

CHAPTER

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**RESETTLEMENT:
A VITAL INSTRUMENT OF INTERNATIONAL
PROTECTION AND AN ELEMENT OF COMPREHENSIVE
SOLUTIONS**

RESETTLEMENT: A VITAL INSTRUMENT OF INTERNATIONAL PROTECTION AND AN ELEMENT OF COMPREHENSIVE SOLUTIONS

Resettlement serves three equally important functions. *First*, it is a tool to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge. *Second*, it is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration. *Third*, it can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum.¹

This chapter defines resettlement in the context of international refugee law and policy, as a mechanism for refugee protection, a durable solution and an element of burden and responsibility-sharing. It outlines the history of resettlement, including references to major resettlement operations under UNHCR auspices. It also explains major conceptual developments from the beginning of the 20th Century to contemporary efforts toward redoubling the search for timely and durable solutions for refugees and toward using resettlement strategically for the benefit of as many refugees as possible.

¹ Quoted from *Strengthening and Expanding Resettlement Today: Challenges and Opportunities*, Global Consultations on International Protection, EC/GC/02/7 of 25 April 2002, (4th Meeting).

1.1 Introduction

Definition and concepts

Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees - with permanent residence status. The status provided should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country.

Over the past fifty years, millions of people have been provided with the opportunity to build new lives for themselves, and their families, through resettlement. Resettlement has also over the years produced secondary benefits other than to the resettled refugees themselves. In some case it has sustained first asylum in the face of a continued influx of refugees, in others it has played a role in achieving comprehensive solutions and often been an expression of burden- and responsibility- sharing. Additionally, resettlement has often engendered support for refugees among the publics of resettlement countries, and resettled refugees have also made important contributions to the countries that have received them.¹

UNHCR's Statute and subsequent resolutions from the United Nations General Assembly and the Economic and Social Council (ECOSOC) mandate the Agency to provide international protection to refugees and other persons of concern to the Office and – as a consequence - to seek permanent – or durable – solutions to their problem.² As indicated above, resettlement plays a vital role in achieving both of these objectives, and furthermore constitutes a tangible element of burden and responsibility-sharing, as confirmed most recently in the *Agenda for Protection* and under the *Convention Plus* initiative (see below for more details on both).

¹ *The Strategic Use of Resettlement (A discussion paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

² The 1950 UNHCR Statute states that UNHCR “shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of *seeking permanent solutions for the problem of refugees* by assisting Governments ... to facilitate the voluntary repatriation of such refugees, *or their assimilation within new national communities.*” (Emphasis added).

Resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or fundamental human rights are at risk in the country where they sought refuge. It is also considered a durable solution for refugees who, although not in need of immediate protection, have compelling reasons to be removed from their country of refuge. The decision to resettle a refugee is normally made only in the absence of other options such as voluntary repatriation and local integration or where resettlement under a comprehensive approach to durable solutions is seen as the optimal solution for the individual or refugee groups in question. It becomes a priority when there is no other way to guarantee the legal or physical security of the person concerned.

Resettlement may be necessary to ensure the security of refugees who are threatened with *refoulement* to their country of origin or those whose physical safety is seriously threatened in the country where they have sought sanctuary.

Resettlement is also used for other refugees at risk, such as survivors of torture and violence, the disabled and other injured or severely traumatized refugees who are in need of specialized treatment unavailable in their country of refuge. It is also appropriate for refugees without local integration prospects, for whom no other solution is available. Furthermore, resettlement is often the only way to reunite refugee families who, through no fault of their own, find themselves divided by borders or by entire continents.

No country is legally obliged to resettle refugees. Only a small number of States do so on a regular basis, allocating budgets, devising programmes and providing annual resettlement quotas. Some countries regularly accept refugees for resettlement, sometimes in relatively large numbers, but do not set annual targets. Recently, States that have not previously accepted refugees for resettlement have established resettlement programmes or expressed an interest in doing so. Accepting refugees for resettlement is a mark of true generosity on the part of Governments and UNHCR welcomes the opportunities that continue to be offered by States for the resettlement of refugees. In turn, resettled refugees could – with the appropriate integration measures in place – eventually prove to be an asset for the resettlement State, through their contribution to society at large.¹

In accordance with the goals of the *Agenda for Protection*, UNHCR continues to work towards the enhancement of protection through expanding the number of countries engaged in resettlement.

