

# CHAPTER SEVEN





## CHAPTER SEVEN

### BASIC PROCEDURES TO FOLLOW IN PROCESSING RESETTLEMENT SUBMISSIONS

#### Introduction

The preparation of resettlement submissions must pass through the following common stages of the resettlement process: **identification** of refugees in need of resettlement consideration; **assessment** of individual resettlement need; **preparation** of a resettlement submission; UNHCR **submission** decision; resettlement country **decision**; and **pre-departure** arrangements and monitoring.

#### Purpose

**Chapter 5** reviewed the first stage in the resettlement process: identification of refugees in need of resettlement consideration.

The purpose of this chapter is to:

- examine the roles that UNHCR field offices have to play in each of the resettlement process stages after the initial identification:
  - case assessment and verification;
  - conducting interviews;
  - preparation of documentation (including BID, MAF) and a Resettlement Registration Form (RRF);
  - UNHCR submission decision; routing of submissions;
  - preparing for state selection missions; decisions and practices;
  - post-decision: resubmissions, family unity;
  - departure arrangements and monitoring;
- provide guidance on the established standards in meeting these roles most effectively; and
- introduce practical tools designed to facilitate the implementation of the baseline standards.

Both individual case submissions and submissions under the group methodology are addressed.

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## 7.1 SAFEGUARDS IN THE PROCESSING OF RESETTLEMENT SUBMISSIONS

Regardless of the field context, the resettlement management safeguards and standards as detailed in [Chapter 4](#) are critical to the integrity of resettlement processing. Resettlement submissions should be processed in line with a number of key principles. In particular, they should:

- follow Standard Operating Procedures (SOPs);<sup>1</sup>
- consistently apply the resettlement policies;
- ensure transparency, oversight and accountability.

Each field office's Resettlement Standard Operating Procedures (SOPs) must incorporate the baseline standard for all UNHCR operations in assessing and submitting individuals for resettlement, and detail the procedures specific to the office for each of the stages of the resettlement process:

1. **Identification** of refugees in need of resettlement consideration;
2. **Assessment** of individual resettlement need;
3. **Preparation** of a resettlement submission;
4. UNHCR **submission** decision;
5. Resettlement country **decision**;
6. **Pre-departure** arrangements and monitoring.

### Transparency of the process

Documenting each step in the resettlement process is vital. A refugee's case file should clearly indicate why and by whom each decision was taken. Staff should also utilize and record resettlement process on *proGres*, where it is in place. All documentation should be signed, dated and kept in the refugee's physical case file.

Transparency is also important vis-à-vis resettlement partners. UNHCR should hold regular meetings with resettlement partners to discuss protection needs and interventions as appropriate, and to keep them informed of the resettlement process, albeit while fully respecting principles of confidentiality.

### Oversight and accountability

The Accountable Officer for resettlement activities oversees and coordinates all resettlement activities, and ensures effective management and compliance with SOPs. This oversight function may include random checks of individual cases at different stages in the process.

**Remember:** Update *proGres* to reflect every action taken on the case.



<sup>1</sup> UNHCR, *Baseline Standard Operating Procedures on Resettlement*, revised version 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/48b6997d2.html>

### 7.1.1 Case identification

As discussed in detail in [Chapter 5.4](#), identification of refugees in need of resettlement is arguably the most crucial and challenging aspect of the resettlement process. Resettlement needs must be identified proactively, as part of UNHCR's standard assessment of protection and durable solutions needs, rather than reactively through the demand of an individual. For this reason, resettlement is employed as part of a comprehensive protection strategy to address the needs of refugees in a country of asylum and includes an identification and referral system to facilitate the active identification of cases.

For the annual regional/country operation planning process in *Focus* each resettlement operation analyzes the total multi-year and immediate resettlement needs of their population(s) of concern. Offices follow standard methodologies to reach an estimate of the overall number of refugees in need of resettlement, and the number needing resettlement in the following calendar year, drawing on available data sources including specific needs identified within *proGres*, participatory assessments, and the application of the *Heightened Risk Identification Tool*.

However, those refugees identified as in need of resettlement now far outnumber the current number of available places. This introduces new challenges related to advocating for the allocation of quotas and resources, prioritizing among those identified as in need of resettlement, establishing an order for resettlement submission, and managing refugee expectations.

Furthermore, the identification of refugees potentially in need of resettlement and the assessment of cases are not tied only to the planning process, but constitute an active and systematic process of cooperation between operational partners in the field and the relevant units within a given office.<sup>2</sup>

The cases of those refugees who are identified as in need of **emergency or urgent** resettlement through any of the identification methodologies will be processed and submitted immediately.<sup>3</sup> Those whose individual resettlement needs are assessed to be of **normal** priority will have their cases submitted on an ongoing basis, as per the office's annual resettlement plan. **Groups** identified as in need of resettlement will have their cases processed only when the resettlement of their population has been prioritized, and resettlement States have allocated places.



Emergency and urgent resettlement must be used selectively and based on a thorough and objective assessment of both refugee status and urgency of removal. UNHCR and resettlement countries must take rapid action, and provide extra resources to process emergency and urgent cases.

<sup>2</sup> Please review [Chapter 4](#) for more details on identification methodologies and safeguards.

<sup>3</sup> The immediacy of security and/or medical condition of emergency cases necessitates removal from the threatening conditions within a few days, if not within hours. Urgent cases have serious medical risks or other vulnerability requiring expedited resettlement within six weeks of submission.

## 7.2 CASE VERIFICATION AND ASSESSMENT

Organizational structures and the availability of human resources vary among field offices. Each field office will have to adapt the guidance provided in this chapter to their specific circumstances, and detail their local procedures in their Resettlement SOPs.

### Preconditions for resettlement consideration

- the applicant is determined to be a refugee by **UNHCR**;<sup>\*</sup> and
- the prospects for all durable solutions were assessed, and resettlement is identified as the most appropriate solution.

\* Exceptions can be made for non-refugee stateless persons for whom resettlement is considered the most appropriate durable solution, and also for the resettlement of certain non-refugee dependent family members to retain family unity.

All refugees identified as being in need of resettlement consideration must pass through **verification and assessment stages** before a resettlement submission may be prepared:

1. verification of **registration details**;
2. verification of **refugee status**, or qualification for resettlement on exceptional grounds;
3. **resettlement needs assessment** in line with priorities, policy considerations and submission categories.

The officer accountable for resettlement nominates a staff member with designated resettlement responsibilities to undertake these verifications, according to the urgency of resettlement need. If the case was referred internally, the staff member who conducts this verification and assessment should be different from the person who referred the case. This serves to strengthen objectivity, bridge gaps in quality assurance, reduce perceptions of individual bias and safeguard against fraud.

These verifications are designed to ensure the credibility and resettlement needs of the individual case, and to ensure consistency in the field office's resettlement activities. The Annex of the Baseline SOPs includes sample forms that will assist field offices to develop appropriate, efficient and effective mechanisms and procedures for these stages.

### For submissions under the group methodology

- As described in [Chapter 5.7.4](#), a verification exercise must be conducted to determine inclusion in the group, and to obtain refugees' consent for UNHCR to share information with resettlement countries.
- This verification exercise also provides an opportunity to seek any additional information required for resettlement processing.
- The SOPs developed for the processing of the group will outline the procedures for the verification exercise, and the steps required before submission of the cases.

### 7.2.1 Verification of registration details

The following registration details need to be verified for each refugee who is identified for resettlement consideration:

- bio-data in *proGres* (or other database) is current; and photographs of the Principal Applicant and all dependants are included;
- family composition is accurate and complete.

Preferably, these details can be confirmed in a *non-resettlement context* (i.e. through a home visit, or an interview with protection staff where resettlement is not mentioned directly with the refugee). This precaution is important for two reasons. First, it ensures that the details contained in the file, especially family composition, are accurate and not biased by resettlement considerations. Second, it does not raise premature resettlement expectations on the part of the refugee.

If there is reason to doubt the relationship claimed by the head of the family, dependants should be interviewed independently. If doubts persist about the credibility of the family composition, the resettlement consideration may be kept on hold by the Field Office until these doubts can be effectively addressed and resolved. Discrepancies may indicate fraudulent misrepresentation of family composition, but may also indicate misguided fears about the possible separation from dependants who are not nuclear family members.



#### **BIDs, Counselling, MAFs, and Investigations**

This verification process may reveal family composition details or protection needs that require protection assessments including BIDs or counselling before proceeding with resettlement consideration. These could include separated or unaccompanied children, polygamous families, or married children. Cases with medical needs may require medical or psychosocial assessments.

A *proGres* check could also reveal specific needs codes regarding alleged violence that may require further investigation.

If these assessments have not been completed, the case should be referred to the appropriate protection staff as required.

### 7.2.2 Verification of refugee status, or qualification for resettlement on exceptional grounds

It must also be verified that the refugee has been recognized as a refugee under UNHCR's mandate. Refugee status should be cross-checked with *proGres* and the physical file. However, additional checks with protection staff responsible for refugee status determination (RSD) may be required.

If status determination was undertaken by UNHCR under its mandate, all steps should have been fully documented, including the decision, the grounds on which the individual has been recognized, a credibility assessment and any exclusion considerations as applicable. Any such determination must be



undertaken by trained RSD staff, but it is important that resettlement staff have a good understanding of the requirements for refugee status determination, which were examined in [Chapter 3](#).

Individual RSD is normally required for purposes of resettlement. However, in some instances, resettlement countries have accepted resettlement submissions from UNHCR on behalf of refugees recognized on a *prima facie* basis. Therefore, it may be sufficient for UNHCR resettlement staff to substantiate the *prima facie* recognition as part of the resettlement submission, provided the refugee cases do not show evident exclusion elements. *Please refer back to [Chapter 3.1.3](#) for more information.*

If any **exclusion triggers** arise during the review, the case **must** be sent back to the Protection Unit for a full-fledged exclusion analysis, the outcome of which will determine whether to proceed with the resettlement submission or not.



If RSD has been undertaken by the government of the country of asylum, this fact needs to be entered in *proGres* and in the physical case file.

There are certain exceptions to the requirement to be recognized as a refugee in order to be submitted for resettlement by UNHCR. Exceptions can be made for non-refugee stateless persons for whom resettlement is considered the most appropriate durable solution, and also for the resettlement of non-refugee dependent family members to retain family unity.

## Resettlement of non-refugee stateless persons

Persons of concern to UNHCR include stateless persons who are not refugees. In line with the *General Conclusion on International Protection* No. 95 (LIV), UNHCR can consider resettlement for non-refugee stateless persons on an exceptional basis. See [Chapter 1.2.3](#) and [Chapter 5.3.1](#) for more detail.

Resettlement may be considered for non-refugee stateless persons where the individual:

- **does not have** in the current or a former state of habitual residence a **secure, lawful residence status** which brings with it a minimum standard of treatment equivalent to that set out in the 1954 *Convention relating to the Status of Stateless Persons*; and
- has **no reasonable prospect of acquiring** such a **residence status** or nationality; and
- **has acute protection needs** which cannot be addressed inside the country of current or former habitual residence.

Field offices considering resettlement of non-refugee stateless persons in these circumstances should consult the Resettlement Service. Prospective resettlement countries also need to be consulted prior to submission to confirm their willingness to consider the case, and the possibility of processing stateless persons under their national legislation.

Ideally, States should give similar status to resettled non-refugee stateless persons as that given to resettled refugees. Namely, a status that provides the person in question and their accompanying dependants the enjoyment of civil, economic, social and cultural rights similar to those enjoyed by nationals and the opportunity to eventually become a naturalized citizen of the resettlement country. At the very minimum, the resettled individuals should be granted status as stateless persons under the 1954 *Convention relating to the Status of Stateless Persons*, encompassing rights and obligations enshrined in this instrument.<sup>4</sup>

### Resettlement of non-refugee family members

In exceptional circumstances, UNHCR may also include a dependent non-refugee family member in a resettlement submission in order to retain family unity. This is primarily relevant when a dependent spouse or other relative is a national of the country of asylum, as most other dependants are eligible for derivative refugee status.

During RSD, dependants who are determined to fall within the criteria for refugee status in their own right are granted refugee status rather than derivative refugee status. The family link to the resettled refugee may itself lead to persecution, and “membership in a particular social group” may apply.

Dependants of a recognized refugee, who do not have grounds to make an independent claim, may be granted derivative refugee status in most circumstances. These include dependants who arrive in the country of asylum subsequent to the recognition of the principal applicant, or who are in another country of asylum. Individuals who obtain derivative refugee status enjoy the same rights and entitlements as other recognized refugees, and should retain this status notwithstanding the subsequent dissolution of the family through separation, divorces, death or the fact that a child reaches the age of majority. Therefore, in most circumstances, the dependants of refugees have refugee status or derivative refugee status.

However, nationals of the country of asylum are not eligible for refugee status. Therefore, the inclusion of a non-refugee family member in a resettlement submission is appropriate to retain family unity when the non-refugee is emotionally, socially, and economically dependent on the refugee family and their citizenship does not accord any protection or rights to the family unit.

A detailed assessment of all available documents and the personal circumstances of the family member must be conducted to document the dependency. The agreement of the resettlement country to consider a family including non-

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<sup>4</sup> The 1954 Convention contains provisions regarding stateless persons' rights and obligations pertaining to their legal status in the country of residence which are similar to the legal regime provided by the 1951 *Convention Relating to Refugee Status*. These rights include access to courts, property rights, which are, at a minimum, equal to those granted to aliens generally, and freedom to practice their religion. Obligations include conformity to the laws and regulations of the country. The Convention further addresses a variety of matters that have an important effect on day-to-day life, such as gainful employment, public education, public relief, labour legislation and social security. UN General Assembly, *Convention Relating to the Status of Stateless Persons*, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, <http://www.unhcr.org/refworld/docid/3ae6b384o.html>

refugees is also required. The possibility of processing other immigration channels should be explored with the resettlement State if the State does not agree to the inclusion of the non-refugee family member on the resettlement submission. However, the risk of short-term or prolonged separation must be weighed carefully, and the family must be counselled before a decision is taken to remove a fully dependent non-refugee from a resettlement case. *Review Chapter 4.1.2 for more guidance.*

UNHCR also facilitates **family reunification** processed through the immigration programme of a resettlement country – outside of the context of a UNHCR resettlement submission. At least one of the parties seeking the assistance of the Office – either the individual requesting the reunification or the family member with whom he or she is seeking to be reunited – should be a refugee, although it is not necessary that all parties are refugees. *See Chapter 6.6.5 for more details on the type of assistance the Office can offer.*



### 7.2.3 Resettlement needs assessment

A preliminary assessment of an individual's need for resettlement should be conducted based on the information contained in the referral (internal, external or unsolicited) and any relevant information contained in the refugee's file.

The preliminary resettlement needs assessment should preferably be completed within two weeks of the receipt of the referral. The Annex of the Baseline SOPs includes a sample Resettlement Needs Assessment Form that can be adapted for use, as well as a sample refusal letter for unsolicited requests. Information gathered at this stage may later be transferred directly to the Resettlement Registration Form (RRF).

As part of the preliminary resettlement needs assessment the reviewing staff member should:

- **determine if sufficient information is available** to make a proper assessment of the need for resettlement – such as reports by specialist staff or external experts (e.g. medical assessments, and Best Interests Determination in specific cases involving children);
- **identify any problems with the file** that would prevent the applicant from being interviewed for resettlement (e.g. including fraud indicators such as evidence of tampering);
- **review the protection environment**, and appropriateness of resettlement:
  - prospects for voluntary repatriation;
  - quality of asylum, including respect for basic human rights in the host country and the possibility of local integration;
  - whether resettlement is appropriate, considering the universal imperative and/or possible strategic dividends;
- assess resettlement need and **identify primary, and if applicable, secondary resettlement submission categories;**

- verify that **all relevant information** and documentation in the file is **translated**;
- **review** the case for **family links** in other countries;
- **assess priority of the case**, i.e. whether the individual requires urgent or emergency resettlement intervention (see [Chapter 6.1.1](#));
- **produce a written summary**, including a recommendation for follow-up action.

Based on the analysis of the assessment, one of three possible follow-up actions may be recommended:

- **additional information** is required, perhaps from the referral source prior to finalizing the resettlement assessment; or
- the resettlement need appears to be **founded**, and should proceed to a resettlement interview; or
- resettlement intervention appears **unfounded** or lacks merit according to UNHCR guidelines and priorities, and the referral source should be notified that the refugee will not be considered for resettlement referral at that time.

### Emergency and urgent resettlement priority

When faced with an emergency resettlement requirement, time available for investigation of a refugee's statement may be severely limited. Nevertheless, such time as may be available must be used to the maximum with a view to checking the veracity of the story and its consistency. It is important that these priorities only be used when this is clearly appropriate, to avoid undermining the credibility of UNHCR and the responsiveness of resettlement States.

Staff must bring cases identified as requiring emergency or urgent resettlement submission to the immediate attention of the Accountable Officer and the responsible Protection Officer. Ideally, **emergency** priority cases should be prepared and submitted **within 24 hours** of identification and **urgent** cases **within two weeks**. Each office is responsible for taking temporary measures to address immediate protection needs.

### Secondary review and follow-up

The refugee file including the written assessment and the recommendation should be passed to a supervising officer for review. For normal priority cases, the supervising officer should review the recommendation within two weeks of receipt.

Once the supervising officer has confirmed the appropriate course of action, the relevant follow-up steps below should be taken, taking care also to update the refugee's file and *proGres*.

#### If additional information is required:

- Send a letter/email requesting additional information to the referral source, and attach a copy of the correspondence to the refugee's file.

- Schedule an interview with the refugee if this is required to gather sufficient information to complete the resettlement needs assessment adequately.

It is important to emphasize that the completion of a resettlement needs assessment does *not* necessarily mean that UNHCR will submit the refugee's case for resettlement. Staff must take special care to avoid raising resettlement expectations at this stage in the process.

**If resettlement need is founded:**

- Schedule the refugee in question for a resettlement interview with all dependants.

**If resettlement intervention appears to be unfounded:**

- Notify the referral source that the refugee will not be considered for resettlement at that time. The notification should preferably be in writing, and should outline the basis of this assessment. Attach a copy of this notification to the refugee's file and update *proGres*.

The referral source may request UNHCR to reconsider this assessment if circumstances change or new elements arise. Such requests must be made in writing, and should be considered by the Field Office in light of the priorities of other pending resettlement cases.

## 7.2.4 Assessments from specialist staff and external experts

Reports from specialist UNHCR staff or external experts are essential to assessing the resettlement needs of refugees with certain specific needs and family situations.

### Medical assessments

Cases being assessed for resettlement on medical needs should be accompanied by a medical report. If the case merits consideration, UNHCR staff must refer any individual being considered for resettlement submission under the Medical Needs category to recognized and qualified professionals for the completion of a Medical Assessment Form (MAF).<sup>5</sup> This specialized medical form must be completed in a timely and accurate manner by qualified medical practitioners with the required knowledge and clinical training. Furthermore, in order to respect the objectivity and impartiality of the assessment, it is strongly recommended that an independent clinical practitioner perform the medical assessments of refugees being considered for resettlement submission. Medically qualified UNHCR staff should in principle not be requested to complete the MAF.

The MAF records pertinent information derived from clinical findings and the interpretation of diagnostic tests. It must be completed in a detailed, clear and comprehensible manner while respecting medical ethics. The compilation of

<sup>5</sup> UNHCR, *Revised UNHCR Medical Assessment Form (MAF) and Guidance Note*, IOM/o44-FOM/o44/2010, (Internal), available on the UNHCR Intranet

pertinent medical information on the MAF helps UNHCR staff determine the individual's eligibility and priority for resettlement on medical grounds. Timely identification of refugees with medical conditions can favourably affect the recovery process, which can in turn directly impact the decision of a resettlement country on the case.

## Best Interests Assessments and Determinations

In the same way, the collection and analysis of comprehensive information on the child and his or her environment for a Best Interests Determination should be undertaken by trained child protection, community services, or child welfare staff.

The best interests of the child are an overriding consideration in all decisions and actions concerning unaccompanied or separated children and other children at risk. The office must comply with the *UNHCR Guidelines on Determining the Best Interests of the Child*<sup>6</sup> and the *Convention on the Rights of the Child*.<sup>7</sup> Formal BID reports are required for the resettlement submission of all separated or unaccompanied children, as well as for other children at risk as detailed in the *Field Handbook for the Implementation of the UNHCR BID Guidelines*<sup>8</sup> and reviewed in [Chapter 5.2.2](#).

