

RESETTLEMENT IN THE 1990s: A REVIEW OF POLICY AND PRACTICE

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Resettlement countries are looking increasingly to UNHCR for guidance. In order to meet protection and resettlement country needs, UNHCR must clarify policy, provide greater guidance and support to field office, and increase dialogue with governments.

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(ii)

SCOPE OF THE REVIEW

This review examines the implementation of UNHCR policy on resettlement and the appropriateness of current practice in the light of existing needs for this durable solution. The examination is conducted within a broader context of significantly changing interests of major resettlement countries over recent years. Recommendations are made for the strengthening of UNHCR's implementing capacity and operational response in order to narrow the gap between supply and demand for resettlement places.

In conducting the review, the evaluation team undertook missions to countries of first asylum in Africa, Asia, Europe and the Middle East, as well as to countries of resettlement in Australasia, Europe, and North America. Discussions were also held with a wide range of UNHCR staff members in Geneva and with staff of the International Organization for Migration.

The evaluation team comprised John Fredriksson, a consultant with many years of experience in resettlement, and Senior Evaluation Officer, Christine Mougne.

OVERVIEW

GOVERNMENTS SEEK UNHCR LEAD IN IDENTIFYING CASES FOR RESETTLEMENT

(1) In the mid-1990s, third country resettlement of refugees remains an important durable solution, providing protection for refugees unable either to remain safely in the country of first asylum or to return safely to their country of origin. At the same time, with the end of the Cold War, the traditional political parameters used by many receiving countries to determine which refugees they would welcome on their shores have evaporated. While remaining highly selective in their acceptance of individual cases, governments are looking increasingly to UNHCR to identify the way forward for resettlement into the next century. The potential for resettlement as a tool of protection - and as a durable solution in certain circumstances - has not, however, been fully exploited. Governments have been slow to adapt structures and policies to the changing needs for resettlement. UNHCR has also been slow to adjust its procedures and allocation of resources to the new realities. The organization's capacity to respond to governments' need for guidance will depend upon its willingness to move beyond the perceptions and practices born of resettlement patterns in the 1970s and 1980s.

UNHCR MUST ADAPT TO DYNAMIC NATURE OF RESETTLEMENT WORK

(2) In order to respond in a relevant manner to governments and, thereby, to ensure that resettlement can continue to function effectively as a tool of protection, UNHCR must modify its current approach to resettlement work and learn to respond appropriately to what is a highly dynamic process. Firstly, a forum should be established for regular and on-going multilateral dialogue with resettlement country governments and non-governmental organizations on resettlement needs, strategies and practices. Secondly, the Resettlement Section at Headquarters should make better and more targeted use of its experienced staff, by moving away from individual casework and focussing more on policy development and dissemination, as well as providing training, supervision and support for field offices.

(3) The scale of resettlement activities has changed dramatically over the last decade and a half. In 1979, at

the peak of the refugee outflows in South East Asia, resettlement was viewed by most, if not all parties concerned, as the only viable durable solution for approximately 1 in 20 of the world's 5-6 million refugees. In 1993, this ratio had fallen dramatically to just 1 in 400. Despite a quadrupling of the world's refugee population in the interim, this represents a significant drop in the absolute number of UNHCR cases being resettled, from over 200,000 a year in the late 1970s to 50-60,000 a year in the mid-1990s. At the same time, major resettlement countries have focussed their efforts on other refugee and refugee-like caseloads, and not those cases identified by UNHCR.

**INDO-CHINESE
DOMINATED
RESETTLEMENT
FOR FIFTEEN YEARS**

(4) The response from resettlement countries in the 1970s and early 1980s was of legendary generosity. For example, during an eighteen month period between January 1979 and June 1980 nearly 339,000 Indo-Chinese refugees left countries of first asylum for resettlement in a third country. The scale of the response reflects the inter-linking political and economic realities which prevailed at the time. Until recently, it was possible, in certain countries, to partially satisfy high demands for immigration, by resettling significant numbers of refugees from conflicts which the governments had unsuccessfully supported.

(5) Turning the tide of the Vietnamese outflow, which continued unchecked for so long, has been the result of a variety of factors. While at certain levels politically the major donor states were unwilling, for most of the 1980s, to change the situation, nevertheless domestically the impact of a seemingly never-ending stream of Indo-Chinese refugees arriving on their doorsteps was beginning to provoke a burgeoning "compassion fatigue". It was not until the launching of the Comprehensive Plan of Action in 1989, however, that concrete steps were finally taken towards using resettlement in a rather more selective way for the Vietnamese.

(6) By 1994, with the termination of Vietnamese resettlement finally in sight, most governments express a firm sense of having fully met their commitments to this

caseload. Refugees from Vietnam have, nevertheless, continued to represent the overwhelming majority of refugees being resettled each year until as recently as 1993, when the proportion fell below 50 percent of total departures for the first time in a decade and a half.

(7) These changing attitudes towards resettlement, particularly with regard to the Vietnamese, manifested themselves not only in a progressive decline in resettlement offers, but also in the language used to refer to resettlement in general in official Executive Committee documents. Between the early and the mid-1980s, the concept of resettlement as simply one of the three durable solutions, began to give way to that of resettlement as the "least desirable" durable solution. For example, a paper on durable solutions presented to the Executive Committee in 1985 stated: "If voluntary repatriation is the happiest of durable solutions, resettlement in third countries may be termed in contrast the solution of last resort."

(8) After a number of initiatives taken in defense of resettlement over the following few years, the concept of resettlement as a "tool of protection" was crystallised in 1991 through the presentation, to the Executive Committee, of a paper entitled "Resettlement as an Instrument of Protection: Traditional Problems in Achieving this Durable Solution and New Directions in the 1990s". This paper reinforced the incorporation, a year earlier, of the Resettlement Section within the Division of International Protection and attempted to define with greater clarity, the role of resettlement in the 1990s.

(9) Nevertheless, at a broader level, a major factor contributing to the gradual marginalization of the resettlement function, during the past decade, has been the growing emphasis placed by UNHCR on voluntary repatriation. In response to mounting pressure on asylum countries imposed by ever-rising numbers fleeing armed conflict, as well as the economically-driven irregular population movements of the early 1990s, UNHCR has

increasingly focussed attention on practical alternatives, notably prevention, temporary protection, and early voluntary repatriation.

**MARGINALIZATION
OF RESETTLEMENT
HAS UNDERMINED
STANDARDS**

(10) Meanwhile, within UNHCR, the long-term impact of fifteen years of involvement in the South East Asia operation - during which large numbers of staff saw themselves as unwilling participants in an "automatic resettlement machine" - has been a widespread sense of disenchantment with the concept of resettlement. Many of the mid-ranking and senior UNHCR staff who served in South East Asia now seriously question the appropriateness of resettlement as a durable solution for refugees. Furthermore, as practised in South East Asia, they saw resettlement as divorced from the fundamental principles of protection, despite the fact that prevention of push-offs was a major factor in determining policy over the years.

(11) The disenchantment with resettlement felt by many within UNHCR has impacted negatively on UNHCR's capacity to effectively perform resettlement functions. It is, indeed, unfortunate, that at precisely the time that governments are looking to UNHCR to take a lead in determining who should be resettled, the organization finds itself poorly equipped to respond. Possibilities to positively influence governments to modify restrictive or out-moded policy and practice might therefore be lost.

(12) A compounding factor, which presents a major dilemma for UNHCR, in ensuring the appropriate identification and efficient processing of refugees in need of resettlement, is the fact that, in general, such small numbers are involved. In many field offices, only a handful of cases requiring resettlement might be identified during the course of a single year. In the circumstances, it is understandable that representatives dealing with major assistance or repatriation operations involving tens or hundreds of thousands of refugees, commonly delegate responsibility for the resettlement of a few individual cases to junior staff. Inexperienced staff working in the field, commonly lacking basic training or guidance on

resettlement policy, have all too often selected cases inappropriately or for the wrong reasons.

**POOR CASE
IDENTIFICATION
HAS CAUSED
BACKLASH IN
RESETTLEMENT
COUNTRIES**

(13) As a result, resettlement has become increasingly discredited and marginalized, in turn seriously limiting its potential to serve as a tool of protection. Rather surprisingly, despite considerable reservations about the use of resettlement as a durable solution, there is an overwhelming consensus among UNHCR staff, at Headquarters and in the field, in support of resettlement as a tool of protection - albeit for a very small and carefully identified group of refugees. Unfortunately, the impact of an incorrectly or inappropriately-identified resettlement case on the good-will of governments and host communities, cannot be underemphasised. Echoes of the negative backlash to one hastily-launched and poorly-administered resettlement programme in East Africa can be heard in capitals around the world.

(14) The marginal importance given to the identification and processing of resettlement cases in the overall workload of many UNHCR field offices in countries of first asylum, contrasts sharply to the significance given to the resettled refugee in third countries. For many resettlement country governments, the resettled refugee represents, in the words of one, a "window to UNHCR", one of the few physical manifestations of our work, standing directly on their doorstep. Some Governments explicitly link refugee resettlement with the maintenance of public support for continuing funding to UNHCR work in the field. Furthermore, it should be recalled that for some resettlement countries, resettlement programmes represent the principal national contribution to the refugee cause.

**UNHCR MUST ACT
NOW TO PRESERVE
RESETTLEMENT AS
TOOL OF
PROTECTION**

(15) The growing government focus on UNHCR-identified resettlement cases, and the importance attributed by them to this public manifestation of their international role, oblige UNHCR to make every effort to respond effectively in order to maintain its credibility and authority in this domain. If UNHCR fails to reach a common understanding with governments on the complementary objectives of resettlement, the

resulting decline in public support for resettlement could have serious consequences. It could mean not only the loss of considerable good-will and, perhaps, financial support, but maybe the permanent loss of vital quota places. Indeed, the future of resettlement as a tool of protection may be seen as being at a turning point at this time. Governments in major resettlement countries are ready for UNHCR to take a lead in defining needs; UNHCR in turn must respond to this challenge by ensuring that this is done in a coordinated and professional manner.

(16) A multilateral forum for discussion and planning between UNHCR and major resettlement country governments and non-governmental organizations must be established, to ensure a fine-tuning of complementary interests and strategic planning to address the evolving needs for resettlement. Governments should be encouraged to reflect on the current realities in terms of needs for resettlement and to seek to modify policies and procedures accordingly. Providing a forum for discussion of the wide range of innovative steps taken by individual governments in recent years could provide fertile ground for such crucial developments.

(17) Meanwhile, efforts must be made, without delay, to strengthen UNHCR's procedural response, including the appropriate and consistent application of selection criteria, and to ensure that resettlement activities are directed and monitored by staff with the required training and expertise. In addition to refocussing the role and function of the Resettlement Section, responding to the needs of the field, in terms of facilitating the identification and processing of resettlement cases, will require some new approaches, incorporating a number of emergency response concepts. These include the secondment of experienced personnel from national governments and non-governmental organizations as well as the establishment of an emergency roster for long-serving UNHCR staff with resettlement experience. Finally, to provide an operational climate conducive to the necessary changes in organizational attitude and approach, UNHCR

must seek to return resettlement to its rightful place as one amongst three durable solutions and a vital tool of international protection.