¹ Under the *Agenda for Protection*, States are encouraged to ensure that resettlement runs in tandem with more vigorous integration policy, see Goal 5, Objective 5, Action Point 5.

In other contexts, the term resettlement is commonly used to describe the transfer of populations from one area within a country to another. International financial institutions may finance resettlement projects to clear areas to be flooded as a result of dam construction. Populations may be resettled in anticipation of a natural disaster. Sometimes, returning refugees are said to be resettling in their former homes.

Closer to UNHCR's specific use of the term, a number of Governments refer to some of their migration programmes as resettlement. These programmes, however, may include persons who meet neither the definition of a refugee under the UNHCR mandate nor the specific UNHCR resettlement criteria detailed in this Handbook.

Resettlement as a tool of refugee protection

Refugees may be denied basic human rights in a country of refuge. Their lives and freedom may be threatened in the country of asylum, or they may have vulnerabilities or special needs which render their asylum untenable. The authorities in the country of refuge may be unable or unwilling to provide effective protection or address special needs. In such circumstances, timely relocation through resettlement becomes a principal objective, and an important means of protecting refugees. Consequently, resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. In the course of the *Global Consultation on International Protection* it was reaffirmed by States and UNHCR that the primary purpose of resettlement must always be the provision of individual protection for those who cannot be provided with adequate protection in a first country of asylum.¹

Resettlement of refugees should strengthen, not diminish, asylum and protection prospects for the entire refugee population. By offering an appropriate solution to refugees with individual protection or special needs, UNHCR seeks to reinforce asylum in host countries by relieving the strain on them, thereby promoting durable solutions benefiting the entire refugee population concerned. More specifically, agreement may be sought with host countries to enhance their protection capacities for refugees who remain in their territory - e.g. by institutionalizing fair and efficient asylum procedures and granting adequate asylum conditions for refugees - against resettling those with special needs to third countries. The interface with protection capacity building and burden-sharing aspects is evident in such settings.

¹ *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 8.

Resettlement as a durable solution

A fundamental objective of resettlement policy is to provide a durable solution for refugees unable to voluntarily return home or to remain in their country of refuge. In the context of the *Global Consultations on International Protection*, the *Agenda for Protection*, and *Convention Plus*, the High Commissioner has emphasised that there can be no meaningful protection without the prospect of a durable solution.¹ Absence of durable solutions for refugees will eventually become a protection concern, and the search for durable solutions, hence, constitutes an element of providing international protection. This does not preclude the application of resettlement as a durable solution for refugees who do not have *immediate* protection concerns in the country of refuge where there are no prospects for voluntary repatriation or local integration.

A decision to use the resettlement option should be based on what difference – if any – this option would make in addressing the immediate and long term problems and needs of the individual refugee or groups of refugees and to what degree it would in fact serve as a durable solution. The aim of this analysis should be to provide a realistic and comparative prognosis as to the viability and the protection impact of each of the durable solutions in the foreseeable future as well as in the longer term. The potential for other durable solutions should be reviewed simultaneously with assessing resettlement as an option. This is the case as the pursuit of one solution at the expense of the two others may result in considerable delays or misdirected efforts in a durable solution.²

In efforts to **redouble the search for durable solutions**, the *Agenda for Protection* envisages that voluntary repatriation, local integration and resettlement be integrated into one **comprehensive approach to durable solutions**, which is to be implemented in close cooperation among countries of origin, host States, UNHCR and its partners, as well as refugees.³ It calls for the expansion of resettlement opportunities through enhancing the number of resettlement countries; through more strategic use of resettlement for the benefit of as many refugees as possible; through the development of capacity building programmes with new resettlement countries; through encouraging increases in resettlement quotas on part of resettlement countries and by diversifying the intake of refugee groups as well as by introducing more flexible resettlement criteria.

¹ In the Chairman's Summary of the inaugural meeting of the (Convention Plus) Forum, the High Commissioner specified that "[I]n too many places refugee protection is becoming eroded for want of durable solutions. Let us remember that, for the refugee, the ultimate protection lies in the solution."

² Ibid.

³ *Agenda for Protection*, introduction to Goal 5 "Redoubling the search for durable solutions".

Moreover, States are encouraged to ensure that resettlement runs in tandem with a more vigorous integration policy aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country.¹ This is in accordance with the understanding that resettlement also can provide significant potential for the development of professional and skilled personnel who can contribute to the rebuilding of society if they opt to return at one point in the future.