Consult the Regional Resettlement Hub/Regional Office or the Resettlement Service for advice if there is no access to specialist staff, or if for any reason there are unusual delays in preparing necessary reports.



Field offices must ensure that systems are in place to minimize the time between needs identification and the submission for resettlement, to prevent normal and urgent cases from becoming emergency ones.

### 7.2.5 Regular resettlement meetings

Field offices may hold regular resettlement or durable solutions meetings, with the participation of relevant staff from the Protection and Community or Social Services Units to discuss the assessment of resettlement needs and the subsequent submission of resettlement cases.

In the experience of many field offices regular meetings provide an effective forum for discussing protection needs and appropriate responses to difficult cases, as well as for reviewing resettlement practices and procedures. Conducted in a systematic and transparent manner, such meetings also serve as an anti-fraud mechanism. While it is desirable to introduce such forums where possible, a balanced approach is required to ensure that this does not result in

<sup>6</sup> UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, <http://www.unhcr.org/refworld/docid/48480c342.html>

<sup>7</sup> UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, <http://www.unhcr.org/refworld/docid/3ae6b38fo.html>

<sup>8</sup> UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, 2011, <http://www.unhcr.org/refworld/docid/4dda4cbo2.html>

a bottleneck in the process. The officer accountable for resettlement activities remains responsible for ensuring that resettlement cases are authorized and processed in a timely manner.

### Further reference

- UNHCR, *UNHCR Manual on a Community Based Approach in UNHCR Operations*, March 2008, <http://www.unhcr.org/refworld/docid/47da54722.html>
- UNHCR, *UNHCR Tool for Participatory Assessment in Operations*, May 2006, First edition, <http://www.unhcr.org/refworld/docid/462df4232.html>
- UNHCR, *Revised UNHCR Medical Assessment Form (MAF) and Guidance Note*, IOM/o44-FOM/o44/2010, (Internal), available on the UNHCR Intranet



## 7.3 CONDUCTING INTERVIEWS

The advice of the Field Security Advisor should be sought concerning precautions and practices to be followed in each interview location. *Staff should also review the security precautions outlined in Chapter 4.6.*



### Submissions under the group methodology

The SOPs developed for the processing of the group will outline the specific procedures to be followed after the verification exercise, including the circumstances under which additional interviews might be required.

#### 7.3.1 Preparing for an interview

Interviews may play an important role in the preparation of a resettlement needs assessment, and will *always* be necessary during the preparation of a resettlement submission.

The Baseline SOPs provide detailed instructions on how to prepare for, conduct and document the interview. Field Office Resettlement SOPs may include procedures and tools developed specifically for the local context, including resettlement interview checklists designed to ensure both that staff have asked the required information from the refugee(s), and have conveyed required information to the refugee(s).

When scheduling an interview, it is important to inform the refugees of the purpose of the interview, and to stress the importance of bringing all dependants and all relevant documentation to the interview.



A refugee scheduled for a resettlement interview will not necessarily have their case submitted. To help manage expectations the interviewer must inform the refugee that the interview is a thorough assessment as to whether the refugee qualifies for resettlement according to established policies and priorities, regardless of any preliminary assessment that has been done of the case.

## Training and Guidelines

Interviewers are encouraged to consult the documents referred to under “Essential Reading” for guidance on interviewing in the refugee context. Of particular relevance is the *Training Module RLD4: Interviewing Applicants for Refugee Status*,<sup>9</sup> which includes general interviewing guidelines, as well as issues pertinent to interviewing women, children and survivors of trauma. The *Field Handbook for the Implementation of the UNHCR BID Guidelines*<sup>10</sup> provides guidance on communicating with children. Basic guidance on how to recognize and interact with survivors of violence or torture can be found in *Mental Health of Refugees*.<sup>11</sup>

Overall, interviewers are encouraged to develop *age-appropriate* and *gender and diversity sensitive* interviewing and communication skills to help ensure that the needs and protection risks of more vulnerable family members are adequately identified, and that their views are taken into account.

## Case-specific preparation

It is important to be fully prepared for interviews. The interviewer should have a good understanding of the current conditions in the refugee’s country of origin and country of asylum.

Prior to the interview, the interviewer should carefully review the contents of the file and ensure that all relevant information including the RSD report is included. The interviewer should note any inconsistencies with regard to the information, or doubts about the genuineness of any documentation. If not yet completed, translations of required documents can be requested.

In addition, staff should prepare for interviewing particularly vulnerable persons in the family, including survivors of violence (e.g. of sexual or gender-based violence), because sensitive questioning will occur, and it is important to address such issues in a culturally respectful, gender-sensitive and age-appropriate way. When possible, the interviewer and the interpreter should be of the same sex as the refugee being interviewed. Preparations should be made for interviewing family members separately, and with discretion.

<sup>9</sup> UNHCR, *RLD4 – Interviewing Applicants for Refugee Status*, 1995, RLD4, <http://www.unhcr.org/refworld/docid/3ccea3304.html>

<sup>10</sup> UNHCR, *Field Handbook for the Implementation of UNHCR BID Guidelines*, 2011, <http://www.unhcr.org/refworld/docid/4dda4cbo2.html>

<sup>11</sup> UNHCR, *Mental Health of Refugees*, 1996, <http://www.unhcr.org/refworld/docid/4a54bc010.html>



## Pre-interview RRF generation and preparation

In certain contexts, it will be useful for the interviewer to generate a Resettlement Registration Form (RRF) from *proGres* for use during the interview, and complete it as thoroughly as possible in order to ensure the accuracy of the bio-data. Review the guidance on preparing the RRF in [Chapter 7.5.1](#) before proceeding.

Preparing a draft summary of the refugee claim based on the RSD assessment may also help to facilitate interviewing the refugee.

The PRA's situation should be summarized from a factual point of view on the refugee claim section of the RRF. For example, do not write “*The PRA claimed/ explained that she was raped.*” Instead state “*The PRA was raped.*”



### 7.3.2 Working with interpreters

The majority of interviews are held with the assistance of an interpreter. Interpreters do not replace the interviewer, but play a vital role to facilitate communication with the refugee.

Interpreting is a skill, and interpreters must be adequately trained to ensure professionalism, integrity and confidentiality in their tasks. Staff should consult UNHCR's *Guidelines for the Recruitment, Training, Supervision and Conditions of Service for Interpreters in a Refugee Context*.<sup>12</sup> Mandatory induction training includes the *Self-study Module 3: Interpreting in a Refugee Context*.<sup>13</sup>

Interpreters are required to sign the *UNHCR Code of Conduct*<sup>14</sup> and the *UNHCR Interpreter Undertaking of Confidentiality and Impartiality*<sup>15</sup> when they take up their duties. This undertaking sets out the obligations and ethical requirements of interpreters. *Additional anti-fraud considerations related to interpreters are covered in Chapter 4.4.4.*

It is essential that interpreters understand the confidential nature of all protection interviews, and resettlement interviews in particular. Interpreters must agree, in advance, to the following conditions:

- that they will not share the contents or nature of any interview in which they assisted;
- that they will not share the contents or nature of any documents they handle within the UNHCR premises related to their duties as an interpreter;
- that they will not solicit or accept any fee, including services in kind, either directly or indirectly, from refugees;

<sup>12</sup> UNHCR, *Interpreting in a refugee context: Guidelines for the recruitment, training, supervision and conditions of service for interpreters in a refugee context*, IOM - FOM/005/2009, 19 January 2009, (Internal) <http://swigea57.hcrnet.ch/refworld/docid/497f147c2.html>

<sup>13</sup> UNHCR, *Self-Study Module 3: Interpreting in a Refugee Context*, 1 January 2009, <http://www.unhcr.org/refworld/docid/49b6314d2.html>

<sup>14</sup> UNHCR, *UNHCR Code of Conduct*, June 2004, <http://www.unhcr.org/422dbc89a.html>

<sup>15</sup> See Annex 2, *UNHCR, Interpreting in a refugee context: Guidelines for the recruitment, training, supervision and conditions of service for interpreters in a refugee context*, IOM - FOM/005/2009, 19 January 2009, (Internal) <http://swigea57.hcrnet.ch/refworld/docid/497f147c2.html>

- that they will not provide advice or guidance to any refugee about the resettlement process, either during interviews or outside their official functions;
- that they must indicate if they have a conflict of interest related to the refugee being interviewed before the start of the interview;
- that they will uphold the highest standards of efficiency, competence and integrity in their work;
- that they will be dismissed from their duties as an interpreter if they breach these conditions.

### Selecting an interpreter

Interpreters should be both neutral and objective in their role. It is important to be sensitive to a refugee's culture, gender, age and background when selecting an interpreter:

- Female refugees will likely be more comfortable speaking through a female interpreter to a female interviewer. Many refugee women are unwilling to speak to male interpreters and interviewers.
- There may be occasions when a male refugee would be more at ease with a male interpreter and a male interviewer.
- When working with children and adolescents, care should be exercised to select interpreters who have the necessary skills.

Given the importance of an interpreter's neutrality and objectivity, field offices should **avoid using refugee interpreters** when possible. Where refugee interpreters are used, it is important to ensure that they are not in any way related to the refugee being interviewed, either through a family relationship, or through other ties such as political associations. It is also important to ensure that interpreters are not perceived to be associated in any way with the agent of persecution, or any group antagonistic to the refugee community.

To ensure the independence of the interpreter and to safeguard against fraud, where possible, the interpreter for a resettlement interview should not be the same person who interpreted during previous interviews, including in particular refugee status determination interviews. As a further safeguard and quality assurance mechanism, interpreters should rotate between case officers, and should not know in advance which refugee case they will be assigned.

### Interpreter's role

Interpreters should always:

- have a clearly defined role, and understand the purpose of the interview;
- have the support of the interviewer;
- remain neutral;
- work with accuracy;
- be treated with respect;
- have arrangements made for their personal safety and security.

An interview should begin by introducing the interpreter to the refugee and explaining his or her role. It is also important to assure the refugees of their right to confidentiality, and that both the interviewer and the interpreter will respect this. The interpreter must also be asked if there is any potential conflict of interest, which would mean that she or he should not interpret during the interview.

Refugees should also be advised that they may stop the interview or refuse the services of a given interpreter if they are not satisfied with the interpretation. If there are reasonable objections to using the interpreter the interview should be postponed until another interpreter is found.

Questions should be directed to the refugee, and not to the interpreter. The interpreter should translate precisely what is said by the interviewer and the refugee, and not summarize, elaborate or attempt to provide an explanation of what is said. The interpreter should also be trained to take notes during the interview. This will assist in recording all the information accurately, especially important facts such as dates, names of persons and places. All notes taken by the interpreter during an interview should be kept in the refugee's file.

## Security for the interpreter

Special attention should also be paid to the security of interpreters. Cases have been reported where interpreters have been threatened and even attacked by refugees not submitted for resettlement. Interpreters may be blamed for influencing the outcome of the resettlement interview, and consequently the resettlement process. It is for this reason that special attention must be paid to not only the selection and training of interpreters, but also arrangements to ensure the personal safety and security of interpreters involved with the resettlement process. In this regard, it is suggested that advice be sought from specialized security personnel, especially the Field Security Advisor.

### 7.3.3 Refugees who fail to appear for a scheduled interview

The methods of communication between UNHCR offices and individual refugees depend on the local context. The reliability of these methods may have an impact on the number of missed appointment interviews, and the ability to follow-up efficiently with the refugee. UNHCR staff should contact a refugee who does not appear for a scheduled resettlement interview by letter or other appropriate confidential means to request that s/he come to the office within two weeks. Offices may vary this timeframe depending on the reliability of the method of communication.

Refugees must explain their failure to appear for the scheduled interview. If their reason for missing the interview is valid, then the refugee should be rescheduled for a resettlement interview upon approval by the supervising officer. Refugees should also be reminded of their obligation to notify UNHCR of any changes in their contact address, telephone number and email. Any reasons provided, as well as subsequent decisions, should be recorded in *proGres*.

If the refugee does not contact the office within the specified timeframe, the case should be brought to the attention of the supervising officer for a decision. In certain cases, it may be appropriate to try other ways to contact the refugee, if this has not already been done. The fact that a refugee has failed to appear should be shared with the Protection Unit since refugees may have been detained. If there is no success after all reasonable efforts are made to contact the refugee, then the resettlement case should be suspended, based on lost contact. The Protection Unit may also consider closing the file according to the file management SOPs. *proGres* must also be updated.

If the refugee contacts the office after the specified timeframe, the Accountable Officer should assess the reasons provided for missing the interview, and determine whether the resettlement processing should recommence. The case may also be referred for alternative action.

### 7.3.4 Receiving the refugees and opening the interview

Where the file concerns a family, at least the principal applicant, his/her spouse, and all adults should be interviewed. If deemed necessary, any adolescent children may also be interviewed with the consent of their parent or caregiver. Family members should appear together, but adults should be interviewed separately. The interviewer will be asking about sensitive issues of a personal nature, and must foster a relationship of trust and respect with the refugee. Care should be taken to approach issues in a culturally respectful, age, gender and diversity sensitive way and to allow for a relaxed atmosphere, because misunderstandings are likely to arise due to different cultural contexts. Where possible, separate waiting rooms should also be used for persons prior to and after the individual interviews to prevent collusion and retain confidentiality.

The interviewer must ensure that the principal applicant and all dependants are present on the day of the interview, and that their identities are verified before starting the interview. Unless the case is of an urgent nature, and depending on the context, an interview might be postponed if the family is not complete, or if identity documents are not produced.

There are a number of important steps to follow at the beginning of an interview to ensure the refugee is fully aware of the purpose of the interview and his or her rights and obligations:

- **Introductions:** The interviewer and interpreter must introduce themselves by name and title, and the interviewer must explain their roles.
- **Identity verification:** The interviewer should verify the identity of each member of the family by checking their identity documents and the picture in the file and/or *proGres*.
- **Fitness for interview:** If there is any doubt about whether the refugee is fit for interview, the interview should be rescheduled. The refugee should also be asked if s/he is well enough for the interview, with the reassurance that the interview could be rescheduled.
- **All UNHCR services are free of charge:** The interviewer should notify the refugee that they should never be asked to provide money or services by

UNHCR staff or people employed by UNHCR, and advise them of the process to report any charging.

- **Resettlement counselling:** The interviewer must explain the purpose of the interview within the resettlement process. The interviewer should also explain the nature and constraints of resettlement, including the fact that there are set criteria and defined procedures that will be followed.
- **Refugee's rights:** The refugees should be asked if they understand the interpreter and if they have any objections to the particular interpreter being used. They should also be informed that they could stop the interview if they feel that they are not being understood or if they need a break, and that this is acceptable.
- **Refugee's obligations:** The interviewer should notify the refugees of their obligation to tell the truth, and not to conceal information. They should also be notified that fraud, including using forged documents or falsifying any information, is a crime, and may lead to prosecution by the authorities and rejection for resettlement.
- **Conduct of interview:** The interviewer should explain the process of the interview, including that interview notes will be taken, and that adults in the family will be asked questions separately.
- **Questions:** The interviewer should ask whether the refugees fully understand the steps of the resettlement process and answer any questions about the process before beginning the interview.

### 7.3.5 Conducting the interview

There are a number of components to a standard resettlement interview, including a review of the family composition, the history of persecution and flight and the resettlement needs. Throughout the interview, the interviewer should keep in mind the limited purpose of the interview, and strategies for ensuring the interview is focused and effective.

- Use **“open” questions** to encourage the refugee to freely recount his or her story, and use **“closed” questions** to draw out specific details.
- If refugees find it difficult to give exact **dates** for events, but it is important to clarify when different events took place, it may be helpful to ask them to relate an event to a season, religious holiday, or other event. If an exact date is known on a national calendar, take care to translate the date into the standard Gregorian calendar accurately, noting the original date as well for clarity and cross-referencing.
- **Limit questions to a “need to know” basis**, especially for sensitive issues.
- Remember that it is inappropriate for interviewers to be shown or request to see **scars or wounds** on a body part not normally visible to the public. If verification of such physical evidence is required, medical or nursing personnel should be asked to witness the evidence and assess whether it is likely to have been caused in the manner described by the refugee.

- Collect as much information as possible, and take care to **cross-check facts and address gaps in chronology**. The interview is intended to help clarify any inconsistencies, and verify information that is unclear or misleading. This will serve not only to confirm whether a submission is warranted, but will also assist in producing a complete and consistent RRF.
- A formal question-by-question transcript of the interview is not mandatory, although advisable. Depending on the operational context, notes may be entered directly into the RRF. However, **if complex issues arise** during the interview, **separate notes of what was discussed must be prepared for the file**.

### Verifying Family Composition

The right to family unity is a fundamental principle that interviewers should keep in mind as an overarching concern throughout the interview process. Before going through the refugee's history of persecution and resettlement prospects, the family composition should be reviewed. This verification not only ensures that the data available to UNHCR is correct, but also helps maintain the unity of the family and the prospects for future family reunification.

Following is a list of interview techniques developed to facilitate the process of verifying family composition. The questions below should be asked in a sensitive, non-threatening and conversational way. As family composition, including estimated ages, should have been previously verified in a non-resettlement context, any inconsistencies should be clarified in a respectful and neutral, rather than accusatory, fashion.<sup>16</sup> The goal of this process should be to ensure that all individuals who are legitimately a part of a family structure, whether by blood or custom, are considered together for resettlement. For dependants that are not part of the nuclear family, it is crucial to note the nature of the dependency – social, emotional or economic – and to document this carefully.

- Ask the family relationship for each individual. These relationships can be cross-checked with each of the family members when separately interviewed.
- Verify the full name, date and place of birth for all family members, both present and not present. Compare and verify the physical appearance of individuals with the photographs, prints and/or signature on the case.
- Confirm which family members are living and which are deceased, which remain in the country of origin, which are in other countries, which are present in the country of asylum, and which are together with the family.
- Record principal applicant's and his/her spouse's parents, and verify that both father and mother are the biological parents.
- Confirm whether the principal applicant and spouse have had any prior marriages, or are in polygamous relationships. If either has more than one partner, record the names of all partners, as well as whether the marriage is legal or informal (this information can be cross-checked at separate interviews with other family members).

<sup>16</sup> For guidance on estimating age, consult UNHCR, *UNHCR Handbook for Registration*, September 2003, <http://www.unhcr.org/refworld/docid/3f967dc14.html>

- Confirm that the bio-data is recorded for all offspring, including those from previous relationships.
- For siblings, confirm that both father and mother are the same. If the sibling has a different father or mother, record the bio-data and the relationship.
- For children, confirm their biological parentage. If the parents are not the principal applicant and his spouse, record the names of the other biological parent(s) and the relationship to the person on the case. Ensure that information concerning the location of the other parent and how the child came to live with the applicants is recorded (*verify this with registration database and community service records, if available, and request custody counselling or a BID as appropriate*).
- Ask women of childbearing age whether they are pregnant.
- Ask whether “family” members are blood relatives, neighbours, members of the same clan or tribe. (That is, define “brother,” “sister,” “cousin,” “aunt,” “uncle,” etc. by asking if the mother of the aunt is the same as the mother of their mother.)
- Establish whether others were living in the same household in the country of origin or asylum, specifying whether that means under the same roof, in the same compound, or as part of the household economic unit.
- Establish whether persons who were living in the same household in the country of origin are part of the household in the asylum country, and if not, where they are.
- Ask the refugee about relatives living in other countries than his/her country of origin. Distant relatives should also be noted if the relationship is important in the resettlement submission context (e.g. they live in a resettlement country).

## Family Unity

All individuals who are legitimately part of a family structure must be considered together for resettlement. See [Chapter 7.4](#) for more guidance on case composition.

UNHCR staff must follow the definitions and policies set out in this Handbook, specifically as related to the concept of dependency in the identification of family members, despite the fact that UNHCR definitions may not always correspond with those applied by the State to which the resettlement case is submitted.



## Refugee claim

The interviewer must review the claim of each member of the family over the age of 18, with the possible exception of the dependent spouse. The time required to review the refugee claims during a resettlement interview will depend largely on whether the refugee family was recognized through individual refugee status determination or on a *prima facie* basis.

