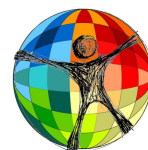


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From Flight to Flourishing: Enabling Displaced Talent Mobilization in Canada

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ABSTRACT

The phenomenon of "displaced talent mobility" is on the rise, and Canada is paving the way with the Economic Mobility Pathways Project ("EMPP"): a new complementary program to resettle skilled refugees through existing economic pathways. The purpose of this paper is to examine whether the EMPP successfully merges the worlds of refugee protection and economic immigration to generate mutually beneficial opportunities for skilled refugees and institutional actors. This paper employs an enlightened rather than idealized vision of the EMPP and accepts that the State will ultimately prioritize sustainable economic expansion in accordance with market disciplinary forces.

However, this approach glorifies skilled refugees as economic drivers and idealizes their uptake into the Canadian workforce. This paper ultimately finds that, for the EMPP to achieve its win-win aspirations, it must address the multilevel barriers that restrict skilled refugees in their pursuit of labour market integration. This requires a shift from displaced talent *mobility*, rooted in market dynamics, to displaced talent *mobilization*, rooted in human capabilities. By drawing on Amartya Sen's Capability Approach and its conception of development as capability expansion, this paper proposes participatory strategies that enable skilled refugees to become informed and empowered agents in the EMPP, thereby promoting a refugee-led framework for Canada's new complementary employment pathway.

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ABBREVIATIONS

BVOR Program	Blended-Visa Office Referral Program
CA	Capability Approach
EMPP	Economic Mobility Pathways Project
GCR	Global Compact on Refugees
GAR Program	Government-Assisted Refugees Program
IRCC	Immigration, Refugees and Citizenship Canada
LMICs	Low- and Middle-Income Countries
PRS	Protracted Refugee Situation
PSR Program	Private Sponsorship of Refugees Program
TBB	Talent Beyond Boundaries
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

Introduction

The second phase of Canada’s Economic Mobility Pathways Project (“EMPP”) is now open to “help settle up to 500 skilled refugees, and their families” following the successful completion of its pilot phase.¹ The EMPP aims to resettle skilled refugees through existing economic pathways by alleviating barriers they may face in pursuit of economic immigration. Unlike models that distinguish displaced persons from economic migrants, and juxtapose humanitarian resettlement efforts with economic development initiatives, the EMPP moderates middle ground, testing “what it means to bring the worlds of refugee protection

¹ IRCC, “Applications Now Open for the Expanded Economic Mobility Pathways Pilot” (3 December 2021), online: Government of Canada <www.canada.ca/en/immigration-refugees-citizenship/news/notices/applications-open-economic-mobility-pathways-pilot.html>.

and economic immigration together.”² Indeed, the intersection between humanitarian ideals and market economics can be most effective to expand durable solutions that “generate win-win opportunities” for both skilled refugees and institutional actors.³ However, the Project’s current framework fails to recognize the actual ability of candidates to promote and achieve functionings they value. To this end, this paper draws on Amartya Sen’s Capability Approach (“CA”) to envision how the EMPP may create an environment for skilled refugees to meaningfully participate in its trailblazing Project. In so doing, this paper bolsters the EMPP’s current market orientation with a humanizing infrastructure that enables skilled refugees to flourish alongside their new Canadian contexts.

Part I of this paper frames fundamental terms and market disciplinary forces in Canada’s refugee protection programs. Part II traces the flight of ‘displaced talent mobility’ on the world stage and in domestic politics, culminating in the launch of the EMPP as a refugee assistance project consistent with economic growth and development. Finally, Part III resituates the EMPP within Sen’s Capability Approach, employing the participatory strategies of legal empowerment and ‘displaced talent mobilization’ so that the EMPP can move beyond development economics, and instead promote human flourishing.

PART I: The Fundamentals of Displaced Talent Mobility

Defining ‘Refugees’

Canada’s refugee policy primarily draws upon the 1951 *Convention Relating to the Status of Refugees* (“Refugee

² UNHCR, “The Economic Mobility Pathways Project – Policy Principles and Lessons Learned: A Canadian Perspective on Complementary Pathways for Admission” (June 2019) at 2, online (pdf): UNHCR <www.unhcr.ca/wp-content/uploads/2019/07/The-Economic-Mobility-Pathways-Project-Policy-Principles-and-Lessons-Learned-June-2019.pdf> [Partner’s Dialogue].

³ Tamara Wood, “The Role of ‘Complementary Pathways’ in Refugee Protection” (November 2020) at 5, online (pdf): Kaldor Centre for International Refugee Law <www.kaldorcentre.unsw.edu.au/publication/role-%E2%80%99complementary-pathways%E2%80%99-refugee-protection>.

Convention” or “Convention”) to grant protection to refugees.⁴ The Convention “endorses a single definition of the term ‘refugee’ in Article 1,”⁵ applying to any person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to ... return to it.”⁶ Despite the dominance of the Convention’s definition of ‘refugee’ in Canadian refugee policy, legal scholars contend that it is “outdated, partial and circumscribed because [it fails to] capture specific situations facing refugees (e.g., environmental refugees displaced by climate change) in contemporary international socio-political and environmental contexts.”⁷ Further, it overlooks several immigration mechanisms within Canada that define and grant protection to refugees on grounds that depart from the Convention’s enumerated list.⁸

As we move away from the institutional level, it becomes clear that, while the State represents a key agent in identifying and categorizing refugees, it is not “the only producer of identifications and categories, and its categories can be contested.”⁹ The futile search for a ‘single definition’ of the term ‘refugee’ clashes with the lived reality and social identity of the

⁴ *Convention Relating to the Status of Refugees*, 28 July 1951, 189 UNTS 137 [Convention].

⁵ *1967 Protocol Relating to the Status of Refugees*, 31 January 1967, 606 UNTS 267 at 3 [Protocol].

⁶ *Convention*, *supra* note 4, art 1.

⁷ Eun Su Lee et al, “Unveiling the canvas ceiling: a multidisciplinary literature review of refugee employment and workforce integration” (2020) 22:2 *International Journal of Management Reviews* 193 at 195, online: <doi.org/10.1111/ijmr.12222>.

⁸ See *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 147 (recognizes “Country of Asylum” claimants as distinct from Convention refugees—the Country of Asylum class extends to foreign nationals who “have been determined by an officer to be in need of resettlement because (a) they are outside all of their countries of nationality and habitual residence; and (b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries”) [IRPR].

⁹ Katarina Mozetič, “Being Highly Skilled and a Refugee: Self-Perceptions of Non-European Physicians in Sweden” (2018) 37:2 *Refugee Survey Quarterly* 231 at 235, online: <doi.org.proxy3.library.mcgill.ca/10.1093/rsq/hdy001>.

refugee as a person. As such, the term 'refugee' should not be thought of as uniform or indivisible, but rather as representing human diversity.

The conceptualization of the refugee as an embodiment of human diversity is particularly important in the context of displaced talent mobility, where it can be difficult to neatly classify individuals as 'refugees' or 'highly skilled migrants.' Refugees who may be eligible for economic migration pathways disrupt "the refugee-economic migrant dichotomy," which "rarely reflects the reality in all its multiple layers."¹⁰ In reality, refugees have "diverse educational backgrounds, professional experiences, technical skills, [and] social networks," and as such defy archetypal labels of 'refugee' and 'highly skilled migrant.'¹¹ The tendency to view the term 'refugee' as monolithic, representing "a homogenous collective of victims who have no capacity (or desire) for self-help" conceals this range of experiences and runs counter to the new wave of skilled migration solutions for refugees. Therefore, this paper adopts an overarching definition of 'refugees' that accommodates the diversity of individuals living outside their home country due to fears of persecution or abuse, "along with their multifaceted histories, self-perceptions, and contextualities," to enrich its approach to Canada's Economic Mobility Pathways Project.¹²

Defining 'Resettlement'

According to Immigration, Refugees and Citizenship Canada ("IRCC"), which is the federal department responsible for refugee resettlement in Canada,¹³ the term 'resettlement' represents "how Canada selects refugees abroad and supports their health, safety, and security as they travel to and integrate into Canadian society."¹⁴ Canada's well-established refugee

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ See Rachel McNally, *Caring for Refugees: Questioning the Public-Private Dichotomy in Canadian Resettlement* (MA Thesis, Carleton University, 2020) [unpublished] at 9.

¹⁴ IRCC, "Evaluation of the Resettlement Programs (GAR, PSR, BVOR and RAP)" (2016) at 1, online (pdf): Government of Canada

resettlement programs include the Government-Assisted Refugees ("GAR") Program, the Private Sponsorship of Refugees ("PSR") Program, and the Blended-Visa Office Referral ("BVOR") Program. While the Federal Government administers the GAR Program, providing resettlement services and income support for "higher needs" refugees for up to one year, the PSR Program "allows Canadians to get involved in refugee resettlement and offers protection space over and above what is provided directly by the government."¹⁵ The BVOR Program falls between the GAR and PSR Programs, as the Federal Government and private sponsors share responsibility for providing emotional and financial support to refugees.¹⁶

The IRCC's holistic conception of resettlement as how Canada selects and supports refugees transcends the United Nation's ("UN") mechanistic definition of resettlement as "the process by which refugees are selected and transferred from the country of refuge to a third State which has agreed to admit them as refugees with permanent residence status."¹⁷ In highlighting Canada's role in supporting and integrating refugees, the IRCC's definition outlines a more robust approach to refugee resettlement, beyond the provision of permanent residence status. At the same time, it imagines refugee resettlement as mutually beneficial for persons in need of protection and the State. The goal is not only for Canada's resettlement programs to "contribute to international protection efforts," but also to ensure that "refugees participate economically, socially and culturally in Canada."¹⁸ In this way, refugee resettlement aligns with "departmental priorities to support humanitarian objectives, while being consistent with federal roles and responsibilities."¹⁹

The IRCC's definition of 'resettlement' reveals mixed motives in providing refugee assistance. Although Canada's refugee

<www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/resettlement-programs.html> [Evaluation of Resettlement].

