions including charities, social enterprises, non-governmental organisations and branches of faith-based, i.e. the so-called third sector organisations [TSOs], are also involved in shaping migrants' settlement and integration.¹² Arguably, the UK continues to have a problematic strategy for supporting refugees' post-determination stage,¹³ delegating most of its responsibility to TSOs. It is therefore important to explore limitations of the scope and focus of State support and to consider the forms of support provided by non-State actors. It is also necessary to question whether the UK's policies and intervention strategies in this regard exhibit limitations resulting in differences in labour market engagement amongst refugees in accordance with their entry channels.

This chapter reflects on whether and how the State relinquishes its responsibility towards refugees in relation to labour market integration, and how the provision of support for labour market entry and progression is subsequently 'distributed' among a variety of actors. Within the context of this discussion, the term 'distributed' is used to characterise situations where support is provided or performed by a range of actors. It is therefore useful to distinguish between 'distributed' and 'delegated' responsibility. Within distributed scenarios, a variety of

⁹ E D Campion, 'The career adaptive refugee: Exploring the structural and personal barriers to refugee resettlement' (2018) *Journal of Vocational Behaviour*, 105: 6-16; S Y Cheung and J Phillimore, 'Refugees, social capital, and labour market integration in the UK' (2014) *Sociology*, 48: 518-536; L Knappert, A Kornau, and M Figengül, 'Refugees' exclusion at work and the intersection with gender: Insights from the Turkish-Syrian border' (2018) *Journal of Vocational Behavior*, 105: 62-82.

¹⁰ P Lugosi, H Janta and B Wilczek, 'Work(ing) dynamics of migrant networking among Poles employed in hospitality and food production' (2016) *Sociological Review*, 64 (4): 894-911.

¹¹ A Bloch, 'Refugees in the UK labour market: The conflict between economic integration and policy-led labour market restriction' (2007) *Journal of Social Policy*, 37: 21-36; A Bloch, 'The labour market experiences and strategies of young undocumented migrants' (2013) *Work, Employment and Society*, 27 (2): 272-287; I Ruiz and C Vargas-Silva, 'Differences in labour market outcomes between natives, refugees and other migrants in the UK' (2018) *Journal of Economic Geography*, 18(4): 855-885.

¹² S J Steimel, 'Negotiating refugee empowerment(s) in resettlement organizations' (2017) *Journal of Immigrant and Refugee Studies*, 15: 90-107; L Mayblin, and P James, 'Asylum and refugee support in the UK: civil society filling the gaps?' (2018) *Journal of Ethnic and Migration Studies*, 1-20.

¹³ Ministry of Housing, Communities & Local Government, Integrated Communities Strategy Green Paper, 14 March 2018. Accessed on 16.04.2019. <<https://www.gov.uk/government/consultations/integrated-communities-strategy-green-paper>>; UN High Commissioner for Refugees. *UNHCR study: integration efforts advancing in UK Syria refugee resettlement*, 09 November 2017. (accessed on 16.04.2019). <<https://www.unhcr.org/uk/news/press/2017/11/5a0074234/unhcr-study-integration-efforts-advancing-in-uk-syria-refugee-resettlement.html>>

State and non-State actors or agencies may assume responsibility for providing support according to their individual goals and capacities and funding. Importantly, actors and agencies may interact or be aware of each other, but knowledge of each other's practices may be only partial; and there may be minimal or no interaction between them. There is no underlying assumption of integration or coordination of activities between actors, although this may be present. It is also noteworthy that non-State actors may act primarily out of compassionate responsibility, prompted by a sense of humanity or community solidarity but have no legal obligation to do so.¹⁴ Given the focus on the State's duty towards refugees, the distinction between 'distributed' and 'delegated' responsibility has a pivotal role in this debate. 'Delegation' may involve more sustained attempts, in this case by State actors, to coordinate non-State ones who assume responsibility to deliver supporting services. 'Delegation' may therefore involve different forms of direct intervention by State authorities, such as funding providers of integration services and defining the scope, scale and standards of service provision.