The role of the resettlement interview is not to conduct RSD, or examine the claims in every detail. If the refugee family underwent **individual refugee status determination**, the interviewer should focus on clarifying any details or inconsistencies that may give rise to questions by resettlement States. This may include completing information that is missing or unclear, checking chronology gaps, or verifying the accuracy of UNHCR records.

For the resettlement submissions of refugees recognized on a *prima facie* basis, it may be sufficient to **substantiate the *prima facie* recognition**, provided the refugee cases do not show evident exclusion elements. The Convention ground(s) relevant for the group recognition, and the objective situation in the country of origin that supported the acceptance of the group as mandate refugees *prima facie* could be referred to in a generalized manner, or elaborated into a group profile for use with the group methodology.

In other contexts resettlement submissions regarding refugees recognized *prima facie* do require an individual examination to reaffirm refugee status and to document in detail the basis of refugee status recognition. This examination, however, does not represent individualized refugee status determination. The substantive and due process principles that apply to the examination of eligibility for refugee status (see [Chapter 3](#)) are also relevant in resettlement interviews to draw out and elaborate the individual elements of the claim for refugees recognized on a *prima facie* basis.

It is also important to draw out the elements of an individual refugee claim for **all dependants over the age of 18** (other than the dependent spouse) that did not undergo individual refugee status determination but were accepted on a *prima facie* basis or were granted derivative refugee status. Including details of individual needs for protection on the RRF may help protect family unity, particularly as some resettlement States require each adult to be able to articulate an individualized refugee claim, and may not accept UNHCR's definition of a dependent family. While a claim is not necessarily required for the spouse, the details of the claim should be drawn out if the spouse has a different flight history or a claim arising from a different ground. Each family member should be given a chance to express his/her own refugee claim.

In some circumstances, **a child** may also have a refugee claim unrelated to that of the remainder of the family, in which case the elements of the child's claim should also be summarized.

A dependant's refugee claim may be completely unrelated to that of the principal applicant and may therefore strengthen the case as a whole. However, it is important to draw out these individual refugee claims even if the family shares a common flight history and the claims are based on the same grounds as that of the principal applicant, or are due to their relationship to the principal applicant. This reinforces the importance and interdependence of the family unit, and improves the prospects of acceptance of the entire family by ensuring that each individual's need for protection is properly expressed.



If any information arises that might trigger exclusion, cessation or cancellation considerations, the interviewer should **refer the case file back to the Protection Officer** for review of the original decision including an exclusion analysis. This includes facts that may not have been adequately reviewed previously, issues that involve significant discrepancies as well as issues that arise for the first time during the resettlement interview. *Please consult [Chapter 3.7](#) for further details.*



## Resettlement need

The interview should also confirm the refugee family's need for resettlement, as guided by the requirements and resettlement submission categories set out in [Chapter 6](#) of this Handbook. The interviewer should review the resettlement needs of each individual member of the family and take note of interdependencies within the family. In many cases the protection needs of a dependent adult would become more acute should the remainder of the family be resettled without them.

As noted, it is important to confirm that voluntary repatriation is not a viable option for the family, and that specific vulnerabilities cannot be dealt with in the country of asylum. It is also essential to resolve any doubts or inconsistencies relating to vulnerabilities.

If sufficient information is available, the interviewer should confirm the appropriate primary and secondary resettlement submission categories for the case, noting the reasoning for the choice on the file.

## Closing the interview

The interview must provide refugees with an opportunity to ask any questions, and provide information they consider important that has not been covered. The interviewer also needs to ensure that all documentation in the file is accurate and that the file is complete. If any additional **supporting documents** are required, the interviewer should request the refugee to provide them by a specific date.

If possible, the interviewer should review the notes of the refugee's statements during the interview together with the refugee, who can then add information or correct misunderstandings. This also provides an opportunity to clarify any discrepancies or gaps. The interviewer incorporates the changes proposed by the refugee where they clarify the refugee's statements.

## Updating *proGres*

When updating the *proGres* events after the interview, remember to enter the details of the relatives of the individuals interviewed. Ensuring that the bio-data of all immediate family members including parents, spouses, children and siblings is recorded accurately will simplify the process of completing the Resettlement Registration Form (RRF).



### 7.3.6 Interviewing polygamous families

Interviewing polygamous families for resettlement requires careful consideration of the social and legal challenges posed by their marital status, and the protection needs that could arise from the separation necessitated by resettlement processing. *UNHCR's Resettlement Assessment Tool: Polygamous Families*<sup>17</sup> provides guidance on the procedures to be followed when considering whether resettlement is the appropriate solution for polygamous families.

As discussed in [Chapter 5.3.5](#), polygamy is widely considered a violation of the principle of equality of men and women in marriage.<sup>18</sup> However, UNHCR aims to respect the culturally diverse interpretations of family membership, and recognizes polygamous families as eligible for UNHCR assistance, including consideration for resettlement.

Most resettlement countries accept only one wife in view of their own national legislation forbidding polygamy, and in the context of resettling polygamous families, children risk being separated from either their biological mother or father.

In principle, UNHCR should avoid a situation where one wife is chosen over the others in order for a man and his chosen family members to be submitted to a resettlement State, thereby putting the unity of the polygamous family at risk.

However, there are circumstances where refugees in polygamous families present protection needs or vulnerabilities, which warrant resettlement consideration. Given specific and serious social and legal protection challenges that resettlement of refugees in polygamous families would entail, additional considerations and procedural safeguards are required when assessing the resettlement needs of refugees in polygamous families.

UNHCR may consider the submission of **all** members of a polygamous family for resettlement in cases where:

- a member of a polygamous family has a **resettlement need**, and is eligible for submission under a resettlement category; and
- the principle of family unity and physical, financial, psychological and/or emotional dependency dictate that the **entire family must be resettled together**.

Submitting the family together, even if split onto separate cases, helps to maintain family unity and to ensure that wives not legally recognized by resettlement States and their children do not become more vulnerable to protection risks by being left behind in the country of asylum.

The willingness of a resettlement State to accept such submissions must be confirmed early in the process.

<sup>17</sup> UNHCR, *Resettlement Assessment Tool: Polygamous Families*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4dc7a9032.html>

<sup>18</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations*, 1994, para. 14, <http://www.unhcr.org/refworld/docid/48abd52co.html> See Article 5, UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, A/RES/34/180, <http://www.unhcr.org/refworld/docid/3boof2244.html>

As detailed in the *Resettlement Assessment Tool: Polygamous Families*, **each adult** member of the polygamous family must be separately interviewed, counselled, and consulted, in order to:

- determine each adult's wishes;
- confirm their dependency link;
- identify any protection needs; and
- elicit elements of an independent refugee claim.

The physical, financial, psychological and emotional dependency among the spouses is a crucial factor in determining whether polygamous families should be submitted for resettlement. No resettlement State will allow the family to maintain polygamous practices.

### Interdependency

The wives within a polygamous family may be dependent on each other, as well as on the husband. For example, if one of the wives is disabled she may depend on the other wife for care and support. In these cases it is important to determine how best to ensure the protection of both wives and to consult resettlement States regarding any possible solutions.

During the resettlement process, the implications of the resettlement State legislation for the legal rights of the wives and children submitted as cross-referenced cases should be identified, including:

- refugee recognition and the risk of a split decision;
- legal rights of each of the wives in the resettlement State;
- legal rights of the children in the resettlement State; and
- rights of cohabitation in the resettlement State.

Where required by the resettlement State, the refugees' marital status should be legally documented, including:

- a legal marriage certificate for the legally recognized wife;
- legal divorce certificates for the other wives.

It is important to assess all of the specific legal and social consequences for each of the wives and their children and to discuss these consequences thoroughly with each family member before they make a decision regarding their consent to the submission of the family for resettlement (and separation into individual cases, where applicable).

These interviews must be conducted with sensitivity to determine that no family member is being coerced. In addition, UNHCR must counsel each family member that their decision will remain confidential so as to alleviate potential concerns about repercussions from other family members should the individual not consent to the submission of the family for resettlement, and the family not be submitted for resettlement.

**Each child** member of the family must also be separately interviewed, counselled, and consulted in order to:

- identify any protection needs; and
- obtain the child's input into the decision-making process.

Even if the intention is to submit the entire family to the same resettlement country, most situations require the family to be separated into two or more cases.

**Parents** must also be interviewed and counselled, in order to:

- determine whether the parents are in **genuine agreement** regarding whether the family should be submitted for resettlement;
- determine **how the family will be divided** for purposes of resettlement, and discuss **custody** arrangements; and
- if one parent will not be included in the individual case, determine whether that parent is willing to provide **informed written consent** for the resettlement of his/her child with the other parent.

If the parents do not agree on custody issues, efforts should be made to engage competent national authorities to make a legal determination of custody. If local authorities are unwilling or unable, or procedures are inaccessible to refugees, UNHCR should undertake a BID to determine if resettlement together with one parent is in the best interest of the child. The parent who travels with the child should be advised to initiate procedures to acquire full custody rights upon arrival in the resettlement country.

To avoid children being separated from one parent, a Best Interests Determination (BID) could also be undertaken to advocate for the right of the children to remain with both parents.<sup>19</sup>

As detailed in the *Resettlement Assessment Tool: Polygamous Families*, in both scenarios where wives wish to be resettled together and those where wives wish to be resettled separately or to remain in the country of asylum, the family should be counselled about the following:

- the separate assessment of their refugee claims and possibility that one of the wives may be rejected for resettlement;
- the resettlement State's specific domestic legislation regarding the legality of their relationships; and
- any legal requirement that they not cohabit in the resettlement State.

*Case composition considerations for polygamous families are discussed in Chapter 7.4.4.*

### 7.3.7 Interviewing married refugee children

The presence of a married refugee child under the age of 18 within a refugee family requires special considerations before determining that resettlement is

<sup>19</sup> UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, p. 41, <http://www.unhcr.org/refworld/docid/48480c342.html>

the appropriate solution. In all cases of married children, either a Best Interests Assessment (BIA) or a formal Best Interests Determination (BID) is required in order to determine that the child should be submitted for resettlement with her/his spouse.

The *Resettlement Assessment Tool: Married Children*<sup>20</sup> has been developed to ensure UNHCR's obligations to promote family unity, durable solutions, and protection for refugee children in accordance with its mandate and fundamental principles of international human rights law are considered when assessing cases of refugee children who are married. The tool outlines the considerations and procedural safeguards that should be taken into account to reach a decision regarding resettlement needs. *Protection considerations related to child marriages and guidelines on assessing best interests when considering the resettlement of married children are also discussed in Chapter 5.3.6 of this Handbook.*

Because child marriage has no legal effect under international law and widely treated as a form of sexual and gender-based violence, *UNHCR does not, in principle, submit cases of married refugees under the age of 18 years old with their spouses*, unless there are compelling protection risks that can best be addressed through resettlement.

### **As recommended through the BID process, resettlement of married refugee children *may* be necessary in order to:**

- ensure that the child's protection needs are addressed;
- maintain family unity and prevent separation of the child from her/his parents/legal guardians;
- ensure that the child or members of the child's family do not become more vulnerable to protection risks by having to wait until the child reaches the age of 18 years old to be submitted for resettlement.

Where a BID determines that it is in the child's best interests that s/he be submitted for resettlement, the BID recommendation should provide guidance on which family members will be included on the refugee child's case; and family members, if any, will be included as linked cross-referenced cases.

For example, the child and her/his spouse may be submitted:

- on the same case as the child's parents; or
- as a linked case to the same resettlement State as the child's parents.

The child may also be submitted with her/his parents and without the spouse, in which case their marital status would not be marked as married.

Resettlement States may consider the married child to be an adult. Therefore, **each *married* refugee under the age of 18 should also be interviewed** in order to elaborate an individual refugee claim.

<sup>20</sup> UNHCR, *Resettlement Assessment Tool: Married Children*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4dc7a79f2.html>

In contrast, child marriage may not be recognized as legally valid by the resettlement State, and the child's spouse may not be accepted if included in a submission with the child's parents. The family should be counselled that there is always a risk that the child and her/his parents may be accepted, while the spouse will be rejected, and vice versa.

### 7.3.8 Conducting interviews in places of detention

In some circumstances one may be obliged to conduct an interview in a place of detention, which means that an applicant is not free to leave a place under official control. This could include airport detention centres, prisons, or police stations. Conducting interviews in such locations should, if at all possible, be avoided. However, authorities may not allow access to the individual in any other location.

It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum-seekers who are detained be provided with an opportunity to contact UNHCR, or in the absence of such office, available national refugee assistance agencies. In countries without a UNHCR office, but with United Nations Development Programme (UNDP) representation, the latter usually assists in interviewing asylum-seekers and refugees and in documenting their cases.

The following precautions should be taken if an interview is to be conducted in a place of detention:

- the interviewer and any accompanying personnel should have proper identification documents when attending to an interview;
- it is also important to seek prior authorization from the competent authorities to access the detention centre;
- the person to be interviewed should be given advance notice of the appointment;
- the interpreter should be provided by UNHCR and be briefed on the circumstances of the interview, including the interview environment;
- the interview should be conducted in a private room – if this is not possible, no other persons (such as guards, other detainees, etc.) should be present or able to overhear the interview proceedings;
- before beginning the interview, a brief discussion should be held with the applicant to create a calm and reassuring atmosphere;
- when taking notes during the interview, it should be considered whether they may be confiscated or photocopied by the authorities upon leaving the detention centre (if this is a possibility, only brief notes using key words should be made during the interview and full notes prepared immediately after leaving the premises).

### 7.3.9 Home visits

Home visits conducted by staff or partners are a legitimate and valuable tool to assist UNHCR in better understanding the living situation and specific needs of refugees. The Field Office Resettlement SOPs should establish clear criteria for determining when home visits are required, as well as guidelines clarifying the nature of home visit questioning and reporting. Home visits may be used:

- **As a general integrity measure:** Home visits should be used selectively to ensure the integrity of the resettlement process (depending on local needs and circumstances, as a spot-checking device, and possibly for consistent use in situations of widespread fraud, or where the specific living situation is a factor in determining resettlement intervention). In this connection, home visits could be used to test the credibility of the case.
- **To enhance case documentation:** Home visits can be useful for providing additional supporting details for resettlement submissions, as well as assisting staff to recommend interim or alternative protection and solution interventions.
- **To assess women and girls at risk:** When conducting visits in the case of women/girls at risk, the visiting officer should focus broadly on *all elements* of the women and girls at risk definition, not exclusively on the presence or absence of males of a certain age/ability/relationship in the household or as part of an extended family circle.

### Safeguards in implementing home visits

The decision to conduct a home visit must be reasoned, documented, and authorized by a supervising officer. Privacy concerns, the desire to avoid harm to the refugee(s) of concern, and the existence of a power differential between refugee applicants and UNHCR require that field staff implement certain safeguards in using home visits as an effective tool.

- Only trained staff or partners (see below) should be allowed to conduct home visits, and this duty *cannot* be delegated to untrained individuals. Subject to resource constraints, local needs and circumstances, national staff may be better suited for local visits.
- If feasible, the visiting officer should be a different person than the officer responsible for the applicant's case (ideally, a Community Services Officer should conduct the home visit).
- If the home visit is to a household headed by a woman, a female officer (accompanied by a female interpreter if needed) should conduct the visit.
- Consent must be obtained from the refugee prior to the home visit. If s/he denies consent to a home visit, the reasons for her/his refusal should be recorded, and the credibility of such reasons assessed.
- In certain situations, when a home visit is required to ensure the integrity of the resettlement process, the refugee might be asked to come to the UNHCR office without notification that a home visit is planned. Once the refugee provides consent, the visiting officer should accompany the refugee back to their home from the UNHCR office.

- In all cases, the refugee must be fully informed of the reason for the home visit, how it will be conducted, and what implications this may have in terms of future case management.
- The staff who conducted the home visit should draft a home visit report assessing the results of the visit, which s/he should then forward to the Supervising Officer for a final review and further advice or action.

## Training

- Any staff conducting home visits must receive adequate training in order to ensure that the visit is conducted with sensitivity. Training should include activities aimed at:
  - cultural sensitization (to provide in-depth knowledge of the refugee population; to foster awareness of the fact that the home visit may harm the individual concerned by drawing attention to her/his situation which may lead to heightened risk, in which case the Office should balance the benefits and harms associated with a visit and all other information in the applicant's file);
  - gender-sensitivity training;
  - Code of Conduct training;
  - ensuring good interviewing and negotiating skills;
  - ensuring good interpersonal and communication skills.



## Essential reading

- UNHCR, *RLD4 - Interviewing Applicants for Refugee Status*, 1995, RLD4, <http://www.unhcr.org/refworld/docid/3ccea3304.html>
- UNHCR, *Guidelines for Interviewing Unaccompanied Minors and Preparing Social Histories*, October 1985, <http://www.unhcr.org/refworld/docid/47fdfae5d.html>
- UNHCR, *UNHCR Guidelines on Determining the Best Interests of the Child*, May 2008, <http://www.unhcr.org/refworld/docid/48480c342.html>
- Finland: Directorate of Immigration, *Guidelines for Interviewing (Separated) Minors*, March 2002, <http://www.unhcr.org/refworld/docid/430ae8d72.html>
- UNHCR, *Self-Study Module 3: Interpreting in a Refugee Context*, 1 January 2009, <http://www.unhcr.org/refworld/docid/49b6314d2.html>
- UNHCR, *Guidelines for the recruitment, training, supervision and conditions of service for interpreters in a refugee context*, IOM/005-FOM/005/2009, (Internal) <http://swigea57.hcrnet.ch/refworld/pdfid/497f147c2.pdf>
- UNHCR, *Safety Guidelines for Sensitive Individual Refugee Cases in an Urban Context*, 4 September 2002, (Internal) <http://swigea57.hcrnet.ch/refworld/docid/3dca8ead4.html>
- *UNHCR Code of Conduct and Explanatory Notes*, June 2004, <http://www.unhcr.org/422dbc89a.html>



## 7.4 CASE COMPOSITION

Preserving family unity is essential to the successful integration of resettled refugees, and UNHCR is committed to ensuring that resettlement should not separate dependent family members. The family is often the strongest and most effective emotional, social and economic support network for a refugee making the difficult adjustment to a new culture and social framework.

However, UNHCR staff often encounter challenges in determining the appropriate family composition of resettlement cases, due to differing State definitions of family and variations in procedures for processing cases.

UNHCR's *Operational Guidance Note on Resettlement Case Composition*<sup>21</sup> provides guidance for determining the appropriate family composition of resettlement cases and for preparing resettlement cases to ensure family unity in the expeditious achievement of a durable solution.

### The Principal Applicant on a resettlement case (PRA)

When compiling a resettlement case, careful assessment of the refugee claims of all adults is required. The Principal Applicant needs to be able to articulate a refugee claim.

At registration, the head of household (HR1) or principal applicant is usually selected according to traditional concepts of family structure.

The **Principal Applicant** does not usually change as long as the individual can articulate a refugee claim. However, in some circumstances, it may be warranted to change the Principal Applicant to be the adult with the resettlement need that triggered the submission. The nature of the resettlement need and the possible need for confidentiality must also be kept in mind. Children would normally not be made the PRA if there are adults on the case who can articulate a claim, despite the fact that the child might have the strongest resettlement need.

#### Examples:

A couple is being submitted under the category Women and Girls at Risk due to the wife's experiences, and the fact that her husband cannot offer *effective* protection. **The wife should be the PRA.**

A family is being submitted under the category Survivor of Violence and/or Torture due to the 20-year-old dependent daughter's experiences in the country of refuge that are not known to her father. The family has a well-founded fear of persecution. **The daughter should not be made the PRA.**

A family is being submitted under the category Legal and/or Physical Protection Needs due to the insecurity of their situation in the country of refuge. The 20-year-old dependent daughter has been arrested and faces *refoulement*; however **she does not become the PRA.**

A family is being submitted under the Medical Needs category due to the illness of the son who is 17 years old. **The son should not be made the PRA.**

<sup>21</sup> UNHCR, *Operational Guidance Note on Resettlement Case Composition*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4dc7aaod2.html>

### 7.4.1 All dependent family members should be submitted together

In line with the principle of Family Unity highlighted in [Chapter 5.1.2](#), all dependent members of the family should, in principle, be **included in a single case**, to be submitted together on one RRF.



The definitions and policies set out in this Handbook, specifically as related to the concept of dependency in the identification of family members, are to be followed by UNHCR staff despite the fact that UNHCR definitions may not always correspond with those applied by the State to which resettlement cases are submitted.