RECOMMENDATIONS

DEFINING RESETTLEMENT POLICY

Resettlement and Legal Protection

- (a) The Resettlement Section, in collaboration with the Staff Development Section, should continue to develop its training programme for field staff who have the responsibility for case identification and file preparation, and for caseworkers in the Resettlement Section. Training should be accompanied by a process of sensitization of representatives to ensure that staff members will be given the necessary support to put their training into practice. In addition to policy issues and relevant aspects of refugee law, the training should include development of skills in case identification, interviewing and assessment techniques, case file preparation, and case management and tracking mechanisms. The issue of essential technical supervision for such front-line staff is addressed in recommendations (l) to (n).
- (b) Efforts should be made at field level to broaden the network for possible referrals for resettlement by information-sharing and joint training with governmental and non-governmental partners.
- (c) The Resettlement Section, in conjunction with the Section for the Promotion of Refugee Law, should develop a field manual for use by field staff dealing with resettlement, covering resettlement policy and relevant aspects of refugee law and doctrine, specific protection concerns which might indicate resettlement as the appropriate solution, and practical guidelines on the application of such policy directives.
- (d) The Resettlement Section, in consultation with relevant branch and regional offices, should prepare and maintain an updated compendium, for reference and use by field staff, of the legal requirements, criteria and practices of each major resettlement country for admission of refugees under resettlement programmes.

Resettlement for Humanitarian Reasons

(e) The Resettlement Guidelines should be thoroughly reviewed, updated and revised, providing a clear analysis of new policy directions. The issue of temporary protection should be addressed, making a clear distinction between this approach and permanent resettlement both in terms of rationale and impact. There should also be an elaboration and clarification of critical procedural aspects such as case identification and assessment, particularly of vulnerable groups, as well as on the important issue of "best interests". The section on humanitarian categories should be thoroughly reviewed and revised, emphasising the need for international protection as the primary criterion for all such cases. Admissions criteria, which are subject to change, should be largely deleted from the Guidelines and addressed in a separate document (see recommendation (d)). The revised Guidelines should be widely disseminated in the field, to all UNHCR staff as well to NGOs and government partners.

(f) Women-at-risk :

- Detailed guidelines should be developed for the identification and assessment of potential cases for the "women-at-risk" programme. Such guidelines should be field-tested and evaluated in collaboration with the concerned resettlement governments and NGOs before general implementation.
- Suitably qualified staff in the field should be identified to take responsibility, after appropriate training, for case identification and needs assessment of refugee women who may require the humanitarian protection offered by this programme.
- Particular care should be taken by UNHCR to assure that women resettled under this programme receive specialist attention and services when needed. Branch and Regional offices in resettlement countries should play a monitoring role to ensure that appropriate services are in place.

(g) Medically-at-risk cases :

- UNHCR should urge key donor and resettlement governments to expand funding to cover the costs of specialized medical treatment in countries of first asylum, where such treatment is available to refugees, in order to minimise the need for third country resettlement whenever appropriate.
- UNHCR should, where necessary, identify suitable partners in first asylum countries to assist in the identification and referral of medically-at-risk cases. Such partners may be local non-governmental organizations, or international organizations such as the Red Cross or IOM.

(h) Family Reunion cases :

- UNHCR should, where necessary, identify suitable partners in first asylum countries to assist in the identification and referral of family reunion cases. Such partners may be local non-governmental organizations or international organizations such as the Red Cross or IOM. Wherever possible, however, resettlement countries should be encouraged to take responsibility for identifying and processing their own cases.
- To facilitate the reunion of refugees with family members who do not normally qualify for resettlement under UNHCR criteria, governments should be encouraged to develop special humanitarian quotas. At the same time, various options should be explored to assist the families concerned to cover travel and medical costs, for example, through expansion of IOM's travel loan scheme or through revolving funds managed by NGOs or refugee communities in the resettlement countries.

Resettlement in the broader context of durable solutions

(i) Bearing in mind the complex political context in which decisions are made to use resettlement as a broad durable solution, UNHCR should develop flexible procedural guidelines for implementing such strategies in a coordinated manner including:

- the early convening of informal pledging conferences to obtain commitments from governments to resettle such caseloads expeditiously and on a burden-sharing basis and within a specified time-frame; and
- the establishment of an emergency response capacity, (as described in recommendation (o) below) to permit prompt and comprehensive registration and case assessment, to facilitate (i) the early identification of individuals requiring resettlement and (ii) their rapid processing by resettlement countries.

The challenge of temporary protection

(j) UNHCR should work forcefully with governments to ensure that a clear distinction is made between special temporary protection quotas and regular resettlement quotas, including the respective funding allocations.

(k) UNHCR should continue efforts to clarify the important distinction between the evolving practice of temporary protection as a response to spontaneous arrivals resulting from mass outflows of persons seeking protection, and the traditional doctrine of three durable solutions, including resettlement as a vital tool of protection and a durable solution in specific circumstances. A careful analysis should be made of

the policy implications of the various temporary protection practices in force. An examination should also be made of the relationship of temporary protection to applicable refugee law and the long term implications of temporary protection for UNHCR resettlement efforts as the third durable solution.

STRENGTHENING IMPLEMENTING CAPACITY

Together, the recommendations made below provide a global staffing framework based on existing staffing levels, which can be supplemented, when necessary, by the secondment of experienced staff from governments and NGOs. The assumption that existing staffing levels will suffice, is contingent on (i) a general improvement in the quality of referrals from the field resulting from successful implementation of other recommendations in this review, and (ii) a high standard of performance by caseworkers in the Resettlement Section. If this assumption proves un-founded, it will be necessary to review professional staffing levels in order to ensure that all aspects of the work are adequately addressed.

Personnel rotation and career development

(l) The necessary administrative changes should be made to give the Chief of Resettlement Section a major voice in decisions over recruitment and placement of resettlement staff as well as in the creation and discontinuation of resettlement posts. S/he should also be assigned a reporting role in the performance evaluation of resettlement staff in the field.

(m) UNHCR should re-orient the workload of the Resettlement Section at Headquarters by making a clear separation between duties and functions of a more clerical nature (statistics, case management, submissions and case tracking) and those relating to policy development, training, monitoring of field activities and liaison with governments and NGOs. The former tasks should be assigned to existing caseworkers under the supervision of one or two resettlement officers, while the latter, under the direction of the Chief of Section, should be the responsibility of the remaining professional staff members. These resettlement officers should each be assigned a particular regional responsibility and should conduct regular training and monitoring missions to the countries concerned. Adequate resources should be made available for travel and training requirements. In view of the importance of training in the strategy for strengthening implementing capacity, consideration should be given to designating one or more of the resettlement officer posts as semi-specialist, with emphasis on training and development skills.

(n) To support and complement this work, where feasible, existing field-based professional resettlement posts should be re-designated regional posts, corresponding to the regions covered by the Headquarters-based officers. These "roving" resettlement officers would provide regular supervision to junior professional officers and general service staff responsible for resettlement work in branch offices under their jurisdiction, and interface with immigration officers and visiting delegations, when required.

(o) In order to respond in a comprehensive and timely manner to resettlement emergencies (such as in Saudi Arabia or the former Yugoslavia), UNHCR should develop an emergency response capacity by entering into agreements with governments and NGOs to develop a cadre of experienced staff for short-term deployment on a similar basis to existing emergency arrangements. Provision could be made under such agreements for the deployment of medical or mental health specialists to assist in the assessment of vulnerable cases. To provide field level supervision and guidance for such "resettlement emergency teams", again using a well-established emergency preparedness model, a roster should be established of experienced former resettlement officers, for short-term rapid deployment missions.

(p) In resettlement countries, the existing staffing composition should be reviewed to determine the most appropriate way to respond to the need to play a more active role in the promotion of UNHCR's resettlement priorities and to take advantage of the broader collateral value implicit in resettlement activities. Wherever possible, ongoing casework should be transferred to appropriately qualified NGOs.

(q) Existing training efforts of the Resettlement Section should be reinforced and expanded to include, for example, appropriately-designed modules for resettlement emergency teams, for UNHCR staff in resettlement countries as well as refresher courses for former resettlement staff. (see also recommendation (a))

(r) The Resettlement Section, in collaboration with the Public Information Section, should develop a series of information bulletins on specific resettlement issues or caseloads, for dissemination to government, NGOs and the general public in resettlement countries.

Decentralization and Accountability

(s) While it may prove difficult for UNHCR to prevent the making of political decisions to resettle particular refugee groups against the advice of field representatives, every effort should be made to ensure that the views of the field are adequately represented, that the representatives concerned are involved in discussions

at an early stage, and participate in the decision-making process. Accountability to policy directives, once agreed upon, should be encouraged.

Organizational Placement of the Resettlement Section

(t) In order to provide the organizational profile needed to effect a major refocussing of the resettlement function within UNHCR, responsibility should be raised to the level of Deputy Director within the Division of International Protection. The post should be redesignated 'Deputy Director of Protection - Durable Solutions'. In addition to the development of policy and the implementation of global resettlement strategies, the post should cover the essential protection elements involved in voluntary repatriation and local integration programmes, as well as encouraging the development of new and creative strategies to achieve durable solutions for refugees. To ensure consistent implementation of policy at field level, the Deputy Director should liaise with representatives in countries where there are politically sensitive resettlement operations.

UNHCR's role in resettlement countries

(u) UNHCR should develop a framework to integrate its fund raising and public information strategies with resettlement activities in major resettlement countries, particularly in those which are also principal UNHCR donors. Resettlement Section should ensure that all relevant sitreps, caseload profiles and other information required is sent promptly to ROs/BOs in resettlement countries. Inter alia, UNHCR regional and branch offices in resettlement countries should increase their cooperation and information-sharing with NGOs and refugee and ethnic associations to better promote the resettlement of refugees identified as priority by the organization. Using the NGO and ethnic community channels to lobby governments could provide UNHCR with an effective avenue to influencing the setting of admission quotas as well as sub-allocations within quotas. The annual missions of the Chief of Resettlement Section to Canada and the United States should be continued, and expanded to include other major resettlement countries in Europe and Australasia. Finally, UNHCR should work closely with governments to identify appropriate mechanisms for substantially reducing the time-frame for the acceptance of UNHCR-identified resettlement cases.

RATIONALIZING OPERATIONAL RESPONSE

(v) UNHCR should convene, in early 1995, an informal round-table meeting of major resettlement country governments, with selected NGO representation, to develop joint strategies for the future which will prioritise UNHCR-identified needs. Subsequently, UNHCR should convene, on an annual basis, a similar

inter-governmental forum, to discuss, review and plan their response to current resettlement needs, including specific burden-sharing strategies for the resettlement of particular refugee populations in the context of broader durable solutions.

(w) UNHCR should clarify existing procedures for the referral of cases to countries where links are present and incorporate them into the revised Resettlement Guidelines. At the same time, UNHCR should seek to reach an agreement with, and between, resettlement countries on the referral of linked cases that have been rejected, or have not been accepted within six months following referral.

Regional Resettlement

(x) UNHCR should collaborate with IOM to establish a working group of international agencies, international NGOs and multilateral organizations, to discuss regional resettlement in the broader context of regional migrations, development assistance, and population policies. In addition to UNHCR and IOM, key participants in the working group would be UNDP, OAU and ICVA. UNHCR should work together with IOM to evaluate the impact of their 'Return of Talent' programme, to see if any lessons can be drawn from this experience which might be applicable to efforts to pursue intra-regional resettlement.

