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DRAFT RECOMMENDATION ON THE RECOGNITION OF REFUGEES' QUALIFICATIONS UNDER THE LISBON RECOGNITION CONVENTION AND DRAFT EXPLANATORY MEMORANDUM

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INTRODUCTION

At its meeting at UNESCO headquarters on February 29, 2016, the Lisbon Recognition Convention Committee (LRCC) asked its Bureau to develop a draft Recommendation on the background of the strong increase in the number of refugees to many European countries, mainly from countries in the Middle East.

An important part of the background was also the first study¹ conducted on the implementation of the Lisbon Recognition Convention (LRC), which showed that only some 30 per cent of the States party had taken steps to implement its Article VII on the Recognition of refugees' qualifications. This Article reads:

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.

The LRCC Bureau launched work on the draft Recommendation and Explanatory Memorandum in autumn 2016, sent a draft to heads of ENICs and NARICs for comments in February, and revised the draft on the basis of these comments at a meeting on March 13 – 14, 2017. The Council of Europe's Steering Committee for Educational Policy and Practice (CDPPE) was informed of the draft Recommendation at its plenary session on April 19- 21, 2017 and delegations expressed support for the draft. The CDPPE does not have a formal role in the process of developing a subsidiary text under the LRC but gathers representatives of the competence public authorities of most States party and is therefore a valuable informal sounding board in this context. The draft was introduced by the President of the LRCC.

The draft Recommendation was considered at the annual ENIC/NARIC meeting in Copenhagen on June 25 – 27, 2017 (formally, by the ENIC Network in its capacity as a preparatory body for the Lisbon Recognition Convention Committee and thus in its composition restricted to ENICs of States party to the LRC). All ENICs that took the floor spoke in support of the draft Recommendation. Two ENICs underlined that many, possibly most, refugees are in fact able to document their qualifications and their applications will therefore be treated according to normal procedures.

The LRCC Bureau finalized the draft Recommendation and Explanatory memorandum at its meeting in Tallinn on July 7, 2017, on the background of the discussion at the ENIC/NARIC meeting.

¹ http://www.enic-naric.net/fileusers/Monitoring_the_Implementation_of_the_Lisbon_Recognition_Convention_2016.pdf, to be presented under item 4 of the extraordinary session of the LRCC

The current draft of the Recommendation and Explanatory Memorandum will be found in Annexes 1 and 2, respectively.

THE MAIN ISSUES

It is important to underline that the main issue concerns refugees who cannot document their qualifications adequately. When refugees can provide satisfactory documentation of their qualifications, these are ordinary recognition cases that can be treated according to normal recognition practice. That is easier for the refugees, and it is easier for the recognition centres and higher education institutions that will deal with their applications.

Many refugees are, however, unable to provide adequate documentation, and for good reason. Documents may have been left behind or lost. In some cases, the institutions at which the qualifications were earned will not be well known or reputed. In theory, individuals and recognition authorities may ask the home institution or the authorities of the home country for additional information, but refugees normally come from strife-torn countries where communication is difficult and the authorities unwilling to help those who have fled. In some cases, institutional archives may have been lost. To take just one obvious example, refugees who graduated from the University of Aleppo but did not manage to take their diplomas with them are unlikely to be provided with certified copies by the institution.

This also means that not only will refugees who cannot document their qualifications have recognition problems today. Many will never be able to document their qualifications adequately, even if and when peace returns and their home countries will be rebuilt. The recognition of refugees' qualifications, in the sense we use the term here, is therefore not just a passing issue.

The Recommendation, therefore, aims to outline how Article VII of the LRC may be implemented. It aims to offer solutions that are admittedly less good than assessing qualifications on the basis of satisfactory documentation, but it is important to keep in mind that the alternative to offering a solution that is less than ideal may be offering no solution at all. That would deprive refugees from making good use of their real qualifications, and it would deprive European societies from benefiting from the refugees' talents.

The education offers for refugees and the possibilities provided for refugees to make use of the qualifications they already have are key to reducing the pain of the refugee experience. The effects of long term unemployment – which include demotivation and loss of acquired competences – are well known; being a refugee is even more challenging. Refugees who are given the opportunity to use and develop their competences can find motivation in spite of their very difficult situation. They will maintain and further develop their competences, which is of advantage to their host countries, as it will be of great importance to rebuilding their home countries if and when they are able to return home. Refugees who are condemned to passivity, on the other hand, will eventually lose their competences since competences need to be used to be maintained. They will most likely be demotivated and frustrated, and the danger that some of them will turn to violent extremism is greatly increased. This is, of course, a danger to their host countries and also to their home countries, should they be able to return home.