The dependent members of the “family unit” include the nuclear family, dependent members of the extended family, and household members who have strong ties to the family, but may not be related.

**Members of the nuclear family**, that is, the principal applicant, his or her spouse and his or her dependent children are part of the family unit.

- It is imperative that all **dependent children**<sup>22</sup> are submitted as integral members of the family, and, unless the best interests of the child so determine, are not separated or subject to split submission. Dependency, rather than age or marital status, determines whether an individual should be included in a case with his or her parent(s) or guardian(s). Similarly, the case should include dependent siblings and dependent children under foster care or guardianship arrangements that are not biologically related.
- **A common-law or same-sex spouse** should be considered an integral member of the nuclear family, and should therefore enjoy the same rights to derivative refugee status and inclusion in the resettlement submissions as those individuals whose union has been legally recognized. The standard and burden of proof as to the genuineness of the relationship applied to same-sex couples should be the same as is applied to common-law couples; with additional recognition of the difficulties (or inability) same-sex couples may face in obtaining legal recognition of their union. The choice of resettlement country should be sensitive to the treatment of such individuals in the country.
- **Dependent non-refugee spouses** should also be included in the case to retain family unity. A detailed assessment of all available documents and the personal circumstances of the family member must be conducted to document the dependency and to advocate for inclusion on the resettlement case. The agreement of the resettlement State to consider a family including non-refugees is also required.

<sup>22</sup> The *Convention on the Rights of the Child* (1989), Article 1, defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” Dependency is presumed for all individuals less than 18 years of age.

**Other dependent members of the household** are also members of the family unit. This includes dependent parents or older persons, extended family members, or other individuals who may or may not be related by blood but are strongly tied to the principal applicant by psychological, physical, economic, and/or emotional bonds, as guided by the dependency principle. In exceptional circumstances, this could also include non-refugees who are completely dependent on the refugee family.

Some States allow **the inclusion of all unmarried offspring under age 21** on the same case, regardless of dependency. Staff are encouraged to follow this aspect of State guidance in the completion of an RRF as it supports wider family unity.



## 7.4.2 Reinforcing individual refugee claims to help ensure family unity

When submitting an RRF including dependent adults, UNHCR staff are advised to include a summary of each adult's refugee claim, as well as a detailed description of the family links and dependencies. As discussed in [Chapter 7.3.5](#), including individual assessments of the need for resettlement strengthens the case as a whole, reinforces the importance and interdependence of the family unit, and improves the prospects of acceptance for the entire family by ensuring that each individual's need for protection is properly expressed.

Some States use narrower interpretations of the family, split single UNHCR submissions into several cases, and require each individual to articulate a refugee claim. States may also issue "split decisions", accepting only some members of a family and rejecting others. To help reinforce the case, there is a need to include separate paragraphs on the RRF outlining the details of individual refugee claims and individual vulnerabilities of all adults above 18.

These paragraphs might be quite brief if the refugee claims are closely linked to that of the principal applicant. There might be a common flight history, and the individual's claim may derive from the same reasons as that of the principal applicant, or be due to their relationship to the principal applicant. However, compiling a separate paragraph for each adult on the case nonetheless ensures that each individual's refugee claim is expressed.

## Family unity considerations in determining the resettlement country

There are a number of factors influencing the determination of the country of submission for a particular case. *This point is elaborated in [Chapter 7.6.1](#).*

As well as any extended family or community links to a particular country, staff should consider State practices and requirements that might support or undermine family unity. These include age and marital status restrictions, flexibility in accepting dependent adult household members, recognition accorded to same-sex or common-law unions, policy on the resettlement of polygamous families, and family reunification programmes.

### 7.4.3 State requirements to split resettlement cases

The main objective of submitting all dependent members of a family together on a single RRF is to ensure that the unity of the family is preserved, and that there is no risk of abandoning vulnerable family members.

However, UNHCR recognizes the practical necessity to prepare cases according to resettlement State restrictions in order to facilitate durable solutions for those under UNHCR's mandate. Some resettlement States may not require UNHCR staff to split resettlement cases, and may have leeway to accept broad definitions of family, or may split the case themselves in the course of their processing.

Other States may require UNHCR to split cases into two or more resettlement cases for separate consideration. For example, some States require all individuals over age 18 to be submitted as separate but cross-referenced cases, irrespective of dependency. While cases may be split to facilitate processing by resettlement States, this should not result in family separation or undermine the recognition of dependency. Therefore, it is important to consider the following aspects in dealing with all potential or necessary splitting of resettlement cases:

- In all cases where splitting is envisaged, field staff should first discuss all possible options with the resettlement State.
- Where UNHCR determines that, due to strong dependency ties, no family member should be resettled without all others, split cases must be **submitted together** as cross-referenced cases to the same resettlement country in order to retain **family unity**.
- The **potential consequences of a split submission** must be thoroughly weighed. Such consequences include, most notably, the possibility of receiving a split decision, but also the possibility that one or more of the linked cases will be delayed, perhaps for months or years, and/or that family members may travel separately, which may be very problematic in some cases.
- Where splitting the case is required, it is essential to provide thorough counselling on the reasons and potential consequences of splitting the cases and to obtain the refugees' consent. Each adult member of the family should be *separately advised* and consulted to obtain his or her **individual informed consent** to splitting a case into cross-referenced cases before they can be submitted for resettlement. It is very important that these cases are carefully evaluated to help ensure that no family member has been coerced into a decision.
- The respective Office's Standard Operating Procedures (SOPs) need to describe the **proper procedures for splitting and/or merging cases** in *proGres*.
- Split cases must be **cross-referenced** (listed in Sections 1 and 7 of the RRF), emphasizing the dependency.
- **Appropriate resettlement submission categories** must be selected for the cross-referenced cases. The family reunification resettlement submission category may not be used for cases submitted together.<sup>23</sup>

<sup>23</sup> A resettlement submission under the Family Reunification submission category is used solely to reunite families in resettlement when they have been separated from each other, i.e. when one part of the family has been resettled and the rest of the family remains in the country of origin/refugee, or

## 7.4.4 Case composition considerations for polygamous families

As outlined in UNHCR's *Resettlement Assessment Tool: Polygamous Families*,<sup>24</sup> the risk of family separation must be carefully assessed when considering polygamous families for resettlement.

Most resettlement States will not consider the submission of a case with multiple spouses, and children risk being separated from either their biological mother or father through resettlement processing. *Chapter 7.3.6 outlines the protection concerns that need to be considered when assessing a polygamous family's resettlement needs.*

If it is determined that resettlement *is* the most appropriate solution for the family, despite the fact that only one spouse will be recognized, careful attention must be paid to the dependency assessments and the case composition. In principle, UNHCR promotes the submission of such cases only after extensive consultation with the family and the resettlement State, and on the condition that the State considers the entire family as one case or as cross-referenced cases.

The first wife is usually the legally recognized spouse. In specific situations, some resettlement States may allow the resettlement of non-legally recognized wives and their children to the same community as their husband. Whether or not legal divorces are required in these instances, the marriages would not be legally recognized, and the couple would be prohibited from practicing polygamy after resettlement.

In rare instances, a resettlement State may permit the submission of all family members on a single RRF, if specifically agreed upon for a particular population of refugees. The resettlement State will still assess the individual refugee claims of each of the wives who are not legally recognized separately from their husband's claim.

Some resettlement countries also may be willing to accommodate polygamous families as separate but cross-referenced resettlement cases in order to respect the rights and best interests of the child(ren).<sup>25</sup> In these cases the polygamous family unit is separated into two or more cases, whereby the husband, his legal wife and her biological children are included in one Resettlement Registration Form (RRF), and the other wife(s) and her children are included in a separate cross-referenced RRF.

The safeguards related to splitting cases outlined above in *Chapter 7.4.2* and *Chapter 7.4.3* should also be followed closely when considering the submission

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when members of the same family in different countries of temporary refuge will be reunited through resettlement to the same country. See *Chapter 6.6* for further guidance.

<sup>24</sup> UNHCR, *Resettlement Assessment Tool: Polygamous Families*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4dc7a9032.html>

<sup>25</sup> ExCom Conclusion 107 encourages States to "enhance the use of resettlement as a protection and durable solutions tool for children at risk; where appropriate, take a flexible approach to family unity, including through consideration of concurrent processing of family members in different locations, as well as to the definition of family members in recognition of the preference to protect children within a family environment with both parents..." UNHCR, *Conclusion on Children at Risk*, 5 October 2007, No. 107 (LVIII) - 2007, para. (h) xviii, <http://www.unhcr.org/refworld/docid/471897232.html>

of polygamous families. Careful consideration of the options are required if the resettlement State does accept only part of the family and will not reconsider the split decision. *The options available are discussed in Chapter 7.7.8.*

### 7.4.5 Other cross-referenced cases

Families whose dependants have been split into separate cases to meet resettlement State requirements must be cross-referenced for joint consideration by the resettlement State. Section 7 of each of these RRFs should include a statement emphasizing the need to consider the cases jointly due to their mutual dependency.

Other cases may also be cross-referenced. These include extended relatives, close friends and community members whose resettlement to the same destination may provide mutual support during the resettlement process and facilitate integration. For these cases, Section 7 of the RRF could include a request to consider the cases jointly if they are submitted concurrently, or to resettle the case(s) to a specific location due to community ties, as appropriate.

A clear distinction should be made between cases evidencing genuine dependency, which must always be submitted together, and for which joint consideration should always be strongly urged, and those cases presenting potentially beneficial relationships, for which destining to the same community could be recommended or requested.

## 7.5 PREPARATION OF A RESETTLEMENT REGISTRATION FORM (RRF)

On the basis of the resettlement needs assessment, the officer accountable for resettlement may authorize the preparation of a resettlement submission.

Each individual submission **must** include a Resettlement Registration Form (RRF) and attached documentation as appropriate to the case profile and resettlement submission category.

The RRF is the primary tool at UNHCR's disposal to represent the needs of individual refugees to resettlement countries, and a high standard in the RRF is essential to ensuring a high level of acceptance of resettlement cases. States base their decisions either on interviews conducted during selection missions, or solely on the RRF received as a "dossier submission".

The RRF must be:

- clear and easy to read, without jargon;
- concise enough to be interesting and understood in one reading;
- complete, with all relevant information included and required documents attached;
- consistent and without contradictions; and
- factually correct, objectively presented and thoroughly checked.

Ensuring quality control for the preparation of RRFs will make resettlement activities more efficient, as fewer RRFs are returned for questions and corrections, and more credible, as RRFs received by resettlement countries will be more consistent.

### Submissions under the group methodology

- In agreement with resettlement States, **an abridged RRF** is used for group submissions.
- Due to the interface between *proGres* and the Worldwide Refugee Admissions Processing System (WRAPS), submissions to the United States of America under the group methodology do not require an RRF. (See [Chapter 7.6.3](#).)

### Abridged RRFs for individual submission

- An abridged RRF may also be used for individual expedited processing when refugees share similar refugee claims and/or resettlement needs but were not designated as a group.

## 7.5.1 Section-by-section guidance following the RRF User Guide

UNHCR staff members must complete the RRF (which includes affiliate workforce such as employees under direct UNHCR supervision). The detailed instructions on completing the RRF provided in the document *Resettlement Registration Form (RRF) for proGres Users: User Guide* should be followed closely.<sup>26</sup>

Where *proGres* is not installed in the Office, staff should load the updated non-*proGres* RRF template and follow the instructions provided in the *Resettlement Registration Form (RRF) for Non-proGres Users: User Guide*.<sup>27</sup>

The **RRF User Guides** were prepared to provide objective standards for the preparation of individual submissions.

**All Offices should adhere to the standards of the Guide** in order to increase the quality of individual submissions, reduce the number of returned RRFs, and most importantly, increase the probability of acceptance by resettlement countries. The Resettlement Service will notify field offices when the RRF templates and User Guides are revised.



All UNHCR staff members who are responsible for preparing resettlement submissions should be fully versed in the standards presented in the RRF User Guide. The Accountable Officer is responsible for ensuring that RRFs submitted from their field office conform to these standards.

<sup>26</sup> UNHCR, *Resettlement Registration Form (RRF) for proGres Users: User Guide*, revised 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4ad30352.html>

<sup>27</sup> UNHCR, *Resettlement Registration Form (RRF) for Non-proGres Users: User Guide*, revised 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4ae579692.html>

An RRF can be generated through *proGres*, which **populates the basic case information** including the bio-data for members of the case and their relatives.

Staff must then **add the case information that is not populated** from *proGres*. This includes:

- a comprehensive outline of the refugee claim and of the UNHCR determination for each adult on the case;
- a substantiated explanation of the need for resettlement;
- detailed information on any specific needs and vulnerabilities; and
- any additional information including dependency assessments.



This section of the Handbook covers some of the key points related to the completion of the RRF. However, the RRF User Guides are more detailed, and must be followed closely.

## Sections 1 & 2

The case and bio-data information in both of these sections will either be automatically populated for *proGres* users, or selected from pull-down menus for non-*proGres* RRFs. In all cases, however, these details should be very carefully checked to ensure that the data is current, and accurately reflects the details on the physical file.

### Before generating the RRF

Offices using *proGres* should ensure that an authorized staff member enters all known information on the *proGres* basic bio-data screen before generating the RRF, including the name of each individual's biological mother and father. The Field Office's Resettlement SOPs should specify which staff members are authorized to revise registration and bio-data.

### Corrections

Any required corrections to any of the information populated by *proGres* **must be entered into *proGres***. This includes any changes to the case composition or to individual bio-data details.

## Section 1: Case-related data



**UNHCR**  
The UN Refugee Agency

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) - Resettlement Registration Form

### 1. Case-related Data

UNHCR case number:		HQ Reference number:	
Embassy file number:			
Submission Priority:	-	Case size:	
Primary Submission Category:	-		
Secondary Submission Category:	-		
Arrival:	Country of Asylum:	Cross referenced cases:	
Registration:	Refugee Status:		
Address:			



**Case, File and Reference Numbers:** The UNHCR case number is mandatory and will be automatically assigned to the case for *proGres* users. The embassy file number is assigned by the resettlement country, and the HQ reference number will be assigned to dossier cases submitted through the Resettlement Service by the Processing Unit.

**Submission Priority:** Ensure that justification for emergency and urgent prioritization is provided in Section 5. Confirm the prioritization of cross-referenced cases, especially the cases of dependent family members that should travel together but have been separated onto their own cases at the request of the resettlement country.

**Resettlement Submission Category:** In many cases, categories may overlap, and submissions can effectively be made under two or more resettlement submission categories. Staff are encouraged to identify both a primary and secondary relevant category.

**Case Size:** Take care to ensure that all family members, including potential non-refugee dependants included on the case are counted. The case size must match the number of family members listed in Section 2.

**Cross-Referenced Cases:** Ensure that all cross-referenced cases are listed accurately. This is particularly important where dependent family members have been split into separate cases at the request of the resettlement country. Ideally, the cases should be submitted to the resettlement country together, as part of the same submission. All linked cases should be listed, including those cases previously submitted to the resettlement country.

## Section 2: Individual bio-data

### 2. Individual Bio Data

(If NOT currently living with Principal Applicant, explain under Section 7 - Additional Remarks)

Relationship to PRA

UNHCR Registration Number:						
Alias Names:	Sex:	DOB:	Est.	Age:		
Marital Status:	Country of Origin:					
Citizenship:	Place and Country of Birth:					
Religion:	Name of Father:					
Ethnic Origin:	Name of Mother:					
Education:						
Occupation/Skill:						
Languages:						
Specific Needs:						

Inaccurate or incomplete information in this section can significantly delay the processing of the case. Points to remember:

- Children should be listed in birth order from oldest to youngest.
- Other dependants should be listed after the spouse and children.
- Verify and cross-check bio-data carefully, including date of birth, and spellings of names for all members of the case. Ensure consistency in the spelling of names between linked cases.
- Verify that the identity of each person on the case matches their photo on the RRF. Photos are an important anti-fraud measure. Ensure that each case

member's photo is of good quality and recent.<sup>28</sup> (If the RRF is not *proGres*-generated, full name and case number should show on each picture.)

- Include the names of each individual's biological mother and father and note in parentheses if the parent is deceased.

### Section 3: Relatives of principal applicant and spouse not included in this submission

#### 3. Relatives of principal applicant and spouse not included in this submission

ALL OTHER CLOSE RELATIVES OF THE APPLICANTS in the country of origin, the country of refuge / asylum or any other country. *Note: Record at least all immediate biological and legal parents, spouses, children and siblings, including step and half relationships, of each person listed in Section 2. Where possible include any other relatives (e.g. more distant relatives residing in a country of resettlement) if the relationship is important in the context of the resettlement submission (e.g. sole surviving relative). People in a relationship of dependency to anyone listed in Section 2, but are unable to be included in the submission under Section 2, must be recorded. In the case of separated and/or unaccompanied children in Section 2, include all known family members.*

Name:		Sex:		DOB:		Est.		Age:	
Relative of:									
Relationship:									
Place and Country of Birth:									
Country of Residence:		Legal Status:		Marital Status:					
Comments:									

List all close relatives and dependants of the members of the case in this section. Ensuring that the details provided in this section are complete and accurate is important for retaining family unity, demonstrating linkages to individuals already resettled, and for future family reunification. Points to remember:

- Relatives should be listed starting with the Principal Applicant's relatives, then the spouse's relatives, then the children's relatives, and finally any relatives of other adult dependants included in the case.
- Verify that all immediate biological and legal parents, spouses, children and siblings, including step- and half- relationships, of each person on the case are listed.
- Include individuals who are dependent on a member of the case, but were not able to be included in the case. (A comment should be added in Section 7 regarding such dependants.)
- Include relatives in the country of origin, the country of asylum, a resettlement country, or any other country.
- Include any family members that are missing, even if they are presumed to be dead.
- Where possible, include more distant relatives if the relationship is important in the context of the resettlement submission. This includes relatives residing in a country of resettlement, and sole surviving family members.
- Include all known family members of unaccompanied/separated children.

<sup>28</sup> UNHCR, *UNHCR Handbook for Registration*, September 2003, Chapter 16, page 151-154, <http://www.unhcr.org/refworld/docid/3f967dc14.html>

- Remember to list the relatives from any cross-referenced cases who are included in the submission, or who have already been submitted for resettlement to any country.
- Verify consistency in the bio-data between cross-referenced cases.
- If available, provide the address and telephone number of relatives. Resettlement States note that this is especially important if the applicant has relatives already living in their country, as it helps facilitate the security screening.

### Non-proGres Users

It is recommended that UNHCR staff protect the document before completing the narrative part of the RRF (select: Tools/Protect document). This operation will protect the format and allow staff to navigate between sections by using the tab button.



## Section 4: Refugee claim

The RRF must include a comprehensive outline of the refugee claim and of the UNHCR determination of the case. A well-articulated overview of the refugee claims of all members of the family over the age of 18 is important for all submissions, as the majority of resettlement States will carry out an eligibility determination as part of their decision-making process. Comprehensive, well-drafted overviews of each individual's refugee claim are particularly crucial for refugees who will not be interviewed, but will have their files reviewed by States as dossier submissions.

**Cross-check** data and information regarding the refugee claim with cross-referenced cases as well as BIAs and BIDs to avoid discrepancies. In particular, pay attention to dates and relationships.



Under the following headings, indicate the profile of the claim of the Principal Applicant (PRA), spouse, and any person over the age of 18 who is also included in the case, drawing from the relevant sections of the RSD Assessment Form.

### 4.1 Summary of the Basis of the Principal Applicant's Refugee Recognition

- Provide a few sentences in chronological order on PRA's age, sex, marital status, and number of children, ethnicity, religion, political affiliation, military service, occupation, place of habitual residence, and any other relevant background information.
- Provide a **summary of the accepted facts** that are directly related to the PRA's fear of persecution. Summarize the facts describing the PRA's situation from a factual point of view.

**Example:** Do not write: "The PRA claimed/explained/alleged that his brother was kidnapped." Instead state: "The PRA's brother was kidnapped."