Assessment of Global Resettlement Needs

(y) UNHCR should review the current format of the Global Assessment to ensure that it meets the needs of resettlement countries and facilitates the organization's efforts to promote its resettlement priorities. UNHCR should develop a strategy, with the cooperation of regional and branch offices in major resettlement countries, to promote the Global Assessment each year in those countries with NGOs, the general public, media outlets, and legislative decision-makers. The Assessment should include overall policy goals, new developments, and major appeals for on-going resettlement programmes. Projections should clearly indicate that they are only estimates of needs and not precise figures based on an exhaustive analysis of resettlement need. Other requirements should include :

- all figures published in the Global Assessment should be for individuals;
- in the case of vulnerable categories where it is necessary to indicate the number of cases, this figure should appear in parentheses after the figure for individuals;
- more careful annotation is required to reflect, in a consistent way, the resettlement of refugees under independent family reunion programmes, making the distinction between these and UNHCR-referred cases; and,

- there should also be a clear distinction between newly-identified cases and the carry-over caseload from the previous year as is currently the case in the section dealing with Vulnerable groups and Women-at-risk.

INTRODUCTION

(18) Resettlement is closely linked to the core of UNHCR's mandate to guarantee the international protection of refugees. The linkage between resettlement and protection is historical as well as practical. It is often seen as the final course of action available to UNHCR to guarantee protection of refugees when other options have failed. Thus, when voluntary repatriation or local integration cannot offer adequate protection in individual cases, then resettlement can provide a solution for refugees falling under the 1951 Convention and the 1967 Protocol or UNHCR's mandate.

RESETTLEMENT LINKED TO PRINCIPLE OF NON- REFOULEMENT

(19) Resettlement as a tool of protection is also intrinsically related to the principle of non-refoulement, which is complemented by the concept of burden-sharing. Burden-sharing implies that when a given country of asylum is unable to offer protection to certain refugees, the international community should seek, through "appropriate measures", to relieve the pressures upon that state. Thus resettlement may be seen as providing a safety valve, and thereby ensuring continuing asylum and protection for refugees remaining in the country of first asylum.

(20) Resettlement originated and evolved in the context of the Cold War. The historical effort to help displaced people in the aftermath of World War II also matched the desire of governments to facilitate the movement of certain people for foreign and domestic policy reasons. Some argue that, until recently, governments in the West have utilized resettlement to promote foreign policy goals, stigmatizing governments from the Eastern bloc as persecutors of their own people.

UNHCR CONFIRMED ROLE OF RESETTLEMENT AS TOOL OF PROTECTION

(21) In 1991, as the Cold War was ending and the Berlin Wall crumbled, UNHCR confirmed, in a timely fashion, the clear relationship between resettlement and protection. Three years later, UNHCR is still struggling to find a match between the needs of individual refugees and the special interests that tend to

define admission policies in certain resettlement countries. Many UNHCR staff familiar with resettlement activities express concern over the serious discrepancy which has existed over recent years between the numbers recommended for resettlement by UNHCR and the numbers departing each year. The discrepancy has been even more disturbing given the fact that quota places made available each year by the major resettlement countries have invariably far outnumbered the total needs identified by UNHCR. In fact, refugee resettlement quotas, particularly in the case of the United States, include major allocations for populations which are not technically refugees, such as the Russian Jews and the Amerasians from Vietnam. The predominance of national interests in determining who was admitted under a refugee programme - often at the expense of UNHCR-identified cases - has presented a serious obstacle to the organization's efforts to protect refugees through resettlement.

**GOVERNMENTS ARE
INCREASINGLY
RESPONSIVE TO
UNHCR –
IDENTIFIED NEEDS**

(22) There are, however, encouraging signs that this situation is changing, as the ratio of departures to UNHCR-identified needs has increased from a little over one in three in 1990 to almost two out of three in 1993. This encouraging trend was clearly reflected in the position presented by many of the governments in resettlement countries visited by the evaluation team. A combination of significant political and economic changes occurring over the past decade - the end of the Cold War, the massive increase in irregular population movements, the world-wide recession and the associated growth in unemployment and xenophobia - appears to be finally breaking down the link between refugee resettlement and national immigration programmes.

(23) The end of the Cold War presents both a threat and a challenge to UNHCR resettlement activities. Refugees who may need resettlement the most have in some cases lost strategic foreign policy value to countries who are in a position to welcome them. With rising xenophobia in Western Europe and North America, resettlement of a more varied and less familiar refugee caseload could become much more difficult. In this time of transition, UNHCR is faced with the challenge of assisting resettlement countries to redefine the "whys" and the "hows" of resettlement both as a tool of protection and as a durable solution in specific circumstances.

(24) Resettlement is at a crossroads, both in terms of the evolving needs and priorities as identified by UNHCR and the changing prospects for admission and eventual integration of refugees by resettlement countries. The theoretical and political foundations that have underpinned resettlement since the establishment of UNHCR, and have supported resettlement programmes in Nordic countries, Western Europe and other major immigration countries such as Australia, Canada, New Zealand and the United States, are now under intense scrutiny and review. The impact of increased South-North economic migrations and the complex nature of large numbers of asylum seekers in these countries have contributed to a reassessment of the role of resettlement. This provides UNHCR with a unique opportunity to provide direction to the international community and help reaffirm, redefine and better implement resettlement schemes that will serve both as an instrument of protection and as a durable solution in specific circumstances.

DEFINING RESETTLEMENT POLICY

(25) In 1991, the Forty-Second session of the UNHCR Executive Committee endorsed and clarified the role of resettlement in the context of the protection mandate of the organization, by reaffirming "... the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances..."

RESETTLEMENT POLICY COMPRISES TWO PARALLEL APPROACHES

(26) This policy statement was reiterated in similar terms at the Forty-Fifth session of the EXCOM in 1994. Current UNHCR policy on resettlement may therefore be seen as involving two parallel approaches :

Firstly, the policy aims to serve the needs of individual refugees who cannot, for various reasons, remain in the country of first asylum and for whom repatriation is not a feasible option. These may be individuals who need to be removed for their own protection, either from refoulement or from security threats in the country of first asylum. Alternatively, they may be individual refugees who have urgent and specific needs which render them vulnerable and which cannot be addressed in the country of asylum, and who may therefore need resettlement for humanitarian reasons.

The second approach incorporated into UNHCR's policy on resettlement may also be defined under the broad banner of international protection. It is based, however, not so much on specific threats to individual refugees, but rather on larger regional and political forces which affect the protection of groups or even entire populations of refugees in a given region or country. In other words, resettlement is considered in these cases not because the asylum country threatens to refool or withdraw protection in specific individual circumstances, but rather that the host government is unwilling - or unable - to provide open-ended asylum to the larger refugee population, and conditions for safe return to the country of origin do not exist. In this broader sense, resettlement as a durable solution may be seen as "burden-sharing" in the sense of providing access to asylum, as noted earlier.

**LACK OF
CONSENSUS AMONG
STAFF OVER
RESETTLEMENT
POLICY**

(27) A significant impediment to the consistent and effective implementation of UNHCR policy on resettlement is the high degree of divergence of views among UNHCR staff themselves. With few exceptions, UNHCR staff support the principle of resettlement as a tool of protection in the specific sense of legal protection. There is less consensus, however, with regard to the appropriateness and desirability of resettlement of individual vulnerable refugees in the context of humanitarian protection, particularly when the validity of the refugee claim is questionable. Indeed, many staff question the concept of resettlement as a durable solution *per se*, whether this be for individual cases or for entire populations of refugees.

(28) The automatic resettlement of Indo-Chinese refugees during the 1980s has negatively impacted perceptions within UNHCR, generating a sense of disenchantment with resettlement in the minds of many long-serving staff. This disenchantment stems not only from the perception that resettlement, in the case of the Vietnamese, was conducted indiscriminately for a decade and a half, but that this was done in the full knowledge of the "pull factor" effect. For some, UNHCR was seen as providing a cloak of humanitarian respectability to what was essentially a politically-motivated migration programme. The fact is often overlooked that resettlement was, for many years, the only way to avoid numerous fatalities as overburdened first asylum countries took to pushing boats back to sea to prevent further arrivals.

(29) As a result, when resettlement is used elsewhere as a durable solution rather than for strictly protection reasons, there is often an assumption among staff that the individuals concerned are likely not to

have valid refugee claims and hence have less need for international protection. In fact, while UNHCR's Resettlement Guidelines clearly indicate that an individual's refugee claim is foremost among the criteria to be applied in selecting any case for resettlement, the evaluation team found that when dealing with "vulnerable" individuals, this crucial element was, all too often, overlooked.

**DECISIONS OFTEN
DRIVEN BY
CONFLICTING
VALUE
JUDGEMENTS**

(30) A distinction should be drawn here between a refugee's "need" for resettlement and his or her "desire" for this durable solution. In this regard, confusion often arises as a result of the simple fact that many refugees come from poor, less-developed countries while most resettlement takes place in richer, developed countries. Efforts to reach a decision on an individual's need for resettlement are, in consequence, often clouded by value judgement.

(31) Interestingly, the evaluation found that value judgements expressed by UNHCR staff on the issue of resettlement reflect two opposing views. On the one hand, there are those who maintain that offering the possibility of a "better" quality of life, which is assumed to be provided by rich countries, is inevitably in the best interests of a refugee from a poor country. On the other hand, there is a commonly-expressed assumption that resettlement in a third country is inevitably a traumatic and undesirable experience which should only be contemplated as a last resort. Furthermore, refugees, some claim, are not welcomed in the resettlement countries and have serious difficulties integrating and thus become a long-term burden upon the receiving nations.

(32) These perceptions and, in some cases, misconceptions about the value of resettlement, inevitably adversely affect the ability of UNHCR managers at Headquarters and in the field, who themselves lack consensus on the issue, to oversee appropriate policy implementation. The impact of these constraints is felt at many levels, including decisions on whether to promote or not to promote resettlement strategies and giving (or failing to give) the necessary priority to resettlement in personnel and resource allocation. Moreover, the lack of consensus and dialogue on resettlement policy has resulted in decisions being made at a senior level in Headquarters without consultation with the Resettlement Section or with the field. At field level, these constraints influence not only the manner in which local and field staff prepare and refer cases for resettlement, as well as facilitate or impede access to processing, but also the nature of the cooperation and coordination between UNHCR and representatives of the resettlement countries.

**CONTINUING
SUPPORT FOR
RESETTLEMENT AS
TOOL OF
PROTECTION**

Resettlement and Legal Protection

(33) There is wide and fundamental agreement among UNHCR staff, that resettlement should be prioritized for those refugees who are in danger because of security concerns in the country of asylum, or because they are threatened with being forcibly returned to their country of origin. In practice, however, resettlement as an instrument of legal protection is inconsistently applied. In poorer first asylum countries, resettlement is viewed by many involved - including refugees and many local staff - as a privilege which can inevitably improve the human potential of a refugee.

(34) This confusion of objectives - between legal protection and potential economic benefit - can affect not only UNHCR's approach to implementation, but also the views of many NGOs and governments. The resettlement officer in the field, often a young and inexperienced staff member, is frequently obliged to contend with a difficult array of "desires" and motivations on the part of refugees, NGOs, governments and others, who tend to view resettlement as a benefit to be offered a refugee, rather than a solution appropriate to the refugee's need for international protection.