Refugees have to utilise a variety of actors and institutions, which often provide domain-specific assistance, with different organisations and their agents offering support according to their own institutional objectives and capacities. The assistance provided by actors and agencies may, therefore, be more or less, formal, or professionalised; the scope and focus of their practices, however, vary; their activities may not be centrally directed, and they are funded through different mechanisms. Thus, support provided in a 'distributed' situation is (re)interpreted and enacted in potentially differing ways by a diverse ecosystem of agents operating across different geographical contexts. This 'distributed' support scenario arguably responds to the limited ability of the State to adequately meet refugees' needs. Hence, this chapter reflects on whether such dispersed forms of support sufficiently meet the State's legal obligations towards refugees, and whether they shape practices and experiences of othering.

3. THE LEGAL FRAMEWORK TOWARDS REFUGEES' LABOUR MARKET INTEGRATION

a. Obligations Stemming from International Treaties

The legal framework in relation to the recognition of refugees' status and their rights post determination is based on international, European and national law. The State is the main actor with legal responsibility under international refugee law to protect and integrate refugees into the host society. Therefore, as signatory to the 1951 Convention relating to the Status of Refugees (hereafter 'the Refugee Convention'),¹⁵ the UK's primary obligation is to grant protection to those who are entitled under the Convention's grounds. Incorporated into such obligation to offer protection is the duty to accord post refugee determination rights; in particular, the right to access employment. The Refugee Convention requires States to grant refugees 'the most favourable treatment' accorded to nationals of a foreign country in the same circumstances, regarding the right to engage in wage-earning employment.¹⁶ Article 17 of the Refugee Convention is said to be '*of particular importance. Because of their limited resources and their status, wage-earning employment is the only type of employment to which most*

¹⁴ For concept of solidarity see S Morano-Foadi, 'Solidarity and Responsibility: Advancing Humanitarian Responses to EU Migratory Pressures' (2017) *European Journal of Migration and Law*, 19: 227.

¹⁵ UN General Assembly. *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, 189: 137 and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, 606: 267.

¹⁶ Ibid. Refugee Convention, Articles 17, 18 and 19; UN High Commissioner for Refugees (UNHCR). *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*, June 2006, POLAS/2006/02.

*refugees can aspire.*¹⁷ It is not only under refugee law that such rights to work are granted, it also sits in a wider framework of *rights to work* and *rights at work* under international law.¹⁸ These instruments offer comprehensive protection of workers' rights, but right to work per se does not guarantee a job. Whilst the Refugee Convention guarantees a right to engage in wage earning employment (Article 17), a job might not be available. Nevertheless, States must take steps to foster full and productive employment.¹⁹

Moreover, embedded in the right to work is also States' obligation not to discriminate against refugees.²⁰ The International Covenant on Economic, Social and Cultural Rights [ICESCR] provides for the right to work, including fair and just conditions of work. This right is essential for realising other human rights and forms an integral and inherent part of human dignity.²¹ As a result, the UK, as State party to the ICESCR, must ensure the progressive realisation of the exercise of the right to work and adopt measures aiming at achieving full employment for refugees, in compliance with its obligations under refugee and international law.²² Such obligation also encompasses measures to guarantee non-discrimination and equal protection of employment, including '*the right of access to employment for disadvantaged ... individuals and groups, permitting them to live a life of dignity*'.²³ Refugees, as everyone else in the UK, must enjoy the same human rights and should have equal access to them.²⁴ They are protected under the characteristic of 'race' as it is illegal to discriminate against because of one's colour, ethnic origin or nationality. Hence, UK public authorities have a general equality duty to '*have due regard to the need to eliminate discrimination; advance equality of opportunity; and foster good relations – when making decisions and setting policies*' and this duty also applies to refugees.²⁵

b. Obligations Stemming from EU Law

Within EU law, differing approaches to the integration of refugees after determination exist across Member States, as they retain sovereign rights in this field. EU States should provide a 'dignified' life for refugees, on par with the rights enjoyed by its citizens. This includes access to education and to the labour market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents, even enjoying a limited form of

¹⁷ UN High Commissioner for Refugees (UNHCR), *The Refugee Convention, 1951: The Travaux préparatoires analysed with a Commentary by Dr. Paul Weis*, 1990.