- The summary should include **relevant facts** related to:
  - i. **Profile of the PRA** – Highlight the aspects of the profile that are related to the risk faced. These may include the PRA’s ethnicity, religion, profession, gender, sexual orientation, membership in clan, family or tribe, place of origin, status as draft evader/deserter. If the PRA was affiliated with a political or other group, provide details regarding any title or rank held and responsibilities assigned or performed;
  - ii. **Experiences of the PRA** – Describe experiences of the PRA that may have contributed to the risk faced. These may include activities in which the PRA engaged, opinions expressed, events attended or witnessed, threats received. Provide the relevant details regarding these experiences, including how, when or where they took place, the surrounding circumstances, other people involved etc. Indicate if the PRA is unable to recall exact dates or sequences of experiences or events;
  - iii. **Experiences of others** – Describe the experiences of other individuals who are related to the PRA, including family members or associates, or who have a similar profile as the PRA. Provide specific details to indicate how the experience of others is considered to be an indicator of the risk faced by the PRA.

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**Example:** “*The PRA’s brother, Samuel, who is a member of the youth wing of the XXX party, was frequently interrogated by the security services regarding his political activities and has been detained without charge since May 2009.*”

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#### 4.2 Summary of Legal Analysis

Provide a short summary of the legal analysis of the case, including the following elements:

- i. **Well-founded fear** – Provide a short statement summarizing the harm UNHCR considers to be reasonably possible were the PRA to return to the country of origin;
- ii. **Persecution** – Explain why the forms of harm identified amount to persecution, highlighting the relevant human right(s) at stake, as appropriate;
- iii. **Link to the Convention grounds** – Explain how reasons for the harm faced are linked to one or more 1951 Convention grounds.

The content of the legal analysis will depend upon the eligibility issues raised in an individual case, and should, as a general rule, closely reflect the issues addressed in the legal analysis in the RSD Assessment Form.

#### 4.3 Summary of Exclusion Analysis

- If no exclusion issues were triggered, provide a simple statement that the PRA does not fall within Article 1F:

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**Example:** *“There is no indication that the PRA was involved in or may have been associated with events that could bring him or her within the application of the exclusion clauses in Article 1F a, b, or c of the 1951 Refugee Convention.”*

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- If an exclusion review, interview, and/or analysis was conducted for the refugee’s case, and the refugee was found not to be excludable, provide a paragraph detailing the findings.

### Exclusion Assessments

If the case has raised exclusion concerns, it is essential for UNHCR to include a convincing argument for why the applicant does not fall within the scope of Article 1F. Failure to address exclusion concerns adequately can easily lead to a rejection of the case, despite strong protection needs, particularly for cases submitted on a dossier basis.



#### 4.4 Concluding Statement of eligibility

Conclude the PRA’s summary of refugee claim with a statement of eligibility.

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**Example:** *“The UNHCR has determined that the PRA meets the criteria set out in Article 1A of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. He has a well-founded fear of persecution in Iraq because of his political opinion and religion.”*

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#### 4.5 Summary of dependent adult family members’ individual refugee claims

- Include a brief paragraph outlining the individual refugee claim of each adult dependant (age 18 and above) other than the spouse included on the case (e.g. parents, siblings). Indicate if the person has undergone individual refugee status determination, was granted derivative refugee status, or was recognized on a *prima facie* basis. Note whether all the individuals on the case fled together or at different times. If the claim of the dependants and their fear of return is the same as the principal applicant’s this can simply be stated in this section. While a claim is not necessarily required for the spouse, the details of the claim should be included if individual RSD was conducted, or if the spouse has a claim arising from a different ground.
- If no exclusion issues were triggered among the dependants, then the summary stating that the principal applicant does not fall within Article 1F should be broadened to include the dependants.
- However, separate paragraphs detailing the findings should be included for each dependant who underwent an individual exclusion review.

**For RRFs submitted under the group methodology**

- The completion of Section 4 is not required.

**For individual submissions using an abridged RRF**

- A shortened summary of the refugee claim can be provided.

**Section 5: Need for resettlement**

This section is not populated by *proGres*. To save time in the preparation of resettlement submissions, the information from the resettlement-needs assessment may be transferred to the RRF, on the condition that the information is prepared according to the standards presented in this section.

In this section, describe as accurately and concisely as possible the refugee's need for resettlement and why this is deemed the most appropriate (or the only) durable solution.

**5.1 Lack of prospects for voluntary repatriation to the country of origin or local integration in the country of asylum**

- Specifically mention the measures that have been undertaken to explore voluntary repatriation.
- Specifically mention the refugee's situation in the country of refuge/asylum; the overall prevailing situation and any relevant circumstances affecting the protection of refugees in the country; *and* measures that have been undertaken to explore local integration possibilities.
- Where applicable, note the date when the PRA and her/his family's visas expired/will expire.

**5.2 Resettlement submission category and prioritization**

- Start with an introductory sentence stating that the PRA is submitted under the following resettlement submission category in accordance with the *UNHCR Resettlement Handbook*, [list section].
- Use boldface headings for each submission category described and explained. Make sure that this matches the order of primary and secondary resettlement submission categories listed in Section 1, and that the most important category is listed first.
- Provide details on the individualized resettlement needs related to the submission categories. For example, if the PRA is submitted under the resettlement submission category Survivor of Violence and/or Torture, include information on the violence the PRA was subjected to, the effects of this violence, and the anticipated benefit of resettlement.
- If the case is submitted under the Medical Needs category, note the conclusions of the Medical Assessment Form (MAF). The submission must be made as soon as possible. MAFs more than six months old are not acceptable.

### 5.3 If the priority is EMERGENCY or URGENT, clearly set out the reasons for this prioritization

- Clearly indicate the nature of the urgency/emergency, i.e. whether the need is for an urgent/emergency **decision** by the resettlement country or urgent/emergency **departure** of the refugee from the asylum country or both.
- Justify the need for urgent as opposed to normal priority submission and the need for emergency as opposed to urgent priority submission.

**Example:** “UNHCR is submitting the PRA’s case as an EMERGENCY priority, as the PRA has faced serious security problems in the country of asylum. He is currently in detention for overstaying his visa, and he risks imminent refoulement.”

#### For RRFs submitted under the group methodology

- The completion of Section 5 is not required.

#### For individual submissions using abridged RRFs

- A separate standard document outlining the particular refugee group’s need for resettlement replaces Section 5. This “Summary Analysis of Resettlement Needs” document includes an analysis of the prospects for voluntary repatriation to the country of origin and local integration in the country of refuge, identifying resettlement as the most appropriate durable solution.
- Individualized information related to the PRA’s local integration can be added in point form following the reference to the Summary Analysis of Resettlement Needs.

## Section 6: Specific needs assessment

The specific needs codes recorded in *proGres* will be imported into Section 2 for all members of the case. However, a detailed summary of specific needs that impact resettlement is not stored in *proGres*.



Provide any additional details about specific needs of any member of the case that should be brought to the attention of the resettlement country in this section. This provides valuable background information to assist the resettlement country in the selection process and to ensure that the refugee receives the support required during the departure and integration process. Resettlement countries are encouraged to share the information contained in Section 6 with an appropriate settlement agency (either government or non-governmental) in order to provide for effective on-arrival services.

The physical or mental health conditions, specific needs or vulnerabilities of any family member that were not sufficiently explained in previous sections of the RRF should be noted and explained here.

In particular, provide details of any medical or psychological treatment, or specific type of assistance or consideration related to disabilities required by

any member of the case. Also note here if any member of the case is pregnant, and provide the expected month of delivery.

Any attached documentation regarding the specific needs should be summarized in this section. This documentation may include a Medical Assessment Form (MAF) or other medical reports, a psychosocial assessment, a Best Interests Assessment or Determination (BIA or BID), or other relevant reports.

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**Example 1: Sexual and Gender-Based Violence** *“The Principal Applicant’s wife received medical treatment in 2009 for injuries sustained during the rape that took place in the DRC but has not received any follow-up treatment since that time. As detailed in the attached Medical Assessment Form she is in need of another surgical procedure which is unavailable in the country of asylum. In addition she likely suffers from trauma and could benefit from psychological counselling if resettled to a third country.”*

**Example 2: Disability** *“Due to an injury, the mother of the Principal Applicant uses a wheelchair, although she is able to walk short distances with crutches. Please refer to the attached medical report.”*

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## Section 7: Additional remarks

Use this section to provide any information that may have been unclear in the previous sections. These additional remarks may be necessary to ensure smooth processing of the case.

For example, provide (detailed) explanations regarding:

- the dependency link (economic, social, emotional) of adults (other than the spouse) included on the case;
- the dependency of cross-referenced cases, and the need to process the cases together;
- the dependency of non-refugee family members, the lack of protection or rights accorded by the country of their citizenship to the refugees on the basis of the relationship, and the reasons for including them in the resettlement submission;
- immediate relatives who are in different locations than the Principal Applicant;
- prior marriages, complex family relationships or family histories;
- custody documents, custody consent forms, or any challenges securing them;
- previous attempts at family reunification;
- difficulties in name spellings, registration data irregularities, difficulties in documenting the age(s) of the persons included in the RRF;
- reasons for inconsistencies in identity documents, justification for lack of identity documents;
- discrepancies in dates;
- anything else that may be relevant or useful to the resettlement State.



## Information requested by some resettlement States

Resettlement States may request that Section 7 include particular details important for their screening, or for the destining and integration of the refugee family. This may include information about military service or political activity if not already provided as part of their profile or refugee claim, as well as additional details about family linkages to the resettlement country, or details on education, occupation or languages if these were not included in Section 2.

## Section 8: Declaration

### 8. DECLARATION

I/We, the undersigned, authorize UNHCR to share all information and any documents pertaining to me/us and my/our family/dependants in the context of a resettlement submission with officials of Governments other than my/our own. In this connection, I/we authorize the Government authority receiving this resettlement submission from UNHCR to share information contained in Sections 1-3 and 6-7 with an appropriate settlement service agency (either governmental or non-governmental) provided a confidentiality agreement exists between the agency and the Government authority to protect the confidentiality of that information. Furthermore, I/we authorize UNHCR to receive any information relating to a resettlement submission on my/our behalf from such Government authority. This includes, in particular, my/our agreement that the reasons for a decision relating to a resettlement submission are shared with UNHCR. All persons affirm that the information provided to UNHCR for the purpose of this submission is correct and truthful to the best of their knowledge.

Place and Date		
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Place and Date		Signature of UNHCR Interviewer
		Name:
		Title:

Place and Date		Signature of Interpreter (if applicable)
		Name:

The signing of the RRF declaration is a significant stage in the overall resettlement process. The declaration is an essential tool for the refugee(s) to affirm and guarantee that the information contained in the RRF is complete and correct. If handled correctly, the signing of the RRF can be a useful occasion to manage resettlement expectations, address concerns about fraud and counsel refugees on the meaning of resettlement.

By signing the declaration, the refugee(s) authorize:

- UNHCR to use the information and any documents pertaining to the family to pursue the case with Governments other than her/his own; and
- the Governments receiving the resettlement submission to share information contained in Sections 1-3 and 6-7 with an appropriate settlement service agency (governmental or non-governmental) provided a confidentiality agreement exists between the agency and the Government authority to protect the confidentiality of that information; and
- UNHCR to receive any information relating to resettlement submission on the refugee's behalf from the Government authority. This includes, in particular, the refugee's agreement that the reasons for a decision relating to a resettlement submission are shared with UNHCR.



Where feasible, the RRF declaration should be signed once the entire RRF has been completed, and the refugee(s) have had an opportunity to review the information contained in the completed RRF and correct any errors. Where this is not feasible, the RRF declaration may be signed during an interview.

To assist in ensuring accuracy and transparency, the declarations must be re-signed should the submission not be made within six months of the signature date.

The following steps **must** be followed before the refugee is asked to sign the declaration:

- The claim or a summary of the claim should be read back to the refugee(s) to ensure that the information is accurate, and to correct any errors.
- The refugee(s) should be counselled that they are responsible for the information they have provided to UNHCR, and that their case will be rejected and likely closed if that information is later found to be fraudulent.
- The refugee(s) should be given the opportunity to correct or clarify information given during the interview, including family composition details, before signing the declaration.
- The refugee(s) should be notified of the reports and recommendations that will be included in the RRF. This may include medical reports, reports regarding protection incidents or criminality, recommendations from BID reports, or other recommendations regarding supports required after resettlement.
- The refugee(s) should be given the opportunity to ask questions and consider these implications before signing the declaration.
- The refugee(s) should be counselled that signing the declaration does not guarantee that they will be resettled. UNHCR submits the application, but the final decision remains with the resettlement country.
- The refugee(s) should be counselled that signing of the declaration authorizes UNHCR to share their information as described above.
- Unaccompanied children who will be presented as the principal applicant on a resettlement submission should be counselled in a child-friendly manner, using simple and age-appropriate language.

If the refugee(s) agree, the principal applicant, the spouse, any other individuals on the case above the age of 18, the UNHCR interviewer and the interpreter (if applicable) should **all sign the declaration page on the same occasion**, recording the date and place of the signatures. An unaccompanied child submitted as the principal applicant should also sign the declaration if they have the capacity to give consent. *proGres* will automatically import a signature block for each adult. Thumbprints should be taken from individuals who are not able to provide signatures.

The name and title of the UNHCR staff member who can be contacted for clarification or more information about the case should also be provided.

To assist in managing expectations, the refugee(s) should be counselled on the next steps in the process, including that:

- the processing of their application can take a long time;
- the proposed country of resettlement may not necessarily be the refugee's country of choice;
- during the process, the office will inform the refugee on new developments in the case, and the refugee can also contact the office for information;
- the process is free of charge, and any individual requesting money to process a case should be reported in confidence to the office; and
- the refugee is responsible for informing UNHCR as soon as possible of any changes in family composition or circumstances that would be important for their case. (This should be done in writing whenever possible.)

See *Chapter 7.5.7* for guidance on sharing information with the applicant.

The resettlement submission must be made within six months of the signing of the Declaration. The refugee(s) must be counselled and asked to sign a new Declaration if the submission (or resubmission) is delayed beyond six months.

## Section 9: Attachments

List all attachments to the submission in this section. Copies of all relevant and available documents should be attached to the RRF. These include:

- identification documents from country of origin or country of asylum;
- marriage certificates, divorce papers;
- custody documents;
- Best Interests Determination (BID) or Best Interests Assessment (BIA) reports (see *Chapter 5.2.2*);
- Medical Assessment Forms (MAF) (no older than six months – mandatory for Medical Needs submission category);
- other medical reports (x-rays, scans, etc.);
- other documents referred to in the RRF (these may include police reports or witness reports related to incidents, medical reports related to injuries or dependencies, other protection or community service reports) released in line with the UNHCR *Confidentiality Guidelines*;<sup>29</sup>
- authorized English translations of all supporting documents;
- other documents relevant to the case.

For dossier submissions, attach identification documents issued by UNHCR if no other identity documents are available.

Original documents which are not in English must be labelled clearly with a description of the nature of the document.

<sup>29</sup> UNHCR, *Confidentiality Guidelines*, 1 August 2001, IOM/071/2001 - FOM/068/2001, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/3be17dfd4.html>

To make retrieval as easy as possible, include a list of all documents in this section, and label each of the attached documents clearly. If the documents have been, or will be, sent separately from the RRF, record the reference numbers and the actual or anticipated mailing or transmission date on the list of documents. Label each attached document with the file number, the name of the refugee, and the country of refuge.



### Certain reports are mandatory!

#### MAF

- For all submissions under the Medical Needs category.

#### BID or BIA Report

- For unaccompanied or separated children.
- For families in which there were unresolved custody disputes.
- For married refugee children.
- For children being resettled with only one parent who does not have legal custody or written consent from the non-accompanying parent.

## 7.5.2 Country-specific guides for completing RRFs

A number of field offices have prepared country-specific guides for completing RRFs, intended to provide guidance or standard text on issues related to the resettlement operation. Such guides typically make reference to issues particular to that field context that would affect a significant number of refugees submitted for resettlement. For example, particular recurring concerns relating to family relations, presentation of names, validity of travel documents or period of detentions could be addressed.

The preparation of such country-specific guides is a useful practice, but should be undertaken mindful of the standards contained in the *RRF User Guide* and in consultation with the Regional Resettlement Hub/Regional Office and the Resettlement Service.

The RRF template was adopted in close consultation with the resettlement States, and should in principle not be altered or adapted locally. There have been certain instances in particular in the group resettlement context where field offices negotiated and obtained agreements by resettlement States to accept shortened or abridged RRFs. Such adaptations also require previous consultation with the Regional Resettlement Hub/Regional Office and the Resettlement Service to ensure that standards are not compromised.

UNHCR has developed standard abridged RRFs that resettlement countries are encouraged to accept in order to harmonize and simplify procedures. UNHCR staff are expected to adhere to the standard abridged RRF.<sup>30</sup>

<sup>30</sup> UNHCR, *Operational Guidance Note: Preparing Abridged Resettlement Registration Forms (RRFs) for Expedited Resettlement Processing*, 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4ddde4702.html>

### 7.5.3 RRF review

Ensuring quality control of completed RRFs serves to improve efficiency, consistency and credibility. The RRF review procedures must be outlined in the Office's Resettlement SOPs.



The case officer should pass the completed RRF and case file to the Accountable Officer or another designated Officer for a required quality assurance review. A different staff member than the one who completed the RRF should conduct the review prior to referral to a Hub/Regional Office or Headquarters, and submission to a resettlement country.

A control sheet is a useful aid for ensuring a thorough review of RRFs, and a template that offices can adapt for their use is attached to the Baseline SOPs.<sup>31</sup>

#### Review steps

The reviewing officer will:

- ensure that the refugee has been recognized under UNHCR's mandate (or is a stateless non-refugee, or a non-refugee dependant as described in [Chapter 7.2.2](#)), that resettlement is the appropriate solution, and that the individual meets the requirements of the submission category or categories as described in [Chapter 6](#);
- check that the RRF has been prepared according to the proper standards outlined in the User Guides;
- ensure that additional information on specific needs of all members of the case is provided;
- check whether the physical file contains the following:
  - ✓ initial referral with necessary supporting documentation;
  - ✓ preliminary resettlement needs assessment and documented decision;
  - ✓ verified registration and refugee status;
  - ✓ completed and signed RRF with all necessary supporting documentation;
  - ✓ signed declaration page;
  - ✓ photographs of all applicants in the case (check photograph(s) in *proGres* to determine whether pictures have been changed or updated and ensure that the full name and case number shows on each picture if the RRF is not *proGres*-generated);
  - ✓ if applicable, proof of changes in family composition, such as birth certificates, adoption documents, etc. is provided, or justification for the absence of such documentation is included in Section 7;
- be aware of the possibility of fraud where internal consistency is lacking (especially with respect to the narrative and family composition);

<sup>31</sup> UNHCR, *Baseline Standard Operating Procedures on Resettlement*, revised version 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/48b6997d2.html>

- discuss and follow up on any required modifications in the completed RRF with the case officer.

### 7.5.4 Regional Resettlement Hub or Regional Office review

In regions with a Regional Resettlement Hub or a Regional Office, resettlement submissions must be routed through the Regional Resettlement Officer to ensure the quality and integrity of the resettlement process. The procedures and required authorizations should be elaborated in the resettlement SOPs, including procedures for emergency cases.

#### Elements to be reviewed

The case should be reviewed by an officer who has not previously been involved in the referral or preparation of the case at the originating office. The reviewing officer will review the RRF and all attachments and check:

- UNHCR mandate status and 1951 Convention grounds;
- resettlement need;
- evidence of fraud, other malfeasance or non-compliance with procedures;
- consistency (both internally and with other cases);
- completeness, and adequate evidentiary support;
- clarity and readability.

#### Corrections/changes

- The reviewing officer may make changes to the RRF including grammatical and spelling modifications, correction of errors in content, and adjustments to country of origin information, as may be deemed necessary. Such changes are made to uphold standards of professionalism and efficiency of processing.
- In some cases, the reviewing officer in the Regional Resettlement Hub/ Regional Office may request that the person who drafted the RRF make changes in order for the RRF to be strengthened – which will also help the drafter learn from the process.
- As an anti-fraud measure, any changes concerning Sections 1-3 which are populated by *proGres* can only be made by the originating office.
  - The reviewing officer will work with the originating office to resolve issues and finalize the RRF. Any substantive changes the Hub/ Regional Office makes to an RRF will usually be based on written authorization provided by the author of the RRF. In some circumstances, such as where the author of the RRF is no longer available, the concerned office may authorize the changes. However, if the changes are very substantial, the originating office should provide a new declaration page.