The Working Group on Resettlement has defined the **strategic use of resettlement** as “the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.”²

In using resettlement more effectively as a durable solution, States and UNHCR are further asked to examine how to carry out earlier analysis of data deriving from refugee registration to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly resettlement applications particularly in emergency situations. States and UNHCR are also encouraged to ensure the availability of increased resources for resettlement activities, integrated in a balanced way in each geographic operation.³

In protracted refugee situations where protection may be available but a durable solution is not, resettlement may be relevant, in particular if it leads to enhanced conditions of asylum for those refugees remaining. In such cases, group resettlement as described in Chapter 7 may be relevant. In some cases resettlement could also be considered for residual caseloads following major voluntary repatriation movements, where certain groups of refugees are not able to return home. In other cases, resettlement may be relevant for certain groups whom due to their ethnic, religious or other affinities, have no prospects for local integration in the country to which they have fled. Caution is warranted, however, in ensuring that resettlement does not contribute to rid societies of unwanted minority groups. In some situations of mass displacement, resettlement may serve to alleviate some of the strain put on the receiving country.⁴ Finally, resettlement may in certain instances be utilized in the context of protecting refugee within broader migration movements.

¹ *Agenda for Protection*, Goal 5, Objective 5.

² See *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 6.

³ *Agenda for Protection*, Goal 5, Objective 6, Action Points 3 and 6.

⁴ For a comprehensive list of examples, see *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

In all these situations, resettlement can be said to form part of burden- and responsibility-sharing frameworks, according to which resettlement is used strategically as part of a comprehensive approach to durable solutions.

Efforts towards this end may be channelled through the resettlement strand under the *Convention Plus* initiative.

Resettlement as an element of burden-sharing

UNHCR has been requested by the General Assembly to provide international protection and seek durable solutions for refugees. However, the principal responsibility for providing international protection for refugees lies with States and is in the interest of the entire international community. This is indicated in the fourth preambular paragraph to the 1951 Convention and consistently reaffirmed in a number of ExCom Conclusions.¹ Most recently, the *Declaration of States Parties* recognized that respect by States for their international protection responsibilities towards refugees is strengthened through international solidarity and that the refugee protection regime is enhanced through committed international cooperation in a spirit of effective responsibility and burden sharing among all States.²

While departing from a different primary motivation, resettlement to support burden and responsibility-sharing is in essence similar to resettlement as a durable solution. Where a State undertakes to provide a durable solution through resettlement, it also participates in sharing burdens and responsibilities. Equally, when a State agrees to “burden share” through resettlement, it is expected to provide a durable solution.

As mentioned above, resettlement has over the years produced secondary benefits other than to the resettled refugees themselves. In some instances, resettlement has contributed to sustaining of first asylum in the face of a continued influx of refugees; in others it has played a role in achieving comprehensive solutions and often has been an expression of burden- and responsibility- sharing. The *Agenda for Protection* encourages the Working Group on Resettlement to examine further the potential use of resettlement as a burden sharing tool, including the issue of criteria to be applied in mass displacement situation, especially where the prospects of other durable solutions is remote or absent.³

¹ For example: Executive Committee Conclusions No. 52 (XXXIX)- 1988; No. 62 (XLI) -1990; No. 68 (XLIII) – 1992; No. 80 (XLVII) – 1996; No. 85 (XLIX) – 1998; No. 87 (L) – 1999.

² Preamble, point 8, *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol* adopted unanimously at the Ministerial Meeting of States Parties on 12-13 December 2001 under Track One of the *Global Consultations*.

³ *Agenda for Protection*, Goal 3, Objective 6, Action point 2.

While strategic use of resettlement as a burden and responsibility-sharing tool can be promoted by a single State, coordination with other resettlement countries and UNHCR is likely to maximize derivative benefits. Such coordination may involve negotiation of mutually agreeable arrangements between the international community and the State of first asylum, possibly requiring a multi-year commitment by the international community to sustain the burden-sharing, as well as possible assistance to further local integration or enhance life for refugees in first asylum countries.¹ Multilateral agreements of this kind form one element of *Convention Plus*.

