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## Intervention Model: For extending social protection to refugees and asylum seekers

### Key messages

- ▶ Many international and regional human rights instruments, including the 1948 [Universal Declaration of Human Rights](#), the 1966 [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) and the 1989 [Convention on the Rights of the Child](#) (CRC), establish the universal human right to social security and contain specific provisions on refugee and asylum seekers' access to social security. Other related rights are enshrined in the 1951 [Convention relating to the Status of Refugees](#) (hereafter referred to as the 1951 Convention).
- ▶ The ILO non-binding [guiding principles on access of refugees and other forcibly displaced persons to the labour market](#) also includes provisions on refugees' and asylum seekers' access to social security. It encourages the promotion of equality of opportunity and treatment for all, especially regarding working conditions, wages, and the right to social security benefits, amongst other aspects; as well as facilitating the portability of work-related entitlements.
- ▶ Refugees, the majority of whom (86 per cent) are hosted by developing countries, and asylum seekers face specific obstacles in accessing social protection owing to their often-temporary legal status, unpredictable length of stay, limited history of contributions, lack of social protection from their countries of origin and limited or no access to the formal labour market. Where there is a massive influx of refugees, the resulting pressure on the available social and health services tends to create tensions with host communities.
- ▶ National social protection strategies and systems should take into account the specificities of refugees and asylum seekers in order to ensure their access to social protection on an equal footing with nationals based on the principles of equality of treatment and non-discrimination.
- ▶ Refugees' access to contributory social protection schemes is intrinsically linked to their access to the labour market. Moreover, access to the labour market and to social protection facilitates their inclusion in national legal frameworks and integration into the community, promotes social justice, contributes to tax revenue, enhances public health and reduces dependency.
- ▶ The integration of refugees into national social protection schemes, both contributory and non-contributory, can provide sustainable, cost-effective solutions allowing them to move out of humanitarian assistance and reducing tensions between refugees and host communities.
- ▶ Where possible, ad hoc and short-term emergency cash and food transfers for refugees and asylum seekers can be incorporated into social protection strategies and channelled through existing social protection systems.
- ▶ Including refugees and asylum seekers in national social protection responses, in line with international human rights and labour standards, will play an important role in mitigating the effects of COVID-19 with a view to a swifter recovery.

## ▶ Why this intervention model?

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Drawing from the **ILO Guide on Extending Social Protection to Migrant Workers, Refugees, and their Families** developed in collaboration with ISSA and ITCILO, the **Intervention Models** aim to provide policymakers and practitioners with succinct practical guidance on how to extend social protection to specific groups of migrant workers. The intervention model includes a brief overview of the obstacles, the international legal framework, and a set of proposed policy options based on existing country practices and international labour standards.

## ▶ Introduction

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### Who are refugees and asylum seekers?

Within the 1951 Convention and its associated 1967 Protocol, a **refugee** is defined as a 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 its nationality and is unable or, owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” The Convention also identifies the categories of persons who are not eligible for refugee status (those who have committed war crimes, crimes against humanity, serious non-political crimes or acts contrary to the purposes and principles of the United Nations).

Persons who are seeking international protection, have applied for refugee status or a complementary international protection status and have not yet been formally recognized as refugees are considered **asylum seekers**. While not every asylum seeker will ultimately be recognized as a refugee, they cannot be sent back to their countries of origin until their asylum claims have been examined in a fair procedure and they are entitled to certain minimum standards of treatment pending determination of their status.

Regional instruments and national legislations may also provide definitions for asylum seekers and refugees, some more comprehensive and others more restrictive. Examples include the 1969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa, as well as the 1984 Cartagena Declaration on Refugees.



### Why extend social protection to refugees and asylum seekers?

Social security is a human right and the overarching principles of equality of treatment and non-discrimination calls on States to develop inclusive social protection laws and schemes (UDHR 1946, ICCPR 1966, ICESCR 1966).