## 7.5.5 Review stage refusal or approval

Upon completion of the RRF review, and approval of their recommendations by the Accountable Officer or his/her designate, the reviewing officer must update the file action sheet, the quality control sheet or checklist, and *proGres* accordingly.

The review of the RRF and the case file may lead to the conclusion that the **refugee is ineligible for resettlement**. In this case, all members of the case should be scheduled for counselling as soon as possible.

If the RRF is approved, it proceeds either to the Hub/Regional Office or Headquarters for their review, or to the submission decision stage within the office.

## 7.5.6 Additional RRF controls

- **Electronic versions of RRFs must be stored on a limited access computer drive or be password protected.** Electronic versions of partial or completed RRFs must be stored in a way that prevents unauthorized access and/or alterations. In cases where RRFs are stored on a network drive, safeguards should be implemented to ensure that accesses to those documents are password protected. In cases where RRFs are stored on a computer's hard drive, it should be ensured that access to that drive is strictly limited.
- **Corrections to RRFs should not be handwritten.** If corrections by hand are absolutely necessary, they should not be made with whiteout. Instead, the old information should be crossed out, the new information written above in pen, and the date and initials of the individual changing the information should be noted next to the correction.

## 7.5.7 Sharing information with the applicants

Refugees are only entitled to copies of some sections of their completed RRF. According to UNHCR's *Confidentiality Guidelines on the Sharing of Information of Individual Cases* the refugee is in principle entitled to obtain information s/he has provided. The same applies to the duly authorized representative of the refugee. However, information generated or obtained by UNHCR (such as interview transcripts, case assessments, instructions or legal opinions from UNHCR offices, correspondence with UNHCR offices and external parties, medical and social counselling records and the RRF) are not normally shared with the refugee. Staff safety considerations are often an important factor in this context.<sup>32</sup>

In the context of the RRF, this means that although a refugee may have a copy of the information they provided for the *preparation* of the RRF, the refugee is not necessarily entitled to a copy of UNHCR's analysis of refugee status (Section 4 of the RRF) or resettlement need (Section 5). Please contact the Resettlement Service in UNHCR Headquarters for additional guidance.

<sup>32</sup> UNHCR, *Confidentiality Guidelines*, 1 August 2001, IOM/071/2001 - FOM/068/2001, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/3be17dfd4.html> See also Chapter 4.2.4.



### Essential reading

- UNHCR, *Resettlement Registration Form (RRF) for proGres Users: User Guide*, revised 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4ad303552.html>
- UNHCR, *Resettlement Registration Form (RRF) for Non-proGres Users: User Guide*, revised 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4ae579692.html>
- UNHCR, *Revised UNHCR Medical Assessment Form (MAF) and Guidance Note*, IOM/o44-FOM/o44/2010, 21 July 2010, (Internal) available on UNHCR Intranet
- UNHCR, *Confidentiality Guidelines*, 1 August 2001, IOM/o71/2001 - FOM/o68/2001, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/3be17dfd4.html>

## 7.6 UNHCR SUBMISSION

The UNHCR office decision to submit a refugee's case to a resettlement country for resettlement consideration must be made in a transparent way, and according to objective criteria. The final decision should be taken in full consultation among staff and be cleared by the Accountable Officer. Documenting each step of the process, (in *proGres* and on the refugee's file) helps ensure that the resettlement process was followed in accordance with the standards established in this chapter.

When determining if the case in question should be submitted for resettlement, these requirements must be met:

- The case in question must, at minimum, have been recognized as a refugee under the mandate of UNHCR, according to **Chapter 3** of this Handbook, (or be eligible as a stateless non-refugee, or non-refugee dependent family member as described in **Chapter 7.2.2**).
- The prospects of other durable solutions must have been given full consideration and resettlement identified as the most appropriate durable solution.
- The case in question must have been found to have resettlement needs according to the resettlement submission categories outlined in **Chapter 6** of this Handbook.

If the case is found to meet these requirements, then the case can be submitted for resettlement. Wherever possible, cross-referenced files of dependent family members should be submitted together to one resettlement country, as part of the same submission.

### 7.6.1 Determining the country of submission

After determining that a particular case should be submitted for resettlement, the next step is to identify a suitable resettlement country if this is not already confirmed. Major considerations include:



- family links, particularly those in resettlement States;
- resettlement submission priority, vulnerability, and the resettlement country's average processing time and capacity for urgent processing;
- selection criteria and admission priorities of resettlement countries;
- allocation of annual quotas of resettlement States;
- health requirements / availability of treatment;
- language abilities;
- cultural aspects;
- nationality;
- family configuration; and, if possible:
- the refugee's expressed preference for a resettlement country.

## Considering the options

Most resettlement cases are submitted to an established resettlement State, and field offices should consult the Country Chapters of this Handbook (available at <http://www.unhcr.org/resettlementhandbook>) for information on a particular State's resettlement programme.

Resettlement States set their **annual quota** according to their regulations and priorities, and consult with UNHCR to determine the allocation of their annual quota among refugee populations in need of resettlement. As well as specifying the regions or specific refugee populations from which they agree to receive submissions, some States also allocate sub-quotas for emergency or urgent cases, family reunification cases, or refugees with specific needs such as medical needs, or women at risk. The Resettlement Service compiles details on resettlement country quotas and submission procedures as a reference for field offices to plan for submission targets and selection missions.

Some resettlement States allocate a portion or their entire quota to **dossier submissions**, on which they make decisions without requiring a direct interview with the refugee. A State may specify from which refugee population they wish to receive dossier submissions, or leave this open to UNHCR discretion.

In other cases, resettlement States, by either discretion or law, require an individual interview with the refugees under resettlement consideration. These interviews typically take place during resettlement **selection missions** to the country of asylum.

Submissions may also be made to countries which do not have an established annual quota, but accept resettlement cases on an *ad hoc* basis, including for cases with family links. These countries may also maintain special programmes benefiting refugees with specific needs, or respond to appeals for certain refugee populations.

Field offices are encouraged to consult the Regional Resettlement Hub/Regional Office or the Resettlement Service if there are questions on the appropriate country of resettlement submission.

### Family Unity

All efforts must be made to preserve or restore family unity in the course of resettlement operations. UNHCR staff should promote the admission of refugees to a country where they have relatives or other personal ties, whether or not this is an established resettlement State.

Field offices should also ensure that refugees are counselled on the resettlement country to which their case has been submitted. This is an important aspect of managing resettlement expectations.

### 7.6.2 Prioritizing submissions

The urgency of the resettlement needs can impact the selection of the resettlement country, and the routing of the submission. As outlined in [Chapter 6.1.1](#), resettlement submissions can be made on three priority levels: normal, urgent, and emergency. Field offices must ensure that systems are in place to minimize the time between needs identification and the submission for resettlement, to prevent normal and urgent cases from becoming emergency ones.

The immediacy of the security risks or the severity of the medical condition facing **emergency** cases necessitates their removal from the threatening conditions within a few days, if not within hours. Ideally, emergency cases should be submitted within 24 hours of identification. **Urgent** cases have serious medical risks or other vulnerability requiring expedited resettlement within six weeks of submission. Ideally, urgent priority cases should be prepared and submitted within two weeks of identification.

UNHCR and resettlement countries must take rapid action, and provide extra resources to process emergency and urgent cases. Some States have allocated emergency sub-quotas, and have developed accelerated procedures to meet emergency needs, whereas other States, including some countries without annual quotas, will consider emergency resettlement submissions and can and do respond rapidly when circumstances warrant.<sup>33</sup>

RRFs designated for urgent and emergency submission should clearly indicate the nature of the urgency/emergency, i.e. whether the need is for an urgent/emergency decision by the resettlement country or urgent/emergency departure of the refugee from the asylum country or both. Emergency and urgent cases must be treated expeditiously at all stages, and tracked to ensure effective follow-up.

<sup>33</sup> Consult the Resettlement Service for updated information on resettlement country quotas and submission procedures.

**Timely identification of refugees with medical conditions** can make a significant impact on the prognosis, which in turn can impact the likelihood of acceptance by a resettlement country. Field offices must ensure that submissions under the Medical Needs category are made as soon as possible. Although a Medical Assessment Form (MAF) is valid for up to six months, MAFs supporting emergency or urgent submissions must be recent enough to accurately reflect the prognosis.



### 7.6.3 The resettlement submission

Depending on UNHCR policy and the resettlement State, resettlement submissions are routed through Regional Resettlement Hubs or Regional Offices, through UNHCR Headquarters, or directly to resettlement countries.

Emergency dossier submissions generally need to be routed through the Processing Unit of the Resettlement Service at Headquarters, or through a Regional Resettlement Hub.

Some resettlement countries also require other cases to be routed through the Processing Unit, while other countries allow submissions directly to local embassies that have immigration representation with a designated procedural role. The United States of America, Canada and Australia, for example, allow submissions directly from field offices. However, submissions to these countries should be submitted through the Regional Resettlement Hub or Regional Office where these have been established. This provides an additional safeguard for the quality and consistency of the submissions.

For more details, refer to the instructions given by the Regional Resettlement Hub/Regional Office, or the Resettlement Service and consult the Country Chapters of this Handbook available at <http://www.unhcr.org/resettlementhandbook>. These chapters outline each country's procedures for routing submissions, and may include specific instructions distinguishing between cases to be assessed on a dossier basis, and those to be interviewed during a selection mission.

A covering email or memo from the Accountable Officer authorizing the resettlement submission should accompany the RRFs and the required supporting documentation. The email or memo should specify:

- the name of the principal applicant;
- the case file number;
- the case size;
- the nationality and country of asylum of the applicants;
- the prioritization of the submission, and specific details regarding vulnerabilities that impact the timing of the processing;
- cross-referenced cases that should be processed together, where applicable.

A copy of this submission email or memo should be kept in the refugee's file, along with the original signed RRF. The submission must also be recorded in *proGres*. When multiple RRFs are submitted at the same time, which is recommended for cross-referenced cases of dependent family members, a single

email or memo should be prepared with a submission table listing the above details for each case.

When submissions are made to countries without annual resettlement quotas, the UNHCR Office responsible for the resettlement country should be advised and be provided with a copy of the submission memo or email.

Field offices should make consistent efforts to use selection mission places and normal dossier places, if available, in order to save scarce emergency, urgent and medical dossier quotas for critical emergencies.

### Dossier submissions

Field offices should consult the specific instructions provided by the Resettlement Service on the procedures for dossier submissions. These include instructions on the use of limited emergency, urgent and medical dossier quotas, an overview of quotas allocated by all resettlement countries, instructions on submissions, and relevant contact details.<sup>34</sup>



Each field office should maintain a general GroupWise ID for case processing and statistical purposes. It is the responsibility of the Field Office to ensure that statistical data concerning submitted, pending, accepted and departed cases is accurately recorded and reported (see [Chapter 4.9](#)).

### Emergency and urgent submissions

To make the most effective use of the limited numbers of available dossier places for emergency and urgent cases, the Processing Unit coordinates these submissions. A certain number of emergency, urgent and medical needs quota places are allocated to the Regional Resettlement Hubs.

Upon the identification of an **emergency** case, the Field Office is encouraged to consult with the Country Office/Regional Resettlement Hub/Regional Office or the Processing Unit of the Resettlement Service to discuss the details of the case and its possible submission routing. Staff should be prepared to discuss the nature of the emergency, the required time frame for departure, as well as third country links or other details that impact the selection of the country of submission. Offices should designate a *focal point* to follow up on individual emergency and urgent cases, and to ensure that unnecessary delays are avoided.

Field offices are encouraged to simultaneously examine local submission options, due to the limited number of places available under dossier quotas for emergency, urgent and medical needs cases. Close communication between UNHCR and resettlement States is essential during the processing of emergency and urgent cases to ensure a common understanding of the refugee's current circumstances, and how quickly resettlement *must* occur.

<sup>34</sup> These instructions are issued as the *Guidelines on Resettlement Dossier Case Submissions and Family Reunification Procedures* together with annexes updating annual quotas, lists of contacts and focal points, and statistical report forms. Contact the Processing Unit of the Resettlement Service at [HQRSo0@unhcr.org](mailto:HQRSo0@unhcr.org) for the current version.

A full dossier submission, including a complete RRF justifying the priority and supporting documentation, should ideally be sent to a resettlement State within 24 hours for emergency cases, and within two weeks of identification for urgent cases.

Resettlement States are urged to make a decision on an emergency case within 24 hours of the receipt of submission. In some circumstances, the rapid notice of acceptance by a resettlement State can prevent *refoulement*, or ease other protection risks. In all emergency cases, however, the resettlement State is encouraged to ensure departure as soon as possible – ideally within one week after acceptance.

Similarly, resettlement States are encouraged to provide a decision on an urgent submission within two weeks, and facilitate departure within four weeks of acceptance.

The UNHCR focal point is encouraged to maintain close communication with the IOM and resettlement country counterparts to facilitate departure after the travel instructions have been received.

If direct departure to the resettlement country is not possible within the required time frame, transfer to an Emergency Transit Facility may be considered. See [Chapter 7.6.4 below](#) for guidance.

## Multiple (Parallel) submissions

As a general rule submissions should only be made to one country at a time. However, owing to unique protection problems, UNHCR may on an exceptional basis make “parallel” or “multiple” submissions, (two or more States considering the case at the same time). A parallel submission should only be undertaken for emergency cases after consultation and agreement with the Resettlement Service at UNHCR Headquarters, and with the full understanding of the concerned States. In exceptional circumstances a parallel submission of an urgent case may be made, but only with prior authorization from the Resettlement Service. The Field Office must immediately advise all parties of an acceptance.

## WRAPS upload

Where established, submissions to the United States of America may be made through the electronic web interface between *proGres* and the US Department of State Refugee Processing Center’s Worldwide Refugee Admissions Processing System (WRAPS). The WRAPS system is used by the Resettlement Support Centers (RSCs – previously known as Overseas Processing Entities) and the Refugee Processing Center to coordinate and standardize data entry for refugees into the U.S. Refugee Admissions Program.

The electronic web interface can be used for:

- individual resettlement submissions based on UNHCR’s standard Resettlement Registration Form (RRF); and
- group submissions based on UNHCR’s group resettlement methodology.

For specific information on the WRAPS interface with *proGres* consult the *Standard Operating Procedures developed for UNHCR Offices that are not covered by a Resettlement Hub*.<sup>35</sup> Official submissions from a Hub are coordinated with WRAPS transfers from field offices.

### 7.6.4 Emergency Transit Facilities

Wherever possible, the cases of refugees with emergency or urgent resettlement needs should be processed expeditiously, and resettled directly to their destination resettlement countries. However, this is not always feasible. As introduced in [Chapter 2.3.3](#), UNHCR has established Emergency Transit Facilities (ETFs) to create systematic and expeditious mechanisms to transfer refugees temporarily, pending their processing for onward permanent resettlement to a third country.

UNHCR Staff should follow the procedures outlined in the *Guidance Note on Emergency Transit Facilities*<sup>36</sup> to ensure that evacuation occurs expeditiously.

#### Profiles of refugee who may be considered for evacuation

Some emergency cases may not be suitable for evacuation. Given the lack of specialized medical treatment available at the ETF, refugees with serious illnesses or in need of immediate major medical interventions may not be considered. Furthermore, the approvals process for transfer to an ETF may be too long for cases requiring immediate removal.

Cases of individuals or groups that may be appropriate for consideration for evacuation to a transit facility include refugees:

- at immediate risk of *refoulement* or facing other acute, life-threatening situations;
- in detention conditions which warrant resettlement as the most appropriate form of protection, and swift release from detention requires a transfer out of the country;
- whose cases are particularly sensitive or high-profile and face imminent or serious protection problems;
- for whom resettlement processing cannot be completed in the host country due to inaccessibility, such as where resettlement countries are denied entry visas by the asylum country, or where access is restricted due to lack of security;
- in need of resettlement for whom a resettlement country and/or UNHCR requires that their final destination for permanent resettlement not be disclosed to the asylum country;

<sup>35</sup> UNHCR, *Interface between proGres and WRAPS: Standard Operating Procedures for UNHCR Offices that are not covered by a UNHCR Resettlement Hub*, July 2007, Annexed to UNHCR, *Baseline Standard Operating Procedures on Resettlement*, revised version 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/48b6997d2.html>

<sup>36</sup> UNHCR, *Guidance Note on Emergency Transit Facilities: Timisoara, Romania / Manila, Philippines / Humenné, the Slovak Republic*, May 4, 2011, <http://www.unhcr.org/refworld/docid/4dddec3a2.html>

- in situations where it is more expedient and incurs lower costs to process the cases even if the refugees concerned are not necessarily at immediate risk; and
- in other situations as appropriate.

In certain types of cases, confidentiality may be of greater than normal importance. The offices concerned will need to ensure that appropriate care is taken to restrict information about the evacuation.

## Evacuation procedures

Any transfer to an Emergency Transit Facility is preconditioned upon a resettlement country agreeing to undertake further resettlement processing in the ETF, even if no guarantee of acceptance is provided at the time of transfer. This will help reduce the risk that a refugee is stranded at the ETF.

The individual situation will determine the complexity of the evacuation process, and the number of partners that will be involved. In all contexts, though, active ongoing coordination between UNHCR field staff, ETF staff and Headquarters is required to ensure that evacuation movements take place efficiently and in a predictable and systematic manner.

The basic procedures in the evacuation process are:

- UNHCR Field Office, Hub or Regional Office **identifies case(s) in need of evacuation** and makes a request by email to the ETF Focal Point in the Resettlement Service, DIP and the relevant Bureau.<sup>37</sup> If possible, the completed RRF should be attached. In some situations, the resettlement country may request a transfer to the ETF to facilitate case processing.
- The Resettlement Service and the Bureau jointly **assess the case as to its suitability for evacuation**, and respond within 24 hours.<sup>38</sup>
- The Resettlement Service **ensures space is available at the ETF** and conveys the decision to the Field Office.
- The Resettlement Service contacts IOM Geneva and the Authorities of the resettlement country with details of the proposed movement. IOM Geneva notifies their field counterparts of the clearance and activation of the **Rapid Response Transportation Fund**.
- The **resettlement submission** is processed through the same channels as emergency submissions: the Field Office forwards the case documentation to the Regional Resettlement Hub/Regional Office or, in offices not covered regionally, to the ETF Focal Point in the Resettlement Service, for **screening and quality control**, along with documents required by the State hosting the ETF.<sup>39</sup>

<sup>37</sup> All emails must be copied to the ETF email address: [HQDIPETF@unhcr.org](mailto:HQDIPETF@unhcr.org)

<sup>38</sup> Approval may take longer for contentious, high-profile or sensitive cases, where there may be questions about the RSD, exclusion interview or need for evacuation, and where additional information may be required.

<sup>39</sup> These include a completed list of names and bio-data, a group profile, and a copy of UNHCR Refugee Certificates for each individual.

- The Hub, Regional Office or ETF Focal Point **forwards the approved documents** to the designated staff member at the ETF, copying relevant focal points in the Resettlement Service and in the Bureau.
- Concurrently, the Field Office ensures that **all required partners needed for the evacuation have initiated the necessary steps** (including as required: International Committee of the Red Cross (ICRC) for travel documents, IOM for transportation, transit visas, visas, travel escorts if required) and liaises with all relevant local authorities regarding issues within their competence.
- The designated staff member at the ETF reviews the submitted materials and forwards them to the **Host Country Government Authorities**, who formally advise UNHCR within 7 working days whether the refugees have been **accepted for entry and temporary stay**.
- The designated staff member at the ETF immediately advises the Resettlement Service, the Bureau, the Regional Resettlement Hub/Regional Office and the Field Office preparing the evacuation of the acceptance.
- The Field Office must ensure that refugees are fully counselled about the resettlement process and transit facility and that they have given their consent.
- The Field Office provides any additional information to ensure that adequate services and assistance are available at the ETF on arrival, and continues planning for the evacuation, keeping all actors informed of developments until the refugees arrive safely.

The individual resettlement State determines which procedures are required to finalize the resettlement processing after the arrival of the refugee(s) at the Emergency Transit Facility. If interviews with the refugees are required, the resettlement State may arrange a mission to the ETF or may interview the refugees via video conference. Medical examinations may be required, and the State may arrange cultural orientation and language lessons prior to departure.

The Field Office and Regional Resettlement Hub/Regional Office must be kept informed of the final processing and the departure of the refugees from the ETF, and must update the refugee's file and *proGres* accordingly.

