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Migration, Forced Displacement and Social Protection

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Executive summary

The purpose of this paper is to set out a common framework, language and understanding of the relevance of social protection to different groups of migrants and forcibly displaced people.

There are an estimated 244 million people currently living in a country other than that of their birth.[1] This group of people includes wealthier migrants, able to access high levels of livelihood security and protection in their place of destination, as well as those moving away from situations of extreme poverty and insecurity, who are often unprotected upon their arrival, and may lack documents to establish resident or work status in the country they currently live in. It also includes 21.3 million refugees who have fled war and persecution, as well as other populations that have been displaced as a result of insecurity, natural disaster or the effects of climate change. In addition to this there are estimated to be 763 million *internal* migrants.[2] This figure includes internal labour, family and student migration (all often involving movements between rural areas and cities), as well as 38 million internally displaced people (IDPs) who have been forced to leave their homes.[3]

Social protection is fundamentally a policy response to vulnerability.[4] Given the different vulnerabilities that mobile populations face, there will be a range of different social protection responses to these. This paper provides a framework for considering the potential role that social protection interventions – or the *lack* of social protection interventions – can play in terms of precipitating, directing or halting movement (e.g. from a country of origin without a functioning social protection system). It also considers the different forms of social protection that may be needed by different groups at different stages of their journey and after arrival in a place of destination. Legal or illegal entry or presence in a territory or state is just one factor that influences access to social protection. Other factors, including operational, political and financial factors that affect coverage, adequacy and portability of benefits may restrict the scope of social protection in practice and this is also considered.[5]

This paper considers the framing of social protection in relation to forcibly displaced populations (refugees, asylum seekers and IDPs) and low-income labour migrants. We take as a starting point Devereux and Sabates-Wheeler's (2004) definition of social protection as 'all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalised; with the overall objective of reducing the economic and social vulnerability of poor, vulnerable and marginalised groups.' This definition includes a focus on economic welfare, which is standard in traditional definitions of social protection, but it also recognizes the non-separability of the economic from the social and political determinants of vulnerability. It therefore broadens the scope of provision to ensure that the standard social protection interventions, such as a cash transfer or food provision to the most vulnerable, will be accompanied by complementary interventions to ensure access to that cash or food. For instance, if a migrant is unaware

[1] UN Department of Economic and Social Affairs (DESA), *International Migration Report 2015: Highlights*. ST/ESA/SER.A/375, 2016, p.1

[2] UN DESA – Technical Paper No. 2013/1 – Cross-national comparisons of internal migration: An update on global patterns and trends, (http://www.un.org/en/development/desa/population/publications/pdf/technical/TP2013-1.pdf

[3] Internal Displacement Monitoring Centre, *Global Figures,* http://www.internal-displacement.org/global-figures

[4] Migration for better opportunities can also be seen as a form of social protection in and of itself (see Sabates-Wheeler and Waite, 2003, for a discussion of this).

[5] Refugees rarely enjoy *de jure* the same level of social protection as national citizens. Furthermore in practice, there are situations where the level of refugee assistance – even if partial and imperfect - is superior to what local citizens *de facto* receive from their governments in the social protection arena (usually in LDCs).

of their rights and unable to read the forms necessarily to obtain provision, then sensitization of rights and language barriers will need to complement social protection provisioning.

It is important to recognize that many forms of social protection are informal (relying on community, kin, clan or other forms of reciprocity). This is especially the case in less developed countries where the majority of forcibly displaced both come from and are hosted, and where formal state-based social protection is weak. This paper acknowledges the importance of these forms of social protection, but is primarily focused on assessing the impact of formal social protection programmes on forcibly displaced and low-income migrant populations. Formal social protection is normally conceived of as state-led, but in certain contexts – particularly when considering forced displacement – non-state internationally led social protection is actually the norm.

The rest of this paper comprises two sections. First, we define and describe the specific groups and populations of interest in this paper, laying out the drivers and scale of movement as well as the vulnerabilities that these groups face at origin, during journeys and at destination. The second section describes a social protection lens and framework for understanding and engaging with the types of mobile populations of interest here. The paper concludes by offering some thoughts on current gaps in our understanding of how social protection can apply to migrants and populations of forcibly displaced people, and identifying areas where further work is needed.

1. Definitions, Movement and Vulnerabilities

There are a number of different terms used to describe different groups of forcibly displaced and low-income migrants, some of which have specific legal force and others of which are intended to underline specific vulnerabilities. These include those mapped as part of Table 1, below. These groups and their specific vulnerabilities are set out in more detail in Annexes 1 and 2.

Table 1: Terms and definitions of forcibly displaced and low-income migrants

GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
Refugees	The 1951 *Convention on the Status of Refugees,* defines refugees as those individuals who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, [are] outside the country of his nationality and [are] unable or, owing to such fear, [are] unwilling to avail himself of the protection of that country'.[6] In Africa, the 1969 OAU Convention further included	Primary: • Persecution • Events seriously disturbing public order • Generalized violence • Massive human rights violations • Conflict • Lack of state protection Secondary (especially important in choosing destination):	To first country of asylum: • Individual or family movements, especially when fleeing oppressive persecution/slow-onset crisis • "Mass" movement of large numbers especially when fleeing from violent conflict and acute widespread danger, acute crisis • Individual movement often precedes mass flight • Journeys frequently clandestine/rely upon smuggling networks	Prior to flight, refugees will have experienced a lack of state protection (including social protection). They may be victims of torture, have suffered imprisonment, forced recruitment or sexual violence Many refugees are only able to reach a place of safety by relying upon smuggling networks networks, placing them at risk of exploitation, abuse or harm on a dangerous journey Asylum processing can be lengthy, bureaucratic and opaque, leaving refugees unable to fully enjoy the rights guaranteed to them under international law After status is granted, refugees may struggle to overcome bureaucratic and language barriers to

[6] UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: http://www.refworld.org/docid/3be01b964.html

GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
	those fleeing 'events seriously disturbing the public order'.[7] The 1984 Cartagena Declaration similarly expanded the definition to cover those fleeing 'generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' in Latin America, Mexico and Panama.[8] Palestinian refugees are defined by the United Nations' Relief and Work Agency (UNRWA) as those 'whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict', as	• Poverty/Opportunity • Diaspora/family connections Second and third generation refugees may never have engaged in migration, but have been born into exile	Onward movement: • Organized resettlement/relocation • Family reunification • Spontaneous onward movement, often irregular, relying upon smuggling networks	access social protection services and other services Depending on the nature of flight, many refugees may have particularly acute needs in terms of shelter and basic survival needs Many refugees may lack basic ID documents, increasing difficulty in accessing services Refugees also have increased need of counselling and psycho-social services, which may also increase their needs for assistance in accessing broader services and social protection