A second important issue is to enable refugees to use the assessment undertaken in one country in other European countries. Many refugees will not remain in the country that first receives them. As many examples show – and as the policy of several governments foresee – refugees may find a more permanent home in a country other than the one in which they first arrived. In this case, it is important that refugees be able to make good use of the first difficult months in the first host country, and having their qualifications assessed is one such measure. It would then be unreasonable if refugees had to undergo a new assessment each time they moved without being able to make use of a previous assessment. It would also be questionable use of scarce public resources if each country were to insist on undertaking a full assessment from scratch rather than draw on a previous assessment undertaken by reputable colleagues in other countries.

The issue is therefore not only to provide refugees with an opportunity to have their qualifications recognized also when they cannot be fully documented, but also to give this assessment validity in other European countries. These are the two main aims of the draft Recommendation now submitted to the Lisbon Recognition Convention Committee.

PROCEDURE

The Lisbon Recognition Convention foresees that

The [Lisbon Recognition Convention] Committee shall promote the application of this Convention and shall oversee its implementation. To this end it may adopt, by a majority of the Parties, recommendations, declarations, protocols and models of good practice to guide the competent authorities of the Parties in their implementation of the Convention and in their consideration of applications for the recognition of higher education qualifications. While they shall not be bound by such texts, the Parties shall use their best endeavours to apply them, to bring the texts to the attention of the competent authorities and to encourage their application. The Committee shall seek the opinion of the ENIC Network before making its decisions. (Article X.2.5)

In other words, the LRCC is the competent body empowered to adopt recommendations and other subsidiary texts, and the ENIC Network should be heard before the LRCC makes its decision. This was done at the ENIC/NARIC meeting in Copenhagen, send Heads of ENICs also already provided input to a first draft earlier in the year. Delegations to the LRCC are appointed by the competent public authority (in most cases the Ministry responsible for higher education); they have often been represented by their ENIC, in particular when meetings of the ENIC Network and the LRCC were held one after the other.

ANNEX 1

Draft Recommendation on Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation

(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)

Preamble

- A. The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region,
- B. *Considering* that the aim of the Council of Europe and UNESCO is to achieve greater unity between their members, and that this aim can be pursued notably by common action in cultural matters;
- C. *Having regard* to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention), and in particular to its Article VII;
- D. *Having regard* to the subsidiary texts adopted under the Lisbon Recognition Convention: the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications (revised 2010), the Recommendation on the Use of Qualifications Frameworks in the Recognition of Foreign Qualifications (2013) and the Recommendation on the Recognition of Joint Degrees (revised 2016);
- E. *Having regard* to the European Cultural Convention;
- F. *Having regard* to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region as well as to UNESCO Conventions on recognition for other regions of the world;
- G. *Having regard* to the Declaration of the European Ministers of Education in Bologna on 19 June 1999, and the subsequent communiqués of the Ministerial Conferences of the European Higher Education Area;
- H. *Having regard* to the Diploma Supplement developed jointly by the European Commission, the Council of Europe and UNESCO, the European Credit Transfer and Accumulation System (ECTS), and to national and regional qualifications frameworks, along with similar developments in other regions;