¹⁵ *Ibid* at 1–2.

¹⁶ See *ibid* (visit for more information on Canada's resettlement programs).

¹⁷ UNHCR, "Resettlement Handbook" (2018) at 36, online (pdf): www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html [Resettlement Handbook].

¹⁸ Evaluation of Resettlement, *supra* note 14 at 57.

¹⁹ *Ibid* at iv.

policies may appear altruistic, they take shape from the State's political, social, and economic interests. In line with Tony Evans's *International Human Rights Law as Power/Knowledge*, "the failure to include an account of power and interests obstructs investigation" into Canada's resettlement agenda.²⁰ Evans calls for the embrace of political discourse within human rights in order to "reimagine new futures," and the same holds true within for refugee resettlement.²¹ For this reason, this paper employs an enlightened rather than "idealized vision" of resettlement—which recognizes that Canada will ultimately prioritize "economic development in accordance with market disciplinary principles" in its pursuit of international refugee protection—so that it may engage in a constructive critique of the new Economic Mobility Pathways Project.²²

Defining 'Complementary Pathways'

Complementary pathways are "safe and regulated avenues that complement refugee resettlement."²³ In accordance with the "principle of additionality,"²⁴ they do not intend to "substitute the protection afforded to refugees under the international protection regime," but rather to offer "additional opportunities" for persons with resettlement needs.²⁵ Complementary solutions range from needs-based pathways, which often overlap with refugee resettlement by promoting responsibility-sharing for refugees with urgent humanitarian needs, to qualifications-based pathways, which place greater emphasis on refugees' ability to integrate through family links or professional and educational qualifications. For example, Canada's "long-established" PSR Program is a valuable needs-based complementary pathway for the admission

²⁰ Tony Evans, "International Human Rights Law as Power/Knowledge" (2005) 27:3 Hum Rts Q 1046 at 1052.

²¹ *Ibid* at 1053.

²² *Ibid* at 2005.

²³ UNHCR, "Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations" (April 2019) at 5, online (pdf): RefWorld <www.refworld.org/docid/5cebf3fc4.html> [Complementary Pathways].

²⁴ Evaluation of Resettlement, *supra* note 14 at 2.

²⁵ Complementary Pathways, *supra* note 23 at 5.

of refugees to Canada.²⁶ “Since it began over [five] decades ago, private [and community] sponsors have welcomed more than 350,000 refugees to Canada.”²⁷ By contrast, the Economic Mobility Pathways Program is a new qualifications-based pathway, which extends protection to highly skilled refugees.

In a report commissioned by the United Nations High Commissioner for Refugees (“UNHCR”), also known as the UN Refugee Agency, Dr Tamara Wood cautions that, “given the vast diversity that complementary pathways entail, identifying a single definition or set of criteria may be a largely artificial exercise.”²⁸ Wood’s warning is particularly valuable for this paper, as an enlightened definition of resettlement makes it difficult to draw a sharp distinction between refugee resettlement and complementary pathways for admission. More precisely, it is unclear whether the purpose of complementary pathways differs from the purpose of refugee resettlement programs, once we acknowledge that resettlement also operates in accordance with “the liberal rationale for economic development.”²⁹ As such, while the Federal Government expressly defines the EMPP as a “complementary labour mobility pathway,”³⁰ it closely reflects Canada’s approach to refugee resettlement writ large.

Situating the terms ‘refugee,’ ‘resettlement,’ and ‘complementary pathways’ within the predominance of market discipline exposes the tendency for Canada’s resettlement efforts, despite selfless assertions, to value human life “as a means to an end,” at least to some extent.³¹ This contextualized understanding lays the groundwork to examine how Canada’s resettlement

²⁶ *Ibid* at 9.

²⁷ IRCC, “Canada Announces 3 New Initiatives to Welcome and Support More Refugees” (18 June 2021), online: Government of Canada <www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/canada-announces-3-new-initiatives-to-welcome-and-support-more-refugees.html> [IRCC News Release].

²⁸ Wood, *supra* note 3 at 3.

²⁹ Evans, *supra* note 20 at 1060.

³⁰ IRCC, “The Economic Mobilize Pathways Pilot: Exploring Labour Mobility as a Complementary Pathway for Refugees” (July 2020) at 4, online (pdf): Government of Canada <www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/economic-mobility-pathways-project-labour-mobility.html> [Exploring the EMPP].

³¹ Evans, *supra* note 20 at 1057.

programs, and more specifically the talent-driven EMPP, may move toward valuing refugees as ends in themselves. The foregoing definitions thus help frame the EMPP analysis undertaken in this paper, as it attempts to fuse human rights and labour market perspectives to create an enabling environment for refugees to flourish alongside Canada's economies and communities.

PART II: The Flight of Displaced Talent Mobility

The development of the Economic Mobility Pathways Project took place amidst a profound shift in international refugee discourse, beginning with the outbreak of Syria's civil war and resulting refugee crisis in 2011.³² *Refugee Resettlement and Complementary Pathway: Opportunities for Growth*, a 2021 report commissioned by UNHCR, acknowledges that "interest in complementary pathways globally—and specifically education and employment pathways—has grown rapidly in recent years" and that "the Syrian conflict in particular inspired ... private actors and governments alike [to] identif[y] additional avenues to provide refuge to people displaced by the crisis."³³ In part due to the Syrian conflict, alongside the expansion of humanitarian crises worldwide, the UN has dubbed the last decade "a decade of displacement," with nearly 80 million persons forcibly displaced at the end of 2019.³⁴ The following sections trace the flight of displaced labour mobility, and the launch of the EMPP in response to rising demand for resettlement opportunities for individuals in search of safety.

³² See "A Timeline of the Syrian Civil War and Refugee Crisis" (last visited 7 July 2022), online: UNICEF <www.unicef.ie/stories/timeline-syrian-war-refugee-crisis/> [Syrian Refugee Crisis Timeline].

³³ Susan Fratzke et al, "Refugee Resettlement and Complementary Pathways: Opportunities for Growth" (September 2021) at 33, online (pdf): UNHCR <www.unhcr.org/protection/resettlement/614462c94/refugee-resettlement-complementary-pathways-opportunities-growth.html>.

³⁴ UNHCR, "Global Trends: Forced Displacement in 2019" (June 2021) at 4, online (pdf): UNHCR <www.unhcr.org/en-us/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html> [Global Trends].

Catalyzing a Movement of Displaced Talent Mobility

Although there has been a “surge of interest” in complementary pathways throughout the international community since the start of the Syrian refugee crisis, it was only in 2016 that UN Member States came together to adopt the *New York Declaration for Refugees and Migrants* (“*New York Declaration*”) and express commitment to the “implementation [and] expansion of complementary pathways for admission of refugees.”³⁵ The *New York Declaration* was a catalyst for the *Global Compact on Refugees* (“GCR” or “*Compact*”) in 2018. The GCR, arising out of the “fundamental principles of humanity and international solidarity, ... seeks to operationalize the principles of burden- and responsibility-sharing to better protect and assist refugees and support host countries and communities.”³⁶ While the *Compact* came largely in response to the “‘tremendous gap’ between the number of refugee resettlement places available around the world and the number of refugees in first countries of asylum,” it strives to address more than scarcity in resettlement spaces. The GCR places “the [human] right to seek and to enjoy in other countries asylum from persecution”³⁷ within the context of market discipline by “recognizing refugees as agents of development,” rather than mere subjects of humanitarian crisis or recipients of international protection.³⁸ The *Compact* embraces an integrative approach that engages “humanitarian and development actors, as well as refugees and members of host communities” to achieve its four main objectives:

The objectives of the [*Compact*] as a whole are to: (i) ease pressures on host countries; (ii) enhance refugee self-reliance; (iii)

³⁵ Fratzke et al, *supra* note 33 at 33.

³⁶ *Report of the United Nations High Commissioner for Refugees - Part II Global Compact on Refugees*, UNGAOR, 73rd Sess, Supp No 12, UN Doc A/73/12 (Part II), para 5 [GCR].

³⁷ *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948), art 14(1) [UDHR].

³⁸ Magnus Manhart, “Capability and Legal Empowerment for Escaping the ‘Refugee Warehouse’ – An Assessment of the Global Compact on Refugees and the Comprehensive Refugee Response Framework in Kenya” (LLM Thesis, McGill University, 2019) [unpublished] at 65.

expand access to third country solutions; and (iv) support conditions in countries of origin for return in safety and dignity.³⁹

The *Compact's* emphasis on refugee self-reliance aims to enhance the "social and economic ability of an individual, a household or a community to meet its essential needs in a sustainable manner with dignity."⁴⁰ In this way, the objective serves the interests of refugees, as well as host communities and resettlement States, as "self-reliance contributes to smoother integration, relocation, and repatriation."⁴¹ Thus, it is important to situate the importance of refugee self-reliance within the ambit of market discipline, as States inevitably benefit where refugees are capable of autonomously accessing safe pathways, establishing themselves into labour markets, and contributing to resettlement societies.