The evolution of resettlement

Although the concept of resettlement was not clearly articulated until the mid-1960s, it has been undertaken in one form or another from the outset of the system of international protection for refugees. Between the two World Wars, resettlement was used as the principal or partial solution for a number of refugee situations. During the early 1920's, for example, some 45,000 White Russians who had fled to China after the Russian Revolution were subsequently resettled elsewhere. In the 1930's, a succession of international refugee organizations were charged with resettling Jews and others who were fleeing Nazi persecution.

Resettlement evolved in the context of the Cold War. The historical effort to help displaced people in the aftermath of World War II matched the desire of Governments to facilitate the movement of certain people for foreign and domestic policy reasons.

When the United Nations replaced the League of Nations in 1945, it established (in 1946) a new body, the International Refugee Organization (IRO). The IRO's mandate was to protect existing refugee groups and one new category - the 21 million or so refugees scattered throughout Europe in the aftermath of World War II. Initially, the IRO's main objective was repatriation, but the political build-up to the Cold War tilted the balance instead towards resettlement of those who had "valid objections" to returning home. Such "valid objections" included "persecution, or fear of persecution, because of race, religion, nationality or political opinions". Over a period of five years, from 1947 to 1951, the IRO resettled well over a million people (four-fifths of them outside Europe), while repatriating a mere 73,000.

The IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1950. By that time, international protection was firmly enshrined as the new organization's principal *raison d'être*.

¹ *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, section IV, p. 4 ff.

The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office. The most important of these responsibilities are to provide international protection and to seek permanent solutions for the problem of refugees.

Similar to the IRO, UNHCR, during its early years, made extensive use of resettlement as a means of clearing the European refugee camps after World War II. Over the next three decades, voluntary repatriation, local integration and resettlement enjoyed equal status as durable solutions, depending on the circumstances. The Soviet invasion of Hungary in 1956 resulted in 200,000 refugees fleeing to Yugoslavia and Austria, many of whom were later resettled in other countries.

In 1972, President Idi Amin of Uganda expelled most of the country's Asian minority, many of whom were citizens and/or had lived there for decades and had no other country to go to. With the help of UNHCR, the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), and the United Nations Development Programme (UNDP), some 40,000 Ugandan Asians were resettled in a matter of a few months in a total of 25 countries.

Following a coup d'état in Chile in September 1973, another resettlement programme was launched. Refugees from neighbouring countries were faced with a new hostile regime in their country of asylum (Chile) and, fearing *refoulement*, sought sanctuary in churches and embassies. The High Commissioner addressed an appeal to the Chilean Government that refugees in that country be adequately protected and on no account expelled to their country of origin. The High Commissioner simultaneously requested assistance from resettlement countries. By March 1974, nearly 5,000 people had been resettled to a total of 19 countries. Resettlement, mainly to other countries in the region, continued to play a prominent role in Latin America throughout the 1970s and in Central America in the 1980s.

The largest and most dramatic example of resettlement in modern times occurred in South East Asia. A massive exodus from Vietnam followed the collapse of the Saigon regime in 1975. The many that crossed the perilous seas of South East Asia became known as "boat people". By 1979, a major protection crisis had developed as certain asylum countries refused to accept more refugees, prevented boats from landing and in some cases towing them out to the high seas. At the same time, over 200,000 refugees were languishing in camps in the region. Confronted with this political and humanitarian crisis, the international community decided at the first conference on refugees from Indo-China, held in 1979, that Vietnamese boat people arriving in first asylum countries in South East Asia would be allowed to land in the region but would then be resettled in other countries. In the years that followed, nearly 700,000 Vietnamese were resettled.

In 1986, the situation changed dramatically as a result of a sudden and massive increase in clandestine departures from Vietnam. The number of boat people in camps leapt from 31,694 at the beginning of 1986 to 65,349 by early 1989. Since there had not been a significant deterioration in the human rights situation in Vietnam, it was clear that the exodus, while retaining a refugee dimension, was increasingly driven by economic factors. A second International Conference on Indo-Chinese Refugees was convened in June 1989. It adopted a Comprehensive Plan of Action (CPA) in an attempt to address the issue in a global and systematic way.