[7] Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention")*, 10 September 1969, 1001 U.N.T.S. 45, available at: http://www.refworld.org/docid/3ae6b36018.html;

[8] Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, available at: http://www.refworld.org/docid/3ae6b36ec.html

GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
	well as their patrilineal descendants.[9] Furthermore, in cases of mass influx due to conflict or violence, it is not always possible or necessary to conduct individual interviews to determine an asylum claim. Depending on the legal system in place, refugees' claims may instead be recognized on a *prima facie* basis due to 'readily apparent' circumstances in the country of origin (e.g. Syrians, Somalis).			
Asylum Seekers	An individual who has made a claim for refugee status, but whose individual claim has not yet been subject to determination, either by national authorities or by UNHCR	As refugees	As refugees	Asylum seekers face the same challenges as refugees, but additionally may have fewer rights to access formal social protection programmes/labour market while waiting for status to be determined Asylum processes may be extremely slow and opaque, leaving asylum-seekers in bureaucratic limbo and increasing vulnerabilities
Internally Displaced Persons	IDPs are those who have been forced to flee their home, 'in particular as a result of or in order to avoid the effects of armed conflict, situations of	Primary: • Persecution • Conflict • Generalized violence	• Individuals/family groups, especially if victims of persecution in a particular region/city, slow-onset crisis	IDPs are citizens of the country in which they are displaced, but may suffer systematic discrimination and denial of their rights and entitlements as citizens IDPs may be particularly vulnerable to abuse and

[9] United Nations Relief and Works Agency, *Palestinian Refugees*, http://www.unrwa.org/palestine-refugees

GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
	generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border'.[10]	• Human rights violations • Natural or man-made disasters (e.g. earthquake, famine) • Climate change Secondary: • Poverty/Opportunity • Language/Ethnic connections	• Mass movement of communities/groups in face of immediate violence/conflict/disaster, acute crisis	exploitation at the hands of employers, landlords etc. IDPs are likely to have particularly acute needs around shelter and other basic needs, especially when leaving an acute crisis. Many IDPs may lack basic ID documents, increasing difficulty of accessing services
Returnees	Returnees include refugees voluntarily repatriating at the end of conflict, as part of a "durable solution" to their displacement. Equally, failed asylum seekers and other migrants moving or staying irregularly may be subject to enforced removals and/or offered assistance to return and reintegrate voluntarily to their country of origin (AVRR).	Primary (refugees): • Improved security/peace • Improved development prospects Primary (other migrants): • Legal deportation • AVRR programme	• "Spontaneous returns" without international assistance, usually individuals/smaller groups • Organised mass repatriation, with international assistance • Assisted voluntary return of migrants, usually individual/small group programmes	Returnees are citizens of the country to which they are returning, but may face discrimination especially if any stigma is attached to their return Returnees may struggle to access services including social protection: there may be particular difficulty accessing land and/or housing, especially if the returnee is seeking to return to a place of prior residency Vulnerabilities are likely to be exacerbated if the return is premature, to conditions of continuing insecurity/conflict, or inadequately supported (e.g. insufficient development support/weak social protection)

[10] UN Commission on Human Rights, *Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39. Addendum: Guiding Principles on Internal Displacement*, 11 February 1998, E/CN.4/1998/53/Add.2, available at: http://www.refworld.org/docid/3d4f95e11.html, Art. 2

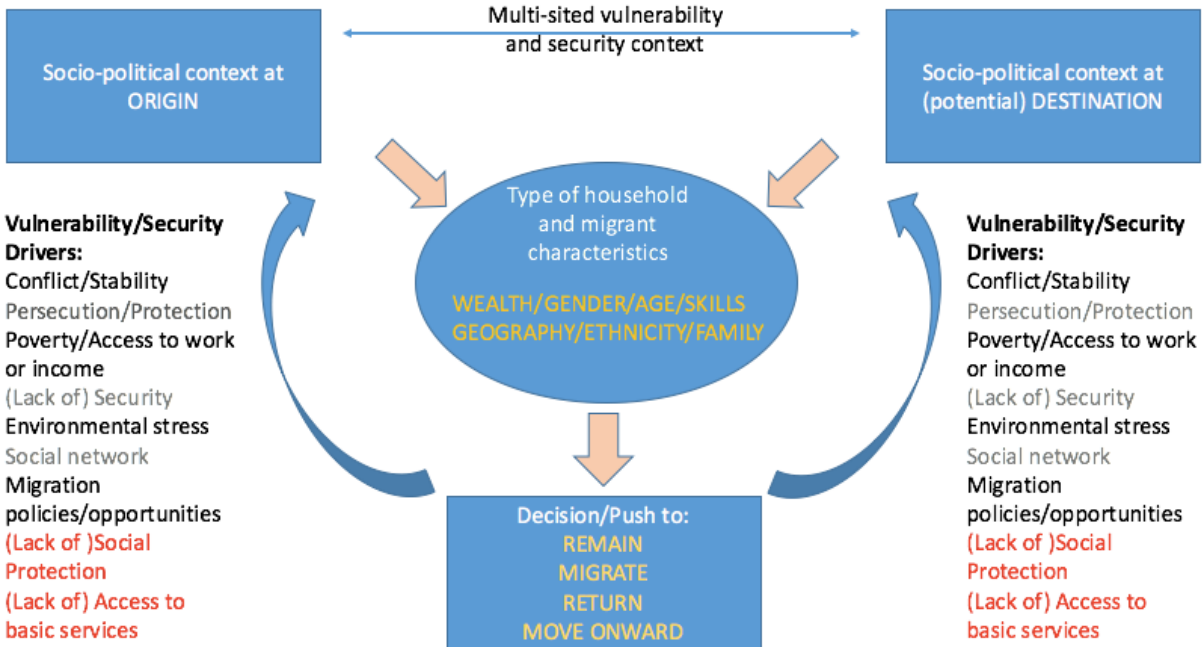
GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
Other forcibly displaced (including climate change)	People may also be forced to cross a border for reasons other than conflict or persecution, for instance as a result of natural disaster or climate change. Depending on where they are, such persons often do not qualify for refugee status, but they are granted humanitarian leave or some other form of temporary protection (e.g. the US' "Temporary Protected Status").[11]	Primary: • Natural or man-made disasters (e.g. earthquake, famine) • Climate change • Insecurity Secondary: • Poverty/Opportunity Diaspora/family connections	• Usually mass movement, can be slow-onset (e.g. cumulative effects of drought), or sudden in response to an acute crisis (e.g. earthquake)	Prior to departure, slow-onset crises may be compounded by a lack of access to adequate social protection in their community/country of origin. If unable to access asylum/humanitarian protection, forcibly displaced may travel as irregular migrants (see below for additional vulnerabilities) Acute crises may see forced migrants experience particular vulnerabilities around shelter, food, and other basic survival needs
Low-income labour migrants	This group includes those all migrants moving from a place of poverty (measured at a household, region, or country level) in search of a secure livelihood, whether such movement is internal or international in nature. Such low-income migration can be broadly divided into two categories: i) Regular migrants are those who move, stay and work legally	Primary: • Poverty/Opportunity • Lack of social protection Secondary: • Diaspora/family connections • Established employment routes • Ethnic or language ties	• Individual/family decision-making intersects with established employment recruitment/smuggling networks	Prior to departure, low-income labour migrants may suffer from a lack of access to adequate social protection in their community/country of origin. They may be especially vulnerable to exploitation by recruiters and/or employers If unable to access legal migration, low-income migrants may travel irregularly, leaving them vulnerable to abuse and exploitation by smugglers and at serious risk during the journey (e.g. unsafe modes of transport) Upon arrival, low-wage migrants with irregular status are particularly vulnerable to a range of abuses, such as payment below minimum wage, lack of access to employment-based social security provisions, lack of