In order to strengthen the *Compact's* call for States to increase the availability of complementary pathways "on a more systemic, organized, sustainable and gender-responsive basis,"⁴² UNHCR set out the *Three-Year Strategy (2019–2021) on Resettlement and Complementary Pathways* ("*Three-Year Strategy*") with help from "state and civil-society stakeholders."⁴³ The *Three-Year Strategy* aims to grow resettlement by encouraging new countries to establish resettlement programs, to develop complementary pathways equipped with "dedicated coordination structures" and "multi-sectorial partnerships,"⁴⁴ and to foster welcoming and inclusive societies that promote the successful integration of refugees.⁴⁵ The GCR and its corresponding *Three-Year Strategy* have come a long way from

³⁹ See GCR, *supra* note 36 at para 7.

⁴⁰ Ilana Seff, Kellie Leeson & Lindsay Stark, "Measuring Self-Reliance Among Refugee and Internally Displaced Households: the Development of an Index in Humanitarian Settings" (July 2021) 15:56 *Conflict and Health* 1 at 2.

⁴¹ *Ibid.*

⁴² GCR, *supra* note 36 at para 91.

⁴³ Fratzke et al, *supra* note 33 at 13.

⁴⁴ UNHCR, "The Three-Year Strategy on Resettlement and Complementary Pathways" (June 2019) at 9, online (pdf): UNHCR <www.unhcr.org/en-us/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html> [Three-Year Strategy].

⁴⁵ See *ibid* at 6.

the humanitarian discourse surrounding the Syrian refugee crisis. Together, they set the stage for a range of innovative third country solutions, with an emphasis on expanding access to complementary pathways at a ratio of 2:1 in comparison to conventional refugee resettlement.⁴⁶ While the international instruments acknowledge the “critical need” for resettlement “for those refugees most at-risk,” the 2:1 ratio and the emphasis on refugee self-reliance recognize that Member States will be more inclined to build durable solutions that meet their own economic, political and social interests.

Piloting the Concept of Displaced Talent Mobility

Talent Beyond Boundaries

In 2016, amid the “decade of displacement,” the non-profit organization Talent Beyond Boundaries (“TBB”) began piloting its concept of labour mobility for skilled refugees. TBB describes itself as “the first organization in the world dedicated to supporting the international labour mobility of refugees and other forcibly displaced people.”⁴⁷ The organization envisions “a world where forcibly displaced people have equitable access to labour mobility and can use their skills and talents to move to secure futures.”⁴⁸

TBB has been on the forefront of proliferating terms like ‘labour mobility’ and ‘displaced talent mobility.’ The terms, however, stand in tension with the “the push factors forcing individuals to leave their homes to seek safety.”⁴⁹ One underlying yet significant difference between refugees and skilled migrants is that, while skilled migrants are often pulled to relocate for educational or professional reasons, refugees are pushed to flee

⁴⁶ See *ibid* at 12.

⁴⁷ TBB, “Global Evaluation: Labour Mobility Pathways Pilot 2016-2019” (1 June 2020) at 11, online (pdf): static1.squarespace.com/static/5dc0262432cd095744bf1bf2/t/5ee0d6b0476aed1a04401f25/1591793329868/TBB+Global+Evaluation+2020+Final+%28External%29.pdf [Evaluation 2020].

⁴⁸ *Ibid* at 11.

⁴⁹ Francesca Speed & Anastasia Kulichyova, “The Role of Talent Intermediaries in Accessing and Developing Refugee Talent Pools” (2021) 8:4 *Journal of Organizational Effectiveness: People and Performance* 407 at 410 (Emerald Insight).

conditions such as war, political instability, religious intolerance, and extreme poverty. Mobility challenges follow many refugees into situations of protracted exile and encampment in countries of first asylum. According to the GCR,

“[m]illions of refugees live in protracted situations, often in low- and middle-income countries [“LMICs”] facing their own economic and development challenges, and the average length of stay [continues] to grow.”⁵⁰

LMICs frequently “warehouse refugees” in peripheral and isolated areas to deliver humanitarian assistance. This common and restrictive practice degrades the “basic rights and essential economic, social and psychological needs” of refugees, who are “unable to break free from enforced reliance on external assistance” after years in limbo.⁵¹ The suggestion that ‘labour mobility’ can move individuals to secure futures glosses over the realities of millions of refugees living in protracted refugee situations (“PRS”). In this sense, the predominance of the term ‘labour mobility’ may obscure or idealize the ability for refugees to exercise their right to freedom of movement.⁵² Nevertheless, this paper has and will continue to employ the term throughout its analysis of the ‘foundations’ and ‘flight’ of displaced talent mobility, prior to imagining an alternative way to describe the phenomenon.

TBB began testing displaced labour mobility by opening offices in Jordan and Lebanon “to assess the talent supply among refugees and other forcibly displaced individuals there.”⁵³ TBB’s pilot phase ran from 2016 until 2019, during which time the organization worked with database developer Nazar Poladian, who resettled from Lebanon to Toronto as a Syrian refugee in 2015,⁵⁴ to develop another “world-first”: a digital Talent Catalog

⁵⁰ GCR, *supra* note 36 at 1.

⁵¹ Manhart, *supra* note 38 at 13.

⁵² See UDHR, *supra* note 37, art 13.

⁵³ Evaluation 2020, *supra* note 47 at 16.

⁵⁴ Karolyn Coorsh, “‘Golden Opportunity’: Excitement, Hope as Syrian Refugee Starts Over in Canada”, CTV News (16 September 2015), online: www.ctvnews.ca/golden-opportunity-excitement-hope-as-syrian-refugee-starts-over-in-canada-1.2565608.

of refugee talent.⁵⁵ TBB describes the Talent Catalog as “a database (available in Arabic and English) to capture the detailed work experience, education and skills of refugees and others in refugee-like situations.”⁵⁶ On the ground in Jordan and Lebanon, TBB worked with local organizations, International Non-Governmental Organizations, and UNHCR to encourage a range of individuals to register on the Catalog. In deciding who should be eligible for the Catalog, TBB expanded its reach beyond UNCHR’s humanitarian resettlement program, reserved for the most vulnerable *Convention* refugees, based on the following realization:

“[L]abour mobility as a complementary pathway to resettlement hinges on candidate skills and capacities and their need for international protection, rather than their level of vulnerability. TBB’s experience ... has shown that all displaced people experience some level of vulnerability, and indeed several highly skilled candidates have been in extremely vulnerable situations prior to securing employment through the program. But employers do not recruit on vulnerability grounds. They recruit for skills.”⁵⁷

As such, the Catalog is open to “refugees, people seeking asylum, people fleeing conflict and generalized violence, and people who are stateless.”⁵⁸ The Catalog registered 10,000 candidates by June 2017, and 18,800 registrants by 2020, across more than 150 occupations.⁵⁹

TBB’s approach to refugee talent (i.e., recruiting candidates to register on its online platform and compiling comprehensive professional profiles of refugees and displaced persons) epitomizes the market forces at play within displaced talent mobility. More explicitly, TBB maintains that its model

“brings together the two strands of supply (talented refugees and other forcibly displaced people) and demand (employers) and facilitates access of both parties to regular migration channels in order to secure a win-win: a new

⁵⁵ *Ibid* at 17.

⁵⁶ *Ibid* at 17.

⁵⁷ Evaluation 2020, *supra* note 47 at 62.

⁵⁸ Evaluation 2020, *supra* note 47 at 62.

⁵⁹ See *ibid* at 17.

talented employee for an employer; and a durable solution for the refugee and their family.”⁶⁰

The International Centre for Migration Policy Development affirms TBB’s success in harnessing market mechanisms to stimulate interest in skilled migration pathways for refugees, as its model shows that “employers embrace the possibility to hire refugees from third countries if they have a labour demand that cannot be satisfied by the local labour market and if administrative hurdles can be kept low.”⁶¹ States, like Canada, embrace refugee recruitment for similar reasons; although displaced talent mobility stems from humanitarian roots, it embraces creative capitalism in a way that engages States looking to achieve stable and sustainable economic expansion.⁶²

The Economic Mobility Pathways Project

During its pilot phase, “TBB gained the support of the Government of Canada ... and became the lead implementing partner in Canada’s first refugee labour mobility pilot.”⁶³ Interestingly, it was “evidence through failure” that motivated IRCC to explore skilled refugee mobility.⁶⁴ TBB identified a company and job offer that met baseline employer requirements, and a candidate that met human capital requirements, yet an expired passport and a low “Comprehensive Ranking System” (“CRS”) score “stymied the candidate’s application.”⁶⁵ The unsuccessful case evidenced “the need for government intervention or flexibility to overcome mobility barriers,” and sparked the Federal Government’s partnership with TBB.⁶⁶

In April of 2018, IRCC, together with UNHCR and implementing partners TBB and RefugePoint, launched the Economic Mobility Pathways Project, the “first federal pilot of its

⁶⁰ *Ibid* at 12.