Despite a growing trend towards the inclusion of refugees and asylum seekers in national social protection systems, they rarely enjoy the same rights as nationals; in practice, equality of treatment is still far from being achieved in many countries around the world. National legislation may restrict their access to one or more social security benefits and the level of these benefits may be inadequate. Furthermore, it must be noted that asylum seekers, owing to their pending refugee status, often do not enjoy the same rights as refugees or nationals of the host country: they usually do not have residence status

## ► Introduction

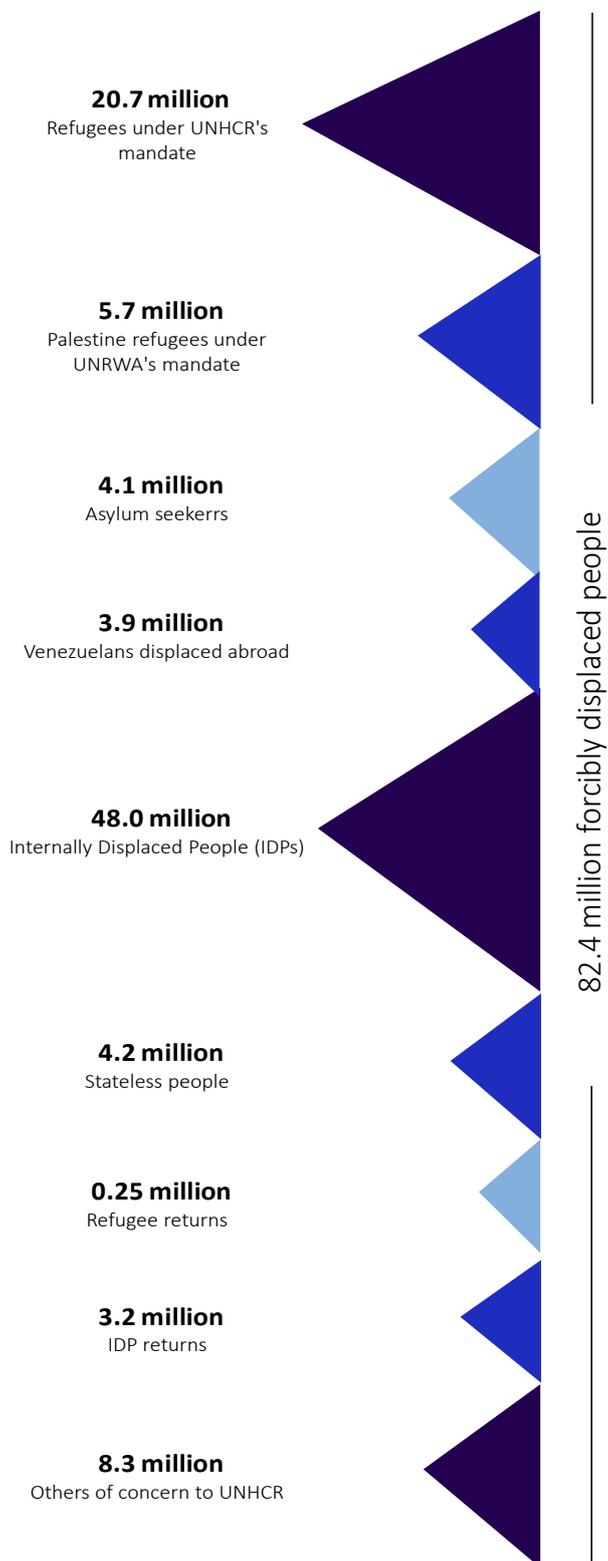
and may not have the right to work, to education and even to travel within the country. However, in some countries, the asylum seekers status allows them to temporarily access shelter and some other services (e.g., healthcare).

By extending social protection coverage to refugees and asylum seekers, governments not only mitigate poverty, inequality, vulnerability, and income insecurity across an individual's life cycle; they also promote inclusive growth, sustainable development, community integration, social justice, contributions to tax revenue, enhancements of public health, the reduction of dependency and social cohesion, amongst other benefits as reflected in the [2030 Agenda for Sustainable Development](#).