¹⁸ For example, UN General Assembly. *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 23; 1966 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, 993: 3, Articles 6-8; International Labour Organisation, *C 122, Employment Policy Convention*, 1964; Council of Europe, *European Social Charter (Revised)*, 3 May 1996, ETS 163; European Union, *Charter of Fundamental Rights of the European Union*, OJ C 326, 26.10.2012, p. 391–407, Article 15; UN General Assembly. Resolution: Transforming our world: the 2030 Agenda for Sustainable Development, 25 September 2015, A/70/L.1.

¹⁹ Ibid, ILO Convention No 122.

²⁰ Above footnote 15, Refugee Convention, Article 3.

²¹ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, E/C.12/GC/18.

²² Above footnote 18 UDHR, Article 6; ICESCR, Article 6; Refugee Convention, Article 17.

²³ Above footnote 21, Committee on Economic, Social and Cultural Rights No. 18.

²⁴ Equality Act 2010. (accessed on 14.04.2019). < <http://www.legislation.gov.uk/ukpga/2010/15/contents>>; Section 149.

²⁵ Ibid, The Equality Act 2010; Equality and Human Rights Commission, *General Duty for Great Britain*, 19 February 2019. (accessed on 14.04.2019). <https://www.equalityhumanrights.com/en/advice-and-guidance-faq/general-duty-faqs-gb>

freedom of movement.²⁶ Under its special protocol on visa, asylum and migration laws, the UK opted into individual measures, such as the 2003 Reception Conditions Directive,²⁷ which laid down minimum standards for the reception of asylum seekers ‘*to ensure them a dignified standard of living and comparable living conditions in all Member States*’.²⁸ The Qualification Directive²⁹ is also applicable in the UK; Article 26 of the Directive provides for access to employment to be as soon as possible after refugee determination. It also states that national law applies in the regulation of remuneration, access to social security systems for employed or self-employed activities and other conditions of employment.

c. Implementing Policies to Include Refugees

In view of such obligations incumbent on the state, the duty to offer protection must be discharged at central or local Government level, as part of the State’s legal responsibility under international refugee law, human rights and relevant EU law. It is to be stressed that legal responsibility of the State is not only to grant protection, i.e. accord refugee status, but also to confer post-determination rights and entitlements. In other words, State responsibility should encompass a sustainable and reliable infrastructure to deliver an effective humanitarian protection post-determination, which means access to integration, to livelihood and right to dignity, of which an inherent and inseparable part is the right to work. The extent to which responsibility for meeting legal norms is formally (or informally) ‘delegated’ from the State to other actors is paramount to understanding whether delegated obligations are part of a coherent and well-planned constructive strategy. Thus, the relinquishment of responsibility could take different forms. This chapter argues that when ‘delegation’ represents an explication of a precise policy, enacted through planned, coordinated, supported and monitored actions, it could constitute a constructive strategy. Sharing responsibility with localised service providers and actors who are better able to understand and respond to refugees’ distinct needs, represents an opportunity to create bespoke practices of support. However, when TSOs and private sector contractors take responsibility for the provision of support, often underfunded and lacking state enablement, this constitutes a form of ‘sovereign abandonment’,³⁰ which leads to insufficient compliance with international, refugee and European law.

The present work questions the effectiveness of the UK’s response to refugees’ needs, particularly in relation to the facilitation of their entry into and transition through the labour market. In the UK, the explication of such duties is performed by a variety of State institutions and TSOs; consequently, State responsibility towards refugees is (re)interpreted, and thus enacted, in diverse ways by different stakeholders. By contrast, ‘new governance’ scholars argue that a more polycentric, decentralised and consensual approach is more responsive, legitimate and effective than top-down regulatory methods.³¹ In literature,³² particularly on networks, the role of NGOs and companies has long been recognised, but the issue of

²⁶ See Council 2011/51 of the European Parliament and of the Council amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection – OJ L 132, 19/05/2011 p. 1

²⁷ Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, OJ L 031, 06/02/2003 p. 0018.