- I. *Having regard* to the practical action in favour of improving the recognition of qualifications concerning higher education carried out by the Council of Europe/UNESCO European Network of national information centres on academic recognition and mobility (the ENIC Network) and in particular to its role in collecting and disseminating information on existing recognition tools and good practices; supporting competent recognition authorities and contributing to the development and implementation of common procedures for the recognition of qualifications held by refugees, displaced persons or persons in a refugee-like situation;
- J. *Having regard* to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
- K. *Aware* of the sharp increase in the number of refugees, displaced persons and persons in a refugee-like situation who seek recognition of their qualifications concerning higher education in countries of the European Region;
- L. *Conscious* of the fact that the right to education is a human right, and that higher education, which is instrumental in the pursuit and advancement of knowledge, skills and competence, constitutes an exceptional asset for both individuals and society;
- M. *Considering* that higher education plays a vital role in promoting peace, mutual understanding and tolerance, and in creating mutual trust among peoples and nations;
- N. *Considering* that the recognition of qualifications is an essential precondition for both academic and professional mobility;
- O. *Acknowledging* initiatives launched by Parties to the Lisbon Recognition Convention and key stakeholders in higher education in the European region to facilitate the recognition of qualifications held by refugees, displaced persons or people in a refugee-like situation for further study or for employment;
- P. *Having regard* to the European Area of Recognition (EAR) manuals which offer practical implementation guidance of the principles of the Lisbon Recognition Convention;
- Q. *Recommends* that the States Parties to the Lisbon Recognition Convention:
 - i. take into account, in the establishment of their policies for the recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation, the principles set out in the appendix hereto;
 - ii. draw these principles to the attention of the competent bodies concerned, so that they can be considered and taken into account;
 - iii. promote implementation of these principles by government agencies and local and regional authorities and by higher education institutions while taking due account of the autonomy of higher education institutions;
 - iv. ensure that this Recommendation is distributed as widely as possible among all persons and bodies concerned with the recognition of qualifications concerning higher education.

- R. *Invites* the Secretary General of the Council of Europe and the Director-General of UNESCO, as appropriate, to transmit this Recommendation to the governments of those States which were invited to the Diplomatic Conference entrusted with the adoption of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region but which have not become parties to that Convention.

APPENDIX

I. General considerations

1. The purpose of the present Recommendation is to ensure the fair recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation in accordance with the obligation of the Parties in implementation of the Article VII of the Lisbon Recognition Convention. Such qualifications should be recognised unless a substantial difference can be shown between the refugees' qualification for which recognition is sought and the comparable qualification in the Party in which recognition is sought.
2. Refugees, displaced persons and persons in a refugee-like situation, should be entitled to assessment for access to higher education, including when their qualifications cannot be adequately documented.
3. The provisions of the present Recommendation apply to cases where the qualifications claimed by refugees, displaced persons or persons in a refugee-like situation cannot be adequately documented. Where such qualifications can be fully documented, they should be assessed in accordance with the criteria and procedures for the recognition of qualifications established through the Lisbon Recognition Convention and its subsidiary texts, in particular the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications (revised 2010), adopted by the Lisbon Recognition Convention Committee in 2010.

II Definitions

4. Terms defined in the Lisbon Recognition Convention are used in the same sense in the present Recommendation, and reference is made to the definition of these terms in Section I of the Convention.
5. Refugee – any person who as a result of well-founded fear of being persecuted for reasons of race, religion, nationality, gender, sexual orientation, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country; or who, not having a nationality and being outside the country of their former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
6. Displaced person – any person who has been forced or obliged to flee or to leave their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or

natural or human-made disasters, and who has not crossed an internationally recognised State border.

7. Person in a refugee-like situation – any person who is *de facto* in a situation similar to that of refugees or displaced persons regardless of their legal status.
8. Inadequately documented qualification – a qualification obtained by the holder, but which cannot be proven through relevant and necessary documentary evidence.

III General principles

9. Refugees, displaced persons and persons in a refugee-like situation 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.
10. Arrangements for the recognition of inadequately documented qualifications should ensure that no applicant is prevented from seeking recognition of their qualifications because of the costs involved. The assessment should be based on transparent procedures and criteria, and it should be available free of charge or at reasonable cost and within a reasonable time.
11. Lack of proficiency in the language(s) of the host country and/or host institution should not in itself be considered sufficient reason to withhold assessment and recognition.
12. Parties should accept information collected about inadequately documented qualifications carried out in other Parties by competent recognition authorities.
13. The provisions referring to the assessment of qualifications held by refugees, displaced persons or persons in a refugee-like situation shall apply, *mutatis mutandis*, to the assessment of periods of study.

IV. Legislation

14. Parties to the Lisbon Recognition Convention should 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 present Recommendation. Parties are encouraged to take any required action to simplify and speed up the recognition process in a coordinated way.

V Assessment of qualifications held by refugees, displaced persons or persons in a refugee-like situation

15. The assessment of inadequately documented qualifications will seek 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.
16. When reconstructing the educational background, competent recognition authorities should take into account the purpose of recognition. Different procedures could be followed depending on whether the applicant wishes to work or to pursue further studies.
17. 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 should, as appropriate, be 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.