**LACK OF CLEAR
POLICY CAN LEAD
TO ABUSE**

(35) Unfortunate bi-products of this confusion, are the all too frequently-cited examples of abusive use of resettlement. The lack of clarity in the implementation of resettlement policy has led, in certain instances, to a misconception among staff that resettlement is something that can be offered to a refugee as a reward for good behavior, or as compensation for services rendered. Typically, such cases are reported to involve refugee interpreters or other refugee workers. Similarly, resettlement is used, in some field offices, as a means to achieve a solution for a refugee who has proved too difficult to handle.

(36) Conversely, and of particularly grave concern, are the few, but disturbing reports of cases in which the more adamant, and sometimes violent, a refugee becomes in demanding resettlement, the more difficult it is for staff involved to make an objective decision. This can lead to a refugee who is in need of protection being denied the only means to ensuring this.

(37) The practical application of UNHCR's policy on resettlement also runs up against regional variations in interpretation of the concepts of "mandate" and "convention" refugees. While technical and theoretical

issues relating to the definition and application of refugee law are beyond the competence of the evaluation team to comment upon, it is important to note that in the context of resettlement activities, there is confusion and a lack of consistency in the application of policy and the concomitant terminology regarding protection at field level.

(38) This situation is often brought to light because some resettlement countries are required, by their own laws, to conduct separate interviews to determine the status and admissibility of refugees referred to them for resettlement by UNHCR. Not infrequently, immigration officials of the countries concerned have found that cases referred by UNHCR appear to have rather weak refugee claims in terms of the 1951 Convention. The resulting stand-off between UNHCR referrals and strict application of the Convention definition by resettlement countries, has left many refugee cases lingering in limbo as countries reject the referral based upon the validity of the refugee claim. Many in UNHCR question the need for and the desirability of this "double screening".

**INCONSISTENT
APPLICATION OF
REFUGEE
PROTECTION
DOCTRINE**

(39) The problem is not so much the relative strength or weakness of the underlying refugee claim, but the inconsistent use and application of refugee protection doctrine. A further factor which adds to the confusion is the fact that case files are often poorly prepared in the field. For resettlement cases being considered on the basis of the file alone, inadequate information relating to the refugee claim can mean unwarranted rejection. There are several reasons for this serious and fundamental weakness in UNHCR's performance, including a general lack of resources and priority given to resettlement, delegation of the task of case preparation in the field to untrained and unsupervised junior staff, and a failure to adequately review their work at any level prior to submission of files to resettlement country delegations.

RECOMMENDATIONS

(a) The Resettlement Section, in collaboration with the Staff Development Section, should continue to develop its training programme for field staff who have the responsibility for case identification and file preparation and for caseworkers in the Resettlement Section. Training should be accompanied by a process of sensitization of representatives to ensure that staff members will be given the necessary support to put their training into practice. In addition to policy issues and relevant aspects of refugee law, the training should include development of skills in case identification, interviewing and assessment techniques, case file

preparation, and case management and tracking mechanisms. The issue of essential supervision for such front-line staff is addressed in recommendations (l) to (n).

(b) Efforts should be made at field level to broaden the network for possible referrals for resettlement by information-sharing and joint training with governmental and non-governmental partners.

(c) The Resettlement Section, in conjunction with the Section for the Promotion of Refugee Law, should develop a field manual for use by field staff dealing with resettlement, covering resettlement policy and relevant aspects of refugee law and doctrine, specific protection concerns which might indicate resettlement as the appropriate solution, and practical guidelines on the application of such policy directives.

(d) The Resettlement Section, in consultation with relevant branch and regional offices, should prepare and maintain an updated compendium, for reference and use by field staff, of the legal requirements and practices of each major resettlement country for admission of refugees under resettlement programmes.

Resettlement for Humanitarian Reasons

(40) According to the Resettlement Guidelines, UNHCR policy on resettlement as an instrument of protection is applied, by extension, to cases of special humanitarian concern: "In addition to situations requiring resettlement in order to guarantee legal or physical protection in terms of security, there are other situations where resettlement must be considered in order to provide humanitarian protection."

(41) This broadening of the protection parameters for resettlement was justified on the basis of providing flexibility to field offices to respond as humanely as possible to individual vulnerable refugees. In other words, the concept of "humanitarian protection" is intended to give broader latitude to UNHCR field offices to address refugee needs that may fall beyond the more traditional and narrow legal understanding of refugee protection.

(42) As defined in UNHCR's Resettlement Guidelines, humanitarian protection subsumes five categories of refugees variously defined as

vulnerable plus a sixth category of longstayers:

- women at risk;
- victims of torture/violence;
- physically or mentally disabled refugees;
- medical cases (for whom appropriate treatment is not available in the country of asylum); and
- family reunion cases.

**HUMANITARIAN
PROTECTION NEEDS
CLEARER
DEFINITION**

(43) Published first in 1990, the Resettlement Guidelines represented a significant step forward towards more rigorous and systematic implementation of resettlement activities. Efforts to clarify the concept of humanitarian protection reflected the evolving nature of special programmes being established in a number of resettlement countries over recent years. However, in an effort to keep the Guidelines short and concise little explanation of the philosophy behind the concept of humanitarian protection - beyond that summarised above - is provided. While some detail is provided on definitions and criteria to be applied with regard to the various categories of humanitarian cases, these prove hard to grasp in the absence of a broader context for application. Furthermore, the definitions and criteria are, in some instances, unclear and inadequately explained for ready implementation by untrained staff in the field. Unfamiliar technical language adds to the confusion.

(44) There is a considerable divergence of views among government officials in some resettlement countries as well as UNHCR staff at Headquarters and in the field, over the validity of these humanitarian protection categories, especially as the experience of identifying cases has been far from satisfactory. There has been particular confusion among field staff faced with the task of identifying cases and making recommendations for resettlement, over what constitutes sufficient weight of need and evidence to qualify a refugee as a vulnerable case. There is even greater confusion over why, and when, a refugee classified as vulnerable might need resettlement. Furthermore, the primary criterion of a valid refugee claim is sometimes overlooked. Unfortunately, little or no reference is made in the Guidelines to the difficult but fundamental concept of 'best interests' which should be - but rarely is - brought to bear in any decision on resettlement of a vulnerable refugee.

(45) The concept of resettlement as a form of humanitarian protection highlights a particularly fine dividing line between what might be perceived as being in a refugee's best interests and what is in the interests of

governments in the resettlement countries concerned. One government's persistent and determined efforts to bring to its shores a young refugee woman who had survived exceptional violence, despite clear evidence that her best interests lay elsewhere, serves as a salutary reminder of the tensions involved. Another case - that of Bosnian medical evacuee 'little Irma' - underscores the critical role of the media in influencing such decisions. As an international humanitarian organization, while UNHCR is obliged by its mandate to take into account the interests of refugees, it nevertheless has also to take into account the interests of governments which support its work.

**MORE
PROFESSIONAL
APPROACH NEEDED
TO CASE
IDENTIFICATION**

(46) A question often asked, is whether it is realistic to expect non-specialist staff in the field to identify vulnerable cases - and make appropriate referrals - with or without adequate guidelines. The evaluation found that there is greater awareness of some of these categories in the field than others. For example, the "women at risk" category has been given substantial publicity within the organization in addition to its coverage in the Resettlement Guidelines.

(47) However, whilst being one of the most widely known of the special humanitarian resettlement programmes, it has, perhaps, been the most controversial in its application. For example, the women-at-risk programme for refugee women in one African country has been plagued with problems of case identification, fraudulent claims, and the perception, among UNHCR staff, as well as representatives of resettlement countries, of pervasive abuse. Many refugee women, it is alleged, have filed for family reunion, soon after arrival in the country of resettlement, with close male relatives residing in the same camps in the first asylum country they have just left. The implication is either one of poor case identification or of deliberate fraud. Wherever the truth might lie, the impact of such instances on UNHCR's credibility has been extremely damaging.

(48) Efforts to obtain precise figures on the incidence of cases of alleged abuse and fraud in women-at-risk programmes have proved difficult for a variety of reasons, although in certain cases evidence has been provided confirming that some of the women concerned were genuinely unaccompanied at the time of their resettlement application. By the time of their departure, however, often after considerable delays, their status may have changed. Whether such cases are pervasive or isolated, nevertheless the perception of resettlement country officials and of UNHCR staff is that the criteria and guidelines for the "women-at-risk" programme need to be tightened. At the same time, a more professional approach to case

identification and needs assessment is required to ensure the effective implementation of such guidelines.

(49) Somewhat paradoxically, despite the controversy surrounding the implementation of this humanitarian programme, most resettlement countries and NGOs concerned remain enthusiastic about and committed to this highly popular programme concept. In fact, existing quota places under women-at-risk programmes are generally well in excess of the number of cases identified by UNHCR as in need of resettlement. This reinforces the comments made earlier about the important role played by government interests in the evaluation of this type of programme.

(50) Despite the clear political and humanitarian interest in women-at-risk programmes, the evaluation team was concerned by apparent gaps in some resettlement countries between the rhetoric and the provision of specialist services. While in some cases the discrepancy might be explained by the different expectations of various parties involved, in others there was evidence of a real problem in matching vulnerable women with services. Furthermore, in at least one country the problem of accessing services was not limited to this particular category of vulnerable refugee. Since access to specialist services is commonly a major determining factor in a "best interests" decision favouring resettlement, this discrepancy requires urgent attention.

**MEDICAL
ASSESSMENT
PROCEDURES
REQUIRE
RATIONALIZATION**

(51) With regard to other categories of vulnerability subsumed under the rubric of humanitarian protection, the Resettlement Guidelines are similarly unclear and sometimes contradictory. In addition, UNHCR's working environment in the field generally lacks the infrastructure, staffing and resources to correctly assess the needs for resettlement of refugees who have experienced torture or other forms of violence, or who have particular medical concerns. As a result, assessment is often left to local specialists, medical doctors or para-professionals who may express contradictory opinions and be perceived as having questionable motives. Under these circumstances, assessments might be made with an incomplete understanding of the treatment required or of the prognosis in a particular case, and in ignorance of the broader parameters of resettlement opportunities and potential.

(52) As a result of this ill-adapted working environment, cases submitted as medically-at-risk and victims of torture and violence are also commonly

fraught with problems. With inadequate supervision or monitoring of the work of caseworkers, it is not unusual for files on such cases to be submitted to a resettlement country with out-dated medical reports, or no medical reports at all and with no clear rationale given for recommending resettlement in a particular case or to a particular country. This unfortunate situation arises when untrained and unsupervised staff in the field are obliged to play the role of "traffic police", sifting through conflicting and unreliable medical assessments prepared by local providers who are unfamiliar with UNHCR policy. In one first asylum country where fraudulent medical assessments were not uncommon, the result was confusion and second-guessing resulting in unacceptable delays before making decisions.