⁶¹ “Life-Changing Results” (last visited 7 July 2022), online: *Talent Beyond Boundaries*: <www.talentbeyondboundaries.org/impact>.

⁶² See Evans, *supra* note 23 at 2005.

⁶³ Evaluation 2020, *supra* note 47 at 54.

⁶⁴ *Ibid* at 55.

⁶⁵ *Ibid*.

⁶⁶ *Ibid*.

kind globally.”⁶⁷ The EMPP aimed to “test and improve refugee access to Canada’s [existing] economic immigration pathways,”⁶⁸ and to explore “what it means to bring the worlds of refugee protection and economic immigration together.”⁶⁹ Despite clear commitments to refugee protection, through guiding principles like ensuring “complementarity to resettlement,” ensuring that refugees have “access to protection and durable solutions by offering permanent residency,” ensuring “gender equality and balance,” and “respecting the dignity of refugees and their autonomy,” the Government has not evaded the EMPP’s role in addressing Canadian labour market needs.⁷⁰ During its pilot phase from 2018–2019, the EMPP “aimed to identify approximately 10–15 skilled refugees in the Middle East and East Africa who [would] meet the requirements of Canada’s economic immigration programs.”⁷¹ The focus of the pilot project was to assess whether administrative flexibilities could “offset circumstances of displacement” to open access to economic pathways for refugees with desirable skills and qualifications.⁷² However, the Government’s willingness to implement “administrative facilitation measures”⁷³ was not to come at the expense of “the integrity of economic programs.”⁷⁴ The EMPP set out on a clear mission to provide protection to refugees and demonstrate support for the GCR, to the extent that refugee skills align with existing labour demands.⁷⁵

⁶⁷ *Ibid.*

⁶⁸ *Ibid* at 54.

⁶⁹ Partner’s Dialogue, *supra* note 2 at 2.

⁷⁰ *Ibid* at 2.

⁷¹ *Ibid* at 4.

⁷² *Public Policy to Support the Economic Mobility Pathways Pilot (EMPP) – Phase 2*, Ottawa, Government of Canada Public Policy Archives (last visited 7 July 2022), online: www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/economic-mobility-pathways-pilot-phase-2.html [EMPP Public Policy].

⁷³ *Ibid.*

⁷⁴ Evaluation 2020, *supra* note 47 at 48.

⁷⁵ See Partner’s Dialogue, *supra* note 2 at 2.

Scaling the Concept of Displaced Talent Mobility

Following the completion of the EMPP's pilot phase, Canada announced its "ongoing commitment to refugee labour mobility with a goal of admitting up to 500 refugees and their family members through existing economic immigration pathways" in June of 2020.⁷⁶ To begin exploring "a scalable and sustainable model for refugee labour mobility to Canada," the Government organized the *IRCC-UNHCR Partner's Dialogue on the Economic Mobility Pathways Project* ("Partner's Dialogue") to report on the results of the pilot phase.⁷⁷ The *Partner's Dialogue* concludes that "while economic pathways to Canada were not designed for refugees, many refugees meet the requirements of ... economic programs, and may require only administrative and financial flexibilities to facilitate their access," as was the case for the 35 individuals who secured jobs during the pilot phase, 15 of whom had already relocated to Canada by June of 2019.⁷⁸

According to IRCC and UNHCR, the pilot experience affirms "key principles within the GCR, including the engagement of new actors [in refugee protection] and the recognition of the important contributions refugees can make providing benefits not only for themselves but their host societies."⁷⁹

Similarly, TBB's *Pilot Phase Evaluation 2020* ("Evaluation 2020") recognizes the EMPP as "an example of ... leadership in implementing ... and ... affirming principles of the GCR."⁸⁰ Despite the EMPP's win-win framework—expanding resettlement opportunities for skilled refugees, while also spurring Canada's economic growth and strengthening its market disciplinary compliance with international protection standards—both the *Partner's Dialogue* and *Evaluation 2020* outline barriers to its sustainability and scalability.

The *Partner's Dialogue* links the EMPP's success to the ability of its "three phases" to "work concurrently and in conjunction with

⁷⁶ EMPP Public Policy, *supra* note 72.

⁷⁷ Partner's Dialogue, *supra* note 2.

⁷⁸ *Ibid* at 10.

⁷⁹ Partner's Dialogue, *supra* note 2 at 11.

⁸⁰ Evaluation 2020, *supra* note 47 at 90.

one another.”⁸¹ The three phases of the EMPP include (1) recruitment of refugees and identification of job opportunities, (2) application to economic pathways in Canada, and (3) pre- and post-arrival supports and services.⁸² Within the recruitment and application phases, TBB’s *Evaluation 2020* underscores the issue of gender disparity, noting that “84% of TBB’s Talent Catalog registrants are men and 15% are women” and that “this reflects a range of factors that constrain the ability of refugee women in Jordan and Lebanon to seek work internationally, including discrimination and cultural factors such as women’s caring responsibilities.”⁸³ Since TBB relies on the Catalog to identify candidates for the EMPP, this gender gap “bubbles up” into Canada’s complementary labour pathway, embedding gender inequality within settlement and integration programs.⁸⁴ With respect to pre- and post-arrival supports and services, *Evaluation 2020* distinguishes between economic immigrants and resettled refugees, noting that “resettled refugees receive direct financial assistance and more ‘wraparound’ or specialized support” upon arrival in Canada.⁸⁵ The evaluation thus raises concerns that skilled refugees entering through existing economic programs may struggle to cover living costs prior to obtaining their first paychecks, and may face long wait times for health insurance without additional private or public assistance.

Challenges surrounding gender disparity and settlement support merely scratch the surface of barriers to scaling the “skills-based approach to transform refugees’ lives.”⁸⁶ More fundamentally, they fail to address the pressure point of displaced talent mobility. In the Forced Migration Review’s issue on *Economies: Rights and Access to Work*, Nora Bardelli examines

⁸¹ Partner’s Dialogue, *supra* note 2 at 7.

⁸² *Ibid.*

⁸³ *Evaluation 2020*, *supra* note 47 at 21.

⁸⁴ Alicia Garza, Patrisse Cullors & Opal Tometi, “An Interview with the Founders of Black Lives Matter” (2016), online: *TED Talks* <www.ted.com/talks/alicia_garza_patrisse_cullors_and_opal_tometi_an_interview_with_the_founders_of_black_lives_matter/up-next?language=en>.

⁸⁵ *Evaluation 2020*, *supra* note 47 at 76.

⁸⁶ “Fragomen Canada and Talent Beyond Boundaries Webinar: Displaced Talent Mobility” (19 November 2020), online (webinar): *Fragomen* <www.fragomen.com/insights/fragomen-canada-and-talent-beyond-boundaries-webinar-displaced-talent-mobility.html> [Fragomen Canada].

the shortcomings of employment as a durable solution for refugees. Bardelli calls attention to studies that acknowledge that “an idea of development as economic growth ... cannot work, particularly in the long term, serving to favour some and exclude and marginalise others.”⁸⁷ The article emphasizes that a “depoliticised vision” of refugee assistance, rooted in labour force participation, overlooks “inequalities, exclusion, conflict, exploitation, [and] asymmetrical power relations,” and replaces human realities and social issues with market solutions.⁸⁸ Although Bardelli’s critique centres on capital interventions in protracted refugee situations, it holds relevance for displaced talent mobility. “Neoliberal discourses” highlighting economic agency and mobility risk obscuring “how and why people become refugees in the first place.”⁸⁹ And while the EMPP represents a “dignifying way” to secure safe access to Canada, it only helps “some of the many.”⁹⁰ In this way, the complementary labour pathway risks undermining “the humanitarian nature of resettlement” by moving the focus away from human protection and toward market development.⁹¹ As IRCC and its implementing partners move forward with the EMPP, it is critical to directly address these foundational humanitarian concerns, which precede the operational challenges in the *Partner’s Dialogue and Evaluation 2020*.

PART III: The Flourishing of Displaced Talent Mobilization

By grounding the pilot phase “in the broader context of the GCR,” including its emphasis on refugee self-reliance and mutually rewarding complementary pathways, Canada’s newest Economic Mobility Pathways Project embraces market disciplinary

⁸⁷ Nora Bardelli, “The Shortcomings of Employment as a Durable Solution” (2018) 58 *Forced Migration Review* 54 at 55.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ See Martin Anderson & Amy Slaughter, *Preserving the Humanitarian Nature of Resettlement: An Analysis of 2018-2020 Resettlement Data* (Cambridge, RefugePoint, 2021).

principles.⁹² The starting point of the EMPP is that employers and provinces will more readily engage in refugee assistance that “need not necessarily damage the prospect of achieving economic growth and development,” which in turn reinforces the State’s overall fulfillment of international humanitarian principles.⁹³ However, the market disciplinary cycle, and its endorsement of development economics, lacks sensitivity to the negative criticism surrounding labour market solutions to refugee crises, and limits the potential of ‘win-win’ aspirations. By contrast, Amartya Sen’s Capability Approach (“CA”) offers an alternative way to understand human development that centres around well-being indices rather than market measures, and better reflects the ‘humanness’ underpinning the refugee protection system. According to Sen, “development should not be approached as an income maximisation process, but rather it should focus on the expansion of people’s capabilities to achieve the things they value.”⁹⁴ In shifting the focus to “the person as the unit of analysis,” Sen’s “new development paradigm” pursues progress and flourishing for both the State and the individuals who engage with the EMPP.⁹⁵ The remainder of this paper proposes that Sen’s conception of development presents a practicable way forward for the EMPP. Instead of juxtaposing economic and human rights frameworks, the Capability Approach stands to underpin the EMPP’s market orientation with a humanizing infrastructure.