[11] United States Citizen and Immigration Service, *Temporary Protected Status,* https://www.uscis.gov/humanitarian/temporary-protected-status

GROUP	DEFINITION	DRIVERS OF MOVEMENT	NATURE OF MOVEMENT	SPECIFIC VULNERABILITIES
	ii) Irregular migration encompasses any migrant who is in violation of the terms of their admission into their host country. It includes migrants who enter countries illegally, migrants who arrive legally but then overstay their visas, and those who have a legal right to enter a country but not to work, and who then take up employment. In some countries (e.g. China), internal movement is also regulated, meaning that some citizens may move without being able to formally register their new address			benefits (maternity, holidays, disability). In these cases, due to the irregular nature of their employment, they cannot easily appeal for protection. Internal moves can present similar challenges as those faced by undocumented migrants. For instance, in India, access to the public distribution system (PDS) (food allowances), is defined by residency status within State boundaries. Access to the PDS is only available if a move is registered (which involves a lengthy bureaucratic process). In China, the Hukou (household registration system) means that social protection rights and access are determined by rural or urban residency designation, and this cannot be easily altered.

The intersection of social protection and migration drivers is also developed in Figure 1 below. The purpose of this figure is to depict, at a general level, the relationships between inherently multi-sited drivers of migration. The context at home and what is known about any potential destination will affect the household and individual decision to move away from a place of origin to a specific destination, but also the decision to move from one destination to another, or to return. The choice is a dynamic one, in the sense that it takes place over multiple time periods and also across potential sites. Considerations of vulnerability and of real and perceived security (both physical and income) will affect this decision, as will the quality of information available to a would-be migrant regarding potential destinations. While the factors pushing the forcibly displaced to leave are extreme, often making the social-political context of a refugee or other forcibly displaced persons' first destination less immediately relevant than its geographic proximity, socio-political context (including social protection provision and access) will often influence longer-term decision-making. [12]

Figure 1. Migration and flight drivers: vulnerability and opportunity



2. Social protection, forced displacement and low-income migration

Social protection as a driver of migration and displacement

As section 1 of this paper underlines, there is no single experience of low-income labour migration or forced displacement, and therefore needs for social protection vary widely and dramatically. Social protection mechanisms in the form of social transfers (cash, food, vouchers or assets) or occupation-linked insurance will be appropriate to different situations at different times, and may be provided by a range of actors (State, market, donors, CBOs, NGOs and relatives).

[12] Bakewell, O., van Hear, N., and Long, K. Drivers of Migration. Migrating out of Poverty RPC Working Paper 1. Migrating out of Poverty Consortium, University of Sussex, Brighton, UK (2012)

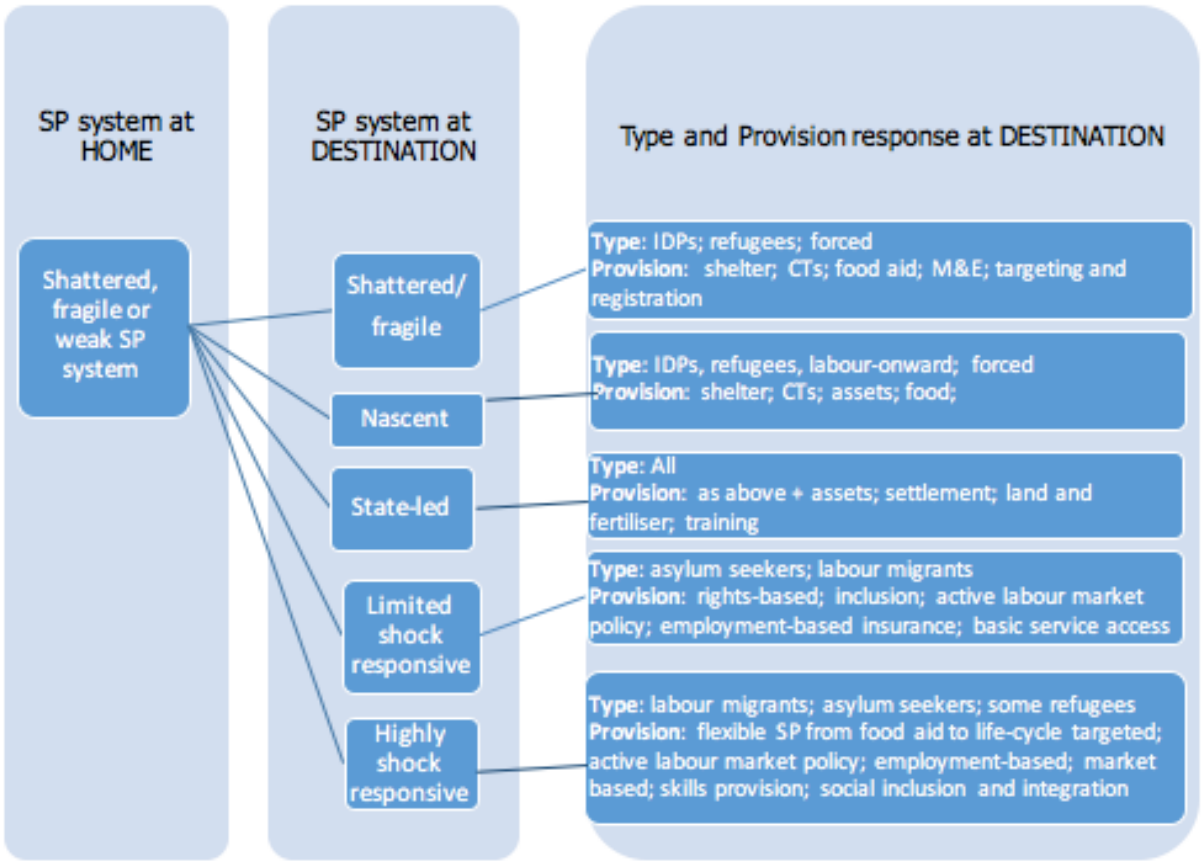
Social protection can be broadly mapped over three categories – social assistance to the extremely poor (e.g. cash transfers, food aid, school feeding); social insurance which provides resilience against livelihood shocks and the risk of *becoming* poor(er) (e.g. contributory unemployment or maternity benefits); and complementary initiatives to ensure and improve access to social protection (for instance through labour market legislation; through provision of social services that enable conditions of cash transfers to be adhered to; or, through awareness raising campaigns to increase knowledge of rights). Regarding this latter point, an example would be protection against discrimination and abuse in the world of work (e.g. legal framework ensuring equal access to the labour market).[13]

