



Social protection for refugees and asylum seekers

Some facts and figures

- As of December 2015, UNHCR estimates that there are more than 65,3 million refugees, internally displaced persons and asylum seekers in the world: that amounts to the size of the population of a country like France
- Among them UNHCR counts 21,3 million refugees, half of them under the age of 18

A person who has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion and is unable or unwilling to avail him or herself of the protection of that country, or to return there, for fear of persecution (1951 Refugee Convention)

Migrants irregular situation

- A person who does not comply with the national legislation and international agreements concerning the entrance, stay and employment in the host State (ICRMW, art. 5)
- Different causes: expiration of visa, rejection of asylum application, irregular entrance...

Regular migrants

Authorized to enter, to stay and to engage in a remunerated activity, according to national law and international agreements

Refugees

Asylum seekers

Someone whose claim for refugee status has not yet been determined

Definition refugee

Refugees are defined by the 1951 Convention relating to the Status of Refugees as:

“ a person with a well found fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or unwilling to avail themselves of the protection of his or her country.”

This definition has been enshrined in the national legislation of 145 countries that are parties to the Convention.

Nonetheless, other definitions of “refugee” exist, and sometimes complement or extend the Refugees Convention’s definition

Examples other refugee definitions

In the African Union, the OAU Convention governing the specific aspects of refugee problems in Africa, considers refugees to include

- “all persons compelled to leave their place of habitual residence owing to “external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality” (art. 1(2)).

In the Organization of American States, the 1984 Cartagena Declaration of Refugees includes in the definition of refugees

- “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (art. 3).

Questions

1. Why should social protection be extended to refugees?
2. What are the obstacles refugees face with regards to host countries and countries of origin in accessing social protection?
3. What are the solutions/policy options?

You can bring examples from your own country