**FINANCIAL
IMPLICATIONS
NEED REVIEW**

(53) Another unsatisfactory feature of the "medically-at-risk" category is that, at times, the determining factor in favour of resettlement tends to be budgetary concerns. While in many cases a refugee afflicted by a life-threatening condition may be able to access needed services in the country of asylum, such interventions are financed under regular assistance programmes. To avoid budgetary imbalance caused by the payment of occasional exceptionally high medical costs for individual refugees, UNHCR has set arbitrary budgetary limits to such assistance requests. The extraordinary situation therefore arises whereby a refugee who could receive appropriate treatment in the country of asylum, is excluded from such treatment on the basis of cost and is consequently referred for resettlement even though the cost of treatment in the resettlement country is commonly many times higher than in the country of asylum!

(54) UNHCR staff working in the field express frustration over the fact that the cost of specialised treatment for one refugee in a rich resettlement country could cover the medical needs of large numbers of refugees in a poor country of first asylum. Unfortunately, the transfer of funding from the domestic medical assistance budget of a resettlement country to its foreign assistance budget for a particular asylum country - thereby making a direct contribution to UNHCR for such purposes - appears to be neither legally nor politically feasible.

(55) Meanwhile, in resettlement countries which have traditionally welcomed vulnerable cases, concern was expressed over the escalating costs of specialist medical care for resettled refugees. High costs of medical care for medically-at-risk cases who are ineligible for national medical insurance, thereby placing tremendous pressure on the domestic refugee resettlement budget, was cited by one government as the principal

reason for not being able to meet its quota in 1994.

(56) Not surprisingly, the lack of clarity on the parameters of the policy on resettlement as humanitarian protection has resulted in disagreement among UNHCR staff as well as between UNHCR, NGOs and resettlement governments. Staff in the field, some of whom already view resettlement with suspicion, have tended to obstruct, resist or, at best, simply ignore the possibility for resettlement of refugees who could benefit from the humanitarian protection policy.

(57) On the other hand, Resettlement Section staff, obliged by decision-makers in Headquarters to conduct case-identification missions may find themselves having to act on their own, attempting to identify cases independently and without the cooperation and support of their colleagues in the field. The consequences of such efforts are inevitably problematic as with the cases identified as vulnerable and in need of resettlement by a Headquarters mission to one country of asylum in late 1992. The cases were subsequently reviewed and reassessed by staff in the field in a process that eventually took eighteen months to complete and ended up in excluding 50 percent of those originally identified, an experience which was no doubt deeply distressing for the refugees concerned.

**APPROACH TO
FAMILY REUNION IS
INCONSISTENT**

(58) The implementation of family reunion within the rubric of humanitarian protection is also viewed with ambivalence by some of the parties involved. While the Resettlement Guidelines define family reunion rather broadly, in practice its application tends to be limited mainly to the nuclear family. Nevertheless, field offices differ substantially in their approach: in some cases UNHCR staff are actively involved in promoting family reunion for refugees, while in others there is little or no involvement beyond an information and referral role vis- -vis the relevant embassies and missions. There are consequently considerable discrepancies in access to family reunion between first asylum countries.

(59) This information and referral role is, in many cases, judged to be sufficient, particularly in locations where resettlement countries have active missions dealing with refugee or other immigration-related processing. When this is not the case, however, UNHCR is often the only source of help for a refugee seeking reunion with family members who have been resettled. In such cases, a seemingly generous policy, which is seen to be inconsistently implemented, contributes to much confusion and frustration for refugees and their relatives as well as unrealistic expectations placed upon UNHCR field staff.

(60) This gap between written guidelines and general practice earns UNHCR staff much undeserved criticism. In reality, UNHCR has little freedom in determining who might qualify for family reunion with refugees resettled in a particular country. Each resettlement country has its own legislation concerning family reunion which define the categories of admissible kin. Furthermore, where family reunion cases are included within the general refugee quota, UNHCR has no choice but to apply the criteria restrictively, to ensure access to limited quota places for urgent protection cases.

(61) In recognition of the need to explore other possibilities for the admission of family members, who do not strictly qualify under either migration of refugee programmes, some governments have recently established quotas under new humanitarian categories. Whilst such initiatives are to be encouraged, the problem arises that medical clearance and travel costs are, in some cases, not covered by the governments concerned, unlike under their refugee programmes. This has created considerable hardship for separated family members who are not in a position to cover such substantial costs.

RESETTLEMENT OF LONGSTAYERS CAN BE CONSIDERED

(62) The last category of refugees referred to in the Resettlement Guidelines as potential beneficiaries of resettlement for humanitarian reasons is the longstayers. While the Guidelines provide the field office with considerable flexibility in defining who is a longstayer, in practice, resettlement of longstayers rarely occurs other than in the broader context of a durable solution. This implies that a political decision has been reached by governments to resettle specific groups of refugees (as with the Vietnamese in South East Asia). Otherwise, field staff are generally unaware of the fact that longstayers could, in principle, be resettled under the rubric of humanitarian protection.

RECOMMENDATIONS

(e) The Resettlement Guidelines should be thoroughly reviewed, updated and revised, providing a clear analysis of new policy directions. The issue of temporary protection should be addressed, making a clear distinction between this approach and permanent resettlement both in terms of rationale and impact. There should also be an elaboration and clarification of critical procedural aspects such as case identification and assessment, particularly of vulnerable groups, as well as on the important issue of "best interests". The section on humanitarian categories should be

thoroughly reviewed and revised, emphasising the need for international protection as the primary criterion for all such cases. Admissions criteria, which are subject to change, should be largely deleted from the Guidelines and addressed in a separate document (see recommendation (d)). The revised Guidelines should be widely disseminated in the field, to all UNHCR staff as well to NGOs and government partners.

(f) Women-at-risk :

- Detailed guidelines should be developed for the identification and assessment of potential cases for the "women-at-risk" programme. Such guidelines should be field-tested and evaluated in collaboration with the concerned resettlement governments and NGOs before general implementation.

- Suitably qualified staff in the field should be identified to take responsibility, after appropriate training, for case identification and needs assessment of refugee women who may require the humanitarian protection offered by this programme.

- Particular care should be taken by UNHCR to assure that women resettled under this programme receive specialist attention and services when needed. Branch and Regional offices in resettlement countries should play a monitoring role to ensure that appropriate services are in place.

(g) Medically-at-risk cases :

- UNHCR should urge key donor and resettlement governments to expand funding to cover the costs of specialized medical treatment in countries of first asylum, where such treatment is available to refugees, in order to minimise the need for third country resettlement whenever appropriate.

- UNHCR should, where necessary, identify suitable partners in first asylum countries to assist in the identification and referral of medically-at-risk cases. Such partners may be local non-governmental organizations, or international organizations such as the Red Cross or IOM.

(h) Family Reunion cases :

- UNHCR should, where necessary, identify suitable partners in first

asylum countries to assist in the identification and referral of family reunion cases. Such partners may be local non-governmental organizations or international organizations such as the Red Cross or IOM. Wherever possible, however, resettlement countries should be encouraged to take responsibility for identifying and processing their own cases.

- To facilitate the reunion of refugees with family members who do not normally qualify for resettlement under UNHCR criteria, governments should be encouraged to develop special humanitarian quotas. At the same time, various options should be explored to assist the families concerned to cover travel and medical costs, for example, through expansion of IOM's travel loan scheme or through revolving funds managed by NGOs or refugee communities in the resettlement countries.

Resettlement in the broader context of durable solutions

(63) The exceptional decision, to resettle a large group or an entire population of refugees, is invariably made at the highest level of international politics, based on specific strategic interests prevailing at the time. The potential for such exceptional arrangements are reflected in a 1994 EXCOM Conclusion, reaffirming "...the continued importance of resettlement as an instrument of protection and its use as a durable solution *in specific circumstances*";.

(64) The particular language of this Conclusion, which restates previous Conclusions made each year since 1991, was reportedly agreed upon to maintain open the option of using resettlement as a broader durable solution, as the need arises and specific regional political and humanitarian circumstances would dictate. The Executive Committee, however, has remained silent on how such difficult decisions ought to be made. By consequence, the Resettlement Guidelines are silent on this subject as well.

(65) A striking example of the complex political and humanitarian factors that come to bear when resettlement is used as a broader durable solution has been the South East Asian experience. UNHCR staff experienced frustration at that time when governments were unable (or perhaps unwilling) to tackle the difficult issues presented by the pull factor that the automatic resettlement of Vietnamese created in the latter part of the 1980s.

(66) The anomalous and exceptional application of refugee law in South East Asia, whereby resettlement was automatic for anyone reaching the

shores of a first asylum country (or a foreign vessel en route) was not really resolved with the introduction of the Comprehensive Plan of Action (CPA) in 1989. While refugee status determination procedures substantially reduced the proportion of boat people being resettled, the commitment to resettle all those recognised as refugees was very clearly part of the package. Again, however, it should be recalled, that the CPA was developed at a time when the principle of asylum was being seriously threatened in the region. Curtailing push-offs undoubtedly saved countless lives.

(67) Another contemporaneous example of resettlement being used as a broader durable solution has been the Iraqi caseload in Saudi Arabia. Various interpretations exist as to the precise circumstances which led to a decision to resettle most, if not all, of the more than 30,000 refugees who fled southern Iraq in the aftermath of the Gulf War. It would appear that UNHCR's initial position with regard to this caseload was to work towards conditions conducive to voluntary repatriation. However, as time went by, and with little improvement in Iraq, UNHCR became concerned about a number of security incidents involving refoulement as well as individual reports of abuse and mistreatment. Discussions between the Resettlement Section and the Regional Bureau led to a decision in April 1992 to promote resettlement of the refugee population as a whole as a means of ensuring protection. It was therefore only at this stage that an appeal for resettlement of the Iraqi caseload was issued and the registration and case assessment process began.

INTEREST IN IRAQIS QUICKLY WANED

(68) Unlike the Indo-Chinese experience, however, international interest in the Iraqis in Saudi Arabia began to wane quite quickly. In the absence of a major international forum - such as the First International Conference on Indo-Chinese Refugees in 1979 - to permit concrete planning on burden sharing, resettlement of the Iraqis has proceeded in a rather low-key and uncoordinated manner. While individual governments have made considerable efforts to respond to UNHCR's request to consider this caseload as a priority, the reality is that at the present rate of departures, resettlement of the remaining caseload may take five more years.

(69) Some argue that there was little UNHCR could do to stem the decline in international interest in the Iraqi caseload. However, others believe that greater efforts could have been made at a diplomatic level to encourage resettlement governments to increase their burden-sharing for this refugee population. The negative consequences of a lack of clear

policy and organizational initiative were compounded by a similar reticence at a procedural level in the field. Although considered urgent when it began in April 1992, the vital case registration and assessment of the 23,000 Iraqi refugees was not completed until June 1994. This unacceptable delay resulted primarily from staffing problems which should have been addressed early on. Ironically, the delay and slow implementation has seriously undermined UNHCR's ability to respond promptly to the requirements of visiting selection missions. This, in turn, led to a loss of good will which is ultimately to the detriment of the refugees concerned.

(70) UNHCR is thus faced with complex political situations and difficult choices, as its resettlement policy implementation in the broader context of durable solutions is unavoidably subject to the influence of any number of political constellations. These situations unfortunately cause considerable confusion among UNHCR staff, non-governmental organizations, as well as resettlement governments particularly since there has been no coherent articulation of this aspect of policy. This often results in a perception that UNHCR staff are developing and implementing contradictory and inconsistent strategies at field level.