The drivers of migration and forced displacement are complex. While inadequate provision of, or access to, social protection is very unlikely to be the only factor precipitating movement (in particular, for refugees and other forcibly displaced people the trigger for movement is for the most part persecution, violence or some other catastrophic event), a lack of social protection undoubtedly contributes to the role poverty plays in driving outward migration, and may also both reflect and contribute to general insecurity and a lack of state capacity, additional factors that may influence the decision to leave. Displacement and migration can thus sometimes be viewed as an (informal) social protection strategy in itself (i.e. a means of escaping insecurities and dire economic outlooks), even while it can also *lead* to vulnerabilities that in turn require specific social protection instruments (Bakewell et al 2012).

One of the potential drivers of migration flows is the context of social protection (formal and informal) both at home and at any possible destination. A limited number of studies on the influence of different countries welfare and asylum support systems suggests that they are not important to a person's initial decision to migrate. However, the policies and rules of different destination countries may influence later decisions on whether to continue to another country where opportunities and conditions may be better (Kuschminder et al., 2015; Triandafyllidou, 2009). Figure 2 draws on the social protection context categories used by FAO in their framework for action across different *contexts of social protection* (Winder Rossi et al. 2017). The social protection strategies and interventions vary widely according the specific contexts at local level. This framework summarizes different scenarios which can be used to define the most appropriate social protection intervention strategy in a given context. The scenarios include levels of system maturity based on state capacity, as well as flexibility and capacity to respond. The five categories (shown in column 2) range from a case in which the provision of social protection is completely absent, to a situation in which the social protection system is flexible and able to respond in an appropriate and efficient manner after a shock.

[13] While all definitions of social protection include, at their core, the social assistance element and often the social insurance element, not all definitions are as broad as the one we are proposing (above) for framing this paper. However it is clear that over the past 5-7 years we have seen the social protection discourse and space evolving to encompass a strong rights-based element as well as a recognition that standard social protection instruments can achieve strong positive livelihood and growth outcomes when coordinated with other sectoral initiatives.

Figure 2: Social Protection Contexts and Provision



Most poor migrants, refugees and other forcibly displaced persons will be moving from states where the Social Protection system is either shattered, fragile or weak, nascent, or has limited ability to respond to a shock. It is important to note that in conflicts where the state is an active party to the conflict and does not control all of its territory then even well-developed social protection systems may only be able to reach part of the population. There may also be non-conflict contexts where a social protection system is well-developed, but regimes deliberately exclude particular population groups from assistance

As previously noted, different migrants, refugees or forcibly displaced people will have varying opportunities and motivations to move to 'better' social protection contexts. Refugees, for instance, frequently move from places with shattered or non-existent social protection systems to locations with only slightly better provision (for instance, refugees moving from Burundi to Tanzania, where national social protection systems are nascent but access for refugees is heavily restricted). Poorer labour migrants might move from weak social protection contexts to destinations where systems have the ability to accommodate shocks and stresses (such as, migrants from Malawi to South Africa), but may lack formal documentation, limiting their access (see Sabates-Wheeler, 2011, for an example of this).

It is precisely because of this that extra-governmental organisations, development agencies and NGOs have developed a range of social protection provisions to ease the livelihood transition and adaptation of migrants, refugees and other forcibly displaced people. One important future focus of social protection for migrants and those in need of international protection, both in places of origin and destination, is to consider and investigate ways in which the international community might support and strengthen the development of national social protection systems and reduce dependency upon funding-contingent

short-term programming that in practice becomes a long-term substitute for effective state-based social protection.

An often overlooked aspect of provision of social protection for refugees and/or poor migrants is the complex relationship between migrants and host communities. In situations of substantial influxes of refugees, such as in the Kosovar-Albanian crisis of 1999, it is possible that the refugee population, on average, has more financial liquidity at their disposal than the host population. That is, the local host population may be very poor. Cash or food transfers and social support targeted only to the refugee population can further exacerbate this economic difference, causing social and economic tension between the two groups. This can lead to local price hikes and a two-tier market for host and refugee populations, as well as conflict and unrest. Governments and communities can try to minimise these tensions through various social cohesion initiatives, and also through extending provision of social protection to the host community in addition to the refugee community. Recent work by Hagen-Zanker et al (2017) on the impacts of a cash transfer for Syrian refugees in Jordan shows that the Jordanian Government has a policy that requires equitable provision of support to both refugees and host populations. This is one way of helping to resolve local problems.