The CPA did away with blanket resettlement for all boat people and introduced an approach that included the following elements:

- All Vietnamese boat people would be permitted to land in first asylum countries and would be screened for refugee status.
- All boat people who qualified as refugees would be resettled in a third country. Those who did not qualify would have to return to Vietnam under a guarantee, monitored by UNHCR, that they would not be prosecuted for illegal departure.
- A programme would be set up by UNHCR to provide reintegration assistance to the returnees.
- The Orderly Departure Programme (ODP)¹ would be expanded, its criteria liberalized and its procedures simplified to allow easier legal emigration for eligible groups such as family reunification cases and former re-education camp internees.
- A “mass information campaign” would be launched in Vietnam to inform the population of the provisions of the CPA, in order to discourage those who would not qualify as refugees from embarking on a life-threatening journey in the mistaken belief that they would automatically be resettled in the West.

The implementation of the mass information campaign and the beginning of voluntary repatriation to Vietnam brought about a substantial drop in the number of boat people.

¹ Mainly in an effort to open up the possibility of legal emigration from Viet Nam and so reduce the number of clandestine departures, which had resulted in considerable loss of life at sea, UNHCR helped set up an Orderly Departure Programme, known as the ODP, which provided a safer, officially-sanctioned channel for emigration.

In retrospect, the decision in 1979 to adopt blanket resettlement, while averting the immediate threat of massive loss of life, led to an additional problem as the number of migrants pursuing economic and social opportunities outside of their country of origin or habitual residence outnumbered the number of refugees. Meanwhile, elsewhere in the world, people who were in desperate need of resettlement suffered from lack of available places. By the late 1980s, resettlement – designed as an important solution and protection tool for individual refugees meeting certain specific criteria – had achieved its objective of safeguarding the concept of first asylum by ensuring that refuge continued to be granted in neighbouring countries. But it had also become the chief “pull-factor” in a mass-migration movement where a number of people left their homeland primarily for economic and social reasons rather than for reasons of feared persecution, armed conflict, generalised violence, foreign aggression or other circumstances having seriously disturbed public order.¹

In the late 1980s, the major focus of resettlement activity shifted to the Middle East where the Iran/Iraq war and repressive regimes lead to significant protection and resettlement needs.

The overthrow of the Shah and the creation of the Islamic Republic of Iran by Ayatollah Khomeini in 1979 unleashed serious religious persecution of Iranian Bahais. In 1979, Bahai centres, cemeteries and holy places were confiscated and the House of the Bab, the most important Bahai location in Iran, was destroyed. In 1980, 10,000 Bahais were banned from government and teaching jobs, and stripped of pension benefits. Bahai children were excluded from universities, and then from schools. Homes, farms and businesses belonging to Bahai were looted, vandalized, and seized. Consequently, during the 1980s, many Iranian Bahais sought asylum in neighbouring countries, such as Turkey and Pakistan, and were later resettled, mainly to the US.

At the beginning of March 1991 – as a result of the first Gulf War - approximately 2 million Iraqis arrived at the borders of Turkey and Iran within a period of scarcely three weeks. Over 450,000 mainly Kurdish people fled to the Turkish frontier. Turkey refused to grant the Kurds asylum, and US-led coalition forces therefore established a ‘safe haven’ for them inside Northern Iraq. Eventually most of these Kurds voluntarily repatriated once the situation had become sustainable. However, some Iraqis already present in Turkey were at risk of *refoulement* and there was no other durable solution available but to submit them for resettlement in a third country.

¹ This is the broader sense of the term “refugee” as outlined in the 1994 UNHCR Note on International Protection (UN Doc. A/AC.96/830) paras.8, 10-11 and 31-2. It reflects the requests by the General Assembly and endorsement by the international community that UNHCR’s competence be extended generally to all refugees from armed conflict or other ‘man-made disasters’ who do not otherwise come within the terms of the 1951 Convention and its 1967 Protocol.

In 1992, following the first Gulf War in 1991, UNHCR sought to resettle some 30,000 Iraqis from Saudi Arabia after efforts to explore possibilities for voluntary repatriation and local integration had failed. Between April 1992 and June 1997, approximately 21,800 Iraqis had been accepted for resettlement.

Another major challenge arose in 1992 with the need for resettlement of inmates from places of detention in Bosnia and Herzegovina. An emergency operation started on 1 October 1992 under an agreement with the International Committee of the Red Cross (ICRC) who transferred detainees to a UNHCR centre at Karlovac in Croatia. By early July 1993, 22 countries had offered temporary protection or resettlement to the ex-detainees and their families and over 11,000 people had left for third countries. By June 1997, UNHCR had been directly involved in the resettlement of some 47,000 refugees from former Yugoslavia.