²⁸ Whilst this chapter does not focus on asylum seekers, their treatment is very relevant for an understanding of the problems encountered by ‘recognised’ refugees.

²⁹ Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted, OJ L 304/12, 30.9.2004, p. 12.

³⁰ J Darling, ‘Becoming Bare Life: Asylum, Hospitality, and the Politics of Encampment’ (2009) *Environment and Planning D: Society and Space*, 27: 649-665.

³¹ N Gunningham, *New Collaborative Environmental Governance: The Localization of Regulation* (2009) *Journal of the Law and Society*, 36: 145-166.

³² D Marsh and Rhodes, R.A.W. *Policy Networks in British Politics* (Oxford, Clarendon Press Oxford, 1992).

responsibility and accountability is often neglected³³. In order to assess whether the UK sufficiently meets the State's legal obligations towards refugees, the remainder of this chapter examines the UK's VPRS to reflect more broadly on the practices adopted by the UK Government for refugees' labour market integration.

4. The UK's SYRIAN VULNERABLE PERSONS RESETTLEMENT SCHEME [VPRS]

The manner in which State responsibility is discharged depends on how delegation occurs. In principle, the system has the potential to function effectively, when properly delegated. The VPRS is one of the schemes available to refugees who enter the UK as referred by the United Nations High Commissioner for Refugees (UNHCR). The effectiveness of the scheme can be evaluated by examining the core criteria of: a) planning and coordination; b) support; and c) monitoring of delegation. Each criterion is applied to the VPRS and examined in turn, to assess whether the UK sufficiently conforms to its legal obligations.

a. Planning and Coordination

The UK Government engages with international partners, local authorities [LAs] and service providers, such as community sponsorship, to enhance refugees' experiences through the VPRS. The scheme is a national and voluntary joint programme involving the Home Office, the Department for International Development, the Ministry of Housing, Communities and Local Governments. In addition, the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation of Migration (IOM) also contribute to the initial phase of resettlement of refugees, mainly outside the host country.

Primary responsibility for the scheme rests with central Government, even if labour market integration is mainly devolved.³⁴ This is limited to discharging State responsibility towards 'resettled' refugees which is explicated locally through LAs' actions. Although their intervention differs in content and manner, LAs are required to follow Home Office guidance. Provided resettlement outcomes are achieved, LAs' involvement presents a degree of freedom, in that they can reject a resettlement case or request an alternative one. LAs are stepping up to support the Government within the planning provided by the latter. The scheme is supervised by the UK Regional Strategic Migration Partnerships, which are funded by the Home Office.³⁵

b. Support

Participation in the resettlement programme is voluntary for LAs, and there is financial support for their involvement. For the current VPRS programme, LAs are supported through

³³ C Scott, 'Private Regulation of the Public Sector: A Neglected Facet of Contemporary Governance' (2002) *Journal of Law and Society*, 29: 56-76.

³⁴ See Local Government Association, Guide for Local Authorities on Syrian Refugee Resettlement, 30 Jun 2016. <https://www.local.gov.uk/syrian-refugee-resettlement-guide-local-authorities> (accessed on 14.04.2019) and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789120/Funding_Instruction_gov.uk_GDPR_-_final.pdf (accessed on 02.09.19)

³⁵ There are twelve SMPs: East Midlands SMP, London SMP, North East SMP, Northern Ireland SMP, North West SMP, Scotland SMP, South East SMP, South West SMP, Wales SMP, West Midlands SMP, Migration Yorkshire. Details of Regional Strategic Migration Partnership (RSMP) are available at <http://www.migrationni.org/regional-partners>.

specific allocation of funding.³⁶ The tariff is split by year and reduced each year that the refugee is in the UK.³⁷ This form of descending payments reflects the expectation that refugees will become increasingly self-sufficient through paid work. In fact, the programme aims to support ‘resettled’ refugees by giving them access to education, including language provision, healthcare, social care and, where possible, employment.

