



EXECUTIVE SUMMARY

Improving social protection for migrants, refugees and asylum seekers in Egypt: An overview of international practices

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Improving social protection for migrants, refugees and asylum seekers in Egypt: An overview of international practices

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**IMPROVING SOCIAL PROTECTION FOR
MIGRANTS, REFUGEES AND ASYLUM
SEEKERS IN EGYPT: AN OVERVIEW OF
INTERNATIONAL PRACTICES**

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EXECUTIVE SUMMARY

This report analyses noteworthy practices adopted by countries around the globe to expand the access to social protection (SP) systems for migrants, refugees and asylum seekers, aiming to translate international experiences to inform the policy debate on extending SP to these groups in Egypt. International migration is a central issue in Egypt, which has historically been a country of destination, transit and origin. While a vast literature is dedicated to understanding the fundamental role of Egypt as the top migrant-sending country in the Middle East and North Africa (MENA) region, less attention has been directed at its position as a host and transit country. Nevertheless, over the last two decades the number of displaced persons living in the country has increased by more than 18 times. Conflicts in countries such as Sudan, Syria and Yemen have forced people in situations of extreme vulnerability to migrate to Egypt.

The provision of SP for these individuals is a human right, can protect migrants, refugees and asylum seekers and contribute to national development in the host country. However, these rights are not always guaranteed for non-nationals in Egypt, where international migration has become a topic of polarised discussion. Against this background, international experiences can provide valuable insights for a new migration governance framework, a more inclusive SP system and sustainable socio-economic development in Egypt.

This report aims to address three main questions:

- To what extent do national SP systems have the capacity to integrate migrants, refugees and asylum seekers?
- How are other countries ensuring the right to SP for all, especially the most vulnerable?
- What is the potential to extend SP to migrants in MENA, with a focus on Egypt?

To provide contextual information, **Chapter 1** introduces the current international migration situation in Egypt. It emphasises Egypt's role as a host country for forcibly displaced people and mentions the importance of labour emigration to the Egyptian economy due to remittances. Data from the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Department of Economic and Social Affairs (UN DESA) are explored to show the growing number of migrants, refugees and asylum seekers living in Egypt. As of 2019, a total of 324,712 forcibly displaced individuals were living in the country; almost 40 per cent of them were Syrians. Also, UNHCR data show that people aged 0–17 years old represented over 40 per cent of the total population of some of the main national groups living in Egypt, such as Syrians, Sudanese and South Sudanese. Finally, the results of the Egypt Vulnerability Assessment for Refugees (EVAR) are summarised. They illustrate the high vulnerability profile of forcibly displaced populations living in the country, such as the high unemployment (29 per cent of the refugees interviewed) and poverty rates (47 per cent).

Chapter 2 presents the conceptual framework guiding the report and responds to the first question posed by this research report. Key definitions of international migration, a rights-based approach to SP and shock-responsive SP are debated. The chapter explores the particular risks faced by people on the move, including specific vulnerable groups such as refugees, asylum-seekers, low-skilled migrant workers, undocumented and documented international migrant workers and their families. Moreover, it highlights the social risks and vulnerabilities of migrant populations at different stages of the migration cycle. After setting this comprehensive scene informing the risks faced by people on the move, the chapter explores the linkages between SP and migration, the potential of the latter to increase the resilience of families at all the stages of the refuge and migration cycle, and the positive effects of promoting inclusion on national development. Finally, the chapter frames the right to SP as a human right, points out the key international conventions that provide a legal basis to SP for migrants, refugees and asylum seekers, and presents the relevance of developing SP systems to respond to crisis and shocks. In sum, Chapter 2 presents evidence-based arguments for the importance of constructing inclusive SP systems under a rights-based approach in which the promotion of human dignity and national development are inseparable.