⁹² Exploring the EMPP, *supra* note 30 at 2.

⁹³ Evans, *supra* note 20 at 1060.

⁹⁴ Joseph Mustapha Macarthy et al, “Exploring the Role of Empowerment in Urban Humanitarian Responses in Freetown” (December 2017) IIED Working Paper at 12, online (pdf): pubs.iied.org/sites/default/files/pdfs/migrate/10845IIED.pdf.

⁹⁵ Adriana Conconi & Mariana Viollaz, “Poverty, Inequality and Development: a Discussion from the Capability Approach’s Framework” in Francisco González, ed, *The Age of Perplexity: Rethinking the World We Knew* (Barcelona: Penguin Random House Grupo Editorial, 2018) 3 at 3, online (pdf): www.bbvaopenmind.com/en/articles/poverty-inequality-and-development-a-discussion-from-the-capability-approach-s-framework/.

Situating the EMPP Within Sen's Capability Approach

The Capability Approach presents a broad framework, adaptable to “a wide range of fields,”⁹⁶ for “understanding and supporting the development of human capabilities—people’s freedoms and opportunities to achieve valued functionings.”⁹⁷ The CA, understanding that “the economy does not represent the entirety of development,” reframes the purpose of development to focus on human capabilities rather than material assets.⁹⁸ Despite the CA’s emergence as “a new paradigm to understand human development, poverty and inequality,” it readily extends to the fields of refuge and displacement.⁹⁹ Indeed “there are several similarities between people living in situations of underdevelopment and people living in [protracted refugee situations],” most notably their common lack of access to meaningful participation in the society they live in.¹⁰⁰ Meaningful participation is consistent with, if not central to, the Capability Approach, as it

“engages and enables people to be involved in the identification, assessment and addressing of the problems that challenge their ability to achieve the economic, social, political and ecological freedoms that define development.”¹⁰¹

Notwithstanding that the CA has been highly influential in conceptualizing human development and human capabilities, some scholars criticize its individualistic focus. For instance, Hartley Dean argues that the CA “neglects the fact that humans are dependent on other humans and ‘hegemonic controls over

⁹⁶ Ingrid Robeyns, “The Capability Approach: A Theoretical Survey” (2005) 6:1 *Journal of Human Development* 93 at 94 <doi.org/10.1080/146498805200034266>.

⁹⁷ John Owens et al, “Understanding and Investigating Relationality in the Capability Approach” (2021) 51 *Journal for the Theory of Social Behaviour* 1 at 2 (Wiley).

⁹⁸ Manhart, *supra* note 38 at 23.

⁹⁹ Conconi & Viollaz, *supra* note 95 at 6.

¹⁰⁰ Manhart, *supra* note 38 at 31.

¹⁰¹ Anantha Kumar Duraiappah, Pumulo Roddy & Jo-Ellen Parry, “Have Participatory Approaches Increased Capabilities?” (June 2005) at 24, online (pdf): IISD <www.iisd.org/publications/have-participatory-approaches-increased-capabilities>.

their participation in the public realm.’ ”¹⁰² However, Sen’s conversion factors, “broadly understood as contingencies that moderate people’s scope to convert resources into capabilities,” account for the structural circumstances that shape individual lives:

“Amartya Sen describe[s] three overlapping types of conversion factors: personal (relating to someone’s particular limits, talents and abilities, dispositions, etc.), social (relating to features of economic, political, social and cultural life, for instance, language, labour market conditions, etc.) and environmental (referring, for instance, to infrastructure, institutions, public goods, climate and natural resources, etc.).”¹⁰³

This paper employs a relational approach to the CA, which highlights the interactive relationship between individual capabilities and social and environmental structures, as evidenced by the conversion factors. More concretely, this paper understands capabilities as “the genuine freedoms [and] opportunities that a person has to be or do things,” which “emerge from, and can either be sustained or strengthened or diminished . as a result of complex interactions between the person’s own interpretations and actions and the dynamic nexus of material and social structures within which they live their lives.”¹⁰⁴

Situating the EMPP within Sen’s Capability Approach reimagines its development potential in terms of human capabilities rather than labour market dynamics. At present, the Government of Canada is working with implementing partners to develop a “sustainable and scalable model... to recruit, integrate and retain skilled candidates coming from refugee circumstances.”¹⁰⁵ The discourse surrounding its “sustainable and scalable model” (e.g., “fostering the autonomous uptake” of skilled refugees who “represent an untapped talent pool”) fuels an economic development narrative that portrays skilled refugees as “resources,” and subverts development as capability expansion. The EMPP’s true potential remains stagnant until it adopts participatory approaches that integrate skilled refugees

¹⁰² Manhart, *supra* note 38 at 46.

¹⁰³ Owens et al, *supra* note 97 at 4-5.

¹⁰⁴ *Ibid* at 15.

¹⁰⁵ Exploring the EMPP, *supra* note 30 at 5.

within the development process, so that their capabilities may emerge and flourish from interactions with their internal agency and with their external surroundings.

Informing the Capability Approach with the Realities of Skilled Refugees

In line with this paper's conception of refugees as representative of human diversity, refugees' capabilities vary considerably. Some displaced persons lack "basic capabilities," such as "food security, economic security, health security, [and] environmental capabilities," and others possess enhanced capabilities related to their past qualifications, educational backgrounds, and professional experiences.¹⁰⁶ The EMPP is tailored toward refugees with enhanced skillsets whose "basic capabilities are sufficiently met... so that a certain level of functioning is possible," rather than the most vulnerable refugee populations.¹⁰⁷ However, even refugees with enhanced capabilities face obstacles in achieving valued functionings, and many live in PRS' that threaten their basic capabilities for human security.

In *Unveiling the Canvas Ceiling*, Eun Su Lee et al explain that "the refugee experience differs considerably from that of other ... migrant groups, with many refugees encountering an array of legal, socio-economic [and] psychological challenges that negatively impact their workforce integration and job performance."¹⁰⁸ Lee et al's characterization of the refugee experience acknowledges the factors that 'push' individuals to flee in the first place, and the ensuing mobility struggles that prevent refugees from "using their skills and talents to move to secure futures."¹⁰⁹ Lee et al develop the concept of the 'canvas ceiling,' deriving from the "temporary shelters made of canvas in which many refugees stay," to represent "the multilevel system of barriers distinctive to refugees' struggle in their quest for

¹⁰⁶ Manhart, *supra* note 38 at 36.

¹⁰⁷ *Ibid* at 40.

¹⁰⁸ Lee, *supra* note 7 at 194.

¹⁰⁹ Evaluation 2020, *supra* note 47 at 11.

workforce integration.”¹¹⁰ The authors map out a relational framework to capture the individual-, organizational- and institutional-level factors influencing refugee workforce integration, ranging from individual motivations and social networks, to employers and support organizations, to immigration regulations and qualification accreditation schemes.¹¹¹

Lee et al’s canvas ceiling resonates with Sen’s personal, social, and environmental conversion factors, as both articulate multilevel understandings of human flourishing—and languishing. Further, the canvas ceiling provides a context-specific framework to inform this paper’s pursuit of a sustainable and humanitarian EMPP.

Moving Toward Displaced Talent Mobilization

Thus far, this paper has theoretically situated the EMPP within the Capability Approach and its emphasis on participatory capability development and has practically explored how refugee capability expansion can be undermined by the canvas ceiling. At this time, it is necessary to shift from ‘displaced talent mobility’ toward ‘displaced talent mobilization,’ a move which embraces the refugee as an empowered agent in the EMPP to “unveil the canvas ceiling.”¹¹² ‘Displaced talent mobilization,’ much like notions of ‘community mobilization’ and ‘social mobilization,’ answer Sen’s call for participatory approaches to human development by recognizing “refugees as responsible and active in identifying and responding to the many problems and issues they face.”¹¹³ In so doing, displaced talent mobilization also paints “an important alternative to the [portrait] of refugees as [passive and dependent] victims.”¹¹⁴ Fundamentally, the goal of ‘displaced talent mobilization,’ in contrast with ‘displaced talent

¹¹⁰ Lee, *supra* note 7 at 194.

¹¹¹ See *ibid* at 196. See also Appendix A, *below*.

¹¹² Lee, *supra* note 7.

¹¹³ Action for the Rights of Children, “Foundations: Community Mobilisation” (2001) at 7, online (pdf): UNHCR <www.unhcr.org/protect/PROTECTION/3bb81d2b4.pdf> [Community Mobilisation].

¹¹⁴ *Ibid*.

mobility,' is to promote a relational and refugee-led framework for Canada's EMPP.

