

GLOBAL LEADERSHIP AND COOPERATION FOR REFUGEES SERIES PAPER NO. 3 — JANUARY 2017



## THE ROLE OF RESETTLEMENT IN REFUGEE RESPONSIBILITY SHARING Jessie Thomson



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### **TABLE OF CONTENTS**

- iv Global Leadership and Cooperation for Refugees: About the Project
- iv About the Author
- 1 Executive Summary
- 1 Introduction: Normative Framework and Global Resettlement Numbers
- 2 The Strategic Use of Resettlement
- 3 Beyond Resettlement
- 4 A Uniquely Canadian Approach: Private Sponsorship of Refugees
- 4 Burden Sharing or Burden Shifting?
- 5 Conclusions
- 6 Works Cited
- 8 About CIGI
- 8 CIGI Masthead

## GLOBAL LEADERSHIP AND COOPERATION FOR REFUGEES: ABOUT THE PROJECT

There are 65 million refugees and displaced persons in the world, with numbers increasing each year. The crisis has brought out the worst in many countries, with several states restricting or blocking entry to those most in need of protection and other countries shouldering a disproportionate share of responsibility. The current refugee system is unpredictable, piecemealand unsustainable. Unaddressed, it will impact the world for generations to come. Yet, with greater international cooperation, this challenge would be manageable — the world's refugees account for less than 0.3 percent of the global population. As a result, the UN Secretary-General has called for the creation of a Global Compact on predictable and equitable responsibility sharing to respond to large-scale refugee movements. To address this challenge, the Global Security & Politics Program at the Centre for International Governance Innovation (CIGI) has launched the Global Leadership and Cooperation for Refugees Project to develop and advance ideas for a new system of international cooperation that is capable of anticipating mass movements of people and managing them in a way that is politically viable, fair for all states and properly funded, as well as to consider ways in which Canada can provide international leadership on this crucial issue.

### **ABOUT THE AUTHOR**

Jessie Thomson is the senior director of the Humanitarian Assistance and Emergency Team of CARE Canada. She has also been a protection delegate with the International Committee of the Red Cross in Pakistan, and a senior policy adviser for the Department of Foreign Affairs and International Trade Canada and for Citizenship and Immigration Canada, leading on key files related to global refugee protection.

### **EXECUTIVE SUMMARY**

According to the United Nations High Commissioner for Refugees' (UNHCR's) report *Global Trends: Forced Displacement in 2015*, worldwide displacement was at the highest level ever recorded at the end of 2015, with the number of people forcibly displaced reaching a staggering 65.3 million. Some 21.3 million of those displaced in 2015 were refugees, with almost one-quarter of refugees fleeing from Syria (UNHCR 2016b, 2). With the Syrian conflict now in its fifth year, and countries in the region shouldering the majority of this mass displacement, the question of responsibility sharing is more pertinent than ever. However, despite this massive increase in global displacement, durable solutions, in particular resettlement, remain elusive for the majority of refugees.

This paper will outline the role of resettlement in the context of international responsibility sharing and propose concrete recommendations as to how resettlement could be more effectively and expeditiously used to respond to the global refugee crisis.

## INTRODUCTION: NORMATIVE FRAMEWORK AND GLOBAL RESETTLEMENT NUMBERS

The preamble of the United Nations Convention relating to the Status of Refugees of July 28, 1951, specifically states "that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation" (UNHCR 2010, 13). According to Christina Boswell (2003), so-called international cooperation in burden sharing or responsibility sharing has historically been interpreted to include two main actions: the provision of financial assistance for countries of first asylum and the dispersal of refugees among states through resettlement.

Resettlement is defined by the UNHCR as "the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them — as refugees — with permanent residence status" (UNHCR 2011, 416). Resettlement is pursued within the framework of the UNHCR's international protection mandate as enshrined in its statute. It is a form of responsibility sharing that dates back to the refugee crisis triggered by the Hungarian uprising in 1956. It was continued in use in response to those fleeing Chile after the Pinochet coup in 1973 and in support of Vietnamese refugees from 1979 onward, and continues to the present day in response to a multitude of crises (Boswell 2003). At the same time, resettlement has evolved from a tool used primarily to respond to large-scale refugee crises to a more individualized protection mechanism.

There is no legal obligation of states to accept refugees through resettlement. That said, the UNHCR Executive Committee Conclusions dating back to 1981 clearly articulate the importance and role of resettlement as a critical form of international solidarity and burden sharing, in particular for countries of asylum coping with large numbers of refugees or protracted refugee situations (UNHCR 2001).