There has been considerable debate about the role played by social protection programmes in shaping migrants' and refugees' choice of destination. There is very little available evidence on this topic and so it is impossible to conclude, despite the intuitively appealing relationship, that strong formal social protection systems are an important *positive* factor for migrants seeking to move out of poverty, except in relation to migrants' ability to access to the labour market. Other factors – the ease of obtaining employment, the cost of travel, the likelihood of detection if moving irregularly, diaspora and language links – are generally far more important than immediate access to social assistance or social security.

What is clear is that low-income labour migrants, refugees and other forcibly displaced people are likely to have specific social protection needs, or face particular challenges accessing formal social protection programmes upon arrival in a country of destination. The next section describes the rights and social protection access that these migrants may (or may not have) at point of destination.

Rights and Social Protection Access

Rights and social protection access for refugees and other forcibly displaced persons

The 1951 Convention sets out a number of rights that provide a framework for **refugees'** full social protection. Rights related to social protection include access to the labour market (Article 17); rights to self-employment (Article 18); inclusion in any rationing scheme (Article 20); access to housing (Article 21); right to public elementary education (Article 22); right to public relief (Article 23); and social security and employment legislation (Article 24). In some cases (rationing, elementary education) rights are equivalent to those of nationals; in most other cases, refugees are to be provided with 'the most favourable treatment as possible', and in any event 'not less favourable than any other migrant'. However, many states have lodged reservations against the obligations laid out in the 1951 Convention (especially Articles 17, 23 and 24).

Other states do not fully recognize these obligations in practice, even where a reservation is not in place. Refugees may often face heavy restrictions in terms of accessing local labour markets, especially when required to live in designated areas (e.g."encampment"). Provision of basic social protection (food aid, cash assistance) often falls to humanitarian agencies whose funding for such programmes may be short-

term. Where social protection is inadequate in a first country of asylum, this may contribute to onward movement of refugees.

Refugee advocates argue that once recognized on a ***prima facie* basis as a refugee**, an individual should be able to presumptively enjoy all the rights, including to social protection, granted under the 1951 Convention. However, in practice states may limit *prima facie* refugees' access to these rights, for instance by restricting access their access to labour markets and insisting upon refugees' encampment.

Asylum-seeker status should be short-term and temporary. Asylum-seekers have the right not to be returned to their country of origin until their claim for refugee status is adjudicated, but any social protection rights are dependent upon national laws.

In practice, asylum-seekers can wait several months or years for their claims to be heard, and asylum-seekers' rights to work or access social protection are often heavily restricted, particularly in the first year after arrival. While many OECD/industrialized states offer asylum-seekers limited state support (housing, basic income support), levels of social assistance are often inadequate, and in these and many other settings asylum-seekers must often rely upon NGO and charitable assistance. This may contribute to onward movement of asylum-seekers away from states with slow asylum processing systems and limited rights for those waiting for a determination.

Internally Displaced Persons are very often citizens of the country in which they are resident and in other cases are for the most part habitual residents, many with similar rights to nationals. The cornerstone of IDP protection is non-discrimination, i.e. equal recognition of IDPs' rights without regard to their displacement. This includes their rights to social protection, which should be recognized as equivalent to those other citizens or habitual residents. However, as a result of their forced displacement, IDPs may face specific challenges in realizing their rights, especially if a state is actively hostile to the IDP group (e.g. ethnic discrimination) or where conflict or natural disaster has destroyed infrastructure and weakened state capacity. In such cases, the ability of IDPs to secure basic social protection – food, housing, healthcare – may depend upon international organisations' programmes, and their access to the labour market may be limited. A failure to provide adequate social protection to IDPs may contribute to their onward movement and secondary displacement, either within the country or beyond its borders (so that IDPs become refugees).

For **other forcibly displaced people** granted some form of temporary protection, their access to social assistance and social services is dependent upon national law. There are significant variations both in terms of the rights granted and a protected displaced person's ability to exercise these rights. Access to benefit systems, for instance, may be limited or proscribed. Although the Nansen Initiative has set out an Agenda for Protection for cross-border disaster displacement, this does not speak to social protection. If access to social protection is restricted upon arrival in a country of destination, this group of forcibly displaced person may then engage in onward movement as a means of seeking informal social protection/access to the labour market. Equally, a social protection programme operating in an area suffering from e.g. climate-induced displacement, may help to increase resilience and mitigate the use of migration as a coping strategy by providing greater income security.

Returnees are generally citizens of the state to which they are returning, and should be able to claim equal rights to social protection alongside other citizens. In the case of refugee voluntary repatriation, the basis for claiming such rights/non-discriminatory treatment may also have been set out in a Tripartite Agreement. However, returnees may struggle to find adequate social protection through the state due to weak state and/or market capacity, especially in early post-conflict settings, and may have specific

needs (e.g. housing) which result from their former displacement. International organisations and NGOs may provide some form of social protection, but such programmes are often dependent upon short-term funding, and may not recognize the specific stresses returnees may face. Without adequate social protection, returnees may experience secondary displacement (either as IDPs, or returning to a former host country as an irregular migrant).

Rights and social protection access for low income labour migrants

Labour migrants often live and gain a living outside the parameters of the state. At times they strategically choose how to interact with state provisioning and negotiate other regimes of provision that may be transnational, cross-border, charity-based or non-formal. However, more often migrants are purposely excluded from welfare systems and social protection initiatives. Standard social protection frameworks, in the main, do not attend to the plight of migrants and their relation to welfare. This is largely because these framings do not incorporate institutional, social and political barriers to welfare provision, which are characteristics of migrant-specific vulnerability.

As detailed by Sabates-Wheeler and Feldman (2011), social protection for labour migrants consists of four components: (i) access to formal social protection – that is, social security and social services – in host and origin countries; (ii) portability of vested social security rights between host and origin countries (availability is usually limited to regular labour in high-capacity social protection contexts); (iii) labour market conditions for migrants in host countries and the employment recruitment process for migrants in the origin country; and (iv) access to informal networks to support migrants and their family members.

Depending on the particular nature of their legal 'irregularity' migrants may engage with some or no state agencies and institutions and receive some state services with or without formal entitlement. For instance, in the UK it is fairly easy for children of irregular migrants to become enrolled in school whatever the immigration status of their parents, but less easy for the family to receive free health care. Whether they can engage with the tax and benefit system is variable and may depend on whether they have National Insurance numbers, or are working using false documents or without documents. They are therefore often without the safety-nets that are regarded as the basic minimum of state welfare systems in industrial societies.