Legal Empowerment

Reimagining the EMPP as displaced talent mobilization begins with what Anna Lise Purkey identifies as a "central capability that, in addition to being a goal in and of itself, is a crucial enabling mechanism for the realization of other important 'beings and doings.'" ¹¹⁵ Purkey's conception of 'legal empowerment' lays out the first step toward creating an enabling environment for individuals who engage with the EMPP. According to Purkey, legal empowerment is "the process through which protracted refugee populations become able to use legal mechanisms and services to protect and advance their rights and to acquire greater control over their lives."¹¹⁶ In this way, legal empowerment aims to "increase the voice of refugees, so they are able to have meaningful participation" in the processes that impact them.¹¹⁷ While Purkey develops the concept of legal empowerment for persons living in protracted refugee situations, it is equally adaptable to skilled refugees who may live in PRSes, or who may otherwise feel powerless over their circumstances.

As it stands, refugee "experiences of resettlement and the labour market are [largely] influenced by socio-political" and environmental forces (e.g., third country resettlement programming, refugee camp remoteness), rather than personal factors (e.g., professional experience, educational background, aspirational trajectories).¹¹⁸ In keeping with Purkey's concept of legal empowerment, refugees must gain the legal tools necessary to exert control over their resettlement journey, from their time in transit, to their period of integration into their new community and society. This is particularly important in the displaced mobilization context, "due to the general tendency among refugees to see resettlement or humanitarian visas as the only avenue open to

¹¹⁵ Anne Lise Purkey, "A Dignified Approach: Legal Empowerment and Justice for Human Rights Violations in Protracted Refugee Situations" (2013) 27:2 *Journal of Refugee Studies* 260 at 261.

¹¹⁶ *Ibid* at 265.

¹¹⁷ Manhart, *supra* note 38 at 33.

¹¹⁸ Speed & Kulichyova, *supra* note 49 at 411.

them,” and to overlook skilled migration opportunities.¹¹⁹ Magnus Manhart builds on Purkey’s research by establishing a list of capabilities for legal empowerment, including mobility, integration, knowledge, and having a voice. Recognizing Sen’s aversion toward “pre-determined canonical list[s] of capabilities” devoid of public reasoning,¹²⁰ Manhart’s proposal is not meant to be “a complete list of central capabilities but a list that may enable refugees to [decide for] themselves which capabilities matter the most for them.”¹²¹ With this in mind, it is important to evaluate the “role, reach and significance” of the capabilities for legal empowerment, with attention to the specific problems facing displaced persons with enhanced skillsets, who may have difficulties capitalizing on their talents and influencing labour market processes.¹²²

This paper emphasizes that skilled refugees face mobility and integration challenges throughout the resettlement process. Refugees may be restricted to refugee camps, preventing access to urban areas where job vacancies and legal services are typically located.¹²³ Further, refugees may be subjected to exclusionary regulations that prevent them from integrating into host communities and working to support themselves, let alone maintain their skillsets. According to TBB’s *Evaluation 2020*, “nearly 55% of TBB candidates are unemployed, and of those working, nearly 60% are employed below their education or skill level (and the vast majority do not have work rights).”¹²⁴ TBB’s data affirms that refugee mobility and socioeconomic integration are stunted during displacement. So long as these critical capabilities are hindered in host communities, refugees may be unable to ‘unlock skilled migration pathways’ from the outset.¹²⁵ Moving beyond Purkey and Manhart’s focus on PRS’, skilled

¹¹⁹ *Evaluation 2020*, *supra* note 47 at 65.

¹²⁰ Amartya Sen, “Human Rights and Capabilities” (July 2005) 6:2 *Journal of Human Development* 151 at 159–60.

¹²¹ Manhart, *supra* note 38 at 46.

¹²² *Ibid* at 47.

¹²³ See *ibid* at 85–86.

¹²⁴ *Evaluation 2020*, *supra* note 47 at 68.

¹²⁵ See “Unlocking Skilled Migration Pathways for Refugees” (last visited 7 July 2022), online: *Talent Beyond Boundaries* <www.talentbeyondboundaries.org/>.

refugees may continue to face mobility and integration obstacles upon matching with an employer through the EMPP and resettling in Canada. For instance, the EMPP leverages provincial and territorial economic pathways due to their emphasis on “sectors and regions with talent gaps” and their “lower or more flexible program criteria” in comparison to federal pathways. As an illustration, the federal program for skilled workers requires an English language score of seven or higher, while “one high-skilled job pathway in Ontario has no language requirement” whatsoever.¹²⁶ “Place-based” pathways promote market disciplinary principles by responding to “local economic and population growth needs” while expanding safe pathways for refugees.¹²⁷ At the same time, they restrict EMPP candidates’ mobility and integration within Canada, particularly where resettlement in rural or remote areas is encouraged over urban regions.

While it may be implausible for EMPP implementing partners to influence host-community restrictions, or even to uncouple successful EMPP applicants from place-based programs, innovative digital solutions may help promote refugee mobility and societal integration as network coverage and device access continue to improve worldwide.¹²⁸ Remote learning and working opportunities, for example, may enable refugees’ to build their skills and boost their livelihoods while restricted by host-country policies, or while working in remote local communities in Canada. Further, video-conferencing solutions may enable skilled refugees to obtain accessible legal advice, which is essential for refugees to hold State authorities and aid providers accountable for the fulfilment of refugee and human rights obligations, including “the right to work ... [and] to just and favourable conditions of work.”¹²⁹ In this way, technological solutions may enable refugees to overcome mobility and integration barriers, and to rectify the power imbalances that arise therefrom, by expanding opportunities for refugees to improve their skillsets and mobilize

¹²⁶ Evaluation 2020, *supra* note 47 at 57.

¹²⁷ *Ibid* at 57.

¹²⁸ See Miguel Peromingo & Willem Pieterse, “The New World of Work and the Need for Digital Empowerment” (2018) 58 *Forced Migration Review* 32 at 32–33.

¹²⁹ UDHR, *supra* note 37, art 23.

their own talents, and by equipping refugees with enforceable rights.

Manhart and Purkey affirm that “knowledge can be seen as an instrument of power ... since refugees need to know their rights and the applicable laws [to] achieve legal empowerment and meaningful participation.”¹³⁰ Beyond understanding their human rights and developing the “language of rights-holder and duty-bearer,”¹³¹ it is imperative for refugees ‘in transit’ to acquire knowledge about the resettlement channels open to them. Although UNHCR is constructing an online portal with TBB and other stakeholders to “give refugees access to verified information about employment” programs and alternative complementary pathways, this top-down approach remains out of touch with the complex and competitive realities of economic programs. Refugees must not only have access to UNHCR’s database but must be empowered to use the online portal to make informed choices about their resettlement journey. As TBB notes in the *Evaluation 2020*, “economic immigrants ... rely on the services of immigration lawyers and agents to navigate program requirements and to successfully apply” for economic programs, but “refugees typically do not have the resources or connections to retain immigration legal services to consult on their eligibility, to collect and translate the required documents, and to apply.”¹³² What is more, many immigration specialists do not have the capacity to assist clients facing complex displacement barriers. Evidently, there is a need for refugee-specific, refugee-led initiatives for displaced persons to gain knowledge about emerging avenues like the EMPP.

The work of paralegals who are refugees themselves may help transform the law on resettlement “from an abstraction ... into something that every [skilled refugee] can understand, use and shape.”¹³³ Refugee paralegals, sometimes known as community paralegals or barefoot lawyers, “empower the refugee community by providing guidance on their rights and

¹³⁰ Manhart, *supra* note 38 at 41.

¹³¹ Purkey, *supra* note 115 at 270.

¹³² *Evaluation 2020*, *supra* note 47 at 130.

¹³³ Vivek Maru, “How to Put the Power of Law in People’s Hands” (2017) (last visited 7 July 2022), online: TED Talks <www.ted.com/talks/vivek_maru_how_to_put_the_power_of_law_in_people_s_hands/transcript?referrer=playlist-an_introduction_to_ted_talks#t-369706>.

obligations,” as well as “information regarding their asylum application[s] and their refugee status, offering advice on their cases, making referrals and following up on cases.”¹³⁴ Within the framework of the EMPP, ‘alumni’ already play “formal roles in mentoring, conducting mock interviews, and providing advice to other [applicants].”¹³⁵ EMPP alumni may be effective refugee paralegals, remotely networking with peers who remain in displacement, and promoting greater understanding and transparency surrounding the new complementary pathway. EMPP alumni also fill an important gap on the settlement side, “physically welcoming new arrivals at the airport and helping new families to settle into their new lives.”¹³⁶ In this sense, EMPP alumni may also serve as community paralegals in the Canadian context by helping successful candidates understand legal rights and employer expectations in their new country.

Legal empowerment strategies like the ones developed in this section will be essential for refugees to ‘have a voice’ in the EMPP and meaningfully participate in the complementary pathway. Indeed, legal empowerment is the first step toward reconceiving the EMPP as displaced talent mobilization, in which skilled refugees are active agents in identifying and responding to the problems that challenge their ability to flourish throughout their resettlement journey.

Workforce Integration

Returning to Lee et al.’s research, and upon establishing capabilities for legal empowerment, the EMPP’s ultimate development potential will depend on its ability to create an enabling environment for successful applicants to unveil the canvas ceiling and flourish in their new environs. The current approach glorifies skilled refugees as economic drivers and romanticizes their uptake into the Canadian workforce. The EMPP must instead come to grips with the multilevel system of barriers that thwart the pursuit of labour market integration, beginning with the experiences and voices of skilled refugees. As such, this

¹³⁴ Musenga Tshimankinda Christian, “Refugee Paralegals” (2018) 58 *Forced Migration Review* 59 at 59, online (pdf): www.fmreview.org/economies/musenga.