**POLITICAL
SITUATION DEFINES
POLICY APPROACH**

(71) The example which has caused most heated debate in recent years is that of Bosnian refugees in the former Yugoslavia. In the context of its efforts to advocate peace in the region, the policy adopted by UNHCR has been that resettlement will only be considered as a broader durable solution for Bosnian refugees when and if voluntary repatriation becomes a realistic option. This has caused confusion in some circles since in most other situations around the world, UNHCR views resettlement as a factor inhibiting voluntary repatriation. In fact, the approach adopted in the former Yugoslavia has proved to be the only acceptable formula within a highly complex and sensitive political environment.

(72) At the same time, UNHCR is frequently perceived as being overly restrictive in applying resettlement criteria to Bosnian refugees. In fact, unusually, the establishment of special resettlement quotas for Bosnian refugees since 1992 arose not so much out of a UNHCR assessment of need, but out of political and humanitarian pressure in some resettlement countries. UNHCR's appeal in 1992 was exclusively for temporary protection. This is a further reflection of the important role played by national interests in determining quota. Meanwhile, UNHCR is caught between opposing pressures, and paradoxically, has been placed in the position of "gatekeeper" by governments who stipulate that all cases for

resettlement should be referred by UNHCR. For the time being, therefore, resettlement of Bosnians will continue to be limited to a comparatively small number of protection cases.

RECOMMENDATION

(i) Bearing in mind the complex political context in which decisions are made to use resettlement as a broad durable solution, UNHCR should develop flexible procedural guidelines for implementing such strategies in a coordinated manner including:

- the early convening of informal pledging conferences to obtain commitments from governments to resettle such caseloads expeditiously and on a burden-sharing basis and within a specified time-frame; and
- the establishment of an emergency response capacity, (as described in recommendation (o) below) to permit prompt and comprehensive registration and case assessment, to facilitate (i) the early identification of individuals requiring resettlement and (ii) their rapid processing by resettlement countries.

The challenge of temporary protection

(73) The major resettlement countries have also faced new challenges regarding their national refugee protection procedures, as the last 15 years have seen a large increase in the number of spontaneous arrivals seeking asylum. These countries have had difficulties in managing the large numbers of asylum seekers through an individualized refugee status determination procedure.

(74) In July 1992 the High Commissioner formally requested European states to extend temporary protection to persons who were in need of international protection as a result of human rights abuses and the general situation of violence and conflict in the former Yugoslavia. Temporary protection was framed in response to mass outflows, and has since provided international protection without severely impacting already stretched individual refugee status determination procedures and systems in the receiving countries. It has served new arrivals well, ensuring that such persons are not faced with forced return after a strict individualized refugee status determination process while, at the same time, favouring their eventual return home as the most desirable solution. As such it has proved to be a flexible and practical tool affording international protection to broad categories of persons affected by the conflict in former

Yugoslavia.

(75) There has, however, been some confusion between the new and evolving policy on temporary protection and UNHCR's resettlement activities. As noted earlier, UNHCR's appeal in 1992 focussed exclusively on seeking temporary protection rather than permanent resettlement for Bosnians. Nevertheless, some countries offered resettlement places, while others offered temporary protection. Those countries offering temporary protection did so without fully anticipating what the eventual outcome might be, since so much depends on the evolution of the war in the former Yugoslavia. Consequently Bosnians today are to be found throughout Europe, as well as North America and Australasia, living under very different conditions and with very different long-term prospects.

(76) Furthermore, some of the resettlement countries concerned have seen their small but important resettlement quotas diminished significantly to provide "spaces" for the quasi-resettlement/temporary protection programme offered to Bosnian refugees. While in some cases it is anticipated that such quota places will be made available again once individuals coming under temporary protection have returned to their country of origin, this has inevitably had a negative impact on UNHCR's worldwide efforts to resettle refugees from areas other than the former Yugoslavia.

RECOMMENDATIONS

(j) UNHCR should work forcefully with governments to ensure that a clear distinction is made between special temporary protection quotas and regular resettlement quotas, including the respective funding allocations.

(k) UNHCR should continue efforts to clarify the important distinction between the evolving practice of temporary protection as a response to spontaneous arrivals resulting from mass outflows of persons seeking protection, and the traditional doctrine of three durable solutions, including resettlement as a vital tool of protection and a durable solution in specific circumstances. A careful analysis should be made of the policy implications of the various temporary protection practices in force. An examination should also be made of the relationship of temporary protection to applicable refugee law and the long term implications of temporary protection for UNHCR resettlement efforts as the third durable solution.

STRENGTHENING IMPLEMENTING CAPACITY

(77) Within UNHCR's overall financial and personnel structure, resettlement represents a small component. The programme budget for resettlement world-wide in 1994 is no more than 7.2 million dollars, out of an overall organizational budget of some 1.4 billion dollars. In terms of staffing, the Resettlement Section at Headquarters includes, in addition to the Head of Section, four professional posts and fourteen General Service posts. At field level, there are currently twenty-five designated resettlement posts, in eleven countries, including five professional and twenty General Service posts.

(78) In fact, the total number of staff members actually involved in resettlement work in the field at any point in time is impossible to assess. In some cases, staff involved on a full-time basis in resettlement work are working in posts whose titles do not reflect this fact, while others are assigned to posts whose titles refer to resettlement but are actually involved in quite different activities. Furthermore, in some offices, resettlement staff do not appear on the staffing table at all as they have been hired locally under special assistance budgets.

(79) This general lack of coherence in resettlement staffing has been further complicated by the fact that since the restructuring of the office in 1990, the Chief of the Resettlement Section has been organizationally excluded from a role in performance evaluation of resettlement staff in the field. Furthermore, there is insufficient involvement of the Section in recruitment and placement of resettlement staff as well as in deliberations with regards to the creation or discontinuation of posts. Managerially, this puts the Chief of Resettlement, whose role is to coordinate resettlement worldwide, in a particularly disadvantageous position by having little influence over the key issues which concern implementation of resettlement. A striking example is the recent re-designation of a key regional resettlement post in East Africa which was carried out against the advice of the Resettlement Section.

RECOMMENDATION

Together, the recommendations made in this chapter provide a global

staffing framework based on existing staffing levels, which can be supplemented, when necessary, by the secondment of experienced staff from governments and NGOs. The assumption that existing staffing levels will suffice, is contingent on (i) a general improvement in the quality of referrals from the field resulting from successful implementation of other recommendations in this review, and (ii) a high standard of performance by caseworkers in the Resettlement Section. If this assumption proves unfounded, it will be necessary to review professional staffing levels in order to ensure that all aspects of the work are adequately addressed.

Personnel rotation system and career development

ROTATION MITIGATES AGAINST SPECIALIZATION

(80) Resettlement work, contrary to the prevalent perception of many UNHCR staff, is technical and specialized in nature. Skills required for effective resettlement work include training in social and human services, interviewing skills, experience in needs assessment, strong interpersonal skills for negotiating and promoting resettlement needs with various diplomatic missions and governments, ability to understand and interpret the admission requirements of the different resettlement countries, case management skills and the ability to run and monitor a sophisticated computerized case-tracking system.

(81) As in other technical fields, the rotation system tends to mitigate against resettlement officers becoming - and remaining - specialists in their area of expertise. Furthermore, given the general perception within UNHCR that resettlement work is not the best avenue for career advancement, most experienced international resettlement officers usually decide to pursue other career options. The impact of this tendency may be seen in the fact that key resettlement posts often remain vacant for considerable periods of time. Since good quality resettlement work depends on the presence of at least one experienced staff member in a field office, a prolonged vacancy can rapidly lead to mounting numbers of backlogged cases, a breakdown in case-management systems, and an overall decline in programme performance.

RESETTLEMENT HAS POOR CAREER PROSPECTS

(82) With only ten professional resettlement posts world-wide, only one of which is at the P5 level, there is an obvious dearth of career development prospects for staff working in this area. The continuing loss of experienced staff that ensues, significantly limits the level of professionalism and effective policy implementation in resettlement operations. As experienced staff move on to other fields, resettlement posts in both asylum countries and resettlement countries are filled by

junior professional officers, national staff, or others on short-term contracts.

(83) While increased training activities have been initiated by the Resettlement Section over the past three years, it is difficult to make a clear assessment of the impact at field level due to high levels of staff turnover including the rotation of professional staff. Few front-line resettlement staff interviewed had received appropriate training, and many were unfamiliar with basic policy and procedural documents such as the Resettlement Guidelines and the Assessment of Global Resettlement Needs. Furthermore, the potential benefits of training and policy guidelines are limited in view of the generally poor levels of supervision and guidance provided to resettlement staff in the field. As a result, inexperienced staff tend to act upon emotional and personal feelings, rather than as a result of a professional assessment of need and the careful implementation of policy.

(84) With a few notable exceptions, resettlement staff in branch or regional offices in major resettlement countries, all of whom are locally-recruited, function as caseworkers, promoting individual cases at the expense of overall policy concerns. Rarely is resettlement viewed by these branch or regional offices as a key activity that has broader implications for UNHCR public information, fund raising and constituency-building activities.

(85) The rationalization effort in Europe could potentially address some of these concerns in resettlement countries in other regions. Much of the case-processing work currently performed by UNHCR resettlement staff could be more appropriately performed by NGOs or by staff seconded from government. The danger of the rationalization process in Europe, however, is that the few resettlement postings remaining will simply be eliminated, rather than finding an appropriate staffing formula to address wider policy concerns and the promotion of resettlement needs as prioritized by UNHCR.

RECOMMENDATIONS

(l) The necessary administrative changes should be made to give the Chief of Resettlement Section a major voice in decisions over recruitment and placement of resettlement staff as well as in the creation and discontinuation of resettlement posts. S/he should also be assigned a reporting role in the performance evaluation of resettlement staff in the

field.

(m) UNHCR should re-orient the workload of the Resettlement Section at Headquarters by making a clear separation between duties and functions of a more clerical nature (statistics, case management, submissions and case tracking) and those relating to policy development, training, monitoring of field activities and liaison with governments and NGOs. The former tasks should be assigned to existing caseworkers under the supervision of one or two resettlement officers, while the latter, under the direction of the Chief of Section, should be the responsibility of the remaining professional staff members. These resettlement officers should each be assigned a particular regional responsibility and should conduct regular training and monitoring missions to the countries concerned. Adequate resources should be made available for travel and training requirements. In view of the importance of training in the strategy for strengthening implementing capacity, consideration should be given to designating one or more of the resettlement officer posts as semi-specialist, with emphasis on training and development skills.

(n) To support and complement this work, where feasible existing field-based professional resettlement posts should be re-designated regional posts, corresponding to the regions covered by the Headquarters-based officers. These "roving" resettlement officers would provide regular supervision to junior professional officers and general service staff responsible for resettlement work in branch offices under their jurisdiction, and interface with immigration officers and visiting delegations, when required.

(o) In order to respond in a comprehensive and timely manner to resettlement emergencies (such as in Saudi Arabia or the former Yugoslavia), UNHCR should develop an emergency response capacity by entering into agreements with governments and NGOs to develop a cadre of experienced staff for short-term deployment on a similar basis to existing emergency arrangements. Provision could be made under such agreements for the deployment of medical or mental health specialists to assist in the assessment of vulnerable cases. To provide field level supervision and guidance for such "resettlement emergency teams", again using a well-established emergency preparedness model, a roster should be established of experienced former resettlement officers, for short-term rapid deployment missions.