VI Background document

18. In cases where refugees, displaced persons or persons in a refugee-like situation for valid reasons cannot adequately document the qualifications or periods of study they claim, competent recognition authorities are encouraged to create and use a background document or a similar information document. The background document should give an authoritative description of the qualifications or periods of study applicants are considered likely to have obtained or completed with all available documents and supporting evidence. The background document does not in itself constitute an act of recognition.
19. The background document should include information on at least the profile, level and estimated workload of the qualification or period of study, such as:
 - personal data of the applicant;
 - name, in the original language, of the qualification obtained;
 - name, in the original language, of the institution where the qualification was obtained;
 - status of the institution and of the programme in the education system where the qualification was obtained;
 - level of the qualification obtained;
 - name, in the original language, of the programme in which the qualification was obtained;
 - nominal duration or workload of the programme;

- formal rights given by the qualification obtained;
- the year(s) in which the qualification was earned or the period of study undertaken;
- relevant supporting documentation presented.

20. The background document should assist:

- a) competent recognition authorities in describing, assessing and/or recognising the qualifications and periods of study of applicants
- b) refugees, displaced persons or persons in a refugee-like situation in establishing their academic achievements in order to gain access to further studies or appropriate employment.
- c) competent recognition authorities, institutions, employers and other users of qualifications in accepting or recognising inadequately documented qualifications assessed in other Parties.

21. The background document should be issued in the national language(s) as well as in a widely spoken language.

VII Information

22. Parties to the Lisbon Recognition Convention should ensure that information on the assessment and recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation is transparent, up to date and is provided to refugees as early as possible. To the extent possible, the information should be available in both the national language(s) and at least one widely spoken language.

23. Relevant and transparent information about assessment and recognition procedure and policy for documented and undocumented qualifications should include:

- how to apply;
- required documents;
- alternative ways of providing the required information if documents are not available;
- applicable fees, if any;
- expected timelines for processing;
- assessment criteria;
- how to appeal.

24. Such information should be made readily available to: a) refugees, displaced persons and persons in a refugee-like situation, as soon as possible after their arrival in the host country, b) institutions or persons providing support to applicants (e.g. primary contact authorities, competent migration authorities, reception centres, employers and refugee organisations).

ANNEX 2

DRAFT EXPLANATORY MEMORANDUM TO THE RECOMMENDATION ON RECOGNITION OF QUALIFICATIONS HELD BY REFUGEES, DISPLACED PERSONS AND PERSONS IN A REFUGEE-LIKE SITUATION

Introduction

Article VII of the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention) on the recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation² stipulates that:

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.

The Lisbon Recognition Convention was adopted in April 1997 and entered into force in February 1999 following the fifth ratification. Article VII was developed in the context of the conflicts in former Yugoslavia in the 1990s, which led many people – especially from Bosnia and Herzegovina – to seek refuge in other countries. Finding ways to recognise their qualifications even when these could not be adequately documented was important to ensuring that refugees could use and develop further their qualifications in their host countries and also later in their home countries.

While some European countries have lived through conflicts that caused people to flee their homes, there had not been a major refugee crisis with a Europe-wide dimension between the mid-to late 1990s and 2015. This may be part of the reason why most Parties to the Lisbon Recognition Convention had taken no or few measures to implement Article VII, as demonstrated by a survey conducted by the Lisbon Recognition Convention Committee Bureau in late 2015/early 2016³.

Starting in summer 2015, the number of people fleeing their home countries and seeking refuge in Europe increased dramatically. In 2015 alone, more than 1 million refugees – or persons requesting refugee status – arrived in Europe, 84 per cent of whom originated in just 10 countries⁴.

While the surge of refugees has not been so pronounced in North America, the resettlement and

² Hereafter referred to as “refugees” except in quotes from other texts.

³ http://www.enic-naric.net/fileusers/Monitoring_the_Implementation_of_the_Lisbon_Recognition_Convention_2016.pdf

⁴ <http://data.unhcr.org/mediterranean/regional.php>, accessed 14 December 2016.

integration of refugees is a significant policy concern.

This situation gave rise to diverse policies in different Parties to the Lisbon Recognition Convention as well as to diverse reactions from citizens and civil society. The number of refugees hosted varies substantially, from more than 3 million in Turkey from Syria alone⁵ to less than 1000 in some countries. At the same time, it is worth underlining that some non-European countries in the region also host large numbers of refugees.