As the categories of persons on the move demonstrate, rights to social protection are highly contingent on legal status. Depending on the country of destination, regular labour migrants often have very similar rights to those of the citizens – through the labour market and employer contributions as well as being able to make claims on public services, such as education and health. However, a recent policy trend, particularly in the EU context, has been to impose additional time-based restrictions on migrants' ability to claim certain social benefits. [14] Irregular migrants have restricted rights to formal social provisioning and public services, which are contingent on what the nature of the 'irregularity' is.

There is limited evidence suggesting that low income labour migrants move primarily to access social protection (with the case for education access for children perhaps being an exception). Similarly, there is little evidence or research investigating the role that social protection could play in preventing migration in the first place. It is possible that social protection programmes (particularly social transfer programmes) can provide instead greater income security and temporary jobs to mitigate seasonal unemployment and shocks, therefore could enable rural households to have a productive and healthy life

[14] E.g. in the UK and Germany

where they live. However, this type of relationship will be highly context specific. A study in Lesotho of the impact of cash transfers on household coping strategies actually showed that recipients of the cash were more likely to engage in labour migration than those who did not (Devereux 2008). This suggested that the extra cash actually enabled them to fund their trips to South Africa where the possibilities of getting higher and regular income was more likely. Other unintended impacts of cash transfers on mobility can be seen in the case of pastoralist populations in East Africa, where the requirement of fixed geographic paypoint registration can limit and change the mobility patterns of pastoralists (Sabates-Wheeler and Lind, 2012). More research is needed to determine how, and under what condition, social protection provision enables households to remain at their home location.

Providers of Social Protection

In states where there are well-developed social protections for citizens, the inclusion of migrants, refugees and other forcibly displaced people in these systems is generally preferable to the development of parallel programmes delivered by international or national humanitarian and/or development organisations. However, there may be resistance to national service provision, and/or specific circumstances (e.g. rural and isolated refugee camps with no close local population; a weak host state; a hostile state) where it is more appropriate or realistic for social protection to be delivered and financed by non-state actors. This can introduce challenges related to financial sustainability and the duration of provision, undermining any entitlement/rights intention of the provision, as well as raising questions about accountability. Such issues underline the importance of efforts to move from fragmented short-term humanitarian funding to more predictable long-term models which have some of the characteristics of a state led system (e.g. common targeting, registration, financing etc.), although led by international actors.

A recent new focus on shock-sensitive social protection means that donor and development agencies are supporting Governments to build national programmes that are able to scale up and down according to seasonal needs and in response to shocks[15]. Social protection programmes are increasingly being designed with specific mechanisms that enhance their flexibility to respond in the event of crises, including, contingency funds, price indexing to respond to seasonal or unexpected variability, expanded management and information systems (MIS), as well as pre-determined plans to be able to scale up (e.g. expansion in number of beneficiaries and/or increase in size of transfer). This is an important area of programming where migrants and refugee's needs can potentially be catered for within planning and projections of caseloads. The Table below illustrates the options for scaling up social protection in response to shocks[16].

[15] Slater and Bhuvandendra 2013

[16] Oxford Policy Management (2015) Shock-Responsive Social Protection Systems, A research programme for DFID, Working paper 1: Conceptualizing Shock-Responsive Social Protection. Oxford: Oxford Policy Management.

Table 2. Options for scaling up in response to covariate shocks

OPTION	DESCRIPTION
Vertical expansion	Increasing the benefit value or duration of an existing programme. May include: - Adjustment of transfer amounts - Introduction of extraordinary payments or transfers
Horizontal expansion	Adding new beneficiaries to an existing programme. May include: - Extension of the geographical coverage of an existing programme - Extraordinary enrolment campaign - Modifications of entitlement rules - Relaxation of requirements / conditionality
Piggybacking	Using a social protection intervention's administrative framework, but running the shock-response programme separately. May include the introduction of a new policy
Shadow alignment	Developing a parallel humanitarian system that aligns as best as possible with a current or possible future social protection programme
Refocusing	In case of a budget cut, adjusting the social protection system to refocus assistance on groups most vulnerable to the shock

Source: OPM, 2015, Shock-responsive social protection systems.

Regardless of circumstance, states are rarely the only providers of social protection. It is important to note the role played by informal social protection – remittances, for instance, are often an essential component of social protection for many migrants' families. It is important to consider how international actors and states can work to help strengthen these forms of social protection too, for instance by working to reduce remittance costs (SDG). This is particularly important because the current global political climate – in particular widespread popular anxieties about the arrival of refugees, asylum-seekers and migrants in local communities – has reduced these groups' access to state-based social protection, both by narrowing opportunities for legal mobility and by limiting access to social protection upon arrival.

In the past decade, many states have developed increasingly *selective* immigration systems that focus on recruiting more wealthy and highly-skilled migrants, especially those working in shortage occupation areas. In turn, a significant proportion of poorer, less-skilled labour migrants have been pushed towards more 'irregular' modes of entry, with the result that they enter sectors of the labour market where jobs are less secure, wages and working conditions are generally poorer, and where there may be a constant threat of discovery and deportation. The recent growth in bilateral and regional free movement and migration agreements have further amplified the difficulties faced in seeking to move legally from a less developed to a more developed region.[17]

[17] Such groupings include the European Union (EU), as well as the Economic Community of West African States (ECOWAS), Mercado Común del Sur (MERCOSUR), the Southern African Development Community (SADC)

Even for those arriving through authorized channels, states can use immigration policy to establish legal and administrative exclusion from social provisioning, and this can further exacerbate *de facto* forms of exclusion related to deficiencies in language and skills, as well as compounding the institutional constraints facing particular groups (such as children, migrants, women, ethnic groups)

3. Future Agenda

Despite increased global recognition of the role that formal social protection can play in reducing vulnerabilities and building resilience, and national and international political commitment to expanding formal social protection, significant gaps and barriers to access remain. This is especially true for people on the move—both low-income labour migrants and forcibly displaced populations -- who frequently find themselves in territories or places where their rights to formal social protection are heavily restricted, or where access barriers are so high that they are unable to take advantage of provision even where it is available. Additionally, the vast majority of refugees and other forcibly displaced people are hosted in states where social protection coverage is often severely limited even for citizens.[18]

While inadequate provision of, or access to, social protection is very unlikely to be the only or the primary factor precipitating movement, a lack of social protection undoubtedly contributes to the role poverty plays in shaping outward migration, and may also both reflect and contribute to general insecurity and a lack of state capacity, additional factors that may influence migrants' decision to leave. Migration itself can be an informal strategy for securing better social protection. However, there is very little evidence that the strength of a social protection system is an important *positive* factor shaping migrants' choice of destination, except in relation to migrants' ability to access the labour market.

