

Community-centred legal aid: strengthening protection and access to rights for refugees

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A local service provider in Cairo has been partnering with refugee-led organisations to develop a decentralised network of community-based legal services in order to better protect refugees' rights, while also working to promote the inclusion of refugees in broader decision-making processes.

In recent years, NGOs in the Global South have been challenging the Global North domination of humanitarian assistance and protection, and have been advocating for change, highlighting the importance of refugee inclusion and the impact of refugee-led organisations.¹

St Andrew's Refugee Service (StARS) was established in 1979 in Cairo, Egypt to provide educational services to refugees and migrants, including both children and adults. Over time it started providing additional services such as psychosocial support, community outreach,

and specialised legal services through its Refugee Legal Aid Program (RLAP). StARS is currently a refugee-led organisation.

In 2018, RLAP started training refugee legal advisors to provide legal representation and advice to refugees in refugee status determination (RSD) and registration processes.² After a successful first phase of this programme, RLAP began to consider how this model could be used to meet the ever-growing demand for legal services. Rooted in a recognition of the strength and capacity of refugees, it developed partnerships with RLOs (with whom StARS already partners on other services) to train refugee paralegals to provide community-based legal services, thereby facilitating refugees' access to protection and rights.

The paralegal programme envisaged decentralising access to free-of-charge legal services through the placement of 15 paralegals in 15 different RLOs, each located in neighbourhoods where most refugees in Egypt live. The programme's intended goal was the wide delivery of efficient and effective services within refugee communities, and particularly to reach groups who may not have access to traditional service providers, such as new arrivals with disabilities, those with protection concerns that prevent them from leaving certain areas, and those in vulnerable households impeded by travel costs.

In the programme's pilot phase, RLAP and its refugee lawyers provided extensive legal training and shadowing programmes for the refugee community paralegals to educate them in UNHCR procedures, international refugee law, protection, and the ethics applicable to refugee legal aid. The paralegals then started to provide advice and services to refugee communities by explaining refugee rights at meetings and workshops, and by providing direct legal advice to refugees in RLO offices.

These services were bolstered by the establishment of a referral pathway between RLOs and StARS to identify the most vulnerable refugees and refer them to StARS for legal and non-legal services. The paralegals also participated in activities designed to increase refugees' awareness of how to access legal services in Cairo on physical protection and on domestic legislation impacting personal

status matters, such as procedures to obtain birth, marriage or death certificates. In addition, paralegals provided information and awareness-raising sessions on local service providers, and worked to counter exploitation and fraudulent schemes that asylum seekers and refugees face in their communities.

Benefits and successes

The paralegal programme had a tremendous impact since it provided essential information about services and refugee rights, and also offered these services directly to communities. Paralegals are best qualified to manage and refer the most urgent vulnerable cases to local and international service providers. The environment for accessing rights in refugee settings is complex, and StARS and partner RLOs are keen to support refugees in these contexts.

Having an established paralegals programme embedded in RLOs has consolidated referrals between RLOs and StARS, enabling a wider group of asylum seekers to have access to advice on claiming asylum in Egypt, UNHCR registration, RSD and protection. During this process, StARS learned that traditional humanitarian legal aid can be inefficient in the face of complex and often urgent refugee needs in urban settings. Having paralegals in RLOs expedited service provision and reduced the pressure on many service providers. It also addressed some of the access barriers that are embedded in traditional humanitarian aid service provision. Mobilising similar paralegal programmes could help promote refugee rights in the MENA region on a much larger scale.

With the arrival of COVID-19, most service providers partially closed their doors and shifted to working remotely. However, several RLOs with paralegals in Cairo remained open to fill the gap, responding bravely to the urgent needs of vulnerable refugees and migrants despite the RLOs' limited resources and capacity.