An education challenge

The situation created since summer 2015 renews the pertinence of Article VII and makes it even more urgent to take effective measures ensuring that refugees will receive fair recognition of their qualifications.

Enabling refugees to make use of the qualifications they already have, whether for work or for further study, is important to reducing the pain of the refugee experience. Refugees who are given the opportunity to use and develop their competences can find motivation in spite of their very difficult situation. They will maintain and further develop their competences, which is of advantage to their host countries, as it will be of great importance to rebuilding their home countries if and when they are able to return home.

Preamble

The Preamble outlines the legal framework as well as the political and institutional context within which the Recommendation is adopted. While the Recommendation, as a subsidiary text to the Lisbon Recognition Convention, applies to the European Region, it is also pertinent to other regions of the world as the Lisbon Recognition Convention is, in the UNESCO framework, one of several regional conventions and because most UNESCO regions face issues concerning refugees. The Preamble also builds on the most important developments in higher education policy, and in particular in the international recognition of qualifications, over the past years. For 48 of the countries of the European Region, this includes the development of the European Higher Education Area.

The reference, in the consideratum “Aware of the sharp increase in the number of refugees...” to “qualifications concerning higher education” follows the terminology of the Lisbon Recognition Convention in referring to qualifications giving access to higher education, periods of study and higher education qualifications.

Most of the texts cited that address issues of recognition policy and practice may be found at the web site of the ENIC and NARIC Networks: <http://www.enic-naric.net/>.

A. General considerations

Paragraphs 1 – 3

⁵ See e.g. <http://data.unhcr.org/syrianrefugees/regional.php>, accessed 11 July 2017. In addition, Turkey hosts some 200 000 refugees from Iraq and smaller numbers from other countries.

The aim of the Recommendation is to facilitate the recognition of the refugees' qualifications in cases where the qualifications cannot be adequately documented.

Where such qualifications can be documented, they should be assessed in accordance with established recognition rules and procedures as established through the Lisbon Recognition Convention, its subsidiary texts and national regulations consistent with these.

This may, for example, apply in following cases:

- I. where personal and/or institutional files have been fully or partly destroyed;
- II. where the institution which issued the qualification no longer exists

While the Recommendation is adopted within the framework of the Lisbon Recognition Convention and applies to the Parties to this Convention, the principles and practices described can also be applied to the recognition of qualifications in countries other than the Parties to the Lisbon Recognition Convention.

II Definitions

Paragraphs 4 -8

Terms defined in the Lisbon Recognition Convention (Section I) are used in the same sense in the Recommendation.

The definition of "refugee" is based on that of the 1951 United Nations Convention Relating to the Status of Refugees, Article I A.2, and the 1967 Protocol Relating to the Status of Refugees. Reference to gender and sexual orientation has been added. Gender is referred to in Article III.1 of the Lisbon Recognition Convention; sexual orientation in Recommendation CM/Rec(2010)5 of the Council of Europe's Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity.

In the absence of an internationally agreed, convention-based definition, the definition of "displaced person" in the Recommendation follows the definition of "internally displaced person" of the Guiding Principles of Internal Displacement of the United Nations Economic and Social Council/Human Rights Commission E/CN.4/1998/53/Add.2, which is broadly referred to by the United Nations Commissioner for Human Rights.

The term "person in a refugee-like situation" covers persons in a situation similar to that of refugees or displaced person regardless of their legal status. The term has no internationally agreed definition but is used by, among others, the UN High Commissioner for Refugees to encompass those who do not readily fit other established definitions but who are nevertheless in a similar situation.

III General principles

Paragraphs 9 - 13

This section stipulates how some basic provisions of the Lisbon Recognition Convention should be applied to the recognition of refugees' qualifications. It recalls the obligations undertaken by Parties through Article VII to provide for the recognition of such qualifications even where they cannot be adequately documented, within the limits of each Party's constitutional, legal and regulatory provisions.

Paragraph 12 points to the importance of Parties should make use of information related to qualifications collected by competent recognition authorities in other Parties. Refugees who subsequently move to other Parties than the one in which they first arrived as refugees or asylum seekers are not required to repeat the process of compiling information and so that public authorities are not required to dedicate resources to information collections already undertaken by competent recognition authorities of other Parties. There is no reason to repeat information gathering that has already been undertaken under satisfactory conditions elsewhere. To do so would place an undue burden on applicants as well as on authorities. Accepting information collected by other Parties would enable public authorities avoid the efforts and expense of doing unnecessary double work. This does not concern regulated professions.