This paper has raised a number of questions regarding the relationship between social protection and responses to low-income labour migration and forced displacement. It is clear that there are a number of opportunities for social protection programming to be tailored to help reduce low-income labour migrants', refugees', and other forcibly displaced peoples' vulnerabilities, prior to departure, during the journey, upon arrival in a country of destination, and at the point of return. However, more empirical research – including real-time evaluation of the impact of new social protection– is needed in order to better use social protection to meet migrants' and forcibly displaced peoples' needs and vulnerabilities, and to better understand the role social protection plays in shaping peoples' decisions to move. Below we set out some of the questions that should be used to frame this further work.

i. What *right* does a migrant, refugee or forcibly displaced person have to claim social protection?

As the categories of migrant briefly outlined in Section 2 demonstrate, rights to social protection are highly contingent on legal status. Depending on the country of destination, regular labour migrants often have very similar rights to those of the citizens – through the labour market and employer contributions as well as being able to make claims on public services, such as education and health. However, a recent policy trend, particularly in the EU context, has been to impose additional time-based restrictions on

[18] 86 percent of refugees, for instance, are hosted in the developing world. UNHCR, *Global Trends: Forced Displacement in 2015,* June 2016, http://www.unhcr.org/576408cd7.pdf, p.2

migrants' ability to claim certain social benefits. [19] Irregular migrants have restricted rights to formal social provisioning and public services, which are contingent on what the nature of the 'irregularity' is.

As noted, refugees' rights to some forms of social protection are established under the 1951 Convention, while IDPs' rights can be established in relation to their rights as *citizens*. The claims of *prima facie* refugees, asylum seekers, those displaced as a result of natural disaster or climate change, or those seeking other forms of humanitarian protection are more ambiguous, and dependent upon national legislation.

ii. *Who* should provide social protection? *Who* should finance social protection?

In states where there are well-developed social protections for citizens, the inclusion of migrants, refugees and other forcibly displaced people in these systems is generally preferable to the development of parallel programmes delivered by international or national humanitarian and/or development organisations. Even when well-developed social protection systems for citizens are in existence, however, many states hosting forcibly displaced people may be unable to afford – financially or politically – to include these groups without international financial assistance.

However, there may be resistance to integration, and/or specific circumstances (e.g. rural and isolated refugee camps with no close local population; a weak host state; a hostile state) where it is more appropriate or realistic for social protection to be delivered by international non-state actors. This can introduce challenges relate to financial sustainability and the duration of provision, undermining any entitlement/rights intention of the provision, as well as raising questions about accountability. Reforms to humanitarian financing aimed at providing longer-term stability should assist in reducing these risks.

Regardless of circumstance, states are rarely the only providers of social protection. It is important to note the role played by informal social protection – activities such as remittances, community-based hosting or kin/clan-based support and to consider how the international community can best support these programmes where this is appropriate, for instance by subsidizing community-based support or reducing remittance costs.

iii. How does the broader political context define who can access social protection and on what terms?

The current global political climate – in particular widespread popular anxieties about the arrival of refugees, asylum-seekers and other migrants in local communities – has reduced these groups' access to state-based social protection, both by narrowing opportunities for legal migration and by limiting access to social protection upon arrival.

In the past decade, many states have developed increasingly *selective* immigration systems that focus on recruiting more wealthy and highly-skilled migrants, especially those working in shortage occupation areas. In turn, a significant proportion of poorer, less-skilled labour migrants have been pushed towards more 'irregular' modes of entry, with the result that they enter sectors of the labour market where jobs are less secure, wages and working conditions are generally poorer, and where there may be a constant threat of discovery and deportation. The recent growth in bilateral and regional free movement and

[19] UK, Germany

migration agreements have further amplified the difficulties faced in seeking to move legally from a less developed to a more developed region.[20]

Even for those arriving legally, states can use immigration policy to establish legal and administrative exclusion from social provisioning, and this can further exacerbate *de facto* forms of exclusion related to deficiencies in language and skills, as well as compounding the institutional constraints facing particular groups (such as children, migrants, women, ethnic groups).

iv. How does social protection provision and access, both at origin and in the place of destination influence and mediate decisions of whether to and where to move?

The drivers of migration are complex.[21] While inadequate provision of or access to social protection is very unlikely to be the only factor precipitating a migration (in particular, for refugees and other forcibly displaced people the trigger for movement is likely to be persecution, violence or some other catastrophic event), a lack of social protection undoubtedly contributes to the role poverty plays in driving outward migration, and may also both reflect and contribute to general insecurity and a lack of state capacity, additional factors that may influence the decision to leave.

There has been considerable debate about the role played by social protection programmes in shaping migrants' choice of destination. There is very little evidence that strong formal social protection systems are an important *positive* factor for migrants seeking to move out of poverty, except in relation to migrants' ability to access to the labour market. Other factors – the ease of obtaining employment, the cost of travel, the likelihood of detection if moving irregularly, diaspora and language links – are generally far more important than immediate access to social assistance or social security.

However, just as inadequate social protection is often a contributing factor in prompting an initial migration, a lack of social protection in a first country of asylum can prompt refugees and other forcibly displaced people to engage in onward movement. An uptick in onward movement may follow a cut in social provisioning resulting from a drop in humanitarian or development funding (e.g. reduced food assistance) [e.g. Syrian refugees leaving Jordan after food aid cuts; see Danish Refugee Council 2016]. In other cases, refugees and other forced migrants may grow frustrated with receiving basic social assistance as a substitute for other rights ("care and maintenance"), and engage in onward movements in the hope of securing (often irregular) access to the labour market, and a greater degree of empowerment and dignity [e.g. Somali refugees moving from Kenya; see Moret et al. 2006].

It is thus possible to make a distinction between migration as a social protection strategy in itself (i.e. a means of escaping vulnerabilities), and migration that *leads* to vulnerabilities that in turn require specific social protection instruments.This raises the question of whether onward movement is always evidence of a failure of adequate social protection mechanisms in a place of first asylum, or whether (in at least some cases) the onward migration of refugees and other forcibly displaced people should be supported by increasing access to alternative legal forms of migration? (SDG 10.7; Montenegro 2016; Long 2015).