In 1999, resettlement was used to support the UNHCR relief operation and “humanitarian evacuation program” (HEP) that took place in FYR Macedonia as a result of the Kosovo crisis. By the end of the emergency, almost 96,000 refugees had benefited from the humanitarian evacuation program in 28 host countries. Some of the host countries utilized their annual resettlement quotas to support this burden-sharing initiative. The Kosovar refugees that were received as part of the HEP but under regular resettlement quotas were allowed to remain in the receiving country permanently.

The civil war in Sudan, which has ravaged its southern provinces for the last 20 years, left scores of refugee children and adolescents without family protection. After experiencing years of deprivation, loss of family, war violence, and life in refugee camps, a large portion of the Sudanese refugee youth in Kenya, or the “Lost Boys”, as they have been called, was resettled in the US in two groups starting in late 2000. One group arrived in the US prior to their 18th birthday and was resettled through the Unaccompanied Minors Program. A total of 3500 Sudanese “Lost Boys” were resettled in the US, with approximately 15 % being unaccompanied minors and 85% over the age of 18. Some girls were also included in the group.

Further, UNHCR was involved for over a decade in promoting a durable solution for the over 15,000 Somali Bantu refugee population in Kenya. For several years, UNHCR sought to find a local solution for them; however these efforts were ultimately unsuccessful. It was thus decided to consider resettlement for the population and, in December 1999, the US designated the Somali Bantu as a group of special concern eligible for resettlement consideration. Arrivals began in the spring of 2003 and continue to date. The Somali Bantu represent one of the largest single groups to be resettled from Africa.

History has shown that when the needs are compelling, and the political will exists, resettlement can be arranged quickly and efficiently. With resettlement used strategically and as part of a comprehensive approach to durable solutions the aim is that this option be opened to greater numbers of refugees and that those refugees who are not resettled would nonetheless benefit from the operation, for example through enhanced protection in asylum.

Current policy developments and challenges¹

As indicated above, policy and practice in relation to resettlement have undergone significant changes in recent years. The popularity of resettlement as a solution waned over the decades following the aforementioned large-scale and systematic processing of Indo-Chinese refugees for resettlement in the late 1970s and 1980s. During the 1990s, resettlement became increasingly used as response mechanism for the protection of individual cases, based on rigorous and individualized processing. In more recent years, the function of resettlement as a durable solution has been regaining prominence, alongside its individual protection dimension. Resettlement today is thus a global programme, benefiting refugees of diverse nationalities and geographical location, with growing emphasis on the identification of caseloads according to group or category.

There has also been a marked increase both in the number of countries engaged in resettlement and in the extent of UNHCR field office involvement. Currently most UNHCR offices in all regions are involved, albeit to varying degrees, in resettlement activities. International fora have also given increasing consideration to resettlement as vital tool within the refugee protection regime. In the past few years, calls to expand the use of resettlement featured prominently both within the conclusions adopted by the Executive Committee and those of other international fora on International Protection.

These important changes in how resettlement is viewed mirror those in the international protection environment. Globalization, the proliferation of conflict-driven displacement, protracted refugee situations with no prospect of timely and safe solutions, and increasing pressures created by international, mixed migratory flows, have all compelled UNHCR to approach the solution of resettlement in a new light.

¹ See generally *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256

Agenda for Protection and Convention Plus

While voluntary repatriation may be the preferred outcome for most refugees, donor States and countries of asylum, other solutions, including resettlement, cannot be neglected. Indeed, as confirmed by the *Agenda for Protection* there is a growing recognition of the need for a more comprehensive approach to refugee problems that involves helping different groups of refugees to find appropriate solutions to their plight, according to their individual circumstances, aspirations and the opportunities available. Resettlement is an essential element in a comprehensive strategy of refugee protection, and the strategic use of resettlement forms one part of such a comprehensive approach.

Although the overall number of refugees in need of resettlement has decreased in recent years, the profile of resettlement cases has been increasingly characterized by new and diverse nationalities, and also by more complex cases originating from national armed conflicts and needing specialized attention and treatment, such as victims of torture and women-at-risk. This has generated a variety of challenges for UNHCR and for resettlement countries, ranging from how to better define the standards for resettlement, to responding to the special needs of resettled refugees, to extending support networks in the host communities. The need for broadly-based resettlement programmes may arise again as part of international endeavours to ensure protection and promote durable solutions as well as responsibility sharing.

