

Tools and Guidance

The below documents can be found on the intranet page for [Alternatives to Camps¹](#) and on www.urbangoodpractices.org

- **UNHCR Guidelines and Checklist for Reviewing and Commenting on National Legislation:** These guidelines support UNHCR offices and staff in reviewing and commenting on national legislation affecting refugees and stateless persons. They assist in identifying legislation on which UNHCR should be commenting and provide the appropriate methodology to follow when preparing written comments and forming advocacy strategies.
- **Joint UNHCR and Inter-parliamentary Union Handbook on Internal Displacement: Responsibility and Action:** This tool, which is currently being updated, is meant to aid parliamentarians to develop legislation and ensure its implementation.
- **Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees:** The Global Strategy outlines three main goals in ending the detention of asylum-seekers and refugees while providing detailed direction on developing national action plans and attaining these goals. The document lists additional tools and materials to guide the implementation of the *Global Strategy*.
- **Detention Guidelines:** The Guidelines reflect the state of international law concerning the detention of asylum-seekers and other persons seeking international protection. They provide support for advising governments in the implementation of asylum and migration policies and aid decision-makers in evaluating whether to resort to detention.
- **Global Strategy for Livelihoods:** The Global Strategy has a key objective to “promote the right to work and the right to development” through enabling refugees to work legally in formal and informal sectors and have access to land, water and other productive resources allowing for livelihoods activities.

¹ <https://intranet.unhcr.org/intranet/unhcr/en/home/policy-and-guidance/dpsm/unhcr-policy-on-alternatives-to-camps/alternatives-to-camps--making-it-work--good-practice-and-guidanc.html>



Through the Alternatives to Camps Series, UNHCR provides key guidance, useful approaches, tools and good practices to support the implementation of the key actions outlined in the *Policy on Alternatives to Camps*. The Series also includes a call for sharing your good practices.



Tanzania/ UNHCR/
Brendan Bannon/ 2009

Alternatives to Camps Making It Work

GOOD PRACTICE AND GUIDANCE SERIES



Key Action #4:

Promoting an Enabling Protection Environment

THE POLICY SAYS

UNHCR's *Policy on Alternatives to Camps* seeks to promote an enabling protection environment where the legal, policy and administrative framework of the host country provide refugees with freedom of movement and residence, permission to work and access to basic services, and social “safety nets” as members of the communities where they are living. The policy aims to embed programmes for refugees and host communities into national development plans whenever possible to ensure sustainability.

Call for Good Practices

If your operation is engaging in successful practices aimed at promoting an enabling protection environment and alternatives to camps, we invite you to share it with us to help improve UNHCR's effectiveness across the organization by sending an e-mail to hqatc@unhcr.org.

More Information

Please contact ComprehensiveSolutions@unhcr.org and livelihood@unhcr.org for more information on promoting an enabling protection environment.



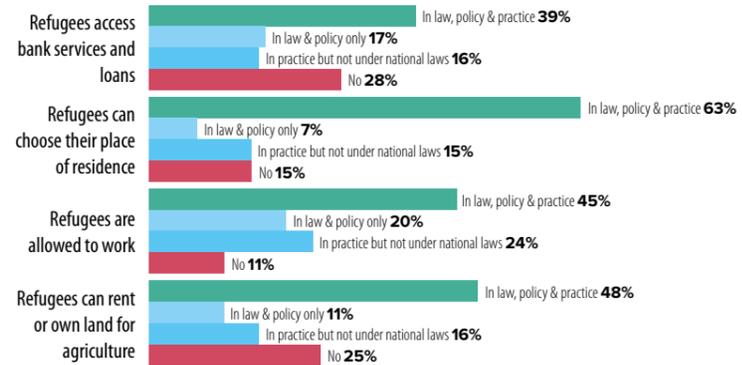
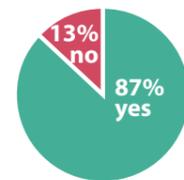
Prince Soniyiki, 29, a Nigerian refugee, has the same salary as his co-workers and is treated equally as he exercises his right to work. The fact that he learned the local dialect quickly has gained him respect and popularity among the crew, finding him to be an asset to the team. UNHCR / N.LUKIN

contact info: hqatc@unhcr.org

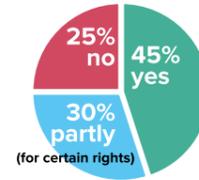
The Diagnostic Tool for Alternatives to Camps

The *2016 Global Results of the Diagnostic Tool for Alternatives to Camps*¹ suggest that a majority of UNHCR's operations have conducted an analysis on the socio-economic barriers facing refugees and have conducted advocacy for enabling legislation.