IV Legislation

Paragraph 14

While Article VII takes due account of Parties' constitutional, legal and regulatory provisions, these cannot be invoked as a reason not to comply with the provisions of the Lisbon Recognition Convention and the intentions behind these provisions. The Lisbon Recognition Convention is an international legal treaty through which Parties agree to undertake the obligations stipulated in the treaty. Parties should therefore review their own legislation to ensure that there are no legal or regulatory obstacles in their respective national frameworks that would prevent them from the obligation they have undertaken under the Lisbon Recognition Convention and its Article VII.

V Assessment of qualifications held by refugees, displaced persons or persons in a refugee-like situation

Paragraphs 15 - 17

The Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications (Preamble), adopted by the Lisbon Recognition Convention Committee in 2010, can be used as a general guide also to the assessment of inadequately documented qualifications. Its provisions will, however, need to be adapted to this specific situation and paragraphs 15 – 17 indicate important factors in this respect.

The first step in the assessment of inadequately documented qualifications is to establish whether applicants are likely to hold the qualifications they claim to have obtained (paragraph 15). In some cases, this will be the sole purpose of the assessment. However, the assessment may also, as a

second step, seek to establish the value of these qualifications within the education system of the host country. In cases where adequate documentation cannot be established, this may lead to a general statement rather than a recognition statement specific to the individual applicant. In most cases, completing the second step in the assessment will be of great importance to enable applicants to make good use of their qualifications. The second step will be crucial in seeking to give applicants the same rights in the host country that they would have been granted on the basis of the qualification in the country of issue.

When qualifications cannot be adequately documented, information from various sources may be needed to establish what qualification refugees are likely to have. Competent recognition authorities should make use of any available reliable written or on line sources and may need to supplement this by targeted information collection through interviews, examinations and other appropriate means (paragraph 16).

The information required to establish whether refugees are likely to hold the qualifications they claim may depend on the purposes for which recognition is sought. The information required may differ depending on whether the purpose is access to further studies or employment. In the case of access to further studies, the information requirements may vary between study programmes, for example as concerns the importance of a thesis or other written work. If recognition is sought for the purpose of seeking employment, information requirements may vary depending on the kind of employment the applicant intends to seek. Access to regulated professions is unlikely to be granted on the basis of an assessment of inadequately documented qualifications without further examinations. The assessment of inadequately documented qualifications may, however, be important in determining whether a given applicant should be allowed to undergo such examinations. The exchange of information between national information centres (ENIC/NARIC) and/or within the ENIC and NARIC Networks could play an important role in facilitating the recognition of refugees' qualifications.

VI Background document

Paragraphs 18 - 21

The outcomes of the assessment described in paragraphs 15 – 17 should be recorded in a background document. This document may also help structure the information gathering described in paragraph 16.

The background document is not an act of recognition but it provides an authoritative description of the qualifications that the competent recognition authorities consider it likely the applicants hold and/or the periods of study it is considered likely they have undertaken. It may therefore provide the basis for a recognition decision by the competent authority. To fulfil this function, it should at a minimum include the information elements outlined in paragraph 19. The “relevant supporting documentation” referred to in the final bullet point in paragraph 19 may, for example, include documents that demonstrate that the applicant is likely to have obtained the qualifications they claim, that they are likely to have been enrolled in a given institution or study programme giving rise to this qualifications or help establish their identity.

The background document may serve several purposes, as outlined in paragraph 20, and will be of help to both the individual applicant and competent recognition authorities.

The portability of the background document is likely to facilitate the assessment and recognition of refugees' qualification for further study or for employment purposes. The principle should be that information on qualifications held by refugees is collected as early as possible as to put the first and often difficult period of their time as refugee to positive use. Parties should therefore accept information on, and where relevant assessment of, such qualifications established by competent recognition authorities in other Parties so that refugees do not need to repeat the process of compiling information (see also paragraph 12) and that public authorities do not dedicate resources to repeating the work already undertaken by other Parties.