The paralegals provided advice, helped refugees fill out online registration forms, and flagged the most urgent registration inquiries to the appropriate service providers. During this period, paralegals identified over

a thousand of the most vulnerable refugees in need of registration with UNHCR at a time when UNHCR had suspended all registration activities, except for emergency and urgent cases. Without the work of the paralegals in these RLOs it would have been almost impossible to identify and ensure the protection of these asylum seekers and refugees. Furthermore, the collaboration with paralegals on first instance RSD rejections by UNHCR Egypt ensured that everyone had access to advice at a time of a sharp increase in rejection rates.

Paralegals in the RLOs have also worked to identify refugees in need of resettlement due to additional protection risks such as gender-based violence. The paralegals have successfully referred more than 300 cases to StARS over the past three years, which were then assessed by RLAP and referred to UNHCR (representing around 24% of RLAP's referrals to UNHCR for resettlement consideration).

Language barriers remain a huge challenge for vulnerable clients who approach traditional service providers. Sometimes clients fail to access such services or mistakes happen in interpretation, or language barriers in writing applications force asylum seekers to pay for help – using money that could be better used for meeting basic needs. Paralegals can greatly help them overcome these challenges, communicating directly with clients and even being available during holiday periods.

Challenges encountered

Many of the challenges encountered by StARS in establishing paralegal programmes in the RLOs in Cairo were rooted in RLOs being under-resourced and underfunded, and in existing biases and preconceptions against refugees and their capacity to implement high-quality services with high standards of integrity. This was often seen through the reluctance of international NGOs (INGOs) and UN agencies to work closely with RLOs, but was also observed through the behaviour of some members of the communities themselves, who tended to assume that they would receive better services through INGOs.

StARS and its RLO partners recognised that the development of services must be

accompanied by strengthening internal systems and governance structures within RLOs as a crucial step to mitigate these challenges. The successes achieved in addressing these challenges can be attributed to the consultative and holistic approach to capacity building that StARS adopted in implementing the paralegal programme. StARS relied on a multi-pronged approach integrating the development of services with the development of strong governance and accountability systems, and with financial stability. Furthermore, StARS knew that the change of mindset required for refugees to consider services from other RLOs would take time. Based on StARS' experience, we highlight the following important points.

Firstly, StARS provided the RLOs with a case management tool to ensure that they were able to maintain client records confidentially (and avoid duplication) and could follow up properly, thereby enhancing the quality of and trust in their services.

Secondly, RLAP and RLOs conducted joint awareness sessions in the communities, capitalising on the RLOs' outreach capacities to enhance awareness of available services.

Thirdly, on an ongoing basis StARS embraces opportunities across different fora and with its partners to promote the importance of inclusion of refugees in decision-making, programme design, and implementation of the responses to refugee communities' needs. StARS has supported a number of RLOs to present their work and governance structures to INGOs and works closely with RLOs to develop services and referrals alongside other service providers. StARS has seen that RLOs are successfully able to create referrals with other international and local actors in service provision: examples which show that this model can result in concrete steps towards refugee inclusion.

Recommendations

Refugee inclusion in legal aid services can expand access to rights for refugees who may be isolated due to their protection profiles or vulnerabilities. As paralegals live within these refugees' communities, they have a better awareness of the problems that their

communities face daily, and this allows them to respond promptly to refugees' needs. We would make the following recommendations for any refugee-led or non-governmental organisation wishing to strengthen community-based legal aid services.

Developing RLO partnerships for inclusion of refugees in decision-making and service delivery is a major step toward sustainability and effective service provision. However, this process brings challenges. We recommend establishing a basis of equal partnership and strong collaboration in order to jointly identify solutions to challenges encountered.

UNHCR should recognise the role of RLOs and their capacity to provide meaningful protection interventions by including RLOs in interagency coordination mechanisms and in protection cluster structures. This would help all actors to better understand the needs of the most vulnerable refugees and how best to respond. It would also support

UNHCR's mandate for providing international protection.

Finally, we recommend that the paralegals programme be replicated in different parts of the world since it fosters knowledge sharing, allows greater understanding of the challenges faced by refugees, and supports the goal shared by all actors of providing sustainable, high-quality, efficient services to refugees.

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