Despite this consensus among Executive Committee members, and as global refugee numbers continue to skyrocket, according to the UNHCR's annual statistical report of December 2015, "the number of countries admitting refugees for resettlement has remained relatively stagnant in recent years. Likewise, the number of available resettlement places has not grown significantly" (UNHCR 2015, 43). According to government statistics, 27 countries admitted a total of 107,100 refugees in 2015; however, three countries (the United States, Canada and Australia) were responsible for accepting the vast majority of all refugees selected for resettlement (UNHCR 2016b). It is estimated that only one percent of refugees are submitted for resettlement each year and that only 10 percent of those submitted are accepted (International Refugee Rights Initiative n.d.). According to UN High Commissioner for Refugees Filippo Grandi, "Resettlement needs vastly outstrip the places that have been made available so far. Last year, only 12 per cent of the refugees in need of resettlement, who are usually the most vulnerable, were resettled...." (UNHCR 2016a). Although resettlement is in theory a critical component of international responsibility sharing, in reality its practice is extremely limited in relation to overall needs — raising critical questions about the ability of resettlement to represent a meaningful form of responsibility sharing today.

Prior to the federal election in November 2015, Canada's annual resettlement numbers remained stagnant, with the government increasing the number of privately sponsored and blended visa office-referred cases while reducing the number of government-assisted cases. This shift was ultimately aimed at reducing the total number of government-assisted refugees resettled in Canada. In contrast, Canada's decision to resettle 25,000 Syrian refugees above and beyond annual resettlement targets was a welcome development. This one-time commitment signalled an important change in Canadian refugee policy. While long-term commitments have not yet been made, civil society is hopeful that the Government of Canada will commit to increasing the annual targets for government-

<sup>1</sup> The Blended Visa Office-Referred program matches refugees identified for resettlement by the UNHCR with private sponsors in Canada. The Government of Canada provides up to six months of income support through the Resettlement Assistance Program. Private sponsors provide another six months of financial support and up to a year of social and emotional support.

assisted refugees, privately sponsored refugees and blended visa office-referred cases for years to come. The 25,000 commitment, plus any new longer-term increase in the overall numbers, would position Canada well to take on a leadership role in advancing this goal at the global level.

Recommendation One: For resettlement to represent a meaningful form of international responsibility sharing, overall numbers of refugees accepted for resettlement and of states engaged in resettlement in a significant way need to increase dramatically. In line with the UNHCR's resettlement goal for the Syrian crisis and the recent report of the Secretary-General, In Safety and Dignity: Addressing Large Movements of Refugees and Migrants, resettlement should represent a solution for 10 percent of the world's refugee population (UN General Assembly 2016). Canada has the potential to play a leadership role in this effort by making a long-term commitment to increasing its annual resettlement target, building on the success of its 25,000 commitment in 2015-2016.

### THE STRATEGIC USE OF RESETTLEMENT

Resettlement was further reinforced as a tool for international responsibility sharing during the Global Consultations on International Protection in 2001 and was later confirmed in the *Agenda for Protection*, which outlined in Goal 3(6) the need for resettlement to be used more effectively as a tool for burden sharing (UNHCR 2003b). Following the adoption of the *Agenda for Protection*, the Working Group on Resettlement was tasked with examining how resettlement could be more effectively used to maximize the benefits of resettlement beyond those being resettled. Their work led to the 2004 *Multilateral Framework of Understandings on Resettlement*, which called for a more strategic use of resettlement, with the hope that resettlement would benefit a greater number of refugees (UNHCR 2004).

The UNHCR (2003a, 2) defined the strategic use of resettlement as "the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, benefits other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general." As outlined by the UNHCR (ibid.), in the context of international responsibility sharing, there are many benefits that could accrue to countries of first asylum through the strategic use of resettlement, including strengthening of the protection environment, unlocking of durable solutions, impacting of behaviour and attitudes in countries of asylum, decongesting or consolidating of camps, reduction of unnecessary in-country population movements, fostering of community cohesion, influence on the behaviour and attitudes of refugees, facilitating of remittances and strengthening of refugee mobilization

and participation. The UNHCR has argued historically that the strategic use of resettlement can also impact regional realities, reducing secondary movements and risks related to human trafficking and smuggling as refugees are forced to seek durable solutions through their own means. Resettlement could be traded for another refugee protection gain: for example, if a certain number of refugees were resettled from a host country, in exchange the host country could grant the remaining refugees the right to work following this resettlement effort.

The strategic use of resettlement was closely linked to the development of the concept of "comprehensive solutions strategies," which argued for the use of all three durable solutions (local integration, voluntary repatriation and resettlement), in keeping with the objective to resolve specific refugee situations permanently. This was particularly relevant for protracted refugee situations, wherein it was felt that resettlement could play a role in unlocking the other two durable solutions. For example, if resettlement countries were to accept a portion of the total caseload, the host country might be more willing or able to facilitate local integration, and the country of origin could then support small-scale voluntary return.

