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## **EUROPEAN QUALIFICATIONS PASSPORT FOR REFUGEES\***

**Abstract:** *Asylum seekers and refugees usually face problems with qualifications recognition that obstructs their access to the host country labour market. The Council of Europe/UNESCO Lisbon Recognition Convention regulates “procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education”. Recently, the Council of Europe embarked on development of the European Qualifications Passport for Refugees. The idea was to introduce a document providing an assessment of the higher education qualifications based on available documentation and a structured interview. This document would present information on the applicant’s work experience, language proficiency and provide reliable information for integration and progression towards employment and admission to further studies. The European Qualifications Passport would enable faster and smoother integration, particularly for those categories of internationally protected persons who cannot fully document their qualifications. This paper examines the legal basis on the European Qualifications Passport, institutional framework and possible implications for all host countries. The qualitative research provides an in-depth analysis of legal and regulatory framework applicable to qualification recognition. The paper may contribute to ongoing discussion on integration of asylum seekers and refugees.*

**Keywords:** *refugees, asylum seekers, qualifications, integration.*

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## 1. Introduction

Recognition of foreign qualifications has been regulated since the 1950s by international and regional legal instruments. In addition, countries concluded bilateral agreements and recognizing foreign diplomas and certificates through their own national procedures. The main precondition for recognition of foreign qualifications was the existing formal proof of qualification obtained in the country of origin and existence of national legal framework. While recognition of diplomas and certificates was never an issue for foreign students, researchers or workers who were always able to present their official supporting documents, the area of recognition of qualifications for refugees was far more difficult, partly due to unwillingness of some host countries to integrate refugees into the labour market, fearing this might lead to permanent settlement, and partly due to the fact that refugees very often could not present formal documents to certify their qualifications. The Lisbon Recognition Convention in 1997 set the ambitious goal that Convention Parties should undertake steps to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfill the relevant requirements for access to higher education, to further higher education programs or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence. Despite this goal, in the period between the adoption of the Convention in 1999 and 2017, very little was done in the area of recognition of qualifications held by refugees, displaced persons and persons in refugee-like situations. This prompted the Council of Europe to undertake new initiative and to introduce the European Qualification Passport to bypass the issue of recognition of inadequately documented qualifications.

## 2. Legal basis on the European Qualifications Passport

Legal regulation of recognition of qualifications for refugees commenced with the Convention relating to the Status of Refugees (further: Refugee Convention) adopted in 1951. In Article 22.2, the Convention regulates that “the Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.”<sup>1</sup>

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1 1951 Convention Relating to the Status of Refugees, available at: <http://www.unhcr.org/3b66c2aa10> accessed on 10 September 2018.

At the time of its adoption, the Refugee Convention regulated the recognition of foreign diplomas and school certificates in connection with the admission to schools of higher learning and universities, not regarding the exercise of professions.<sup>2</sup> This was a traditional manner of regulating recognition of diplomas, with the assumption that persons seeking and obtaining international protection will be able to benefit only from recognition linked to continuation of education in the host country. Secondly, the Convention assumed that refugees would be able to present formal documents certifying their previously obtained qualifications from their country of origin. In practice, these assumptions proved challenging because refugees were interested to get qualifications recognized to seek employment in the host country, and they were frequently unable to present formal documents due to volatility of circumstances in the country of origin which were the reason for fleeing without their certificates and diplomas.

The Refugee Convention also used legal standards from the Council of Europe European Convention on the Academic Recognition of University Qualifications of 14 December 1959, ratified by only three State Parties. Other important legal documents of the Council of Europe are: the European Convention on the Equivalence of Periods of University Study of 15 December 1956 (ETS No 021), later replaced by the European Convention on the General Equivalence of Periods of University Study from 1990,<sup>3</sup> and the European Convention on the Equivalence of Diplomas leading to Admission to Universities from 1954 (ETS No 015), with only three ratifications each. The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (The Lisbon Recognition Convention) Treaty No 165, adopted in 1997,<sup>4</sup> also had a remarkably small number of ratifications (only five), demonstrating a very low interest of the Council of Europe State Parties in matters related to the recognition of diplomas for foreign nationals. Inter alia, in Section VII, this Convention envisages the recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation:

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2 UNHCR, The Refugee Convention, 1951 The Travaux Préparatoires Analysed with a commentary by Dr Paul Weis; Available at: [www.unhcr.org/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html?query=recognition of diplomas](http://www.unhcr.org/protection/travaux/4ca34be29/refugee-convention-1951-travaux-preparatoires-analysed-commentary-dr-paul.html?query=recognition%20of%20diplomas), accessed on 15 September 2018.

3 European Convention on the General Equivalence of Periods of University Study, Rome, 6.XI.1990, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007b3d2> accessed on 10 September 2018.

4 Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/015> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/021> <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/165> accessed on 10 Sept.2018.

“Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.”

In 2010, the Lisbon Recognition Convention Committee adopted the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications. If a refugee, displaced person or person in a refugee-like situation has formal documents certifying level of education, qualifications should be assessed in accordance with the Lisbon Recognition Convention and its Recommendation from 2010.