Solid national social protection systems act as social and economic stabilizers. By integrating refugees into, both contributory and non-contributory, social protection schemes, governments are provided with sustainable, cost-effective solutions that allow for the phasing out of humanitarian assistance, particularly in protracted situations. Yet, where possible, ad hoc and short-term emergency cash and food transfers for refugees and asylum seekers either provided by the government of the destination countries and/or development partners can still be incorporated into national social protection strategies and channelled through existing social protection systems.

Furthermore, their specific inclusion into contributory social protection schemes/programmes, allows not only for an increase in the number of social security contributors (thereby better pooling risk), but also for a strengthened social protection system given increased investments in institutional capacity and delivery mechanisms.

Such strengthening of social protection systems generally benefits refugees, asylum seekers, and host communities and reduces tensions between them.



## ► Conventions and Recommendations

The main international instrument of refugee law is the [1951 Convention relating to the Status of Refugees](#). It is grounded in Article 14 of [the Universal Declaration of Human Rights](#), which recognizes “the right of persons to seek asylum from persecution in other countries”.

As of September 2019, 146 parties were signatories to the 1951 Convention.

### Refugees’ access to work

Access to work plays a central role in the social and economic inclusion of refugees in their host communities by allowing them to meet their own needs and contribute to the local economy. It can also provide them access to employment-based social protection.

The right to work is enshrined in several international documents, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the 1951 Refugee Convention, [the Recommendation on Employment and Decent Work for Peace and Resilience, 2017 \(No. 205\)](#); as well as the widely ratified ILO [Employment Policy Convention, 1964 \(No. 122\)](#). Furthermore, the provisions set forth in the ILO [Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#) and the [Migrant Workers \(Supplementary\) Convention, 1975 \(No. 143\)](#) apply to all workers employed outside their home countries, including refugees. Nevertheless, refugees’ right to work remains quite limited in most countries as evidenced by an [ILO-KOMAD assessment](#) of the 20 countries that host 70 percent of the world’s refugees. Results illustrated that a restrictive approach to their right to work prevails, and that most states are reluctant to ease these restrictions. Furthermore, the majority of refugees were found to work in the informal sector, but under much less satisfactory and more exploitative conditions when compared to those of nationals (Zetter and Ruaudel 2016, p. iii).

For asylum seekers, on the other hand, access to work remains a challenge as they usually do not have residence status and therefore may not have the right to work. However, in some countries, asylum seekers are entitled to work, after a certain period of time. This entitlement is often limited to specific sectors or to a maximum number of hours per month. In addition, asylum seekers who are awaiting a decision on their applications may have limited social protection rights under national laws (for example, access only to healthcare).

Nevertheless, it must be concluded that access to decent work is essential to enable refugees and other forcibly displaced persons (this includes asylum seekers) to

contribute to host countries’ economies and societies – as recognized in the 2016 adopted, non-binding [ILO Guiding Principles on the Access of Refugees and other Forcibly Displaced Persons to the Labour Markets](#).

### Refugee and asylum seekers’ right to social protection

Access to social protection is a human right enshrined in international human rights instruments, which, by extending this right to every member of society regardless of legal status, origin or nationality, include refugees and asylum seekers in their scope of application.

With regard to refugees, Articles 20-24 of the 1951 Convention contain important provisions on welfare and social security. In particular, Article 23 grants equality of treatment as accorded to nationals with respect to public relief and assistance to individuals in need due to illness, age, physical or mental impairment, or other circumstances as well as medical care; even when conditions of local residence or affiliation are not met. Furthermore, Article 24 grants equality of treatment to refugees when considering legal provisions with respect to maternity, old-age, disability, sickness, employment injury, occupational diseases, unemployment, death, family responsibilities, etc. This holds unless there are specific arrangements otherwise. In addition, contracting States shall extend the benefits of bilateral or multilateral agreements on acquired rights and rights in course of acquisition to refugees, under the same conditions of the nationals of the States party to the agreements. Nonetheless, many countries made reservations with regard to the application of Article 24.