The strategic use of resettlement also called for a greater focus on the resettlement of groups of persons. According to the UNHCR Resettlement Handbook, "the group resettlement methodology was developed in 2003 to enhance resettlement through the use of simpler and more accelerated processing for groups of refugees that share specific characteristics. By facilitating the resettlement processing, the group methodology reinforces the use of resettlement as a durable solution and as an important responsibility and burden-sharing tool, thus making it particularly useful in comprehensive approaches" (UNHCR 2011). The hope was that a simplified identification and referral process would enable the UNHCR to more effectively and efficiently refer cases for resettlement, with the view to increasing the number of cases resettled and, ultimately, the impact of these resettlement efforts beyond the individuals and groups in question.

The key question is whether the strategic use of resettlement has been able to produce the promised results. According to a recent review of the strategic use approach: "UNHCR has, together with resettlement countries, established priority cases for the SUR [Strategic Use of Resettlement], although little resettlement has followed those priorities. Either SUR is not actually sought, or there is disagreement over what it is, and where it is likely to achieve the targeted results" (van Selm 2013). The report further found that confusion around the concept, lack of measurable benchmarks or a programmatic focus, and lack of engagement of host countries as full partners largely undermined the implementation of the strategic use of resettlement in the UNHCR's operations (ibid.).

A concrete example wherein member states attempted to apply these concepts was that of the Core Group on Bhutanese Refugees in Nepal. Canada played a critical leadership role in this effort, strongly arguing in favour of a more comprehensive and strategic use of resettlement for this caseload, with the view to unlocking local integration and voluntary repatriation. While the Core Group on Bhutanese Refugees in Nepal was largely hailed as a success, due to the successful resettlement of more than 40,000 refugees from this protracted caseload, the planned, secondary impact on local integration prospects and voluntary return did not materialize (ibid.). To this end, while coordination of the resettlement effort certainly ensured a more meaningful impact of resettlement, it did not maximize the benefits beyond the resettled caseload, as the secondary benefits were never agreed to by the governments of Nepal or Bhutan (ibid.). The Working Group on Resettlement has called for increased use of tripartite arrangements and better inclusion of countries of first asylum and source countries in discussions around the strategic use of resettlement and so-called comprehensive solutions; however, little progress has been made to advance such an approach in practice, with the efforts continuing to be driven by resettlement countries largely in isolation.

In addition, there has been a marked decline in durable solutions generally, with very few examples of local integration happening in the Global South and with voluntary repatriation at an all-time low. With more and more refugees finding themselves in a protracted situation of displacement, the search for durable solutions and the need for comprehensive solutions is therefore more urgent than ever.

Recommendation Two: The UNHCR and UN member states should redouble efforts to enhance the strategic use of resettlement, increasing the role of host states and countries of asylum in comprehensive solutions efforts. Binding mechanisms and measurable benchmarks should be put in place as part of the strategic use of resettlement to ensure that the secondary benefits of resettlement initiatives are realized.

### **BEYOND RESETTLEMENT**

Recent efforts have been made to revitalize the use of resettlement as a meaningful form of burden sharing in response to the crisis in Syria and large-scale maritime arrivals to Europe. In March 2016, the UNHCR held a high-level meeting on "global responsibility sharing through pathways for admission of Syrian refugees" as a follow-up to the International Conference on Supporting Syria and Region in London. UN High Commissioner for Refugees Filippo Grandi stated that "more solutions for Syrian refugees are urgently required to alleviate the strain on host countries and to provide an alternative to smuggling

networks that have made a business of the despair of refugees" (UNHCR 2016a). He appealed for "additional and more diverse safe avenues for admission of Syrian refugees into different countries and communities in the coming three years" (ibid.). In this context, Grandi argued in favour of diversifying the legal pathways for admission, not only through resettlement, but also through more flexible family reunification programs (including extended family members), labour mobility schemes, student visas and scholarships, as well as through visas for medical reasons. In this context, the UNHCR is seeking admission for at least 10 percent of the Syrian refugee population, or 480,000 people over three years (ibid.).

The Student Refugee Program of the World University Service of Canada (WUSC) is a unique example of alternative pathways for resettlement.2 It is the only program in the world that combines refugee resettlement with post-secondary education. In the face of fears of a "lost generation" of Syrian refugees, programs such as the WUSC Student Refugee Program are essential to ensuring that Syria's young leaders are not left to languish in refugee camps or urban slums for another two decades. While some critics might be concerned about the potential "brain drain" associated with this kind of refugee resettlement program, it is essential to remember that the world is increasingly globalized, wherein social and economic remittances and human mobility mean that these young people are likely to be future leaders both in their adopted country and in their country of origin, if and when peace finally prevails.