In addition to the legal regulation of recognition of qualifications within the relevant regulatory framework of the Council of Europe and under the Refugee Convention, the matter of recognition of diplomas was further regulated in the International Labour Organization (ILO) Convention No 143 (Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers). In Article 14, this Convention states that “a Member may ... (b) after appropriate consultation with the representatives organizations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas”. The same provision is contained in Paragraph 6 of ILO Recommendation No. 151.<sup>5</sup>

Finally, Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications establishes rules related to the recognition of professional qualifications with regards to access to regulated professions.

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5 Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Entry into force: 09 Dec 1978), adoption: Geneva, 60th ILC session (24 June 1975), available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C143](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143) accessed on 10 September 2018. Migrant Workers Recommendation, 1975 (No. 151), Recommendation concerning Migrant Workers, available at: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312489](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312489) accessed on 10 September 2018.

### 3. European Qualification Passport

In 2017, the Council of Europe established the European Qualifications Passport as a multinational framework of a fast-track procedure to evaluate refugees' educational and training background in the absence of formal documents in order to ensure their mobility around Europe.<sup>6</sup> The European Qualifications Passport for Refugees is a document providing an assessment of the higher education qualifications based on available documentation and a structured interview. It also presents information on the applicant's work experience and language proficiency. The document provides reliable information for integration and progression towards employment and admission to further studies.

The Council of Europe and the UNESCO jointly introduced the European Qualifications Passport by the adoption of the Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation.<sup>7</sup>

The Recommendation emphasises that refugees, displaced persons and persons in a refugee-like situation should be entitled to assessment for access to higher education, including when their qualifications or periods of study cannot be adequately documented. In order to achieve this, persons under international protection who cannot adequately document the qualifications or periods of study they claim are entitled to assessment of their qualifications or periods of study when applying for admission to a study programme or for the purpose of seeking employment. Competent recognition authorities should take adequate measures in this respect within the limits of each Party's constitutional, legal and regulatory provisions.<sup>8</sup>

The Recommendation also puts forward proposal for assessment procedure free of charge or at reasonable cost, as costs should not be a barrier in acquiring recognition of qualifications. The Recommendation also suggests reasonable time in which assessment should be made.<sup>9</sup>

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6 Source: <https://fruitfame.com/category/miracle-fruit/european-qualifications-passport-for-refugees> accessed on 17 September 2018.

7 Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation; Council of Europe, UNESCO, DGII/EDU/HE (2017) Paris/Strasbourg, 14 November 2017, Adopted by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region on 14 November 2017, at its extraordinary session in Strasbourg. Available at: <https://rm.coe.int/recommendation-on-recognition-of-qualifications-held-by-refugees-displ/16807688a8> , accessed on 17 September 2018.

8 Paragraph 9 of the Recommendation

9 Paragraph 10 of the Recommendation

The European Qualifications Passport for Refugees is a standardized statement, with a purpose to map, summarize and present available information about the refugee's educational level containing information that describes the highest achieved qualification(s), subject field, other relevant qualifications of the individual, job experience and language proficiency.

### ***3.1. Procedure for assessment of qualification***

The methodology of obtaining the European Qualification Passport is a combination of document analysis and the use of a structured interview by qualified and experienced credentials' evaluators with the aim to provide credible and reliable information relevant in connection with applications for employment, internships, qualification courses and admission to studies.<sup>10</sup>

The assessment of inadequately documented qualifications has a goal to establish whether applicants are likely to hold the qualifications they claim. It may further aim to establish the value of those qualifications within the education system of the host country. Where formal rights are attached to a certain qualification in the home country, the qualification should be assessed with a view to giving the holder comparable rights in the host country.<sup>11</sup>

The assessment of inadequately documented qualifications should be based on information collected from reliable public sources as well as the person applying for recognition of their qualifications and supplemented by interviews with the applicant, examinations and any other appropriate assessment methods. The competent recognition authority should make use of any available and reliable information about the institutions and programmes in which the qualifications have been earned as well as information obtained through previous assessments of similar qualifications and as far as possible refer to the level, quality, learning outcomes, profile and workload of the qualification.<sup>12</sup>

New qualification recognition procedure has initially been tested in Norway, and after successful pilot phase in November, currently testing centres in Armenia, Canada, France, Germany, Greece, Italy, the Netherlands, Norway and the UK are working to provide documents detailing refugees' education qualifications, work experience and language proficiency.<sup>13</sup>

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10 Explanatory Memorandum to the Recommendation, p. 14

11 Paragraph 10 of the Recommendation

12 Paragraph 17 of the Recommendation

13 Source: <https://thepienews.com/news/european-refugee-passport-scheme-expands/>, accessed on 17 September 2018.

The qualifications passport is valid for three years, and is intended to provide guidance for the first years that refugees enter the labour market or pursue more education.