The Government and LAs can have a vast array of potential support networks such as faith-based organisations and charities; for example, organisations such as the Salvation Army, the UK Red Cross and also now private groups sponsor families for resettlement. In July 2016, the Home Secretary and Archbishop of Canterbury launched ‘The Community Sponsorship Scheme’.³⁸ The scheme has encouraged charities, businesses and community groups to sponsor refugee families, supporting their resettlement and integration.³⁹ Thus, through community sponsorship,⁴⁰ community groups, often faith-based, work alongside the VPRS. This is arguably an example of distributed responsibility where State actors attempt to consolidate the frames of reference for an eclectic range of actors and to coordinate, to some extent, their practices in order to fulfil their legal obligations towards refugees. Other forms of support consist in professional support. LAs are required to provide integration casework support at an individual level. This consists of a personal integration plan which includes the individual’s past work experiences, skills, education, health etc., as well as their expectations and aspirations in the UK.

c. Monitoring

The personal integration plan is supposedly monitored and reviewed with refugees every few weeks.⁴¹ LAs are free to decide how best to use VPRS funding; however, expenditure is closely monitored. They must be able to provide evidence of how funding has been used to support individual refugees in accordance with the aims of the VPRS for monitoring and evaluation purposes. Some core expectations require oversight and management by LAs; for example, they must be able to demonstrate that the funding has been used to support refugees to achieve integration and self-sufficiency, including ongoing integration into the community and tailored employment support.⁴²

³⁶ Home Office, UK Resettlement funding instructions. (accessed on 14.04.2019). <https://www.gov.uk/government/publications/uk-resettlement-programmes-funding-instruction-2018-to-2019>, 2018-19

³⁷ See P Tyler and C Cooke, ‘Resettling Refugees – support after the first year: a guide for local authorities’ *Migration Yorkshire and the Regional Strategic Migration Partnership for the Yorkshire and Humber region*, 2017.

³⁸ <https://www.theguardian.com/world/2016/jul/19/archbishop-of-canterbury-syrian-family-refugee-sponsorship-scheme> (accessed on 02.09.19)

³⁹ Ministry of Housing, Communities & Local Government, Department for International Development, Home Office and The Rt Hon Amber Rudd MP, 2016.

⁴⁰ See for example: <<https://forrefugees.uk/community-sponsorship/>> (accessed on 16.04.2019).

⁴¹ The plan normally covers short and long term objectives in relation to benefits and finance, housing, education (including schooling of dependent children), English language, training and volunteering, health and wellbeing, social activities and leisure, employment, family life and relationships between close and extended family members (family tracing, reunification), permanent settlement (immigration rules, rights and requirements). See <<https://www.local.gov.uk/sites/default/files/documents/syrian-refugee-resettlement-229.pdf>>. (accessed on 14.04.2019).

⁴² See further Tyler and Cooke, 2017 above footnote 31; E Jamroz and P Tyler, ‘Syrian refugee resettlement – a guide for local authorities’ *Migration Yorkshire*, Spring 2016 (accessed 14.04.2019). <<https://www.migrationyorkshire.org.uk/?page=resources>>

5. OPERATIONAL CHALLENGES IN THE VPRS

The empirical research conducted suggested that the operationalisation of the VPRS presented a number of practical challenges. The LA works with limited guidance from the Central Government. This was highlighted by the County Council Official coordinating the VPRS programme.⁴³ Most programmes supporting refugees into work are offered by community actors. Even Home Office guidance on the financial aspects of the resettlement programme is rather limited⁴⁴. Fragmentation was identified by other stakeholders in the empirical findings.⁴⁵ Primary data also showed that charities are often the end-provider of tailored support to refugees.⁴⁶