ILO social security Conventions and Recommendations guide countries in substantiating the human right to social security by designing and maintaining comprehensive social protection systems. These standards first came to define social security by reference to the nine risks that should be protected (access to medical care, the need to secure income security in case of sickness, unemployment, maternity, employment injury, disability, loss of the breadwinner and in old age, as well as for the maintenance of children). ILO social security standards establish the key principles of governance and financing as well as minimum benchmarks of protection to be achieved with respect to the persons covered, eligibility conditions, duration, and level of benefits. They establish the principle of equality of treatment, which should apply to refugees without any condition of reciprocity (see Table 1).

## ► Conventions and Recommendations

**Table 1. ILO Conventions and Recommendations with provisions on refugee and asylum seekers' right to social protection**

ILO Conventions and Recommendations		Provisions on refugee and asylum seekers' right to social protection
<a href="#"><u>C97</u></a>	Migration for Employment Convention (Revised), 1949	The provisions in C97 apply to all workers employed outside their home countries, including refugees (see Article 6 related to equality of treatment with respect to social security).
<a href="#"><u>R086</u></a>	Migration for Employment Recommendation (Revised), 1949	R86 supplements Convention No. 97 and includes provisions on refugees and displaced persons (see Articles 1, 4 and 21).
<a href="#"><u>C102</u></a>	Social Security (Minimum Standards) Convention, 1952	Article 68 establishes the principle of equality of treatment with national residents. Limitations are possible for benefits paid wholly or mainly out of public funds. In addition, the application of this article may be made subject to the existence of bilateral or multilateral agreements providing for reciprocity, which may hinder refugees' access to these benefits.
<a href="#"><u>C118</u></a>	Equality of Treatment (Social Security) Convention, 1962	Article 10.1 states "The provisions of this Convention apply to refugees and stateless persons without any condition of reciprocity". It establishes that the principle of equality of treatment should apply in respect of medical care, sickness benefit, employment injury benefit and family benefit without condition of residence, although such a condition may apply to other benefits (see Article 4(2)).
<a href="#"><u>C143</u></a>	Migrant Workers (Supplementary Provisions) Convention, 1975	The provisions apply to all workers employed outside their home countries, including refugees. Part I calls on Members to respect the basic human rights of all migrant workers, including those in an irregular situation (see Article 9). Part II contains provisions aimed at ensuring equality of opportunity and treatment for migrant workers in a regular situation, including with respect to social security (see Article 10).
<a href="#"><u>R151</u></a>	Migrant Workers Recommendation, 1975	The provisions of the Recommendation apply to all workers employed outside of their home countries, including refugees.
<a href="#"><u>C157</u></a>	Maintenance of Social Security Rights Convention, 1982	Article 4.3. promotes the conclusion of bilateral and multilateral agreements implementing the principle of the maintenance of rights in the course of acquisition and of acquired rights and specifies that such agreements should apply to refugees and stateless persons residing in the territory of a State party. Article 9 states that "[e]ach Member shall guarantee the provision of invalidity, old-age and survivors' cash benefits, pensions in respect of employment injuries and death grants, to which a right is acquired under its legislation, to beneficiaries who are nationals of a Member or refugees or stateless persons, irrespective of their place of residence".
<a href="#"><u>R167</u></a>	Maintenance of Social Security Rights Recommendation, 1983	The provisions of the Recommendation apply to refugees and stateless persons (see Paragraph 2 and 3).
<a href="#"><u>R202</u></a>	Social Protection Floors Recommendation, 2012	It calls for the establishment of national social protection floors (SPFs) as part of comprehensive social protection systems. SPFs should cover "...at least all residents and children, as defined in national laws and regulations" (see para. 6).
<a href="#"><u>R205</u></a>	Employment and Decent Work for Peace and Resilience Recommendation, 2017	It applies to all workers and jobseekers and to all employers, in all sectors of the economy affected by crisis situations arising from conflicts and disasters" (para. 4). In section XI (Refugees and returnees), paragraph 33 states that "[...] Members should (f) facilitate, as appropriate, the portability of work-related and social security benefit entitlements, including pensions, in accordance with the national provisions of the host country".