## 7.7 STATE SELECTION

While UNHCR submits cases for resettlement, it cannot guarantee that the case will be accepted by a resettlement country.

Resettlement depends on the willingness of the resettlement country to accept a refugee for legal stay in its territory, in accordance with its laws and regulations. Each resettlement country has its own regulations and procedures in respect to the resettlement of refugees, as detailed in the Country Chapters of this Resettlement Handbook available at <http://www.unhcr.org/resettlementhandbook>.

As reviewed in [Chapter 7.6.1](#), in accordance with their regulations and procedures, resettlement countries may consider submissions on a dossier basis, and not require a direct interview with the refugee. In other cases, resettlement



countries, by either discretion or law, conduct individual resettlement interviews with refugees under resettlement consideration. Such interviews typically take place during a resettlement selection mission.

### 7.7.1 Selection missions

Selection missions to the field are an important opportunity for States to consider a large number of resettlement cases at the same time through direct interviews with refugees, and to gain familiarity with the asylum context. They also provide an opportunity for UNHCR to dialogue with officials from resettlement countries to promote understanding of UNHCR goals and encourage flexibility on selection decisions.

Selection missions require good planning, as they call for considerable effort not only to prepare the agreed number of submissions ahead of time, but also to manage logistics and support during the mission itself. Once each resettlement State's allocation of their annual quota is confirmed, the timing of the selection missions can be negotiated between the resettlement State and the Field Office, Regional Resettlement Hub/Regional Office or the Resettlement Service as appropriate.

### Preparation for the mission

UNHCR is a partner in global resettlement activities, along with resettlement countries, their missions abroad, NGOs, Resettlement Support Centers (for the USA), and the International Organization for Migration (IOM). Each of these actors has a potential role to play in the planning and support of resettlement selection missions.

UNHCR field offices capacities vary, and not all offices will be able to support selection missions in the same way. What is possible, however, is an early proactive assessment of what a field office can and cannot provide in support of a selection mission. Timely notice of possibilities and limitations will enable resettlement countries to make alternate arrangements to ensure that they have the support they require during their resettlement selection missions.

In order to facilitate early planning leading to successful selection missions, UNHCR has developed a comprehensive pre-mission questionnaire and pre-mission checklist to assist with the planning and coordination of resettlement interviews during selection missions.<sup>40</sup> While not mandatory, the completion of the questionnaire by the resettlement State and UNHCR facilitates preparations, and is encouraged in situations where the mission requires support from UNHCR. The checklist confirms that preparations are in place.

The questionnaire and checklist facilitate the exchange of details regarding:

- contact persons;

<sup>40</sup> See UNHCR, *Pre-Mission Checklist for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631d2e2.html>; and UNHCR, *Pre-Mission Questionnaire for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631d782.html>

- anticipated dates of the selection mission;
- agreed number and composition of the resettlement cases;
- target dates for submissions;
- information resettlement States wish to receive in advance including details on the refugee population, political and security conditions in the country of asylum, and other information;
- interest in orientation briefing from UNHCR to take place on arrival.

Sending the questionnaire back and forth between the resettlement State and the Country Office also facilitates the negotiation on UNHCR's capacity to provide support required by selection missions. The questionnaire and checklist address the requirements of selection missions for assistance with:

- entry visas;
- airport reception;
- ground transport for the delegation;
- accommodation;
- facilities and services including: interview rooms, separate waiting areas, security personnel, interpreters, additional staff support, transport of the refugees to the interview location, access to computers, printers, internet, telephone, electricity, cameras, and other required facilities or services;
- interview scheduling;
- notification of refugees to be interviewed;
- briefing of interpreters;
- organization of briefing session for refugees about the interview, or cultural orientation;
- medical examinations;
- organization of meetings with government officials or other agencies;
- any other special needs.

Wherever possible, visiting selection missions should rely on their own resources for interview space, transport and equipment, in order to minimize disruption to UNHCR operations in the country concerned. Before requesting assistance, missions should consider using non-UNHCR premises for interviews, such as embassies, implementing partner's premises or hotels. The availability of interpreters is often limited, and the selection mission may need to cover the costs.

In certain remote locations, UNHCR may be able to provide assistance with accommodation. It may be possible to board at a guest house within a UNHCR compound, (usually at the cost to the delegation), but this cannot be guaranteed for all remote locations. Living conditions in some remote locations are less than ideal, and delegations are advised to take precautions with respect to personal hygiene and safety, and be aware of the likely challenges for people with specific medical conditions or dietary needs.<sup>41</sup>

<sup>41</sup> UNHCR, *Pre-Mission Questionnaire for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631d782.html>

Where selection missions are coordinated through UNHCR Headquarters, the Resettlement Service will:

- liaise with the relevant Field Office and the capital to clarify dates for the mission, which may cover more than one country in the region;
- request the Field Office to identify relevant case files and advise the Field Office of the selection mission's interests in terms of refugee group composition and numbers;
- advise whether copies of the case files or information concerning details of the processing are required;
- send, where required, the case files selected by the Field Office for the selection mission for pre-screening directly to the capital of the country concerned after identifying cases with specific needs;
- advise the Field Office of the cases pre-screened and selected for an interview by the country capital.

Where selection missions are organized directly between authorities of a resettlement country and a field office, the Resettlement Service at UNHCR Headquarters, Regional Resettlement Hubs/Regional Offices and field offices in the region should be kept informed. This will help to better coordinate missions and avoid overlaps or delays of missions to countries in the region.

In all cases, the refugees who will be interviewed during a selection mission must be briefed regarding the upcoming interview. This should include information on who needs to attend the interview, the documents they should bring, transportation arrangements if applicable, and the anticipated schedule for the interview and any other briefings or checks to be conducted that day.

Field offices are encouraged to offer an initial briefing and a final debriefing to selection missions. An **initial briefing** shortly after the arrival of the delegates and prior to their interviews is useful to discuss the mission schedule and logistics, the current conditions in the country of refuge and country of origin, and the profiles of cases submitted for consideration. The briefing may also be an opportunity to present additional cases, even if they do not meet the standard admission criteria of the country concerned. A **debriefing** at the end of the selection mission is a useful opportunity for initial feedback and reviewing the required follow-up. States are also encouraged to complete the post-mission questionnaire to assist with quality control and to provide feedback on the support provided.<sup>42</sup>

## Essential reading

- UNHCR, *Pre-Mission Checklist for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631d2e2.html>
- UNHCR, *Pre-Mission Questionnaire for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631d782.html>
- UNHCR, *Post-Mission Questionnaire for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631dcb2.html>



<sup>42</sup> See UNHCR, *Post-Mission Questionnaire for Resettlement Interview Missions*, 5 January 2009, <http://www.unhcr.org/refworld/docid/49631dcb2.html>

### 7.7.2 Requests for additional information

Representatives from the resettlement country may ask for additional information contained in the refugee's file during selection missions or dossier considerations.

UNHCR's *Confidentiality Guidelines*<sup>43</sup> stipulate which elements of the refugee's file may be shared with external partners. While reasonable requests for clarification need to be fulfilled, the general rule is that no information other than the RRF and the documents attached need to be shared with resettlement countries. The Accountable Officer or a Senior Protection Officer should handle requests for additional information about the case, in consultation with the Resettlement Service. Internal UNHCR assessments should not be shared without prior approval by the Country Representative or his Deputy. For complex cases, field offices are encouraged to consult relevant Regional Resettlement Hubs/Regional Offices or the Resettlement Service.

The officer accountable for resettlement should also be mindful of the terms of the waiver contained in the text of the RRF Declaration, which authorizes UNHCR to share information or documents pertaining to the refugee with resettlement countries in the context of a resettlement submission.

### 7.7.3 Follow-up after submission

The officer accountable for resettlement needs to ensure regular follow-up on all submissions either directly with resettlement States, where they are made locally, or through the Regional Resettlement Hub/Regional Office and/or Headquarters as appropriate.

It is particularly critical to monitor emergency, and urgent submissions, and follow up with the resettlement State when the deadlines have passed without decisions. UNHCR should seek a clear explanation for a delayed decision, and a realistic indication as to when a decision is expected. Should an expeditious decision not be possible- consideration may be given to withdraw the case for resubmission to a State able to issue a quick decision. See [Chapter 7.8](#) for guidance on withdrawals.

The resettlement country should also be contacted when there are excessive delays (i.e. more than 60 days) in scheduling interviews for locally submitted normal priority cases, or for issuing decisions after interviews.

### Change of circumstances

UNHCR retains a responsibility to ensure that any case-related changes that come to UNHCR's attention after the submission are duly and diligently communicated to the resettlement country.

<sup>43</sup> UNHCR, *Confidentiality Guidelines*, 1 August 2001, IOM/071/2001 - FOM/068/2001, (Internal) <http://swigeas6.hcrnet.ch/refworld/docid/3be17dfd4.html>

Refugees should be reminded of their obligation to notify UNHCR of any changes in family composition or circumstances that would be of importance for the case. In certain situations family composition changes might fundamentally alter the status of the case, and may warrant a review of the resettlement submission.

UNHCR has a responsibility to ensure family unity, and therefore has a role in verifying the veracity of family relationships. If there has been a change in family composition and/or circumstances staff will:

- promptly bring births, deaths, divorces and other changes in family composition to the attention of the resettlement country;
- discuss a change in family composition with the principal applicant, and interview any “new” adult family member;
- obtain, examine, and copy originals of supporting documentation (birth certificates, marriage certificates, etc.);
- prepare a note for the file describing the situation including an analysis of the legitimacy/credibility of the change in circumstances and changed resettlement submission category, if appropriate; and
- prepare a revised RRF, if required.

If the Office sees a pattern in changes to the family size of cases under consideration for resettlement, the Office should consider the possible underlying motives, and if necessary, take measures to prevent fraud or duress in the refugee community. If a pattern of unanticipated changes in family size emerges, one possibility is to put all cases that are not of a very urgent nature on hold. The Accountable Officer should carefully assess the need for such measures in consultation with the responsible Protection Officer and the Head of Office.

#### 7.7.4 Selection decision

As soon as a UNHCR office receives a decision on a submission, it must inform all offices concerned with the case, and update *proGres*. In the case of submissions through UNHCR Headquarters, the Resettlement Service will notify the Field Office. The Field Office must ensure that the refugees are informed of the decision in a prompt manner, unless this is done directly by a local embassy or an implementing partner. *proGres* should also be updated.

#### 7.7.5 Acceptance

Where the decision is an acceptance, the next step is pre-departure processing. UNHCR should collaborate closely with governments, IOM, and NGO staff involved in the pre-departure preparations. See [Chapter 7.11.1](#) for more details.

#### 7.7.6 Rejection

Where the decision is a refusal, UNHCR will review the decision and evaluate the case to determine if resubmission to another resettlement State is appropriate. *This review process is described in more detail at [Chapter 7.9](#).*

Reasons for rejections provided by resettlement countries should be recorded in *proGres* and the refugee's file. Where reasons are not provided with the notice that a submission has been rejected, UNHCR staff should seek a more detailed explanation (preferably in writing) from the resettlement State. This information is a key element in evaluating whether to resubmit a case and the extent of review required for resubmission.



### Counselling and provision of information

Refugees should be informed of any significant developments affecting their case, including rejections by States and whether their case may be resubmitted. If reasons have been provided by the declining State, refugees should be provided with these reasons.

If a decision letter is addressed to an individual refugee, the refugee should be given the original, with a copy kept on file with UNHCR noting the date the letter was handed to the refugee. To protect confidentiality, copies of emails, lists, or letters addressed to UNHCR should not be given to refugees. UNHCR continues to advocate for the provision of individual letters.

UNHCR considers a resettlement case to be **rejected** following:

- a State's formal action to reject a case after receiving the submission from UNHCR and fully considering the case according to its policy and/or legal requirements for resettlement admissibility;
- a State's refusal to consider a case submitted by UNHCR;
- a State's return of a submission to UNHCR without having taken any decision; or
- a State's indication that a case that has been submitted by UNHCR is likely to be rejected, or a State's invitation to UNHCR to withdraw a case before the issuance of a decision.

UNHCR encourages States to provide a formal rejection, rather than refuse to consider a case or return a submission to UNHCR without a decision. In the interests of fairness and transparency, UNHCR should not withdraw a resettlement submission before the issuance of a decision unless exceptional circumstances merit otherwise.

A case is **not** considered rejected if a State requests additional information on a case, or if a State suspends its processing of a case pending receipt of additional information from UNHCR or another source.

In view of the complex nature of HIV testing in the context of resettlement, offices in the field which become aware of a refusal based on HIV status may wish to contact the Resettlement Service at UNHCR Headquarters for advice and guidance on general requirements for waivers or exceptions with a view to requesting reconsideration of the case [see below]. *For further details on HIV testing, see [Chapter 5.3.7](#).*

### 7.7.7 Reconsideration

In exceptional cases, UNHCR may ask the State which has rejected a case to reconsider the case, for example, in the event that the factors that led to the State's decision to reject the case are subsequently addressed or no longer exist. Refugees are entitled by some resettlement States to request a formal reconsideration of the rejection of their case. Cases for which reconsideration has been requested are nevertheless subjected to the same attention and review as a rejected case.

### 7.7.8 Responses to split decisions of dependent family members

The rejection of a case is a serious development for the refugees concerned, but can have particular consequences where the case, or linked cases, are subject to a so-called "split decision": part of the family is accepted and another part is rejected.

Every effort should be made to keep dependent family members together and to advocate with the resettlement State for a durable solution in the manner *least harmful* to the family, both collectively and individually. However, if the resettlement State has accepted only part of the family and will not reconsider the split decision, UNHCR should advise the family to consider withdrawal and resubmission of all linked cases to another country in order that no individual is left behind.

Thorough counselling to refugees on available options, as well as the limitations, risks, and possible consequences of each option, is imperative to enable refugee families to make these difficult decisions in a fully informed and participatory manner. In practice, few options may be available for cases that have received a split decision from a resettlement State, and each carries significant consequences:

- **Withdrawal and Resubmission:** All of the cases of a family which has received a split decision may be withdrawn and resubmitted to another resettlement State. However, there is no guarantee that the subsequent resettlement State will accept all – or even any – family members. This also adds additional months or years to that family's achievement of a durable solution. Nevertheless, family unity is maintained, and no individual is separated or left behind to face a potentially worsened situation without family support.
- **Decision to separate the family:** Some refugee families may choose to send the accepted family members on resettlement, preferring to send part of the family to the safety and security of resettlement rather than have the entire family wait for a joint decision. Such a choice should not be construed as evidence against the family's interdependency, but rather be viewed as a pragmatic approach to a situation with few available options. Nevertheless, the departure of part of the family may leave one or more family member(s) behind, where they may become particularly vulnerable or face specific protection problems.

- **Await family reunification:** It is imperative to explore all protection options for such family member(s) as remain in the country of asylum. In some cases, it may be appropriate for the family member(s) remaining behind to await family reunification pursued through the resettlement country's national legislation.
- **Submit to another State:** Compelling protection needs of some of the split cases may dictate that they be expeditiously submitted to another resettlement State.

## 7.8 WITHDRAWAL

UNHCR may choose to withdraw a case before the State in question has rendered a decision. Some of the following circumstances may prompt UNHCR to withdraw a case, and resubmit it to another country:

- new circumstances (family links, quota reallocation, impending selection mission, etc.) may have come to light encouraging resubmission to a State other than the State of original submission;
- where UNHCR may feel that the case requires a more rapid decision than that particular State can give, and elects to withdraw the case with a view to re-submitting it elsewhere (for example where urgent protection problems suddenly arise requiring upgraded priority or swift resolution and departure of a case pending with a resettlement country, or where the State's decision making, including security clearance, is significantly delayed);
- as described above, where a State's "split decision" threatens to separate dependent family members and the decision is made to resubmit the entire family to a new resettlement State.

In these cases, such a decision by UNHCR is considered to be a withdrawal and not a State's rejection. As with rejected cases, withdrawn cases are reviewed and evaluated to determine if resubmission is appropriate. This review is described in more detail below at [Chapter 7.9](#).

Other circumstances may prompt UNHCR to withdraw a case, but the case will not warrant resubmission unless the circumstances change:

- new circumstances may have come to light suggesting that submission for resettlement is currently inappropriate, such as when the reasons for submission substantially change or cease to exist (for example, fundamental changes in the country of origin, family circumstances, or protection needs);
- the refugee disappears and can no longer be contacted in the country of refuge;
- the refugee expresses a desire to no longer pursue resettlement for one or another reason; or
- in exceptional circumstances, as a sanction resulting from substantiated allegations of fraud.<sup>44</sup>

<sup>44</sup> See UNHCR, *Policy and Procedural Guidelines: Addressing Resettlement Fraud Perpetrated by Refugees*, March 2008, <http://www.unhcr.org/refworld/docid/47d7d372.html>



Cases may only be suspended or withdrawn with the authorization of the officer accountable for resettlement.



### 7.8.1 Responses to delays in processing:

Delays in the processing of cases by UNHCR and resettlement countries can have serious protection implications for refugees.

As described in [Chapter 6.1.1](#) and [Chapter 7.6.2](#), the specific resettlement needs determine the submission priority, which has expected timeframes for departure after submission:

- **Emergency cases**, which typically involve immediate life-threatening situations, are expected to depart for resettlement within a period not exceeding seven days.
- **Urgent cases** should depart within six weeks.
- **Normal priority cases** should be resettled within 12 months.

UNHCR uses these benchmarks to ensure that the timing of resettlement is appropriate and responsive to the level of need of the refugee. Where a resettlement State does not meet this timeframe, UNHCR should contact the State for an explanation and an indication as to when a decision and a departure is likely. This information should be considered in deciding how to proceed with a case. Several options exist:

- The case may be **withdrawn and resubmitted** to another resettlement country.
- The case may be submitted in **parallel submission** to multiple resettlement countries – see [Chapter 7.6.3](#). A parallel submission should only be undertaken for emergency cases after consultation and agreement of the Resettlement Service at UNHCR Headquarters which will seek the agreement/understanding of the concerned States.
- The case may be **evacuated** to an Emergency Transit Facility (ETF) – see [Chapter 7.6.4](#). This requires prior agreement by the concerned State authorities and an indication from the resettlement State that the case will be approved.<sup>45</sup>
- The **priority of the submission may be up- or downgraded**. Escalation in priority should only be done if the case merits it, to preserve the integrity and credibility of the urgent and emergency classifications. In the event that the priority of the case is upgraded to urgent or emergency, the country of submission should immediately be informed.

## 7.9 RESUBMISSION

The term “resubmission” refers to the submission of a case for resettlement to a second State after the case has been: (a) rejected by another State or (b) withdrawn from consideration by UNHCR.

<sup>45</sup> UNHCR, *Guidance Note on Emergency Transit Facilities: Timisoara, Romania / Manila, Philippines / Humenné, the Slovak Republic*, May 4, 2011, <http://www.unhcr.org/refworld/docid/4dddec3a2.html>

In order to ensure global consistency and transparency in UNHCR's decisions with regard to the resubmission of resettlement cases, UNHCR's *Guidelines on the Resubmission of Resettlement Cases*<sup>46</sup> provide detailed guidance on the procedures to be followed. The guidelines:

- outline the various considerations in determining whether a particular case should be resubmitted for resettlement to another State; and
- provide a framework for ensuring that cases are thoroughly reviewed before resubmission, that any concerns raised in previous rejections or withdrawals have been investigated and addressed, and that the needs for resettlement remain compelling.

When UNHCR withdraws a case with the intention to resubmit it to another State, the case is still subject to a review to ensure that the resubmission will be current, accurate, and complete. When a State has rejected the case, staff should first assess the grounds for rejection to determine if an in-depth review is warranted after the initial review.

### Assessing the grounds for rejection

All rejections should first be examined to establish if the decision is prejudicial or non-prejudicial. Where reasons are not provided with the notice that a submission has been rejected, UNHCR staff should seek a more detailed explanation (preferably in writing) from the resettlement State. This information is a key element in evaluating whether to resubmit a case and the extent of review required for resubmission.

#### Non-prejudicial decisions/No reason given

A State's rejection is considered non-prejudicial if:

- no reason or justification is provided;
- the rejection is due to reasons specific to its particular immigration laws, which are not relevant to UNHCR's resettlement considerations. For example, a State may deny resettlement based on restrictive domestic legislation such as "integration potential", HIV status, or family size;
- the State refuses to consider the case or returns the case to UNHCR with no decision taken and indicates that this refusal or return is related to country-specific criteria.