In order to comply with State obligations, the LA passes responsibility to TSOs. However, such passing of responsibility does not necessarily reflect the requirements of planned, coordinated, supported and monitored ‘delegation’. The involvement of different actors, can, in theory, reinforce commitments and create-coordinated forms of solidarity as they create pathways to employment for refugees.⁴⁷ However, the notion of ‘distributed-ness’ can be adopted to appreciate the limitations of State actions and to understand the support offered to refugees by a disparate network of public and private actors. The VPRS case study is a good illustration of distributed responsibility as support passes from the LA to other actors. Although this scheme is, in principle, a form of delegated responsibility and its remit is within a prescribed and articulated programme, its implementation has been fragmented. This is due to the fact that LAs have a broad programme in which they try to make tailor-made adjustments, depending on the local community and NGOs. There is a risk that LAs work in isolation, with a minimum of shared learning between them and without an integrated, all-encompassing approach to securing employment for refugees.⁴⁸ The question is whether the Government can claim that this is a legitimate delegation of its responsibility towards refugees and, consequently, is effectively distributed.

a. Experiences of ‘Recognised’ and ‘Resettled’ Refugees

All refugees may engage with multiple organisations such as employment agencies and the State-operated Job Centres; however, ‘recognised’ refugees do not receive the same level of assistance from the Government as ‘resettled’ ones. Contrary to ‘resettled’ refugees, those who enter through the asylum route have the urgency of finding any job to generate income as there are limited statutory resources available to aid their resettlement. Negotiating entry into the labour market requires them to engage with multiple agencies, such as State operated Job Centres. However, these provide services to a wider set of stakeholders seeking to engage with the labour market. Consequently, their staff do not consistently receive appropriate training to appreciate or accommodate refugees’ backgrounds and specific mental and physical

⁴³ Interview no XXII, March 2018.

⁴⁴ In September 2015, the programme became the joint responsibility of the Home Office, the Department for International Development and the Department for Communities and Local Government who established a joint team to manage the programme located in the Home Office (the programme team). There is no one model of resettlement delivery and local authorities already participating in the SRV programme have adapted different models. See <<https://www.local.gov.uk/syrian-refugee-resettlement-guide-local-authorities>>. (accessed on 14.04.2019).

⁴⁵ Interview no XXI (NGOs worker) September 2017.

⁴⁶ Interviews no 5, July 2017 (Recognised refugee) and no 25, (Resettled refugee) May 2018.

⁴⁷ Interview no 4, (Recognised refugee), July 2017.

⁴⁸ All Party Parliamentary Group on Refugees, ‘*Refugees Welcome? The Experience of New Refugees in the UK*’, April 2017. (accessed 19.04.2019). <<https://reliefweb.int/report/world/refugees-welcome-experience-new-refugees-uk-report-all-party-parliamentary-group>>.

vulnerabilities. Therefore, refugees may receive the same type of service as other, native job seekers despite their different trajectories and needs.⁴⁹

The scope of State employment agencies' functional activities does not necessarily extend to supporting refugees' skills capacity building, which place limits on their future growth opportunities. In many cases, highly qualified refugees expressed that they felt 'forced' to take up positions much below their qualifications or risk being sanctioned and losing their benefits.⁵⁰ Significant barriers to accessing the labour market remained for this group of refugees. Benefits entitlements, training programmes and even language courses were perceived to be limited in scope or scale. Often their labour market access was hindered by the fact that they were not offered courses to learn English or improve their skills, but they urgently needed a job to become self-sufficient.⁵¹

Furthermore, no comprehensive employment package was available after funding for a national programme, the Refugee Integration and Employment Service (RIES), ended. Even local charitable projects such as the 'Access First Employment Service', and the (county) 'Refugee and Asylum Seeker Training, Education and Employment Partnership' once run by local refugee organisations, were closed due to lack of funding.⁵² Refugees were often in limbo when trying to access work or training to match their skills and abilities. Resettled and recognised refugees frequently expressed that they did not feel they had adequate support to find a job that matched their previous work experience or qualifications.⁵³

The lack of specific services provided by the Government and the absence of a singular, overarching agency or functional ecosystems of connected agencies triggered the intervention of TSOs or informal networks support. This resulted in many charities expanding services to bridge the gap as '[...] many [refugees] were left to fend for themselves in an unfamiliar job market'.⁵⁴ Charities focusing specifically on asylum seekers and refugees were often cited by the interviewees as the sole alternative they had to receiving the support they needed.⁵⁵ They often relied on charitable organisations, whose mission was to provide a wider range of supporting services, and which regularly helped to create temporary and unpaid work experience opportunities.

