

Recommendations for urban refugee policy

by Karen Jacobsen and Loren Landau

UNHCR is currently revising the Policy on Refugees in Urban Areas which it introduced in 1997. While this policy represented a step towards protecting the rights of urban refugees, it has been difficult to implement for technical, logistical and political reasons. Human Rights Watch has criticised the policy for its almost exclusive focus on assistance and for ignoring the very real protection needs of refugees in urban areas.¹ Although UNHCR has recognised the inadequacy of the policy², it continues to struggle to develop a strategy that is legally sound, politically acceptable and financially sustainable.

We believe that the existing policy does not adequately address the challenges and opportunities facing refugees in the world's cities. An effective urban refugee policy – as with any refugee policy – should promote refugee rights and livelihoods without compromising the well-being of those around them. Based on a review of research on urban refugees, the following recommendations could help develop such a policy.

Strengthening UNHCR's advocacy role

In order to effectively advocate for the rights of refugees and asylum seekers UNHCR should promote the right to work for refugees and asylum seekers in accordance with Articles 17, 18 and 19 of the 1951 Refugee Convention. UNHCR should engage with governments at the highest level – with prime ministers, presidents and relevant ministries. UNHCR should also work with local lobbying organisations to use existing legislation and the courts to open labour markets to refugees. It is vital to ensure the provision of adequate documentation including travel papers, work permits and photo identity cards. National initiatives should train relevant officials to recognise and respect these forms of documentation. Support should also be given to professional certifica-

tion and recertification. Many urban refugees have professional qualifications that are not recognised by national authorities or professional associations in asylum countries. For example, while South Africa faces an acute nursing shortage, hundreds of refugee nurses remain unemployed because they cannot prove their qualifications.

At the provincial or municipal level UNHCR should work with local governments and businesses to help them identify their responsibilities to refugees and asylum seekers. With decentralisation, local governments are increasingly responsible for primary health care, housing, policing and economic development. These are critical components of refugee protection and UNHCR should ensure that refugees are included in programmes. UNHCR should help local governments to recognise that excluding refugees from key programmes heightens social marginalisation. The agency should collaborate more closely with local advocacy groups to identify challenges and monitor the effectiveness of measures to protect refugees. Such alliances must promote two-way communication in which local organisations can call on UNHCR when they identify specific problems which cannot be resolved locally.

Material and livelihood assistance

While UNHCR need not provide ongoing material assistance to urban refugees it could develop a locally appropriate urban refugee 'starter pack'. This might include paying housing deposits or providing small grants to acquire business tools or equipment. UNHCR should also work with local organisations to assist refugees in developing literacy, upgrading their professional skills, accessing education and securing credit. Efforts should be made to

avoid parallel structures such as special refugee credit organisations, schools or clinics.

Those not able to capitalise on cities' opportunities include unaccompanied minors, single parents, the elderly and infirm and people of rural origin. Urban assistance programmes should therefore be complemented by initiatives that provide humanitarian assistance to those refugees who are unable to compete in the urban environment. Such initiatives might be located in geographically distinct areas, including purpose-built camps and settlements or designated zones of assistance.

UNHCR could develop a locally appropriate urban refugee 'starter pack'

It is encouraging that UNHCR is revisiting its urban refugee policy. This creates opportunities for refugees, municipal governments, businesses, service providers, academics and advocates to engage with UNHCR in developing a policy that can improve refugee protection in the world's cities. We hope that UNHCR will solicit and be open to the views of all, and we offer our suggestions as a contribution to this process.

Loren Landau is Acting Director, Forced Migration Studies Programme, University of the Witwatersrand. Email: landaul@migration.wits.ac.za.

Karen Jacobsen directs the Refugees and Forced Migration Program at the Feinstein International Family Center, Tufts University, Boston. Email: karen.jacobsen@tufts.edu

1. www.hrw.org/reports/2002/kenyugan/kenyugan1002%20ap%20alter-26.htm

2. 'Evaluation of UNHCR's policy on refugees in urban areas' by Kemlin Furlley, Naoko Obi and Jeff Crisp, October 2002. www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RESEARCH&id=3ddd3114&page=research