## ► Conventions and Recommendations

The international legal framework therefore clearly grants refugees equality of access with regard to social security rights in the host country. As mentioned before, ensuring refugees' social and economic integration is essential in order to achieve a durable and sustainable solution, both for the refugees and for the host country. Nonetheless, the application of international standards is often hindered at the national level either by inadequate legal frameworks or by other practical obstacles.

### Box 1. The Global Compact on Refugees

The Global Compact on Refugees endorsed in 2018 by the UN General Assembly, includes a number of commitments regarding social protection for refugees and host communities, including:

- enhancing the quality of national healthcare systems to facilitate access by refugees and host communities (para. 72);
- supporting the facilitation of access to age-, disability- and gender-responsive social and healthcare services (para. 75);
- meeting immediate food or nutritional needs, including through the increased use of cash-based transfers or social protection systems and supporting access to nutrition-sensitive social safety nets (para. 81).



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### Ratifications

Of the 120 Member States, 76 have ratified the 1951 Refugee Convention as of October 2020.



## ▶ Obstacles, barriers, protection gaps and challenges

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Refugee and asylum seekers' effective access to social protection may be hindered by legal and practical obstacles.

- ▶ **Legal exclusion from labour and social security laws of the host country** – The right to access the labour market and/or social protection can be based on nationality, residence (often temporary) status, type of employment, unpredictable length of stay, and limited number of years of contributions.
- ▶ **The lack of effective national social security systems in the host country** – This may limit refugee and asylum seekers' access to comprehensive and adequate social protection.
- ▶ **Difficulties to meet the required contribution periods to qualify for benefits** – For example, many working-age and older refugees have spent some of their productive years in the country from which they fled and due to a lack of portability of their accumulated contributions, they often do not meet the minimum number of contributory years in their host country. This is also true upon return to their country of origin when conditions allow for their return.
- ▶ **The inability to avail themselves of the protection of their home country** – Given that they have fled their country for fear of prosecution, the 'social contract' with their home country is broken.
- ▶ **Language barriers, cultural barriers, discrimination, administrative issues or a lack of information and awareness of their rights** – These may exclude refugees and asylum seekers from access to social protection even if legal access is granted by national law. Countries may be reluctant to provide refugees and asylum seekers with access to social protection as it can be seen as a first step to more permanent residence/local integration.
- ▶ **Non-representation or -consultation** in the design and governance of schemes relevant to refugees and asylum seekers – This may affect the adequacy of policy responses to their needs.
- ▶ **Geographical and financial barriers** – For example, as many refugees and asylum seekers live in remote areas or refugee camps and are working in the informal economy at low wages and with limited or no access to finance, they often cannot afford basic necessities, healthcare, housing, or make social contributions.



## ▶ How to extend social protection to refugees and asylum seekers?

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Countries have a variety of policy options they can consider:

### Policy Options

- 1. Ratify relevant legal instruments and bring national legislation in line with international standards.** This applies to the 1951 Convention relating to the Status of Refugee, the 1967 Protocol, the 1976 International Covenant on Economic, Social and Cultural Rights, as well as relevant ILO Conventions.
- 2. Establish new or adapt existing social protection systems, including social protection floors, that address the specific needs of refugees and asylum seekers,** especially with regard to contributory and residency requirements. For example, national legal frameworks should provide refugees/asylum seekers with access to social protection and include provisions to ensure equality of treatment between refugees and nationals.
- 3. Promote refugee and asylum seekers' access to the formal labour market.** This may require appropriate legislation and/or a change of policy as well as the removal of practical obstacles to access the labour market.
- 4. Identify and adopt measures that remove the practical barriers to refugee and asylum seekers' effective enjoyment of their rights.** These measures could include information campaigns, hiring cultural-linguistic mediators, translating documents and pamphlets into other languages, conducting anti-discrimination campaigns, and reflecting cultural diversity in their legal and administrative systems.
- 5. Channel humanitarian assistance and/or development aid to strengthen social protection systems** for refugees, asylum seekers, and host communities.