Refugees' narratives revealed that their engagement with these diverse organisations often placed them on particular trajectories for subsequent entry into and engagement with the labour market.⁵⁶ Depending on the organisation and the individual skills set, 'recognised' refugees could transform such temporary and voluntary opportunities into longer term and paid positions in charities or use them to obtain sustainable employment elsewhere. Although the assistance provided by some of these non-governmental organisations was often tailor-made to the needs of refugees or individualised to their demanding lives, the system risked becoming discontinuous, with the scope and quality of support depending on refugees' location and the availability of opportunities in that particular locality.⁵⁷

During the asylum process, refugees waiting to receive recognised status were housed and provided for by the Home Office, but they did not have a choice in their dispersal around

⁴⁹ Interview no XX, (NGO worker), September 2017.

⁵⁰ Interviews no 1 and 6 (Recognised refugees), June/July 2017

⁵¹ Interview no 2, (Recognised refugee), June 2017; Interview no 25 (Resettled refugee), May 2018.

⁵² Interview no XX (NGO worker), September 2017.

⁵³ Interviews no 24 (Resettled refugee), May 2018 and no 25 (Resettled refugee), May 2018.

⁵⁴ The Guardian. 'Refugees will have the right to work - why not employ them?', 11.09.2015. (accessed on 13.06.18). <<https://www.theguardian.com/sustainable-business/2015/sep/11/business-refugee-crisis-employment-work-asylum-seekers>>

⁵⁵ Interviews no 1 and 2, June 2017 (Recognised refugees); Interviews no 24 and 25 (Resettled refugees), May 2018.

⁵⁶ Interview no 5 (Recognised refugee), July 2017.

⁵⁷ Interview no 25 (Resettled refugee), May 2018.

the UK. Thus, their access to support in finding a job after recognition was determined in large part on where new ‘recognised’ refugees were dispersed to during the asylum process or where they chose to move after recognition; if they moved at all. The presence and capacities of local service providers in an area could create fragmentation as the forms of support were determined by diverse policies.

The role of informal connections and networked resources was raised repeatedly in interviews. These were often cited as important for emotional and instrumental support, including contacts and information. However, it is important to recognise that the substance and thus the social capital of these networks varied. Networks and communities characterised by strong, embedded ties could offer multiple forms of support, but they could also be sources of tension; for example, if they subjected members to surveillance they potentially exposed them to problematic dependencies. There was also a perceived risk that conservative social values expressed by members inhibited women’s mobility and access to work.⁵⁸

Thus, all these factors suggest potential limitations to devolved ‘distributed’ mechanisms to meet legal obligations. Community-building activities developed by NGOs, associations or other entities, and/or informal networks such as family, friends and neighbourhood or ethnic/religious communities, have the potential to fill the gaps caused by insufficient State interventions. However, ‘leaving’ the State responsibility to provide employment services to civil society risks creating fragmentation and unregulated support across distributed networks, with the potential to radically shape refugees’ experiences of inclusion, exclusion and othering.

6. CONCLUSION

The question raised in this chapter was whether the transfer of responsibility from the State to other actors, such as TSOs, is an appropriate or adequate strategy, particularly if it runs parallel to cuts in support for NGOs and charities. Devolved mechanisms adopted in relation to refugees ‘resettled’ under the VPRS and ‘recognised’ refugees can exhibit a number of limitations, at times amplifying forms of othering through exclusion from employment. Compliance of State obligations may rely on other actors, thus moving the focus away from the State. This can reduce or even withdraw the support provided by public actors, limiting it to specific spatial contexts or domains of practice e.g. job mediation services in a given geographical area.