¹³⁵ Evaluation 2020, *supra* note 47 at 130.

¹³⁶ *Ibid.*

section presents participatory approaches that reframe standard recruitment mechanisms and establish dynamic support models to overcome the individual, organizational and institutional challenges that skilled refugees encounter in achieving quality employment.

In Canada, employers may devalue the prior education and work experiences of refugees, failing to consider “the context impacting individuals’ work history and overlook[ing] the valuable ... transferable skills developed during displacement.”¹³⁷ This form of marginalization positions “knowledge from developing countries as inferior and incompatible,” thereby restraining skilled refugees from pursuing career aspirations and higher-paying occupations.¹³⁸ The following story illustrates the impact of such discriminatory attitudes toward refugees’ past qualifications and experiences:

“I am a survivor of the collapse of the Soviet Union and Yugoslavia ... I brought four suitcases to Canada, a teaching degree, seven years of teaching experience, and a passion for teaching and learning. My teaching degree and my teaching experience from Yugoslavia were not recognised in Ontario. I was labeled as a foreign teacher by the Ontario Teachers' College. In the past fifteen years, I went through sixteen different jobs to make a living and re-establish my teaching career.”¹³⁹

To some extent, the EMPP addresses refugee unemployment and underemployment by matching skilled refugees with receptive employers prior to their arrival in Canada. Nevertheless, skilled refugees may be inhibited from expanding their talents and flourishing beyond entry level positions. For example, Palestinian refugee Khodor Ramlawi joined Nova Scotia long-term care home Glen Haven Manor through the EMPP in December 2020. According to Lisa Smith, CEO of Glen Haven, “candidates under the EMPP ... come with outstanding credentials and skills, and the passion that they bring to their role is just something that is

¹³⁷ Speed & Kulichyova, *supra* note 49 at 416.

¹³⁸ Lee, *supra* note 7 at 200.

¹³⁹ Snežana Ratković, *Teachers Without Borders: Exploring Experiences, Transitions, and Identities of Refugee Women Teachers from Yugoslavia* (PhD Dissertation, Brock University, 2014) [unpublished] at 8, online (pdf): <dr.library.brocku.ca/bitstream/handle/10464/5243/Brock_Ratkovic_Snezana_2014.pdf?sequence=1>.

immeasurable.”¹⁴⁰ However, for Ramlawi, who worked as a registered nurse and paramedic instructor for 20 years, “moving to Nova Scotia means he is working in a far lower position than those for which he is qualified. Ramlawi said he’s hoping that even if he has to make sacrifices by working in lower-paying positions, his children will have a brighter future.”¹⁴¹

Herein lies a teachable moment for Canada’s private sector. The EMPP, measured in terms of refugee capability expansion, has no choice but to contextualize anachronistic talent perspectives held by participating employers. Otherwise, “lack of understanding of international qualifications and experience could see organisations ‘miss out’ on talent.”¹⁴² In steering away from standard recruitment models, the EMPP may wish to consider the ‘life CV,’ which engages refugees to expand “conventional, westernized CVs”:

“Through a story-telling process, the life CV tells (a) the experiences of the refugee; (b) enables them to expose talents, skills, and abilities that would otherwise be overlooked if the focus was on the formal education [and employment] typically required; and (c) highlights how these experiences can be used in the job market.”¹⁴³

Tools like the life CV encourage refugees to consider how their skills may extend to a diversity of roles, which is particularly important in the face of complex accreditation processes to obtain equivalent professional status. At the same time, “in their attempts to reconstruct their lives ... refugees [may] remain attached to the positions they occupied in their home countries” and may struggle

¹⁴⁰ Vernon Ramesar, “Nova Scotia Long-Term Care Home Recruiting Refugees in Middle East, Africa to Work in Facility”, CBC News (25 July 2021), online: <www.cbc.ca/news/canada/nova-scotia/nova-scotia-long-term-care-refugees-staff-1.6115437>.

¹⁴¹ *Ibid.*

¹⁴² Speed & Kulichyova, *supra* note 49 at 416.

¹⁴³ Minerva D Tuliao, Katherine Najjar & Richard J Torraco, “Talent Development of Refugee Women” in Khali Dirani, Fredrick M Nafukho & Beverly Irby, eds, *Talent Development and the Global Economy: Perspectives from Special Interest Groups* (Charlotte: Information Age Publications, 2017) 41 at 54.

to adapt to new professional settings.¹⁴⁴ It is thus imperative for skilled refugees to guide the implementation of alternative recruitment models so that partner employers understand what transnational skills look like in practice, and so that refugees gain control over—and take pride in—how they may mobilize their talents in new environments.

At the same time, “it is important to acknowledge that, sometimes, although a person presents all the skills necessary to find employment, they might not be ready to enter the labour market” due to traumatic experiences in their home country, and compounding challenges to their mental health and psychosocial wellbeing in Canada.¹⁴⁵ In fact, TBB candidates expressly communicated that, “given financial constraints and the psychological impact that comes with being a refugee, it is often difficult to focus on learning new skills ... such as English.”¹⁴⁶ Therefore, beyond the recruitment phase, the EMPP must establish relational frameworks with culturally responsive services and resources, so that candidates can access psychosocial supports and mitigate the impact of ongoing stressors. This may prove particularly challenging in rural communities. As such, the EMPP may consider asking for support commitments from employers in remote regions prior to onboarding skilled candidates. However, in so doing, the EMPP must be careful not to minimize the self-reliance of skilled refugees, or to perpetuate false stigmas that construe refugees as victims or burdens. In line with Sen’s participatory development model, support efforts must ensure that refugees are informed participants in making decisions about valued services, instead of being passive recipients of traditional social assistance. Meaningfully involving skilled refugees in the development of relational support networks will ultimately allow them to exert greater influence in their new jobs and communities, and to work together with formal architects of the EMPP to unveil the canvas ceiling.

¹⁴⁴ Marwa Belghazi, “Supporting Recently Resettled Refugees in the UK” (2018) 58 *Forced Migration Review* 8 at 9.

¹⁴⁵ Belghazi, *supra* note 144 at 9.

¹⁴⁶ Evaluation 2020, *supra* note 47 at 116.

CONCLUSION

The phenomenon of displaced talent mobility is on the rise, and Canada is paving the way for States worldwide with its Economic Mobility Pathways Project. Although Canada takes prides in the EMPP, its emphasis on economic growth and labour market success conceives refugees as passive sources of skills, rather than vital actors in the talent-driven model. As the EMPP enters its second phase, IRCC and UNHCR must work with implementing partners to reframe the Project's success in terms of refugee capability expansion rather than compliance with market discipline. This paper proposes the term 'displaced talent mobilization' *in lieu* of 'displaced talent mobility' to mark the EMPP's shift toward a capabilities-based approach in which skilled refugees are meaningful participants and informed decision-makers in the processes that impact their lives.

An EMPP based on displaced talent mobilization empowers skilled refugees to identify the multilevel barriers that impede their capability expansion, so that they can not only access economic immigration, but are equipped to thrive throughout the resettlement process. Beginning with legal empowerment, the EMPP may adopt digital solutions or operationalize EMPP alumni as refugee paralegals, so that potential candidates understand their resettlement rights and regain control over their talents as steppingstones to safety. With baseline tools for legal empowerment in place, the EMPP should embrace the voices of skilled refugees to establish culturally responsive recruitment mechanisms and support networks, so that successful candidates can unveil the canvas ceiling casting a shadow over their flourishing. As this paper's objective is to develop a sustainable and humanitarian framework for the future of the EMPP, it merely skims the surface of participatory strategies for skilled refugees to expand valued functionings and capabilities. However, future research may build upon displaced talent mobilization by conducting research with Project candidates, employers, and other relevant stakeholders to finetune appropriate measures for a sustainable and humanitarian EMPP.

Bibliography

LEGISLATION: INTERNATIONAL

Convention Relating to the Status of Refugees, 28 July 1951, 189 UNTS 137.

1967 Protocol Relating to the Status of Refugees, 31 January 1967, 606 UNTS 267.

Report of the United Nations High Commissioner for Refugees - Part II Global Compact on Refugees, UNGAOR, 73rd Sess, Supp No 12, UN Doc A/73/12 (Part II).

Universal Declaration of Human Rights, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948).

LEGISLATION: CANADA

Immigration and Refugee Protection Regulations, SOR/2002-227.

INTERNATIONAL DOCUMENTS: UNITED NATIONS

Action for the Rights of Children, "Foundations: Community Mobilisation" (2001), online (pdf): UNHCR <www.unhcr.org/protect/PROTECTION/3bb81d2b4.pdf>.

Susan Fratzke et al, "Refugee Resettlement and Complementary Pathways: Opportunities for Growth" (September 2021), online (pdf): UNHCR <www.unhcr.org/protection/resettlement/614462c94/refugee-resettlement-complementary-pathways-opportunities-growth.html>.

UNHCR, "Resettlement Handbook" (2018), online (pdf): UNHCR <www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>.

—, "Complementary Pathways for Admission of Refugees to Third Countries: Key Considerations" (April 2019), online (pdf): RefWorld <www.refworld.org/docid/5cebf3fc4.html>.

—, "Global Trends: Forced Displacement in 2019" (June 2021), online (pdf): UNHCR <www.unhcr.org/en-us/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html>.