It is important that names of institutions, study programmes and qualifications obtained be given in the original language or in transliteration, as far as possible. This will help identify the qualifications within the education system in which they were issued. In particular, translating the names of qualifications implicitly entails assigning these a value in terms of another education system, and this should only be done as the result of a recognition process or decision, see also the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications, paragraph 24. The term "background document" is generic and does not establish a single format for describing individual qualifications. For adequately documented qualifications, the Council of Europe, the European Commission and UNESCO have established the Diploma Supplement, and background documents for refugees' qualifications may be based on or inspired by the Diploma Supplement. Several countries of the European Region already have experience with assessing refugees' qualifications as well as with describing the outcomes of the assessment in background documents of various formats. The documents provide credible and reliable information essential to integration and progressions towards employment, upskilling and admission to further studies.

Two examples of international initiatives with the participation of several countries are:

- In cooperation with the Greek Ministry of Education, Research and Religious Affairs and with the participation of the national information centres of Greece, Italy, Norway and the United Kingdom, the Council of Europe has developed a European Qualification Passport for Refugees. It was developed on the basis of a first draft by the national information centres of Norway and the United Kingdom and was tested through a pilot project conducted in 2017. The European Qualifications Passport for Refugees provides a standard format for describing higher education qualifications as assessed by qualified credentials evaluators. The assessment is based on available documentation and a structured interview with qualified credentials evaluators. The document also summarises and presents available information on the applicant's work experience and language proficiency. It is designed to be used both in cases where refugees who remain in their first country of arrival and where they later move to other countries.
- The development of background documents is also tested in the Erasmus+ funded project "Toolkit for Recognition of Refugees", in which national information centres

from Armenia, France, Italy, the Netherlands, Norway and the United Kingdom participate.

Examples of national initiatives include:

- The Danish and Swedish ENICs/NARICs issue a background report which describes applicants' educational background and indicates how the ENIC/NARIC would normally assess a similar qualification when sufficient documentation is available. The background report is intended to help applicants explain their qualifications when looking for further education or employment opportunities in Denmark and Sweden. The background report is established on the basis of information and informal documents provided by the applicant through an application form as well as on the basis of the knowledge the ENICs/NARICs have of qualifications from the country in which the qualification was earned. Both the Danish and Swedish ENICs-NARICs evaluate whether there is sufficient supporting documentation to recognise qualifications for applicants with some formal documentation, e.g. if the applicant can submit the degree certificate but no transcript or vice versa, or if there is confirmation of the degree but no information on the contents.
- The Dutch ENIC/NARIC issues an 'Indication of level of education' (*Indicatie Onderwijsniveau/ION*) for undocumented refugees, comparable to the Danish and Swedish background report. The ION is drawn up based on information provided by the applicant and contains a description of the prior education and a comparison with the education level in the Netherlands. In addition a Toolkit has been developed to help universities set up their admission procedure for refugees whose qualifications are undocumented. The Toolkit contains information about the legislative framework in The Netherlands and the ION procedure, as well as questionnaires and an organizational flow chart. The Toolkit encourages universities to allow for flexible approaches to support the integration of refugees without documents into higher education.
- The Flemish Community of Belgium has adopted special measures for the recognition of refugees' qualifications. These foresee that the ENIC/NARIC of the Flemish Community of Belgium has to offer an adapted flexible recognition procedure to refugees who cannot fully document their qualifications. Moreover, the ENIC/NARIC of the Flemish Community of Belgium may ask experts to provide an advisory statement regarding the foreign qualification of asylum seekers, refugees, subsidiary protected people and persons who are in a comparable situation on the basis of an interview as per provisions in the Lisbon Recognition Convention.

VII Information

Paragraphs 22 – 24

Clear and understandable information is essential to enabling refugees to obtain fair recognition of their qualifications for the purpose of further study or employment. While information should as a minimum be provided in both the national language(s) and in one widely spoken foreign language, many countries in the European Region provide information in several languages, including those spoken by the largest refugee groups. It is particularly important that this information be given to refugees as soon as possible after their arrival in the host country so as to make them aware of the possibility of and requirements for obtaining recognition of their qualifications, even when these cannot be adequately documented. This information should be provided as early as possible, preferably as part of a “welcome package” provided to refugees soon after their arrival in their new host country or country of first refuge. Alternative ways of providing information where documents are not available may include oral information, formal statements submitted on a refugee’s honour, transcripts of study records, photo copies and other ways of providing information which may subsequently be verified.

Examples of good practice from several countries may be found on the ENIC-NARIC web site <http://www.enic-naric.net/>, which includes a special site on the recognition of refugees’ qualifications: <http://www.enic-naric.net/recognise-qualifications-held-by-refugees.aspx>.