Certainly, the role of resettlement has gained new impetus with the adoption of the *Agenda for Protection*¹ and the *Convention Plus* initiative, elements of which have been explained above.

In the context of the *Agenda for Protection*, it is sought to expand resettlement opportunities and use resettlement more efficiently both as a protection tool, a durable solution and as a tool of burden sharing. Improvements on the part of UNHCR include better management of its resettlement activities; a more comprehensive approach to the use of resettlement as a durable solution; enhanced partnership in resettlement processing; planning for the use of resettlement in a more strategic manner to maximize the benefits offered by this solution to individuals other than those who are resettled; the inclusion of a proactive planning tool for resettlement in Country Operations Plan (COP) under which all offices are responsible for examining possible resettlement needs within their operation; and the introduction of a Group Methodology.

¹ The *Agenda for Protection* (A/AC.96/965/Add.1) is the jointly owned product of UNHCR's *Global Consultations on International Protection*, launched in late 2000 to engage States and other partners in a broad-ranging dialogue on how best to revitalize the existing international refugee protection regime while ensuring its flexibility to address new problems. The *Agenda* was endorsed by the UNHCR Executive Committee (ExCom Conclusion No. 92 (LIII) – 2002) and welcomed by the United Nations General Assembly (A/RES/57/187) in 2002. Information on *Convention Plus* is available and regularly updated on <http://www.unhcr.org>.

The *Convention Plus* initiative provides a framework for the adoption of multilateral special agreements to ensure improved burden sharing. One priority issues for such agreements is the strategic use of resettlement as a tool of protection, a durable solution and tangible form of burden-sharing. A *Framework of Understandings* is being prepared by the core group on resettlement under the Convention Plus Forum. This framework will guide deliberations on the adoption of special agreements. Actions under the Framework are delineated for the designated party or parties within the areas of

- Leadership and coordination
- Registration and documentation
- Selection Criteria
- Family Unity
- Transparency in multilateral resettlement operations
- Integrity of the Process
- Effective Programme delivery
- Integration support
- Sustained and enhanced commitment to multilateral resettlement operations

Integration of resettled refugees

As in the case of the million and more Indo-Chinese who have been resettled in Australia, Canada, France and the United States of America, third country resettlement often entails taking refugees from their country of first refuge, transporting them thousands of kilometres across the world, and helping them to adapt to societies where the culture, climate, language and social structure are unfamiliar. In spite of all efforts, refugees may face problems adapting to such different circumstances. Nevertheless, it is the experience of many Governments and non-governmental organizations that the overwhelming number of refugees successfully overcomes such challenges in order to establish themselves in their new country and community. Many resettled refugees, particularly younger family members, have made an astonishing success of their new lives.

Notwithstanding such success stories, rising xenophobia in many countries traditionally welcoming refugees and/or immigrants has carried with it greater difficulty for refugees, resettled or not, to achieve a durable and sustainable solution to their plight through integration in their new communities. For example, xenophobia may result in employers not wishing to hire refugees, thereby impeding integration through work opportunities. The *Agenda for Protection* calls upon states to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy. Language training, education, vocational training, employment, support for family reunification – these and many other activities are the building blocks of integration.

And while resettlement is a way of protecting refugees and a tangible sign of responsibility-sharing by states, there is no doubt that refugees also make important contributions to their new societies.¹ Such messages may assist in countering hostile sentiments held in some segments of society towards refugees, including those who arrived under resettlement programmes.

Costs related to resettlement

A point of criticism sometimes advanced against resettlement concerns the expense of this solution. As mentioned above, it involves arranging international transport, providing income support, helping to integrate refugees in the resettlement country and, in some cases, paying for costly follow-up medical treatment and counselling. It is also labour-intensive and requires highly trained staff. While these concerns are recognized, it should also be acknowledged that continued assistance to refugees who cannot find a durable solution, often over long years is also costly both in terms of human and financial terms. In addition, it should be mentioned that increased efforts to promote burden and responsibility-sharing in the field of resettlement form an integral part of the *Agenda for Protection* and is the very rationale for the deliberations undertaken in connection with *Convention Plus*. More specifically, the adoption and application of the *UNHCR Methodology for the Resettlement of Groups* in this regard, may result in a less labour intensive exercise compared to individual processing, thus maximising resources. Chapter 7 of this Handbook deals in detail with group resettlement under UNHCR's auspices.