## ▶ How to extend social protection to refugees and asylum seekers?

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### Examples

- ▶ The **Paraguayan** Refugee Law states that “Refugees have the right to work, to social security and to education at the same conditions as citizens” (Ley No. 1938 de 2002 General sobre Refugiados, Article 25). Similar conditions are provided in several legislations, including most of the European countries as well as Armenia, Mauritania, Nicaragua, Nigeria, Paraguay, Senegal, South Korea, and Uruguay, among others.
- ▶ In **France**, measures have already been taken through provisions in the Social Security Code that explicitly exempt refugees from the residence requirements with regard to access to family benefits and to old-age benefits. Similar provisions are included in the **Australian** system, in which refugees are exempted from the two-years waiting period that otherwise hinder access to social security for foreign citizens.
- ▶ In **Ghana**, measures have been taken by UNHCR to integrate refugee services into the national health system in 2016. This includes a health financing arrangement, under which refugee's gradually contribute to the system through their annual contribution to registration and renewal of cards.
- ▶ In 2016, two Memoranda of Understanding were signed between the Ministry of Health and Population in **Egypt** and UNHCR. These MoUs grant refugees and asylum-seekers of all nationalities the right of equal access to public primary, secondary, and emergency health care as Egyptian citizens.
- ▶ In 2006, **Uganda** implemented the [Refugees Act](#), which establishes their rights to live, work and own land in urban areas. Despite having legal access, challenges remain in terms of equality of treatment between refugees and nationals in part due to the lack of skills' recognition and its impact on wages (UNHCR 2021b).

## ► Extending social protection to refugees and asylum seekers: A three-step-process

The below step-by-step process and checklist draws on the [Social Protection Floors Recommendation](#), 2012 (No. 202) para. 14 (see box 2) and the ILO guide on [Social Protection Assessment Based National Dialogue](#) (ABND).

The ABND Guide provides guidance on how to identify social protection gaps, set priorities and develop national social protection strategies to extend coverage and strengthen social protection systems, in line with [ILO's two-dimensional strategy](#) that aims to guarantee at least a basic level of social protection to all (social protection floors) and progressively higher levels of protection. These strategies may include: i) the improvement of the scheme in terms of benefit level or scope; ii) the creation of new social protection schemes; iii) the expansion of existing schemes to new groups or categories of workers.

The ILO recommends the development of inclusive and comprehensive social protection strategies and schemes. Below an example of the steps that can be followed to extend social protection to refugees and asylum seekers within such a framework.



### Step 1: Set up coordination and implementation arrangements

- Identify the key stakeholders (e.g., MoL, other relevant Ministries, workers' and employers' representatives, social security institutions, key humanitarian agencies (e.g., UNHCR)), labour inspectors, NGOs/CSOs, academia;
- Create a tripartite working group to drive the situational analysis and consultation process (step 2 and 3) to develop the policy options for the extension of social protection to refugees and asylum seekers. This working group should identify its lead, working modalities and objectives. It may also be involved in the implementation and monitoring;
- It may be necessary to create technical sub-working groups as relevant (e.g., legal, actuarial/financial, communication, etc.) that will accompany the steps below and report back to the tripartite working group;
- Efforts should be made to ensure the adequate representation of organizations of refugees, and of employers of refugees when relevant throughout the process described below;
- Identify potential technical and financial partners.

### Step 2: Undertake a situational analysis

A situational analysis aims to provide a comprehensive overview of the social protection landscape in a country and a better understanding of the characteristics and needs of refugees, their coverage levels and the obstacles they face accessing social protection. It is an essential step to inform the decision-making process and policy reforms.