Analysis on socio-economic barriers for refugees conducted



Advocacy for enabling legislation conducted



¹ <http://www.unhcr.org/5731adcc9.pdf>

** While refugees may be allowed to work under law and policy and/or in practice, this does not remove protection risks refugees may face either as a result of not having a work permit or as a result of engaging in self-employment activities without due authorisation. Protection risks may include discrimination, exploitation, detention and deportation.

Key Tips and Actions

Please find below some key tips that can help you to implement **Key Action #4 on Promoting an Enabling Protection Environment**. This action should be implemented together with the other key actions of the *Policy on Alternatives to Camps*, in a comprehensive and mutually reinforcing way.

- Perform legal analysis staff of the existing laws and policies in your operations, using the **UNHCR Guidelines and Checklist for Reviewing and Commenting on National Legislation**¹.
- Understand the reasons for reservations of the state to the 1951 Refugee Convention, if any.
- Analyse how the law and policy are applied in practice, with particular attention to freedom of movement access to housing, land and property, and the right to work.
- Assess institutional capacity gaps in local governance and other relevant state and non-state institutions to implement the law and deliver related services to persons of concern to UNHCR.
- Mobilize partners and design appropriate responses to address such institutional capacity gaps.
- Establish close partnerships with relevant line ministries and regional mechanisms, where possible. Consider measures to increase the rights of refugees, such as expert advice, joint action plans and regional, economic and political agreements.
- Assess if persons of concern are aware of the rights and services they are entitled to and how to access them.
- Mobilize partners and design appropriate responses empowering persons of concern to claim and access rights and services.
- Develop a rights based advocacy strategy that reflects the priorities and needs of the persons of concern and responds to the concerns of the host community and government. Define advocacy objectives in terms of the desired result or achievement. For example, focus on what the host country can gain from hosting refugees in terms of economy, local development and skilled workforce.

¹ <https://intranet.unhcr.org/intranet/unhcr/en/home/policy-and-guidance/dpsm/unhcr-policy-on-alternatives-to-camps/promoting-an-enabling-protection-environment-resources.html>



An ethnic Tamil tea plucker and her son in Sri Lanka, which is among countries that have amended laws to grant women equal rights as men to pass on their nationality. UNHCR / G. Amarasinghe / May 2007

Highlights from the Field

CAPE TOWN REFUGEE RIGHTS CLINIC

In South Africa, the University of Cape Town Refugee Rights Clinic, which is funded and supported by UNHCR and other partners, successfully challenged the 2012 policy to close the Refugee Reception Offices to incoming refugees in the southern provinces. The policy required all individuals who had not first obtained their residence permits in these provinces to return to their office of original application in order to legally remain in South Africa. Such an approach would have limited the freedom of movement of asylum-seekers and forced them to remain in the northern regions of South Africa.

The Refugee Rights Clinic challenged this policy in February 2015. The Western Cape High Court found that all the applicants, totaling 1123 people, should have their permits extended in Cape Town for periods of no less than six months at a time. The decision allows fewer limitations on the freedom of movement for these asylum-seekers, with the removal of restrictions likely to be applicable to others in the same situation.

As a legal implementing partner of the UNHCR, the Refugee Rights Project supports refugees and asylum-seekers to secure and maintain their rights, guides them through the asylum process and assists with voluntary repatriation and local integration.

LEGISLATION AMENDMENTS IN TAJIKISTAN

In 2014 the Republic of Tajikistan introduced new amendments to the nation's Law on Refugees, marking significant improvements in the legal status of refugees and asylum seekers in Tajikistan. The country hosts the largest refugee population in Central Asia, including approximately 4,000 asylum-seekers and refugees, according to UNHCR statistics. The amendments comply with international legal standards in the asylum field, and enhance the rights of refugees in line with the *Policy for Alternatives to Camps*.

These amendments integrate into the law provisions on the: place of temporary residence for asylum-seekers, refugees and their family members; travel documents to refugees; the principles of non-discrimination, non-refoulement, family reunification, confidentiality, priority to protect the interests of vulnerable persons; the right to work of asylum-seekers; and other elements in line with the 1951 Refugee Convention.

Although the Government of Tajikistan did not accept all UNHCR recommendations, the new amendments represent a valuable step forward.