—, "The Three-Year Strategy on Resettlement and Complementary Pathways" (June 2019), online (pdf): UNHCR <www.unhcr.org/en>.

[us/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html](https://www.unhcr.ca/protection/resettlement/5d15db254/three-year-strategy-resettlement-complementary-pathways.html)>.

- , “The Economic Mobility Pathways Project – Policy Principles and Lessons Learned: A Canadian Perspective on Complementary Pathways for Admission” (June 2019), online (pdf): UNHCR <www.unhcr.ca/wp-content/uploads/2019/07/The-Economic-Mobility-Pathways-Project-Policy-Principles-and-Lessons-Learned-June-2019.pdf>.

GOVERNMENT DOCUMENTS: CANADA

IRCC, “Evaluation of the Resettlement Programs (GAR, PSR, BVOR and RAP)” (2016), online (pdf): Government of Canada <www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/resettlement-programs.html>.

- , “The Economic Mobilize Pathways Pilot: Exploring Labour Mobility as a Complementary Pathway for Refugees” (July 2020), online (pdf): Government of Canada <www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/economic-mobility-pathways-project-labour-mobility.html>.

Public Policy to Support the Economic Mobility Pathways Pilot (EMPP) – Phase 2, Ottawa, Government of Canada Public Policy Archives (last visited 7 July 2022), online: <www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/economic-mobility-pathways-pilot-phase-2.html>.

SECONDARY MATERIALS: ARTICLES, WORKING PAPERS, & REPORTS

Amartya Sen, “Human Rights and Capabilities” (July 2005) 6:2 *Journal of Human Development* 151.

Anantha Kumar Duraiappah, Pumulo Roddy & Jo-Ellen Parry, “Have Participatory Approaches Increased Capabilities?” (June 2005), online (pdf): IISD <www.iisd.org/publications/have-participatory-approaches-increased-capabilities>.

- Anne Lise Purkey, "A Dignified Approach: Legal Empowerment and Justice for Human Rights Violations in Protracted Refugee Situations" (2013) 27:2 *Journal of Refugee Studies* 260.
- Eun Su Lee et al, "Unveiling the canvas ceiling: a multidisciplinary literature review of refugee employment and workforce integration" (2020) 22:2 *International Journal of Management Reviews* 193 at 195, online: <doi.org/10.1111/ijmr.12222>.
- Francesca Speed & Anastasia Kulichyova, "The Role of Talent Intermediaries in Accessing and Developing Refugee Talent Pools" (2021) 8:4 *Journal of Organizational Effectiveness: People and Performance* 407 (Emerald Insight).
- Ilana Seff, Kellie Leeson & Lindsay Stark, "Measuring Self-Reliance Among Refugee and Internally Displaced Households: the Development of an Index in Humanitarian Settings" (July 2021) 15:56 *Conflict and Health* 1.
- Ingrid Robeyns, "The Capability Approach: A Theoretical Survey" (2005) 6:1 *Journal of Human Development* 93 <doi.org/10.1080/146498805200034266>.
- John Owens et al, "Understanding and Investigating Relationality in the Capability Approach" (2021) 51 *Journal for the Theory of Social Behaviour* 1 (Wiley).
- Joseph Mustapha Macarthy et al, "Exploring the Role of Empowerment in Urban Humanitarian Responses in Freetown" (December 2017) IIED Working Paper, online (pdf): <pubs.iied.org/sites/default/files/pdfs/migrate/10845IIED.pdf>.
- Katarina Mozetič, "Being Highly Skilled and a Refugee: Self-Perceptions of Non-European Physicians in Sweden" (2018) 37:2 *Refugee Survey Quarterly* 231, online: <doi.org.proxy3.library.mcgill.ca/10.1093/rsq/hdy001>.
- Marwa Belghazi, "Supporting Recently Resettled Refugees in the UK" (2018) 58 *Forced Migration Review* 8.
- Miguel Peromingo & Willem Pieterse, "The New World of Work and the Need for Digital Empowerment" (2018) 58 *Forced Migration Review* 32.
- Musenga Tshimankinda Christian, "Refugee Paralegals" (2018) 58 *Forced Migration Review* 59 at 59, online (pdf): <www.fmreview.org/economies/musenga>.
- Nora Bardelli, "The Shortcomings of Employment as a Durable Solution" (2018) 58 *Forced Migration Review* 54.

Tamara Wood, "The Role of 'Complementary Pathways' in Refugee Protection" (November 2020), online (pdf): *Kaldor Centre for International Refugee Law* <www.kaldorcentre.unsw.edu.au/publication/role-%E2%80%98complementary-pathways%E2%80%99-refugee-protection>.

Tony Evans, "International Human Rights Law as Power/Knowledge" (2005) 27:3 *Hum Rts Q* 1046.

SECONDARY MATERIALS: ELECTRONIC SOURCES

"A Timeline of the Syrian Civil War and Refugee Crisis" (last visited 7 July 2022), online: *UNICEF* <www.unicef.ie/stories/timeline-syrian-war-refugee-crisis/>.

Alicia Garza, Patrisse Cullors & Opal Tometi, "An Interview with the Founders of Black Lives Matter" (2016), online: *TEDTalks* <www.ted.com/talks/alicia_garza_patrisse_cullors_and_opal_tometi_an_interview_with_the_founders_of_black_lives_matter/up-next?language=en>.

"Fragomen Canada and Talent Beyond Boundaries Webinar: Displaced Talent Mobility" (19 November 2020), online (webinar): *Fragomen* <www.fragomen.com/insights/fragomen-canada-and-talent-beyond-boundaries-webinar-displaced-talent-mobility.html>.

IRCC, "Canada Announces 3 New Initiatives to Welcome and Support More Refugees" (18 June 2021), online: *Government of Canada* <www.canada.ca/en/immigration-refugees-citizenship/news/2021/06/canada-announces-3-new-initiatives-to-welcome-and-support-more-refugees.html>.

—, "Applications Now Open for the Expanded Economic Mobility Pathways Pilot" (3 December 2021), online: *Government of Canada* <www.canada.ca/en/immigration-refugees-citizenship/news/notices/applications-open-economic-mobility-pathways-pilot.html>.

Karolyn Coorsh, "'Golden Opportunity': Excitement, Hope as Syrian Refugee Starts Over in Canada", *CTV News* (16 September 2015), online: <www.ctvnews.ca/golden-opportunity-excitement-hope-as-syrian-refugee-starts-over-in-canada-1.2565608>.

“Life-Changing Results” (last visited 7 July 2022), online: *Talent Beyond Boundaries*: www.talentbeyondboundaries.org/impact.

“Unlocking Skilled Migration Pathways for Refugees” (last visited 7 July 2022), online: *Talent Beyond Boundaries* www.talentbeyondboundaries.org/.

Vernon Ramesar, “Nova Scotia Long-Term Care Home Recruiting Refugees in Middle East, Africa to Work in Facility”, *CBC News* (25 July 2021), online: www.cbc.ca/news/canada/nova-scotia/nova-scotia-long-term-care-refugees-staff-1.6115437.

Vivek Maru, “How to Put the Power of Law in People’s Hands” (2017) (last visited 7 July 2022), online: *TEDTalks* www.ted.com/talks/vivek_maru_how_to_put_the_power_of_law_in_people_s_hands/transcript?referrer=playlist-an_introduction_to_ted_talks#t-369706.

SECONDARY MATERIAL: OTHER

Adriana Conconi & Mariana Viollaz, “Poverty, Inequality and Development: a Discussion from the Capability Approach’s Framework” in Francisco González, ed, *The Age of Perplexity: Rethinking the World We Knew* (Barcelona: Penguin Random House Grupo Editorial, 2018), online (pdf): *BBVA OpenMind* www.bbvaopenmind.com/en/articles/poverty-inequality-and-development-a-discussion-from-the-capability-approach-s-framework/.

Magnus Manhart, “Capability and Legal Empowerment for Escaping the ‘Refugee Warehouse’ – An Assessment of the Global Compact on Refugees and the Comprehensive Refugee Response Framework in Kenya” (LLM Thesis, McGill University, 2019) [unpublished].

Martin Anderson & Amy Slaughter, *Preserving the Humanitarian Nature of Resettlement: An Analysis of 2018-2020 Resettlement Data* (Cambridge, RefugePoint, 2021).

Minerva D Tuliao, Katherine Najjar & Richard J Torraco, “Talent Development of Refugee Women” in Khali Dirani, Fredrick M Nafukho & Beverly Irby, eds, *Talent Development and the Global Economy: Perspectives from Special Interest Groups* (Charlotte: Information Age Publications, 2017) 41.

From Flight to Flourishing: Enabling Displaced Talent
Mobilization in Canada

Rachel McNally, *Caring for Refugees: Questioning the Public-Private Dichotomy in Canadian Resettlement* (MA Thesis, Carleton University, 2020) [unpublished].

Snežana Ratković, *Teachers Without Borders: Exploring Experiences, Transitions, and Identities of Refugee Women Teachers from Yugoslavia* (PhD Dissertation, Brock University, 2014) [unpublished], online (pdf):
<dr.library.brocku.ca/bitstream/handle/10464/5243/Brock_Ratkovic_Snezana_2014.pdf?sequence=1>.

APPENDIX

Appendix A: Lee et al's Factors Influencing Refugee Workforce Integration