- Conduct a desk review of available information. This includes identifying and analysing existing national data, including existing surveys, administrative sources, studies, reports, and micro data from national labour force and household surveys. In addition, carry out interviews and focus group discussions with refugees and asylum seekers, selected humanitarian agencies, and other relevant key stakeholders identified under step 1;
- Take into account gender considerations as well as living conditions (urban vs camps or camp-like settings) in the data collection process, interviews and analysis;
- Collate the information gathered in a situational analysis report that should include at least the following information:
  - demographic profile of refugees and asylum seekers; displacement and social security statistics, administrative records where available (including information on gender, age, country of origin, refugee and employment status);
  - laws, policies, social security agreements (multilateral and/or bilateral), schemes and programmes relevant for refugees and asylum seekers' social protection coverage (e.g., information on social security schemes by branch, benefit level/package, source of financing, existing restrictions to coverage based on nationality and/or residence);

- ▶ national legal frameworks that provide for equality of treatment between refugees and nationals;
  - ▶ functioning and capacity of social security institutions, health and social services, labour inspectorate and other relevant administrative bodies or other partners (e.g. NGOs, international organisations) responsible for managing, delivering and/or monitoring social security benefits;
  - ▶ recent actuarial studies and other relevant documents to establish the current financial status of the social security schemes;
  - ▶ mechanisms for financing the extension of social protection to refugees and asylum seekers;
  - ▶ an assessment of the contributory capacity of refugees and asylum seekers;
  - ▶ the number of ratifications and implementation of UN and ILO Conventions;
  - ▶ the practical barriers that refugees and asylum seekers face in accessing social protection (e.g., lack of information, language and cultural barriers, complex administrative procedures, discrimination, living conditions, remoteness of refugee camps, financial barriers, etc.).
- ▶ Map social protection programmes wholly or partially supported (technically and/or financially) by development partners;
  - ▶ Review other relevant national policies (e.g., employment, migration/refugee, education and training) to ensure coherence of the recommendations;
  - ▶ Analyse information, identify protection gaps, and propose recommendations in line with ILO standards and international good practice. This includes a legislative gap analysis to determine the extent to which national laws, regulations and practices are aligned with international labour standards on social protection and migration.

### Step 3: Consultations to develop policy options for the extension of social protection to refugees and asylum seekers

- ▶ Organize a tripartite meeting with the relevant stakeholders identified in step 1 to present and discuss the findings and recommendations of the situational analysis and to identify adequate and gender responsive policy options (see list of possible options above) reflecting national priorities;
- ▶ Undertake a feasibility and costing study of the selected policy options, using for example the [ILO Rapid Assessment Protocol \(RAP\) model](#);
- ▶ Organize a tripartite meeting to present and discuss the findings of the RAP and to agree on the policy options to be implemented, pending validation by the concerned authorities (e.g., Parliament, relevant ministries);
- ▶ Develop a road map to support the implementation of the selected policy options, establish a monitoring and evaluation (M&E) mechanism and a communication strategy. The road map and the M&E mechanism should include provisions to collect and maintain up-to-date data including information on coverage, eligibility and payments of benefits; activities to improve the capacities of implementing partners; and adequate grievance and complaint mechanisms.

#### Box 2. Social Protection Floors Recommendation, 2012 (No.202) para. 14

When formulating and implementing national social security extension strategies, Members should:

- a. set objective reflecting national priorities;
- b. identify gaps in, and barriers to protection;
- c. seek to close gaps in protection through appropriate and effectively coordinated schemes, whether contributory or non-contributory, or both, including through the extension of existing contributory schemes to all concerned persons with contributory capacity;
- d. complement social security with active labour market policies, including vocational training or other measures, as appropriate;
- e. specify financial requirements and resources as well as the time frame and sequencing for the progressive achievement of the objectives; and
- f. raise awareness about their social protection floors and their extension strategies, and undertake information programmes, including through social dialogue.

## ▶ Checklist

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This checklist can guide policy makers and practitioners in identifying the key issues and actions to consider when extending social protection to refugees and asylum seekers.