(p) In resettlement countries, the existing staffing composition should be

reviewed to determine the most appropriate way to respond to the need to play a more active role in the promotion of UNHCR's resettlement priorities and to take advantage of the broader collateral value implicit in resettlement activities. Wherever possible, ongoing casework should be transferred to appropriately qualified NGOs.

(q) Existing training efforts of the Resettlement Section should be reinforced and expanded to include, for example, appropriately-designed modules for resettlement emergency teams, for UNHCR staff in resettlement countries as well as refresher courses for former resettlement staff. (see also recommendation (a))

(r) The Resettlement Section, in collaboration with the Public Information Section, should develop a series of information bulletins on specific resettlement issues or caseloads, for dissemination to government, NGOs and the general public in resettlement countries.

Decentralization and Accountability

(86) The overall management structure of UNHCR and patterns of relationships between Headquarters and the field impact significantly on UNHCR's ability to effectively implement and promote resettlement policy. The generally decentralized management authority which runs throughout the organization's programmes and activities means that much of the initiative and decision-making in terms of implementation of policy, lies with the representative in the field. Given the widely-acknowledged lack of accountability in UNHCR, policy directives are implemented - or not implemented - depending on the attitudes, judgement and other priorities present in the field. The Representative can play a key role in promoting the resettlement strategies proposed by Headquarters. Alternatively, however, s/he might simply ignore, or worse still, obstruct such policy directives.

RESETTLEMENT DECISIONS OFTEN MADE AT HEADQUARTERS

(87) Given the highly political nature of resettlement, particularly when used as a broader durable solution, it is not uncommon for the initiative to resettle a particular population or category of refugees to come from outside the country of first asylum. In such situations, the decision to promote resettlement of the refugee group is often based on external political interests rather than specific protection needs identified at field level. For example, the original impetus for promoting the resettlement of a particular refugee group several years ago was the desire to attain a perceived racial balance within the overall resettlement caseload.

(88) In the circumstances, it is hardly surprising that there is often some reluctance - or even refusal - on the part of field offices, to engage in what is seen by some to be a political charade. This rejection of policy directives may be manifested quite openly, or, more commonly, through passive neglect; by the failure to fill vacant posts, by the failure to complete case assessments or reviews, or by the failure to follow-up on corrective measures proposed during a Headquarters mission. A particularly unfortunate consequence of such situations is the organization's further loss of credibility in the eyes of resettlement country governments, who become quickly aware of the contradictory signals coming from Headquarters and the field.

RECOMMENDATION

(s) While it may prove difficult for UNHCR to prevent the making of political decisions to resettle particular refugee groups against the advice of field representatives, every effort should be made to ensure that the views of the field are adequately represented, that the representatives concerned are involved in discussions at an early stage, and participate in the decision-making process. Accountability to policy directives, once agreed upon, should be encouraged.

AUTHORITY OF RESETTLEMENT SECTION NEEDS STRENGTHENING

Organizational Placement of the Resettlement Section

(89) The placing of the Resettlement Section within the Division of International Protection in 1990, was strategically appropriate since it reinforced the evolving focus on resettlement as a tool of protection. The low authority level of the Section within the Division, however, as well as the somewhat marginal nature of resettlement within the broader field of protection and refugee law, has meant that resettlement issues have not received the attention and support required to ensure appropriate and consistent policy implementation. This situation is, of course, exacerbated by the general attitudinal problems referred to earlier.

(90) As a result, resettlement work continues - in the field and within the Resettlement Section at Headquarters and in cooperation with governments - with little interest or attention being paid by other parts of the organization. For example, few senior professional staff at Headquarters were aware that UNHCR's largest resettlement caseload in

1994 is made up of Iraqi refugees in a single refugee camp in Saudi Arabia. For some professional staff, resettlement is an activity of the past, which bears no relationship to the new developments in the refugee field. While others view it as a minor, yet important, activity for UNHCR, the more cynical consider it as nothing more than something which UNHCR is obliged to engage in to satisfy the demands of the major immigration countries. Perceptions from the field are similar. The Resettlement Section is viewed, not as a focus for policy promotion and development, but as a group of caseworkers who help promote the resettlement of specific vulnerable cases.

RECOMMENDATION

(t) In order to provide the organizational profile needed to effect a major refocussing of the resettlement function within UNHCR, responsibility should be raised to the level of Deputy Director within the Division of International Protection. The post should be redesignated 'Deputy Director of Protection - Durable Solutions'. In addition to the development of policy and the implementation of global resettlement strategies, the post should cover the essential protection elements involved in voluntary repatriation and local integration programmes, as well as encouraging the development of new and creative strategies to achieve durable solutions for refugees. To ensure consistent implementation of policy at field level, the Deputy Director should liaise with representative in countries where there are politically sensitive resettlement operations.

UNHCR's role in resettlement countries

POTENTIAL FOR GREATER ROLE IN RESETTLEMENT COUNTRIES

(91) The low level of human and financial resource allocation to resettlement work contrasts sharply with the potentially large collateral value of resettlement for UNHCR fund-raising, assistance programmes and protection activities. Five of the major resettlement countries alone accounted for 50 percent of the total contributions of UNHCR's top 22 donors in 1993. In other major resettlement countries also, considerable potential exists to promote the work of UNHCR through contacts with NGOs and other constituencies involved with refugee resettlement. However, at present resettlement is not generally considered as an integral part of UNHCR's responsibilities in these important donor nations, and has only become a significant function in some offices at the initiative of local staff and with the support and foresight of a few enlightened Representatives.

(92) Considerable possibilities exist in donor states to link the broader work of UNHCR with the public, the constituents, the former refugee and ethnic communities, and, to a lesser extent, the NGOs, by the development of an integrated strategy linking resettlement with public information and fund raising efforts. In this context, resettlement would be viewed as an asset in the promotion of overall goals, programmes and activities of UNHCR. A similar linkage, between resettlement and public information and fund raising functions, could usefully be pursued at Headquarters.

(93) Such linkages could be extremely valuable in resettlement countries which have experienced particularly strong xenophobic and anti-refugee sentiments. Rather paradoxically, at a time of high tension between the rights of asylum seekers and available quotas for resettlement, the general public and governments in most resettlement countries are very positive about refugees referred for resettlement by UNHCR. According to government officials in many countries, resettled refugees are viewed by the general public as the "real" refugees, while other asylum seekers tend to be labeled as fraudulent cases and economic migrants.

RECOMMENDATION

(u) UNHCR should develop a framework to integrate its fund raising and public information strategies with resettlement activities in major resettlement countries, particularly in those which are also principal UNHCR donors. Resettlement Section should ensure that all relevant sitreps, caseload profiles and other information required is sent promptly to ROs/BOs in resettlement countries. Inter alia, UNHCR regional and branch offices in resettlement countries should increase their cooperation and information-sharing with NGOs and refugee and ethnic associations to better promote the resettlement of refugees identified as priority by the organization. Using the NGO and ethnic community channels to lobby governments could provide UNHCR with an effective avenue to influencing the setting of admission quotas as well as sub-allocations within quotas. The annual missions of the Chief of Resettlement Section to Canada and the United States should be continued, and expanded to include other major resettlement countries in Europe and Australasia. Finally, UNHCR should work closely with governments to identify appropriate mechanisms for substantially reducing the time-frame for the acceptance of UNHCR-identified resettlement cases.

Resettlement Guidelines

GUIDELINES NEED REVISION

(94) The publication, in 1990, of the Resettlement Guidelines, represented a major step forward in the rationalization of UNHCR's resettlement work. The Guidelines were a first attempt to articulate resettlement policy and to document the admission criteria of major resettlement countries. They were produced at a time when major political changes were taking place, which made it impossible to establish clear policy directives for resettlement at the time. The intention was for the Guidelines to be further revised as the situation stabilized. Unfortunately, the original Guidelines have not been updated since 1992, and therefore do not reflect the many significant changes that have occurred in the resettlement field in the interim. For new staff coming into resettlement work each year, the document is of diminishing value.

(95) The Guidelines are also rather weak on important procedural matters such as case identification and assessment as well as the highly sensitive issue of vulnerable groups. As a result, there is a tendency for field staff either to misinterpret existing guidelines, or even to ignore them completely. As mentioned earlier, a significant proportion of the resettlement staff interviewed in the field, either did not possess a copy of the Resettlement Guidelines or did not know of their existence.

RATIONALIZING OPERATIONAL RESPONSE

(96) UNHCR criteria for resettlement are laid out in the Resettlement Guidelines. In some instances, the compatibility between the stated criteria and those of resettlement countries is quite strong - particularly in the case of the Scandinavian countries as well as Switzerland, and to a lesser extent, the Netherlands and New Zealand, which tend to resettle predominantly cases referred by UNHCR. In contrast, while the larger immigration countries - Australia, Canada, and the United States - try to incorporate UNHCR priorities into much larger resettlement programmes, the match between UNHCR priorities and those of the larger immigration countries has often appeared to be almost coincidental.

NEED TO CLARIFY CRITERIA AND PROCEDURES

(97) Nevertheless, in reality, it is these larger immigration countries which resettle the majority of UNHCR-identified cases each year, in addition to tens of thousands of other refugees, or persons in refugee-like situations. Many of these individuals, particularly in the case of the United

States, are persons who are not refugees in terms of the 1951 Convention or the 1967 Protocol. Similarly, Australia, Canada and New Zealand, resettle each year significant numbers of people in refugee-like situations who are admitted under a wide range of humanitarian or special assistance categories. In general, these are victims of civil war and violence who have fled their countries but, according to the legal requirements of each country, cannot individually meet the stricter definition of a well-founded fear of persecution.

(98) The result is a confusing array of categories and specially-designated groups considered as priorities by the particular countries concerned. In practice, cases identified by UNHCR as in need of legal protection are generally admitted by resettlement countries as refugees falling under the 1951 Convention. Admission of humanitarian protection cases on the other hand tends to be more complicated and unpredictable. To a large extent this is a result of inconsistent application of resettlement criteria in such cases - in particular with regards to refugee status - both by UNHCR and by governments.

(99) Much of this overall dissonance in the application of resettlement criteria by major resettlement countries on the one hand, and UNHCR on the other, is unavoidable. Resettlement criteria, priorities, and the setting of quotas will always be the prerogative of governments to determine, and as such will be vulnerable to prevailing domestic political and economic concerns and pressures, as well as the evolving foreign policy goals of each country.

RESETTLEMENT IS A DYNAMIC PROCESS

(100) To safeguard resettlement as a vital tool of protection, UNHCR must adapt to and take advantage of this highly dynamic situation. In fact, the opportunity currently exists for the organization to situate itself in a key position at the forefront of developments in the resettlement field into the next century. With few exceptions, the evaluation team found a willingness and a desire by resettlement countries to increase the scope for cooperation with UNHCR in setting priorities for resettlement. In some cases, major resettlement countries are already in the process of changing - or considering changing - their policies and procedures to ensure that UNHCR-referred cases are given top priority within their larger resettlement programmes.