The new Resettlement environment²

Resettlement activities are inevitably influenced by a number of important factors. External realities and competing pressures in the resettlement environment have to be accommodated in any solutions strategies of which resettlement is an important part. Among them are the following:

Protracted refugee situations and burdens on asylum countries. Today, there are clearly more refugees in need of resettlement than there are places or resources available. A lack of resolution of the root causes of flight and insufficient resources in host countries have resulted in refugees being unable for long periods to either repatriate safely or integrate locally. These severe strains on the protection regime in countries of first asylum lead to extraordinary pressure on the resettlement process.

¹ *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, UNHCR and the Victorian Foundation for the Survivors of Torture, 2002, Foreword by the High Commissioner.

² See *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, paragraph 11 (a-f).

Countries hosting large numbers of refugees for a long period, with no durable solution in sight, have to contend with resulting economic, social or security problems which can be additional burdens on often fragile domestic structures. These countries are increasingly looking to UNHCR to institute burden-sharing measures as well as to expedite solutions.

Managed Migration and Globalization Trends: In many parts of the world, the entanglement of migration and asylum has made the work of UNHCR more challenging. Globalisation has inter alia led to a higher degree of mobility. Resulting migration trends have influenced perceptions by governments of the proper role and function of resettlement as a feature of global governance of international migration. Efforts both to limit or indeed to expand labour migration are starting again to impact approaches to resettlement. There is a danger that the unique characteristics of refugees, just as States' obligations under the 1951 Convention, will be obscured in the process.







Irregular, Secondary or Onwards Movements: The management of migration through increasingly restrictive measures has contributed to a rise in irregular movements. This has negatively impacted on resettlement, with countries increasingly unwilling to consider accepting refugees who move irregularly, for fear that this will encourage illegal migration, and that the people smugglers who make huge profits from it will be rewarded and encouraged to continue.

Security Concerns: Heightened security concerns have led to greater restrictions on refugee admissions in major resettlement countries. While some countries have instituted more restrictive legislation and other requirements for refugees, others have reduced the number of processing locations and increased security checks which have greatly extended the time required for processing. The predictability that once characterized the commitments of resettlement countries has proven most regrettably to be another casualty of recently implemented security measures. In view of the prevailing uncertainties in terms of quotas, criteria and timing, UNHCR offices are hindered in planning their resettlement work, in terms of making the necessary resources available and submitting candidates in a timely way.



Fraud in the processes: Refugee status and resettlement places are valuable commodities, particularly in countries with acute poverty, where the temptation to make money by whatever means is strong. This makes the resettlement process quite vulnerable to abuse. It becomes increasingly vulnerable the more restricted the access, and the smaller the resettlement quotas and opportunities. UNHCR has recognized and is acting on its clear responsibilities to tackle forcefully any cases of corruption and fraud. The possibilities for abuse are not, however, a reason for reducing resettlement where the need for it persists.

Security of staff: The aforementioned factors, in particular the smuggling and corruption issues have contributed to creating an increasingly insecure environment for UNHCR field staff and staff of partner organizations. The possibility of resettlement engenders high expectations on the part of many refugees caught in limbo. Action to expose fraud, combined with frustrated expectations in the face of slow moving processes, delayed departures or rejected resettlement applications are resulting in threats to the safety of UNHCR and that of their partners in the field.

ESSENTIAL READING:

-  *Agenda for Protection*, A/AC.96/965/Add.1.
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement*, 21 June 2004.
-  *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, Standing Committee 27th meeting, EC/53/SC/CRP.10/Add.1, 3 June 2003.
-  *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, EC/GC/02/7, 25 April 2002.
-  *New Directions for Resettlement Policy and Practice*, Standing Committee Information Note, EC/51/SC/INF.2, 14 June 2001.
-  *Progress Report on Resettlement*, Standing Committee, 30th meeting, EC/54/SC/CRP.10, 7 June 2004.

FURTHER REFERENCE:

-  *Convention Plus at a Glance (as of 14 May 2004)*, UNHCR, Geneva, 14 May 2004.
-  *The State of the World's Refugees. Fifty Years of Humanitarian Action*, UNHCR. 2000.