#### **4. Possible implications for all host countries**

The Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation requires from Parties to the Lisbon Recognition Convention to review and, as required, amend their legal framework and regulations to ensure that national legislation does not impede the implementation of Article VII of the Convention and the provisions of the Recommendation. To this effect, Parties are encouraged to take any required action to simplify and speed up the recognition process in a coordinated way.

In order to establish recognition of inadequately documented qualifications for refugees and persons in all refugee-like situations, host countries would need to change their national legislation in part regulating obligation to base recognition procedure on formal supporting documents like diplomas and certificates. For example, the Croatian Act on Recognition of Foreign Educational Qualifications (Official Gazette No 158/03, 198/03, 138/06, 45/11) regulates in Article 4 that recognition procedure is based on documents, and lists all documents that are required for the qualification recognition. In the long term, adoption of European Qualification Passport methodology can save costs for host countries by facilitating and accelerating the process of recognition of undocumented or non-verifiable foreign qualifications across borders in Europe.<sup>14</sup>

#### **5. Conclusion**

Introduction of the European Qualification Passport is a significant innovative solution to long-lasting legal limbo which refugees and all persons in similar situations encountered if they could not prove their qualifications and previous study periods by official documents. Unrecognized qualifications of persons under international protection resulted in their inability to get employment, de-skilling, losing their professional competences in case of longer-lasting displacement and reliance on social welfare in the host country. In order to achieve higher and faster integration of refugees on the national labour market, there was a necessity to introduce new method of assessment of qualifications, based on background check, self-assessment and structured interview with competent experts. Having seen positive results of initial pilot phase of such recognition

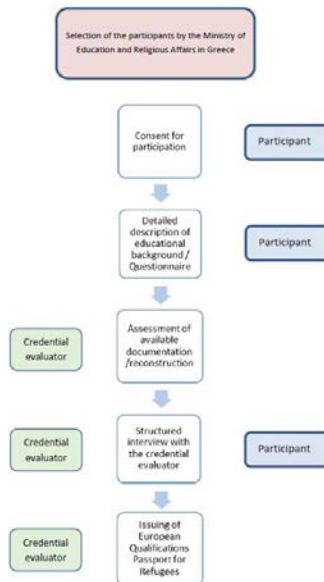
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<sup>14</sup> Source: <https://fruitfame.com/category/miracle-fruit/european-qualifications-passport-for-refugees>, accessed on 17 September 2018.

of inadequately documented qualifications, and considering current success in nine European countries implementing the European Qualifications Passport scheme, we can expect that the proposal will have larger impact and possibly get endorsed by the European Commission in a form of more compulsory legal norm than it is currently the case with Council of Europe and the UNESCO Lisbon Convention and its Recommendation.

## Annex I

Figure 1. Assessment Procedure for obtaining the European Qualification Passport



Source: [https://www.coe.int/documents/21202288/24146803/process\\_qualifications\\_passport\\_refugees\\_EN.jpg/5809dac7-9375-4a5f-9cda-42174cd0f88b?t=1489661330000](https://www.coe.int/documents/21202288/24146803/process_qualifications_passport_refugees_EN.jpg/5809dac7-9375-4a5f-9cda-42174cd0f88b?t=1489661330000)

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## **ЕУРОПСКА КВАЛИФИКАЦИЈСКА ПУТОВНИЦА ЗА ИЗБЈЕГЛИЦЕ**

### **Резиме**

*Тражитељи азила и избјеглице се често сусрећу с проблемом признавања стручних квалификација што им онемогућава приступ тржишту рада у земљи домаћину. Лисабонска Конвенција о признавању квалификација Вијећа Еуропе и УНЕСКО-а прописала је "поступке којима је циљ поштена и брза процјена испуњавају ли избјеглице, расељене особе и особе у свим ситуацијама које су сличне избјеглиштву релевантне увјете за приступ високом образовању"*

*Недавно је Вијеће Еуропе започело с развојем Еуропске квалификацијске путовнице за избјеглице. Идеја је била да се уведу документ који ће осигурати процјену ступња образовања и евентуалних високообразовних квалификација која би се темељила да доступној документацији и структурираном разговору. Овај документ би представљао информације о радном искуству кандидата, његовом/њеном ступњу знања страних језика и пружао би поуздане информације потребне за интеграцију тј. запошљавање и/или наставак образовања кроз омогућавање уписа у адекватне образовне институције. Еуропска квалификацијска путовница за избјеглице би омогућила бржу и једноставнију интеграцију, посебице за категорије особа под међународном заштитом које из објективних разлога, не могу доказати своје квалификације потребним службеним исправама.*

*Рад би се фокусирао на правну основу развоја Еуропске квалификацијске путовнице за избјеглице, институционални оквир и могуће импликације за државе домаћине. Истраживање би било квалитативно са подробном анализом правних и регулаторних оквира који се односе на признавање квалификација. Рад би могао допринијети тренутној расправи о интеграцији тражитеља азила и избјеглица.*

**Кључне ријечи:** *Избјеглице, тражитељи азила, квалификације, интеграција.*