RECOMMENDATION

(v) UNHCR should convene, in early 1995, an informal round-table

meeting of major resettlement country governments, with selected NGO representation, to develop joint strategies for the future which will prioritise UNHCR-identified needs. Subsequently, UNHCR should convene, on an annual basis, a similar inter-governmental forum, to discuss, review and plan their response to current resettlement needs, including specific burden-sharing strategies for the resettlement of particular refugee populations in the context of broader durable solutions.

Adjusting to Change

(101) An important difference between resettlement caseloads of the past and those of the immediate future, is that while the former tended to comprise a few large homogeneous groups, the latter are likely to involve much smaller numbers, but from many different countries of origin. While in the past, much of the lobbying for continuing resettlement of particular populations was carried out by the ethnic communities concerned, this will clearly not be the case for many of the individuals and small groups requiring resettlement in the future. In this situation, UNHCR can substantially improve the response of the resettlement countries by working closely with NGOs and resettled refugee and ethnic communities, to ensure that UNHCR priorities receive the necessary attention in the setting of admission quotas.

PROCEDURES MUST ADAPT TO CHANGE

(102) Another important characteristic of the UNHCR-identified resettlement caseload of the future, is that in the large majority of individual cases, the refugees concerned need to travel quickly, whether to avoid imminent danger in the country of asylum, or to provide them with urgently needed medical care. The need for speedy processing has caused considerable problems, particularly with the larger immigration countries which have lengthy medical or security clearance procedures with little scope for flexibility. These generally involve at least a three to six month waiting period.

(103) As a result, UNHCR has preferred to refer its more urgent cases to European countries, which have been prepared to minimise admission procedures to respond to the particular needs of each case. In some instances, particularly urgent cases have been admitted within twenty-four hours. Mounting social and economic pressures within the countries concerned, however, have led governments to question the viability of the current informal arrangement whereby the large immigration countries 'take the numbers', while the smaller resettlement countries take the more difficult - and expensive - cases.

(104) With overall numbers being resettled falling - in the absence of a 'resettlement emergency' which would require a specific multilateral burden-sharing agreement to respond to - it seems reasonable to expect the larger immigration countries to now take a share of the urgent and vulnerable cases. In order to do so considerable efforts will be required to cut down on processing time. Examples of emergency resettlement of Bosnian refugees indicate that the possibility exists for circumventing lengthy admission procedures when there is a political will to do so.

(105) Paradoxically, one factor which can significantly delay acceptance of a resettlement case is the existence of family links in a particular country. While family links are, for very good reasons, one of the primary factors taken into account by UNHCR when determining the country to which a refugee should be referred, in practice, this can leave individuals in resettlement limbo for long periods of time if they are rejected by the country concerned. While governments also favour cases with links, since they are presumed to have better integration prospects, they may nevertheless reject them for medical or other reasons, or defer a decision for an indefinite period. Problems then arise because on the one hand UNHCR may persist in its efforts to persuade the government to accept the linked case or, if referred elsewhere, other resettlement countries may reject the case on the basis of the existence of the original link.

RECOMMENDATIONS

(w) UNHCR should clarify existing procedures for the referral of cases to countries where links are present and incorporate them into the revised Resettlement Guidelines. At the same time, UNHCR should seek to reach an agreement with, and between, resettlement countries on the referral of linked cases that have been rejected, or have not been accepted within six months following referral.

Regional Resettlement

(106) The relationship between UNHCR and the International Organization for Migration (IOM) is positive, dynamic, tense, and full of regional variations in scope and intensity. A dialogue between the two organizations has been in progress for the last eighteen months with the objective of identifying further areas of cooperation while seeking a clearer definition of their respective areas of responsibility. One important area not covered in this process, which has potential for inter-agency

cooperation in the context of refugee resettlement, is intra-regional resettlement.

**LIMITED
PROSPECTS FOR
REGIONAL
RESETTLEMENT**

(107) In recent years, UNHCR has been focussing increasingly on the possibilities for intra-regional resettlement. It is commonly felt that resettlement of refugees within the region of origin is preferable for religious and cultural reasons, and, in the case of South-South resettlement, would be considerably less costly than in the West. Some traditional resettlement country governments, concerned about the high costs of receiving refugees, suggest that their money could, perhaps, be better spent in facilitating resettlement within the refugees' regions of origin. Many in UNHCR, however, express concern over such proposals insofar as they might ultimately undermine existing possibilities for protecting refugees.

(108) While intra-regional resettlement always has occurred on a small-scale, the prospects for increasing the scope for such movements at this stage seem poor. Regional resettlement, particularly in Africa, has a long and somewhat erratic history. In the early post-independence days considerable efforts were directed by the Organization of African Unity (OAU) and UNHCR towards the resettlement of educated refugees, whose skills were needed at the time in many African countries. The majority of refugees resettled were university students, with either scholarships to continue their tertiary education, or jobs with government ministries in need of their specific skills.

(109) This situation has, however, dramatically changed, and the Bureau for Refugees at the OAU now finds it almost impossible to place skilled refugees in need of resettlement. Most African nations now view such refugees as potential competitors for their large cadre of skilled nationals, many of whom are unemployed. There have been similar experiences in other regions, as, for example, in the Middle East, where initial optimism over the prospects for resettling a significant proportion of the Iraqi caseload from Saudi Arabia has proved unfounded.

(110) The most likely situation where regional resettlement may prove feasible is in the extremely rare case where an ethnic minority within a larger refugee population has specific historical, linguistic or cultural ties to a third country in the region. For example, UNHCR has been actively involved in recent negotiations between the Kenyan and Tanzanian governments for the possible resettlement in Tanzania of 15,000 Somali Bantus, who are currently refugees in Kenya and who claim very close ties

with the country.

(111) Other than under such exceptional circumstances, the only realistic way to pursue the possibilities for regional resettlement of refugees under prevailing economic and social conditions, is in the wider context of development assistance and needs for skilled persons to contribute to the well-being of the region.

RECOMMENDATIONS

(x) UNHCR should collaborate with IOM to establish a working group of international agencies, international NGOs and multilateral organizations, to discuss regional resettlement in the broader context of regional migrations, development assistance, and population policies. In addition to UNHCR and IOM, key participants in the working group would be UNDP, OAU and ICVA. In this context, UNHCR should work together with IOM to evaluate the impact of their 'Return of Talent' programme, to see if any lessons can be drawn from this experience which might be applicable to efforts to pursue intra-regional resettlement.

Assessment of Global Resettlement Needs

(112) In recent years, UNHCR has greatly increased its capacity to gather and disseminate data regarding resettlement needs and trends. This information is compiled each year in the "Assessment of Global Resettlement Needs" which is generally published at the time of UNHCR's Executive Committee meetings and is widely distributed to resettlement country governments as well as other international agencies, NGOs, UNHCR field offices, and, through regional and branch offices on resettlement countries, to the public at large.

(113) Many resettlement countries, particularly those in Europe which tend to follow UNHCR recommendations more closely than others, view the Global Assessment as an important and useful document which assists them in determining admission quotas for the coming year. Inevitably though, the timing of the report cannot coincide with the different planning cycles of all the major resettlement countries. Nevertheless, it is generally agreed that the Global Assessment has its greatest impact if issued in the month before the Executive Committee, as has been the case in recent years.

(114) The evaluation team found that despite distribution of the document

to UNHCR regional and branch offices in major resettlement countries, it is rarely used as the basis for a coordinated campaign to inform governments, NGOs and the general public of UNHCR's priorities for resettlement. This lack of a proactive approach on the part of the UNHCR in resettlement countries, to promote the resettlement needs the organization has identified, tends to cause confusion and raises questions over resettlement countries' own priorities for admission.

**RESETTLEMENT
STATISTICS NEED
CLARIFICATION**

(115) The Global Assessment also lacks transparency and clarity. A question often asked by officials of resettlement governments and NGOs is: what happens to those refugees identified by UNHCR as in need of resettlement, who do not get resettled? In recent years, there has been a discrepancy of between 40 and 60 percent between projected numbers and numbers actually resettled. It is unclear from the Global Assessment whether these numbers are simply carried over to the next year or whether cases are dropped from the needs assessment because other solutions have been found. Nor is there an indication of how many of the resettlement needs identified each year are new cases, which were not previously noted.

(116) While figures included in the Global Assessment originate in the field and are compiled in Headquarters, there are nevertheless some discrepancies between published figures and identified needs at field level. In one African country, where the branch office's objections to starting a resettlement programme for a particular refugee group were overruled in Headquarters, this problem is particularly acute. A figure of 6,000 resettlement places per year was agreed on some years ago when protection problems were quite striking. More recently, with a general improvement in conditions including some prospects for voluntary return, the position of the Branch Office has changed substantially. Nevertheless, the larger figure is maintained in the Global Assessment.

(117) There are a number of explanations for this particular disparity, some of which have been referred to elsewhere in this report. One aspect which is pertinent here is that the figures for the country concerned actually reflect a substantial family reunion programme administered almost entirely, and quite independently, by one resettlement country. Since UNHCR plays no significant role in this operation, objections are raised over the organization "gaining credit" for work it has not done. At the same time, the evaluation team discovered that UNHCR field staff in another African country regularly assist the resettlement of family reunion cases to another resettlement country, and yet these numbers are not

reflected at all in the Global Assessment document.

(118) This lack of clarity in the numbers published in the Global Assessment is further compounded by the rather precise figures given for projected needs for some regions and for some refugee groups. When read in the same context as larger projected numbers, which are often very rough estimates, an incorrect impression is given that all figures involved are accurate. This problem does not apply in the sections dealing with vulnerable groups and the women-at-risk category. In this case the figures are much more accurate and clearly reflect which cases are pending, how many cases are newly-identified, and the rationale for seeking their resettlement. Further confusion is caused, however, by the presentation, in these particular sections, of numbers in terms of cases, rather than individuals as in the rest of the report.

(119) Such problems arising in a major document like the Global Assessment can only serve to undermine UNHCR's effort to promote resettlement, as the numbers frequently do not tally or reflect differing perspectives and political realities on the ground. These problems must be addressed without delay in order to provide an accurate and workable document which will provide a credible basis for UNHCR's future efforts in providing a lead for governments in determining resettlement patterns in the future.

RECOMMENDATIONS

(y) UNHCR should review the current format of the Global Assessment to ensure that it meets the needs of resettlement countries and facilitates the organization's efforts to promote its resettlement priorities. Every effort should be made to ensure that the Global Assessment is issued each year in the month prior to the Executive Committee meetings. UNHCR should develop a strategy, with the cooperation of regional and branch offices in major resettlement countries, to promote the Global Assessment in those countries, with NGOs, the general public, media outlets, and legislative decision-makers. The Assessment should include overall policy goals, new developments, and major appeals for on-going resettlement programmes. Projections should clearly indicate that they are only estimates of needs and not precise figures based on an exhaustive analysis of resettlement need. Other requirements should include :

- all figures published in the Global Assessment should be for individuals;

- in the case of vulnerable categories where it is necessary to indicate the number of cases, this figure should appear in parentheses after the figure for individuals;
- more careful annotation is required to reflect, in a consistent way, the actual resettlement of refugees under independent family reunion programmes, making the distinction between these and UNHCR-referred cases; and,
 - there should also be a clear distinction between newly-identified cases and the carry-over caseload from the previous year as is currently the case in the section dealing with Vulnerable groups and Women-at-risk.