### Consultations/methodology

- ▶ Have you consulted refugees and asylum seekers on the challenges they face, especially in relation to accessing social protection?
- ▶ Do refugees and asylum seekers have representation in your country or are there restrictions in place that prohibit freedom of association and collective bargaining?
- ▶ Are there international organizations, NGOs and/or CSOs providing direct assistance to refugees and asylum seekers? And have you consulted them?
- ▶ Have you consulted with other key stakeholders (e.g., employers, former asylum seekers/refugees, social security administrators, humanitarian agencies, etc.) to assess the protection gaps and practical barriers faced by refugees and asylum seekers?
- ▶ Have gender considerations been taken into account in the consultation process?

### Availability of statistics/information

- ▶ Do you have access to accurate and reliable data on refugees and asylum seekers' social protection coverage in and across countries?
- ▶ Is the data disaggregated including by sex/gender, age, nationality, occupation, and residence location?
- ▶ Is there adequate information regarding the social protection programme/scheme and refugees and asylum seekers' entitlements? Is such information present in relevant languages?
- ▶ Has a fiscal space assessment been carried out recently?

### Legal and practical considerations

- ▶ Has your country ratified and implemented the key UN and ILO Conventions and Recommendations relevant for refugees and asylum seekers' social protection (see table 1)?
- ▶ Does the national legal framework provide refugees and asylum seekers with access to social protection and provide for equality of treatment between them and nationals?
- ▶ Are refugees and asylum seekers allowed to work in your country; thereby allowing them to access contributory/employment-based social protection schemes?
- ▶ If they are allowed to work, does your country have law or policies in place ensuring that refugees and asylum seekers have an identifiable employment relationship; receive an adequate and stable income; and/or benefit from a legally enforced minimum wage?
- ▶ If asylum seekers are not allowed to work in your country but refugees are, have procedures been put into place to reduce delays and lengthy processes to obtain refugee status?
- ▶ Concerning social protection programmes/schemes in your country:
  - ▶ Do they cover refugees and asylum seekers and for which contingencies?
  - ▶ Do they provide protection that is on par with that of nationals?
  - ▶ Are there bilateral/multilateral social security agreements and or bilateral labour agreements?
  - ▶ Are administrative procedures simple and easy to follow for both refugees and asylum seekers and their employers (if refugees and asylum seekers are allowed to work in the country)? Are these procedures provided in the relevant languages?
  - ▶ Are there regular capacity-building activities in place for national social security institutions?
  - ▶ Have new social protection programmes/schemes been established or existing ones adapted to address the specific needs of refugees and asylum seekers?

- ▶ Have existing social protection benefits been adapted to make them more accessible to refugees (e.g., removing or easing the minimum residence requirements)?
- ▶ Do refugees and asylum seekers have access to a national social protection floor?
- ▶ Are these programmes and schemes gender-sensitive given that women refugees and asylum seekers may experience increased vulnerabilities?
- ▶ Have you considered complementary measures addressing the administrative, practical, and organizational obstacles faced by refugees and asylum seekers? This could include information campaigns, translation of information related to social security schemes, hiring cultural-linguistic mediators, conducting anti-discrimination campaigns, reflecting cultural diversity in the legal and administrative systems, as well as the implementation of complaint mechanisms, etc.

## Cooperation

- ▶ Are there opportunities for enhanced cooperation and collaboration with humanitarian, development, and other relevant actors including through financing/solidarity mechanisms to support the extension of social protection to refugees and asylum seekers?

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### Contact details

Consult our websites for regular updates:

[ILO labour migration website click here](#)

[ILO social protection website click here](#)

[ISSA website click here](#)

### International Labour Organization

Route des Morillons 4  
CH-1211 Geneva 22  
Switzerland

[www.ilo.org](http://www.ilo.org)

### Conditions of Work and Equality Department

Labour Migration Branch  
[kaziaoul@ilo.org](mailto:kaziaoul@ilo.org)

### Social Protection Department

[vanpanhuys@ilo.org](mailto:vanpanhuys@ilo.org)

### International Social Security Association

[brener@ilo.org](mailto:brener@ilo.org)