#### Prejudicial decisions

A State's rejection is considered prejudicial if:

- the reasons for rejection call into question UNHCR's determination of resettlement need and/or eligibility, such as *inter alia* concerns relating to credibility, the RSD assessment or eligibility for refugee status, or the family composition;

<sup>46</sup> UNHCR, *Guidelines on the Resubmission of Resettlement Cases*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/49818ae73a6.html>

- the reasons for rejection relate to security concerns by States;
- UNHCR is requested to withdraw a case under similar circumstances, for instance if the State indicates that the case will likely be rejected on prejudicial grounds;
- the State refuses to consider the case or returns the case to UNHCR with no decision taken, with indications that this refusal or return is on prejudicial grounds.

The following steps should be taken prior to resubmission of cases that were rejected or withdrawn:

1. conduct an **initial review** to evaluate the viability and appropriateness of resettlement;
2. where circumstances warrant, conduct an **in-depth review** (including an interview);
3. **select a resettlement country** for resubmission; and
4. **resubmit** the case.

### 7.9.1 Initial review

All resettlement cases should be reviewed in order to determine:

- that resettlement remains both **appropriate** and **viable**; and
- if in-depth review and re-interview are required.

For many cases, a dossier review is sufficient; however, an interview may be required to reconfirm the circumstances of the case.

Generally, UNHCR resubmits a rejected case only after the following conditions are reconfirmed:

- the applicant is a refugee who remains eligible for resettlement according to UNHCR policy; and
- resettlement remains the most appropriate and viable option for the individual.

**Viability** means that, while an individual may remain eligible for resettlement according to UNHCR policy, resubmission may no longer be a viable option for a variety of reasons relating to the specific profile, its submission history, and/ or the limited availability of places. **Appropriateness** refers to situations where resettlement options may still be available, but the circumstances that led to the original resettlement decision have changed and resettlement is no longer needed or appropriate.

A review may determine that a resettlement is either not viable or not appropriate for the refugee(s) in question. In such cases, this decision should be fully documented in the refugee's file. The refugee should be appropriately counselled as to the status of her/his case and clearly advised that UNHCR will not be resubmitting the case to other resettlement countries.

### 7.9.2 In-depth review

A case must undergo an in-depth review if:

- the case review indicates that the family composition, circumstances of the case, or need for resettlement have changed;
- if significant time (more than 6 months) has passed since the last submission;
- the case was rejected prejudicially.

The principal applicant and his/her family members and dependants should be re-interviewed to check all aspects of the case, including: family composition; circumstances of the case; eligibility for refugee status; and need for resettlement. For concerns relating to eligibility, refugee status determination, or exclusion, the case should be referred back to the Protection Unit for a thorough review. If the case received a prejudicial rejection, UNHCR must be satisfied that the concerns raised have been addressed. Any additional information, clarification, or documentation provided should be reflected in an amended or corrected RRF.

### 7.9.3 Select a resettlement country for resubmission

Selection of a resettlement country for resubmission should reflect the following:

- Emergency and urgent cases should receive highest priority for submissions and resubmissions.
- The case should be submitted to the resettlement country most likely to accept it based on that country's policies and priorities.
- Staff should select a country which will process the submission within a time period appropriate to the priority of the case.
- If the previous submission was made under a "group resettlement methodology", preference should be given to a State which accepts submissions using the same methodology, if possible.

### Multiple rejections by States

While there is no specific limit on the number of possible resubmissions of a case, UNHCR should be realistic about remaining resettlement prospects and the likelihood of acceptance. Any prejudicial rejection should trigger an in-depth review of the case, and if a case is rejected a second time for prejudicial reasons, this in-depth review should, where possible, be conducted by a UNHCR officer not previously involved in the resettlement submission. It is important to address the refugee's expectations, and to address their needs in light of lowered prospects for resettlement. If no viable options for resubmission remain, potential alternative solutions should be explored including voluntary repatriation and local integration in the country of refuge. In exceptional cases UNHCR may provide advice and/or assist the applicant to apply under a regular migration programme (e.g. skilled migration) or, in consultation with the Resettlement Service at Headquarters, to approach a State that does not have a standing refugee resettlement programme, but which may be prepared to consider a resettlement submission.

### 7.9.4 Resubmission

Before the case is resubmitted, the following actions should be undertaken:

- the RRF should be amended to reflect all additional information, clarification, or documentation provided;
- the signature page should be updated and re-signed if it is dated more than six months previous;
- the submission priority should be re-evaluated, and an appropriate submission priority (emergency, urgent, normal) chosen to reflect the resettlement needs of the case.

Resubmissions should follow established procedures for approval and submission, *proGres* should be updated, and the refugee should be informed that his or her case has been resubmitted.

### 7.9.5 Sharing case submission history with States

UNHCR will resubmit the case only when it is satisfied that a case has gone through an appropriate reviewing process, that any concerns raised in previous rejections have been investigated and addressed, and that the needs for resettlement remain compelling. Reasons for rejection provided by resettlement States are key elements to enhance this reviewing process, and for this reason, UNHCR advocates with the resettlement countries to provide reasons for all rejected cases.

In principle, UNHCR does not systematically share case submission history with resettlement States upon resubmission, since providing information about previous rejections may unfairly prejudice consideration of the case on its merits. This is particularly important where resettlement States have not provided UNHCR with full reasons for rejecting a case.

However, where UNHCR believes it is in the interest of the refugee, UNHCR may provide information on previous submissions and rejections for refugees on a case-by-case basis. For example, for cases where close family members reside in a resettlement country that previously rejected the case, it may be prudent – and beneficial to the resubmission – to mention in the RRF what efforts were taken by UNHCR to explore resettlement in the country where family members reside and the reason why the case was rejected.

There may be other exceptional or sensitive circumstances where UNHCR may decide to provide information on submission history. Such circumstances need to be carefully assessed on a case-by-case basis and the Resettlement Service at Headquarters or Regional Office or Hub should be consulted for specific guidance.

## 7.10 THE IMPORTANCE OF COUNSELLING THROUGHOUT THE PROCESS

As discussed in more detail in [Chapter 4.5](#), counselling is of utmost importance from the beginning of UNHCR's contact with a refugee, and crucial to managing

resettlement expectations. Ideally, there should be an open dialogue between the refugee and UNHCR, in close collaboration with government and NGO staff involved in the process. All family members (with the exception of small children) should receive appropriate counselling, keeping in mind age, gender and diversity considerations.

### Counselling refugees in preparation for resettlement

When counselling individual refugees in preparation for resettlement, it is important to explain clearly the process involved in the preparation and submission of the applicant's case file, the state selection processes, and the pre-departure procedures. Throughout the process, it should be made clear that all UNHCR services are free, that resettlement acceptance is not automatic but up to the individual resettlement State, and that the process can be very lengthy. Refugees should also be informed of how and when the outcome of the case will be communicated to them.

Explaining the limitations imposed by the availability of quotas, and resettlement State and eligibility and admission criteria helps refugees understand why they do not have a choice of resettlement country. It is particularly important to explain to refugees that while family links may be given priority by UNHCR for submission, they do not guarantee acceptance by the resettlement country.

In preparation for interviews by resettlement State representatives, the procedure should be explained to the refugees. It is particularly important to advise refugees that they must be prepared to articulate their refugee claim, and that family members might be interviewed individually.

In some instances, refugees may refuse to go to a country despite an offer of resettlement. It is important to explain to them that they cannot choose the resettlement country of their preference. The constraints which accompany the processing of resettlement places should be explained carefully. A deadline for reflection should be given, but it must be made clear that refusal to go will, depending on the particular circumstances, either result in no further processing for resettlement or a deferment of the case. Cases of this nature should usually be re-assessed.

Refugees should have as much information as possible of what awaits them upon arrival in the resettlement country. Their active participation in the integration process will determine their future. *Ideally this information will be delivered in orientation sessions as discussed in [Chapter 7.11.3](#).*



The individual Country Chapters of this Handbook (available at <http://www.unhcr.org/resettlementhandbook>) provide details of resettlement countries' counselling programmes or materials. Additional information is available in the UNHCR Handbook - *Refugee Resettlement: An International Handbook on Reception and Integration*.<sup>47</sup>

<sup>47</sup> UNHCR, *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, September 2002, <http://www.unhcr.org/refworld/docid/405189284.html>

## Counselling refugees whose application for resettlement has been rejected

A refugee, whose case has been rejected, sometimes on several occasions, is often depressed or angry. It is important to inform a refugee promptly and if possible directly once a case is rejected. If available, the reasons for the rejection should be explained. Whatever the behaviour, the refugee is probably feeling very dejected and should be informed of any further action proposed. As per [Chapter 7.9.3](#), cases which have continually been rejected should always be reassessed to see if resettlement is the most appropriate solution.

Refugees may undergo a range of feelings and behaviours depending on their experiences. Anger, aggression, denial, depression and loss of interest are common behavioural traits. Social counselling can assist refugees come to terms with their situation and to address their future.

## 7.11 PRE-DEPARTURE ARRANGEMENTS AND MONITORING

After a refugee is accepted for resettlement, a number of formalities usually have to be undertaken prior to departure. These may involve the following activities:

- cultural and pre-departure counselling and orientation;
- medical screening and follow-up;
- exit visa and travel arrangements;
- escort and transit arrangements (particularly for medical cases).

Each resettlement State sets their own specific pre-departure requirements, and is responsible for covering their costs. Each State also determines which pre-departure orientation services they will offer refugees and whether they will contract a partner organization, or deliver these services directly.

The length of time taken between acceptance and departure may vary considerably according to where the refugee is located, the pre-departure requirements of the resettlement State, as well as any domestic preparations required by the individual State.

### Expedited Travel

UNHCR offices and partners must take exceptional measure to expedite the departure arrangements for **emergency** and **urgent** cases.

UNHCR should also monitor the protection situation of vulnerable individuals, including women and girls at risk,<sup>48</sup> within “normal” priority cases, and ensure their speedy processing.



<sup>48</sup> UNHCR, *Conclusion on Women and Girls at Risk*, 6 October 2006, No. 105 (LVII) - 2006, paragraph p ii. calls for “establishing measures to enable the speedier departure of refugee women at risk and their dependants”. <http://www.unhcr.org/refworld/docid/45339d922.html>

### 7.11.1 The importance of UNHCR oversight

Regardless of the particular field contexts, refugees remain under the mandate of UNHCR until they benefit from the effective protection of the resettlement State. In real terms, this means that UNHCR must ensure that any protection-related concerns are taken into account during pre-departure preparations.

UNHCR's specific responsibilities with respect to pre-departure processing may vary considerably depending on:

- the presence of other resettlement partners in a given country, especially an International Organization for Migration (IOM) office;
- the resettlement State's presence and arrangements with IOM and/or other resettlement partners;
- UNHCR's partnership with IOM and/or other resettlement partners.

UNHCR plays an important coordinating role between the local IOM office/ or other contracted partner, the authorities in the country of asylum, and the resettlement country. To ensure that this oversight function is carried out effectively, field offices should identify a focal point to assume the responsibility of monitoring the processing and departure arrangements.

This focal point would be specifically responsible for ensuring that post-acceptance and pre-departure identity checks are conducted, that pre-departure formalities are conducted as expeditiously as possible, and that refugees benefit from UNHCR's protection until they travel under the protection of the resettlement country. Focal points should in particular watch for any delays in the departure of emergency and urgent cases, as well as any important protection-related concerns. The Accountable Officer is responsible for ensuring follow-up with the resettlement States that have accepted the refugees and the Regional Resettlement Hub/Office or Headquarters as appropriate regarding the impact of delayed departures.

Each field office's Resettlement SOPs should specify the local arrangements and procedures developed with IOM (or other partner) concerning out-processing, and the responsibilities for monitoring the departure process to ensure coordination and compliance.

### 7.11.2 Medical screening

Each resettlement country sets its own requirements for medical screening. This may include mandatory screening before acceptance, testing post-treatment, and immediate pre-departure screening. In many countries, IOM is responsible for medical screening, processing and treatment of refugees prior to resettlement. The specific protocols for these activities are defined by the individual resettlement country.

Some resettlement countries require mandatory medical screening of refugees considered for resettlement. UNHCR stresses that the need for asylum overrides concerns about potential costs associated with the treatment and care of *any* medical condition. However, resettlement countries may use medical screening



to exclude refugees, for fear that their health problems will pose a financial burden, create excessive demands on existing national health services, or to prevent the introduction of communicable diseases and protect public health.

All resettlement countries that require HIV testing as a precondition to resettlement are encouraged to have guidelines on testing and counselling in place that conform to international standards. As addressed in [Chapter 5.3.7](#), UNHCR and IOM's guidelines call for pre- and post-test counselling which provides refugees with information on prevention and treatment, as well as personal and family concerns.<sup>49</sup>

Throughout its experience in medical screening worldwide, IOM has developed technical expertise in a number of areas, including diagnosis and management of tuberculosis and leprosy, psychiatric services and the implementation of effective immunization programmes. Field offices may therefore need to liaise with local IOM offices if such health issues become relevant to the resettlement processing.

## Medical preparations and escorts

Pre-departure medical screening has been introduced just prior to scheduled travel to ensure that the applicants are **fit to fly** and to identify any further medical issues that will require treatment once resettled.

In order to secure safe travel for refugees with medical conditions and to ensure that airline requirements are met, IOM can perform pre-embarkation checks and, when needed, provide medical escorts. The necessity for medical escorts and the medical judgment as to refugees' fitness to fly is based on the International Air Transport Association (IATA) regulations.

### 7.11.3 Cultural orientation

Many refugees accepted for resettlement in third countries have little or no knowledge of the culture and socio-economic practices of their new societies. Lack of accurate and relevant information may lead to the refugees having unrealistic expectations of life in their new country. If not addressed, these expectations will not only cause stress to the newcomers upon arrival, but may also cause undue pressure on the social service providers in the host communities, and may weaken prospects of integration and public support for resettlement of refugees in general.

All resettlement countries are encouraged to provide refugees they have accepted with an orientation prior to departure. At a minimum, written material or videos will assist refugees to form realistic impressions of the challenges they will face after resettlement. Proven to be more effective are multiple-day orientation courses, which provide an in-depth opportunity to introduce a more realistic picture of the country of destination, and the expectations that will be placed on them.

<sup>49</sup> See, UNHCR, UNAIDS, IOM – *Joint Statement on HIV Testing in the context of resettlement*, 2006, <http://www.unhcr.org/refworld/docid/46822d001c.html> and UNHCR, *UNHCR/WHO/UNAIDS Policy Statement on HIV Testing and Counselling in Health Facilities for Refugees, Internally Displaced Persons and other Persons of Concern to UNHCR*, 2009, <http://www.unhcr.org/refworld/docid/4b13ba212.html>

IOM and other organizations have developed expertise in developing and delivering Cultural Orientation courses tailored to the specific refugee population and to the resettlement country. Refugees receive information on topics such as the resettlement process (including the flight), climate history, geography, housing, education, the country's introduction or settlement programmes, employment, and other public and social services. Special attention is also given to traditional customs of the accepted refugees that could be misunderstood or pose challenges in a resettlement country. These include cultural norms regarding the rights of women and children, gender relations, health issues and other cultural practices which may be at odds with the receiving community.

#### 7.11.4 Travel documents

As refugees are not able to use passports issued by their country of origin, some other form of travel documentation is necessary. In rare cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of visa from the authorities of the destination country may suffice. Usually, however, a more formal travel document is needed, and **resettlement States are encouraged to issue documents** to facilitate travel.

In States party to the 1951 Convention and/or its Protocol, a Convention Travel Document may be a possibility for persons who have been granted refugee status. When no other travel document is available, an ICRC Travel Document may be obtained from the International Committee of the Red Cross upon completion/receipt of an application form and photographs, signed by the applicant.

#### 7.11.5 Visas

##### Entry visa

Some receiving countries will inform the Field Office directly or through UNHCR Headquarters of the consular post to which the visa authorization will be forwarded. If there is no local consular representation, UNHCR Headquarters will request the receiving country to send visa instructions either to a suitable consular post nearby or alternatively to their United Nations Mission at Geneva to be forwarded to UNHCR Headquarters for onward transmission to the Field Office.

##### Transit visa

Transit visas, if required, should be obtained from the appropriate local embassy. IOM has special agreements with a number of Governments and airlines to waive transit requirements.

##### Exit visa

In some countries, residents including recognized refugees are required to make a formal application to the competent authorities for an exit visa. In such cases, UNHCR intervention with the authorities of that country may be necessary.

### 7.11.6 Travel expenses

The organization and financing of the travel is the responsibility of the resettlement State. Travel costs for most resettlement cases are met by the receiving country either in total or under a government loan scheme. Other sources of funding include NGOs, loan schemes administered by IOM, and in certain contexts, IOM's Rapid Response Transportation Fund (RRTF).

In exceptional circumstances, UNHCR may provide funding and either authorize IOM to make the necessary arrangements by charging costs to a UNHCR project or arrange alternatives where IOM is not operating. In such cases, prior authorization must be obtained from UNHCR Headquarters.

Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

### 7.11.7 Transportation

In many countries, IOM makes transportation arrangements on behalf of UNHCR or the resettlement country concerned. If there is a local IOM office, the UNHCR Field Office should arrange travel directly through them, once the refugee is ready for travel and final destination and suitable date of reception are confirmed by the resettlement country.

The cooperation between UNHCR and IOM in the transportation sector is formalized through a guidance note which lists IOM's responsibilities:

- IOM will, at the request of UNHCR, assume responsibility for the timely arrangement of air, sea and land transportation of refugees, returnees and other persons of concern to UNHCR, including secondary transportation as necessary.
- For air and sea transportation, IOM will also assume responsibility for immigration formalities and customs clearance.
- IOM will raise funds for the transportation services cited above, and UNHCR will endeavour to ensure donor recognition of this requirement.
- Upon the request of UNHCR, IOM will provide duty travel arrangements on commercial carriers for accompanying UNHCR and/or implementing partner staff at IOM rates, subject to agreement on administrative costs of this service.<sup>50</sup>

The special IOM fares benefit all categories of persons assisted under the auspices of the Organization and allow for considerable reductions in air fares and provide also an increased free baggage allowance. Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation may be arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

<sup>50</sup> UNHCR, *Guidance Note on Co-operation Between IOM and UNHCR in the Transportation Sector*, May 2000, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/4a54bc02.html>

Note should be taken that during peak periods, usually holiday seasons, the booking of air tickets at special IOM tariffs may not be possible or at least not without considerable advance notice. For special cases, in particular when medical needs of refugees have to be accommodated during air travel, an advance notice of at least two to three weeks is required.

If there are “no shows”, i.e. persons booked who do not show up for departure, IOM will immediately inform the concerned UNHCR Office and effect re-bookings or cancellations.

Where IOM is not present or where agreements with IOM are limited to certain functions, the UNHCR Field Office may have to cover the following tasks:

- Field offices may be required to arrange the movement of refugees from camps or other areas to points of departure. If this necessitates transfer to another country, the field offices involved should liaise to obtain entry permission from the Governments concerned and if required with UNHCR Headquarters so that travel may be arranged for minimum stopover period.
- Field offices should advise the Resettlement Service at UNHCR Headquarters when the individuals are in possession of the necessary travel documents and visas and are ready to travel, so that IOM Geneva may book appropriate flights. IOM will then confirm flight details to the Field Office, the receiving country and UNHCR Headquarters.
- Field offices should confirm a refugee’s departure to IOM, the receiving country and UNHCR Headquarters.
- If for some reason a person is unable to travel as scheduled, the Field Office should immediately inform IOM, the resettlement country and the Regional Resettlement Hub/Regional Office/Resettlement Service as applicable. Depending on the circumstances, IOM may then be requested to re-book the travel and keep the resettlement country informed in order to arrange reception.



### Essential reading

- UNHCR, *Baseline Standard Operating Procedures on Resettlement*, revised version 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/48b6997d2.html>
- UNHCR, *Guidelines on the Resubmission of Resettlement Cases*, June 2011, (Internal) <http://swigea56.hcrnet.ch/refworld/docid/49818ae73a6.html>
- UNHCR, *Guidance Note on Co-operation between IOM and UNHCR in the Transportation Sector*, IOM/76/2002-FOM/72/2002, (Internal) <http://swigea57.hcrnet.ch/refworld/docid/4a54bc020.html>