

(Missed) Opportunities? COVID-19 as an accelerator or blocker in inclusion of forcibly displaced in linking SP and humanitarians

18 June 2020 - *Audience questions & comments*

Question 1 (Richard Eshun Phd, Institute of African Culture and International Understanding OOPL, Ghana) - *The person has to report him or herself to the UNHCR before recognized and fully included in UNHCR documentation?*

A person is a refugee as soon as he fulfils the criteria contained in the definition of the conventions (1951 Convention and the 1967 Protocol relating to the status of refugees and the 1969 OAU Convention governing the specific aspects of refugee problems in Africa). What UNHCR calls Refugee Status Determination is the process by which the person's story is analysed to decide if S/he can be declared or recognized a refugee because he meets the criteria. The process is often conducted by Governments and in some instances by UNHCR. At the end of the process, the person is formally registered as a refugee and can benefit from services available for refugees. Without proper registration and documentation (by the host country or UNHCR), the person's status cannot be known, and S/he can therefore not be considered as a refugee even if S/he is already a refugee because S/he meets the criteria.

Question 2 (Richard Eshun Phd, Institute of African Culture and International Understanding OOPL, Ghana) - *Apart from conflict, what other reports do they submit? Are they taken through talks and training for them to accept their original homeland?*

The conflict situation is addressed by the 1969 OAU Convention. In this situation, most times, the person is compelled to leave the country because of "events seriously disturbing public order". The situation is often generalized and affect several people at the same time.,

The 1951 Convention rather addresses the situation of individuals who cannot benefit from the protection of their country of nationality either because the country is not willing to protect them, or because the country is not able to protect them because of 5 reasons specified in the Convention which are (political opinion, religion, race, nationality, membership of a particular social group). A person who has crossed a border because of a "well-founded fear of being persecuted" related to of one of these reasons is a refugee.

The story of the person and the evidence of well-founded fear of persecution is called a claim.

Regarding acceptance of the original homeland, refugees are more and more receiving psychosocial support while in the country of asylum. Besides, when the situation is conducive for a return in safety and dignity, UNHCR supports the country of asylum and the country of origin to promote repatriation. During the sensitization for the return, the situation in the country of origin is described to the refugee for him to take an informed decision. Countries of origin also conduct sensitization exercises to convince their citizens to return to their homeland.

Question 3 (Aneel Memon, ACF, Nigeria) - *Quite comprehensive presentation by Mamadou! What level of effort is going to data sharing challenges, especially when we are talking about expanding government national safety programmes for refugee?*

UNHCR has a Data protection Policy built upon the basic principles of legitimate and fair processing, purpose specification, necessity and proportionality, accuracy, respect of the rights of the data subject, confidentiality, security and accountability. The principle of legitimate and fair processing requires UNHCR to process refugees' data only for one or several legitimate bases which are 1) With the consent 2) For a vital or best interest 3) To fulfil UNHCR's Mandate 4) Beyond UNHCR's mandate, to ensure the safety and the security of the person.

Question 4 (Richard Eshun Phd, Institute of African Culture and International Understanding OOPL, Ghana) - *Looking at their conditions of residency, how are they coping with the restrictions on the covid-19 pandemic in their refugee communities?*

Not all the refugees are living in camps. UNHCR has been promoting an 'out of camp' policy to allow refugees to live in communities with host populations. However, refugees are still encamped in many situations. For both refugees in camps and out of camps, they have to abide by the laws and regulations of the country of asylum, including measures enacted by the Government because of the COVID situation. Coping with these measures have not been easy for everyone including refugees. For example, in some countries, people, including refugees were not allowed to pursue their business because of the lockdown measures.

Question 5 (KS) - For Thais Braga - *What is the legal basis for refugees' access to benefits? Is it a legal entitlement that puts all refugees on par with Brazilian citizens?*

Both the Brazilian Federal Constitution and the Migration Law guarantee equal treatment between nationals and non-nationals, including access to social benefits. The 'New Migration Law' (Law 13.445 issued in May of 2017) has formally revoked the 'Foreigner Statute Law' (Law 6.815/1980), defining the rights and duties of Brazilian migrants and the legal situation of foreign individuals in Brazil. The main purpose of the new legislation is to ensure equal rights and opportunities to foreigners as if they are Brazilian citizens, as well as simplify the procedures for entrance and residence in Brazil.

Question 6 (Raquel Guimaraes) - For Thais Braga - *How is the situation of Venezuelan refugees given that the borders were closed?*

The migrants and refugees that already entered in Brazil are being attended normally by the Operation Welcome and its partners. From the Brazilian side, the support provided to them is still the same.

Question 7 (Carla de Lacerda, UNICEF) - For all panelists but especially Thais Braga - *Were there any 'backlashes' from the host population on the inclusion of refugees/ non-nationals to existing social protection programmes? If so, what communications were used (if any) and how did government/ organizations deal with it?*

Thais Braga: Actually no. Both the Brazilian Federal Constitution (1988) and the Migration Law guarantee equal treatment between nationals and non-nationals, including access to social benefits. The Brazilian population does not oppose to it.

Andrew Mitchell: Mauritania experience shows careful consideration and support required for host communities to avoid social cohesion problems, in many case refugees get a good service from humanitarian community, whilst host community receives less from the government, particularly where national services are weak. BUT humanitarian assistance is not built for protracted displacement 77% of caseload! Hence the focus in all presentations on long-term efforts for inclusion across the nexus

Question 8 (Carla de Lacerda, UNICEF) - *Were there any legal hurdles to integrating refugees/ non-nationals to social protection systems (in Greece, Colombia among other places this is an issue)?*

In some situation such as the Congo, the social protection system did not initially include refugees and non-nationals. There was no law per se denying them access to this support, but in practical terms, the authorities were of the view that their resources (that they consider to be insufficient) should support their nationals as a matter of priority.

Question 9 (Carla de Lacerda, UNICEF) - *How did COVID-19 help either speed up or slow down this integration of refugees into social protection?*

Speed up = activation of WB CERC or other shock responsive mechanisms meant that in some of the IDA 18 RSW countries, the enrolment on social registry is being planned earlier. Slow down = asylum and registration processes were halted in other countries, COVID-19 measures were not extended to refugees who were receiving benefits pre-COVID e.g. some MENA countries.

Question 10 (Ustina Kupreychik) - *Do we need informed consent from individual PoCs to share data with social protection authorities when PoCs are not self-selecting?*

Definitely! UNCHR and partners, as in the Brazil example work with refugees for them to understand what benefits they can apply for, what they need to give the govt, and other legal advice for them to make an informed decision...

Question 11 (Carla de Lacerda, UNICEF) - *How can (or what should) CWGs do, if anything, to help facilitate this integration?*

Cash Working group while coordinating cash interventions in situations, should ensure no one is left behind while organizations are conducting their interventions. An assessment to identify populations often left behind could help to advocate for their inclusion in the programs.

Question 12 (Carla de Lacerda, UNICEF) - *What kind of (technical/ inter-personal) skills should humanitarian actors have to facilitate these discussions on SP with GVT staff (or should it be other people outside the sector and at different levels who are doing this link)?*

Advocacy and negotiation skills are essential in the process.