Table 1. Rights and exclusions of non-nationals in the labour market, social insurance and social assistance

	Rights	Exclusions
Access to labour market	Non-discrimination in salaries on the basis of country of origin (Labour Law No. 12 (2003), Art. 35)	Paid domestic work not protected by labour law
	Prohibits termination of contracts based on discrimination (Labour Law No. 12 (2003), Art. 120)	Migrants restricted from working in certain sectors (e.g. as tour guides, in exports, imports and customs clearance)
	Right to form and join unions to all workers without discrimination (Trade and Workers Unions and the Right to Syndication Law No. 213 (2007), Art. 4)	Migrants can only constitute 10 per cent of a registered company's workforce
		Exemptions from work permit costs; the principle of non-competition for Palestinian refugees, stateless individuals and political refugees no longer included
Social insurance	Extends the right to social insurance to all foreign nationals with 'regular employment contracts' as opposed to only those with reciprocity agreements covered in the previous law (Social Insurance Law No. 148 (2019))	Obligation to provide social security coverage to refugees and stateless persons without reciprocity most likely unmet
	Extends protection to additional workers in the informal/irregular sector, including domestic workers (12 per cent Treasury contribution) (Social Insurance Law No. 148 (2019))	Health insurance coverage for migrants in the informal sector or undocumented migrants unlikely to occur
	Formal employees, regardless of nationality, are automatically covered by universal health insurance (Universal Health Insurance Law No. 2 (2018))	
Social assistance	Extends social security assistance to citizens and nationals of countries with reciprocity agreements (Social Security Assistance Executive Regulations No. 137 (2010), Art. 1)	Migrants, refugees and asylum-seekers cannot benefit from <i>Takaful</i> (conditional cash transfer) or <i>Karama</i> (unconditional cash transfer), as national IDs are necessary for registration
	Reinterpretation of the categories of 'stranded traveller', 'poor' and 'needy' in the Quran to include 'refugees' (Fatwa (regulation) from Dar Al Iftaa Al-Masri)	

Source: Authors' elaboration.

Chapter 3 addresses the question of how countries are ensuring the rights to SP for non-nationals. It explores the potential of comparative policy by presenting some examples of noteworthy international practices, aiming to provide inspiration and contribute to the policy debate in Egypt. Case studies of countries from different regions across the globe, especially middle-income countries such as Egypt, were selected to illustrate how social assistance (as in the cases of Turkey, Morocco and Brazil), social insurance (Philippines and social security agreements), labour market policies (Denmark and Colombia) and basic services of health care (Iran and Turkey) and education (Lebanon) can be more inclusive for non-nationals, particularly for refugees. The cases include the limitations of each approach but also highlight the factors that favour the expansion of coverage for non-nationals. Some of the main enabling factors highlighted in these cases include:

- establishing a comprehensive legislative framework that guarantees fundamental rights and access to SP for all individuals;
- collaborating with international partners to increase the capacities of national SP systems;
- reforming migration policies towards a rights-based approach;
- capacitating social workers to deal with specific vulnerabilities faced by migrants, refugees and asylum seekers;

- guaranteeing legal status for undocumented individuals; and
- investing in infrastructure in places with a high demand from migrants, refugees and asylum seekers' populations;

Considering that financial constraints are one of the most critical barriers to creating migrant-friendly policies in developing countries, the third section also presents some of the main international mechanisms financing SP for non-nationals. The chapter ends with a discussion on how the COVID-19 crisis has exposed the gaps in SP systems, and how it can be turned into an opportunity to build coalitions championing more inclusive systems, as many countries have expanded coverage of SP systems for international migrants, refugees and asylum seekers for the first time in their response to the crisis.

After analysing the international examples, **Chapter 4** focuses on the case of Egypt to identify the potential to extend SP for non-nationals, as well as the main challenges to overcome. First, the chapter provides an overview of national laws and international obligations assumed by Egypt to protect migrants, refugees and asylum seekers. The main legal instrument, the Egyptian Constitution (2019), affirms that all citizens have the right to social security and health insurance. However, it presents limitations, as it does not explicitly mention the principle of equality of treatment on the basis of nationality. Egypt has also ratified several international instruments that guarantee basic rights and legal access to SP. The reservations posed to instruments such as the Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees 1967, the non-ratification of others and the effectiveness of actual implementation are some points of concern.

Moreover, the chapter provides an analysis of specific laws guaranteeing rights or excluding migrants, refugees and asylum seekers in the labour market, social insurance and social assistance schemes. The final section of Chapter 4 presents some main political economy considerations to labour emigration policies and forced migration in Egypt, showing that effective coverage of SP and basic rights has been highly dependent on short-term political interests.

Chapter 5 of this report makes final remarks and provides recommendations to improve migrants' and refugees' access to SP in Egypt. Some of the main factors favouring the expansion of SP indicated in the country case studies are discussed considering the Egyptian context. Based on this, cross-cutting recommendations and recommendations to make social assistance, social insurance and labour market policies in the country more inclusive are presented.



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