Within a ‘distributed’ system of support, responsibility is enacted by different actors. There is no assumption that any higher-level actor, such as the State or local authority, directly funds or coordinates their activities, or even creates shared conceptions of what support is or how it should be performed among these actors. These supporting actors may be aware of other actors operating in proximity or in similar activity domains. They may or may not interact; they may collaborate to pursue common goals, or even compete for resources. In the context of this discussion, disparate actors perform similar duties of responsibility towards refugees. However, within such a spatially dispersed system, the scope, nature and focus of support are potentially (re)defined by different agencies and actors, according to their own resources, capacities and objectives.

As noted at the outset, ‘distributed’ is different from ‘delegated’ responsibility. ‘Delegation’ may involve sustained attempts by State actors to properly charge certain actors with the responsibility to deliver supporting services and to explicitly define their forms, practices and means. For example, forms of ‘delegation’ are present for ‘resettled’ refugees, but in practice, the scope, scale and standards of service provision are not necessarily operationalised. This resembles more distributed practices rather than strategically ‘delegated’

⁵⁸ Interview no 5 (Recognised refugee), July 2017.

forms of responsibility from the State to other providers. This is exacerbated for ‘recognised’ refugees, who have to utilise a variety of actors and institutions, which often provide domain-specific assistance, with different organisations and their agents using their own institutional goals, frameworks and logics.

The issues identified in this study have several implications which may inform future research and interventions in support of refugees. A first key issue which deserves attention concerns the identities ascribed to different groups of refugees and the subsequent support available to them. The ‘distributed-ness’ of support services may be more detrimental to ‘recognised’ refugees than to ‘resettled’ refugees, thereby raising the question of potential discriminatory treatment amongst refugees, which does not have a reasonable and objective legal justification. Expressed differently, ascribed statuses and their affordances may lead to different enactments or experiences of othering for refugees in relation to ‘indigenous’ locals or even other migrants, but also among different refugees. Specifically, differentiating between ‘resettled’ and ‘recognised’ refugees, and distinguishing the resources available to support their integration, including engagement with the labour market, can result in differing post determination trajectories and experiences of exclusion. Legally and ethically, such a differentiation of treatment based on their entry channels is also questionable. Although the trend to attribute differential treatment to ‘recognised’ and ‘resettled’ refugees is in line with other developed countries’ approaches, it still raises concerns as to its fairness and the *raison d’être* of Governments’ agendas on reception of refugees. It is therefore, important to explore further how identities ascribed to different groups can shape their post determination trajectories. Furthermore, it is necessary to examine further the implications of refugees receiving different treatment, depending on their entry channel into the host society. Understanding refugees’ specific experiences can thus be used to drive changes in policy and to create targeted interventions in service provision that address challenges that are unique to them.

A second, related issue, is that the various actors and agencies that may be able to support refugees do not necessarily have the resources (financial or other) to tailor their services to meet the specific needs of refugees, and their individual practices are inadequately coordinated or integrated, which, again, amplifies refugees’ social exclusion. In a political climate of austerity, the socially excluded are the ones who suffer the most; but facilitating access to the labour market is a positive strategy both in the short and long term. Adequately funded and strategically coordinated enactments of distributed responsibility, underpinned by acknowledgement of the legal responsibility towards refugees under international refugee and human rights law as well European and national law, should trigger the creation of holistic integration policies which cater for the needs of both ‘recognised’ and ‘resettled’ refugees. The way forward provided by the Government is ‘to help organisations take a structured but flexible approach to their strategies and interventions [...] not to interfere [...] but to offer guidance and tools where necessary, and to support sharing best practice.’⁵⁹ We submit, these policies should be driven by the logic that the effective integration of refugees into the labour market has the potential to support their independence, thus representing a mutually beneficial investment for the State, TSOs and refugees themselves.

⁵⁹ Home Office, Indicators of Integration framework 2019 third edition, Published 3 June 2019, available at <https://www.gov.uk/government/publications/home-office-indicators-of-integration-framework-2019>, Accessed on 14 October 2019.

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