

‘No One Leaves Home Unless Home Is the Mouth of a Shark’ - Warsan Shire, Somali Poet



National Roundtable on Refugee Protection

Proceedings at-a-Glance

March 25, 2016

Kathmandu



INHURED International organized a “National Roundtable on Refugee Protection” on March 25, 2016 in Kathmandu. Auspiciously, INHURED also received technical and advisory support from Asia Pacific Refugee Rights Network (APRRN) and Forum for Protection of People’s Rights, Nepal (PPR Nepal) to make the event more inclusive and effective.

Background to the National Roundtable

Nepal hosts approximately 40 thousand refugees and asylum seekers (both documented and undocumented). Though, Nepal hosts large number of refugees, she neither has a domestic legal framework nor has ratified 1951 Refugee Convention. Government has stalled on advancing a bill, mainly due to absence of conceptual clarity, conservative mindset and primarily security concerns. In absence of law and legal framework, refugees and asylum seekers are unprotected with no legal rights and are often open to discrimination and harassment. Nevertheless, lack of legal framework does not relieve Nepal of her international obligations on refugee protection under various covenants and conventions that she is party to, including ICCPR, ICSECR, CAT among others.

INHURED International and other institutions have for over a decade have been lobbying for refugee protection including enactment of domestic legislation and legal framework, ratification of 1951 Refugee Convention, formulation and implementation of standard procedures for registration of personal events, securing legal identity for refugees, ensuring UNHCR’s unhindered access, adoption of fair RSD procedure at all times, and extending social

security/livelihood options. We have been advancing various formal and informal interventions for the same. The National roundtable held on 25 March 2016 has been part of our common advocacy and civil diplomacy for policy reform in favor of asylum-seekers and refugees.



The national roundtable was participated by representatives from National Human Rights Commission (NHRC), Nepal Bar Association, Government Commissioners, United Nations High Commissioner for Refugees (UNHCR), Embassy of the United States of America, International Organization for Migration (IOM), Civil Society Organizations, The Tibet Fund, The Corporate Club, and refugees, lawyers, academicians, senior human rights activists, Camp Settlement Officers, Media Personnel and others.

The national roundtable highlighted on situation of three groups of refugees residing in Nepal: Bhutanese refugees, urban refugees, and Tibetan refugees with special focus on Tibetan refugees. In terms of Tibetan refugees, Nepal officially recognized refugee status for Tibet persecution- fled population and had documented the earlier influx. However Government denied refugee recognition to post 1990 arrivals.



Consequently, they face problems in documenting vital registration certificates and travel documents.



Guest Speakers and participants in the roundtable also highlighted on the issues of lack of documentation, issuance of vital registration certificates, granting of exit permits, refugee bill, and livelihood concerning refugees among the other issues. In terms of gainful employment, there are various legal limitations. For instance, a refugee cannot obtain a tour guide license owing to the criteria of citizenship. There is a scope of Foreign Development Investment (FDI). However, in

case of refugees, since they are outside of the legal protection of the country of origin and hence will not be able to produce necessary documents from the country of origin required for FDI. Further, a refugee cannot buy and sell shares.



In the given context, the guest speakers in the roundtable expressed their commitment for refugee protection and assured to consider recommendations put forward by the roundtable. A need for strong advocacy towards exemption of visa fines for irregular entry, relaxation of immigration laws, documentation and issuance of refugee cards, and necessity of refugee law and legal framework were highlighted by the speakers.

Highlights on the Deliberations

Hon. Prakash Osti, Acting Chairperson NHRC, Former Supreme Court Judge

- ‘NHRC stands firm for the human rights of refugees and I express NHRC’s commitment in resolving this issue’.
- ‘NHRC will consider recommendations and solutions proposed during national roundtable today’.



Mr. Sunil Kumar Pokharel, Secretary General, Nepal Bar Association (NBA)

- Nepal Bar’s role has always has been towards promoting access to justice in general which also entails pro-bono concept.
- NBA now has a legal aid for refugees. NBA is considering in terms pro-bono, the criteria for rendering such services should be extended to different forms of vulnerabilities and go beyond economic status (present criteria in legal aid law in Nepal).
- Refugees have been recognized as vulnerable group by Nepal Bar for legal aid



Ms. Cecile Fradot, Senior Protection Officer, UNHCR

- Promoting the policies and having a proper system according to the refugee’s need is vital to refugee protection.



- It is an important principle that visa fines should not be imposed to asylum-seekers and refugees. This needs to be strongly advocated.
- A strong advocacy towards exemption of visa fines for irregular entry and providing documentation for all refugees is required.

Hon. Shree Krishna Subedi, Commissioner, Truth and Reconciliation Commission

- Nepali approach towards refugee can be seen in three different approaches for three categories of refugees.
- Vacuum of mechanisms and policies to address refugee issues is a major challenge.
- Nepal should express its commitment to ensure that these problems are resolved.



Recommendations in Nutshell

Four working groups were formed to identify and present challenges, stakeholders and recommendations concerning refugees' issues of exit permit, and vital registrations including issuance of refugee cards, livelihood options, and enactment of refugee bill.

Proposed course of action

- Upholding principle of non-discrimination and non-*refoulement*;
- Relaxation of the immigration law;
- No penalty at all or alternatively, a reasonable ceiling on visa overstay penalties;
- Formulation of concrete guidelines, enactment of refugee laws and policies;
- Respect and adherence to the 'Gentlemen Agreement';
- Proper documentation of all refugees and asylum seekers;
- Issuance of Refugee Cards without discrimination;
- Offering livelihood opportunities for all refugees; and
- Issuance of exit permit for those intending to travel or leave the country.



Greater sensitization of parliamentarians and stakeholders, mapping of refugee population, conducting stakeholders' consultation at various levels and stages, systematic advocacy and strategic litigations, and functional networking among likeminded institutions were some of the additional recommendations put forward by the working groups.



INHURED International is now planning to translate recommendations from the roundtable into a one year shared action plan. This action plan shall create a collective vision and guidance for all stakeholders working for refugee protection.

The End