[20] Such groupings include the European Union (EU), as well as the Economic Community of West African States (ECOWAS), Mercado Común del Sur (MERCOSUR), the Southern African Development Community (SADC)

[21] Bakewell, van Hear, Long

v. How does place and length of displacement or migration influence need for social protection?

In OECD countries and other developed states, refugee status usually confers automatic inclusion in national social protection programmes; this is not the case in many developing states (especially where social protection is in general weaker). However the majority of forced migrants live alongside local host communities in urban settings, and not in camps (58%). Urban refugees are often well-placed to benefit from inclusion in national social protection programmes (often with international financial assistance), and may be better able to access informal sources of social protection/exercise rights in labour market etc. than camp refugees. Cash transfers are likely to be more appropriate than in-kind assistance. Alternatively, in refugee and IDP camps, host state services may be entirely absent and there may be more need for international organizations to provide parallel social protection (as well as financing such programmes).

In the immediate aftermath of displacement, emergency needs are often acute: life-preserving humanitarian aid is likely to be required alongside social assistance programmes that are targeted at meeting basic needs (feeding stations, basic shelters). Social services/social insurance/social equity are more obviously needed in Protracted Displacement (where access to labour market, healthcare, education becomes key). Given the majority of refugees ultimately suffer protracted displacement, however, it is important to begin planning for longer-term social protection in the early stages of crisis.

vi. How can social protection systems incorporate portability across borders?

Portability is the ability to preserve, maintain and transfer vested social security rights or rights in the process of being vested, independent of nationality and country of residence (Cruz 2004; Holzmann 2005). Work by Avato and colleagues (2010) shows that it is predominantly North–North migrants who enjoy access to and portability of social benefits, which translates into 23 per cent of all migrants worldwide.[22] The most disadvantaged migrants are those moving within low-income regions. In these regions, formal social security provisions are less developed, and migration is characterized by high numbers of undocumented migrants. The lack of access to social services and lack of portability of social rights for migrants not only raises concerns about the vulnerabilities of migrants, but also creates distortions in labour markets and in migration decisions. If migrants do not fully benefit from social security contributions or tax contributions because the associated benefits are not accessible or not portable, they might decide to avoid contributions and work informally or understate earnings. If migrants have made considerable contributions, but the acquired social rights are not portable, migrants' decisions to return to the home country or to stay in the host country might be biased towards the latter because of the expected income loss due to, for example, forgone pension benefits. Lack of portability of social rights could, therefore, undermine return migration and deprive origin countries – many of them developing countries – of important beneficial development effects.

Portability of benefits accrued may be particularly important in providing social insurance against the risks of continuing vulnerability associated with forms of return migration, especially when the return is involuntary. This is a particularly important issue for low-wage seasonal migrants who may pay contributions into a social protection system but have no right to receive any future payments from such funds (e.g. Mexican temporary farm workers in the US).

[22] Avato, J., J. Koettl and R. Sabates-Wheeler, 'Social Security Regimes, Global Estimates and Good Practices: The Status of Social Protection for International Migrants', (Vol. 38, No. 4) World Development

Forced migrants as a group are particularly likely to suffer from a lack of legal/recognized ID, which if not addressed may limit ability to access formal social protection programmes (World Bank work ID4D) and complicate attempts to secure regional portability of social protection.

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Annex 1. Types of disadvantage and vulnerabilities affecting migrants and forcibly displaced persons

The table below presents a matrix of the categories of disadvantage and the different determinants of vulnerabilities faced by low-income migrants' and refugees and other forcibly displaced persons. Migrant-specific disadvantage applies by virtue of having migrated. Migrant-intensified disadvantage occurs when migration exacerbates a disadvantaged caused by e.g. poverty. Bureaucratically imposed disadvantage refers to official's attitudes and ideas that exacerbate customary discrimination. Migrants suffer 'over-representation' disadvantage when they are over-represented in a disadvantaged group. While refugees and other forcibly displaced people may experience specific challenges, especially those living in a camp-based setting, it should be noted that many of the disadvantages faced are common to both low-income migrants and the forcibly displaced.

1a. Categories of refugee and other forcibly displaced persons' disadvantages

	Examples of manifestations			
Determinant of vulnerability	**Displacement-specific**	**Intensified (for e.g. low-income actors)**	**Bureaucratically imposed**	**Over-representation**
Spatial / environmental	Restrictions on movement *(e.g. encampment)*.	Lack of knowledge (*of e.g. rights, opportunities for transport)*	Use of local languages *(can't understand access rules)*	Health risks associated with informal settlements *(difficult to spend time accessing)*.
Socio-political	Lack of representation *(ineligible to access, camps run without representation)*	Uncertainty interacting with govt/agencies*(opaque institutional complaints mechanisms)*	Discrimination in access to services; *(ineligible to access)*.	Restrictions on political activities in camp*(inability to express voice)*.
Socio-cultural	Xenophobia *(discrimination in access)*	Social discrimination based on ethnicity, language, illegal status *(discrimination in provision)*.	Additional stigmatising requirements to access services *(required to show additional eligibility documents)*	Social perceptions of 'criminal poor' *(additional scrutiny of access documents)*

1b. Categories of migrants' disadvantages

	Examples of manifestations			
Determinant of vulnerability	**Migrant-specific**	**Intensified (for e.g. low-income actors)**	**Bureaucratically imposed**	**Over-representation**
Spatial / environmental	Unfamiliarity with surroundings *(unsure about rights and access)*.	Lack of knowledge (*of e.g. where the protection is)*	Public information in local language *(can't understand access rules)*	Health risks associated with informal settlements *(difficult to spend time accessing)*.
Socio-political	Lack of representation (illegal) *(ineligible to access)*.	Uncertainty interacting with government *(difficult to engage in institutional complaints mechanisms)*	Discrimination in access to services; "citizens without rights," *(ineligible to access)*.	Lack of political access for slum dwellers *(inability to express voice)*.
Socio-cultural	Xenophobia *(discrimination in access)*	Social discrimination based on ethnicity, language, illegal status *(discrimination in provision)*.	Additional stigmatising requirements to access services *(required to show additional eligibility documents)*	Social perceptions of 'criminal poor' *(additional scrutiny of access documents)*

Source: Adapted from Sabates-Wheeler and Waite (2003, p.14) in MacAuslan (2011).