Overall, these efforts to revitalize the use of resettlement as a meaningful form of burden sharing are laudable and will be critical to increasing the overall impact of resettlement and alternative legal pathways for movement, if the overall commitments are meaningful. However, to date, the discussion has been limited to the refugee crisis in Syria, with host countries, such as Kenya, still shouldering a significant refugee burden. To this end, creative alternatives to increase overall resettlement numbers must go beyond the Syrian crisis, in particular in support of protracted refugee situations elsewhere in the world.

Recommendation Three: The UNHCR's and others' attempts to identify alternative pathways for admission of refugees including, but not limited to, resettlement are welcome developments in international responsibility sharing, but efforts must go beyond the response to the Syrian crisis, in particular in recognizing the needs of refugees in protracted refugee situations. Innovative programs such as the WUSC Student Refugee Program need to be supported and replicated elsewhere.

<sup>2</sup> See http://wusc.ca/en/srp.

## A UNIQUELY CANADIAN APPROACH: PRIVATE SPONSORSHIP OF REFUGEES

While international responsibility sharing has primarily focused on state-to-state international cooperation, Canada's Private Sponsorship of Refugees (PSR) program takes this international solidarity to a more local level, with civil society and individual Canadians playing a critical role in sharing the overall refugee "burden." Canada's PSR program,3 which began in 1978, was unique in the world until very recently, with a few countries, such as Australia, now considering replicating this program. The PSR program has not only increased the overall Canadian response to the global refugee crisis but also created a movement of people at the local level who are strongly in favour of Canada playing a leadership role in refugee resettlement, ultimately affecting public opinion and the perception of refugees, countering xenophobia and promoting inclusion and integration.

The most recent expression of this solidarity was the private sponsorship of more than 10,000 Syrian refugees as part of the Government of Canada's overall commitment to resettle 25,000 refugees by the end of February 2016. In an era where citizens in other countries are calling on their political leaders to limit refugee movements, the power of this grassroots movement should not be underestimated. It has also taken the referral process out of the hands of the UNHCR, ultimately freeing up the UNHCR to focus on meeting its resettlement referral targets.

Canada's PSR program was highlighted at the March 2016 ministerial meeting discussing pathways for admission of Syrian refugees as an innovative example of refugee resettlement (Levitz 2016). In this context, the Government of Canada committed to sharing Canada's expertise in private sponsorship in order to increase the number of global resettlement places. With more Syrians having arrived in Canada this year, it is safe to assume that the demand for private sponsorship spaces will increase, because new arrivals will also want to support family members to come to Canada.

If the Government of Canada wants to play a leadership role globally, sharing the lessons of the PSR program, it will also need to invest in the program domestically to ensure that it continues to grow and flourish. It will need to make a concerted investment in processing abroad, to ensure the timely arrival of privately sponsored refugees. Long delays will only serve to frustrate sponsors and

undermine the movement. For example, April 2016 announcements related to the 2016 quotas for sponsorship agreement holders risk seriously undermining Canadian goodwill, as countless groups are being told that despite having the funds raised and volunteers ready to support new arrivals, these refugee resettlement cases will not be able to be submitted this year.

Recommendation Four: Canada should continue to play a leadership role in supporting other countries to grow their resettlement programs through both government-assisted and private sponsorship schemes. Canadian civil society should be engaged in this international effort, seeking to build local and community-based support for such a movement. The Government of Canada should also support and reinforce the private sponsorship program in Canada, ensuring that sufficient resources are being invested to enable timely processing of privately sponsored refugee cases in order to grow and nurture this unique resettlement pathway.

### BURDEN SHARING OR BURDEN SHIFTING?

In parallel to the UNHCR's commitment to increasing resettlement opportunities for Syrian refugees, an uncomfortable deal has been struck between the European Union and Turkey in response to the mass influx situation, which might be more an illustration of international responsibility "shifting" than a contribution to international responsibility sharing. In particular, the EU-Turkey refugee deal includes a one-for-one refugee return and resettlement agreement, which would see one refugee resettled for every person returned from Europe back to Turkey. Furthermore, it has since been clarified that individuals will only be selected for resettlement if they have not attempted to move irregularly to the European Union already, excluding individuals who might still have a well-founded refugee claim. This trade in human beings is not only morally questionable, but serves to negate altogether the principle of responsibility sharing. Looking forward, "an important question now is whether UNCHR will agree to an involvement in the EU-Turkey deal, especially in its resettlement component, the size of which will be based on the number of involuntary returns from Greece and the Aegean Sea" (Crisp 2016).

In contrast, Joanne van Selm (2016) has argued that an EU resettlement scheme could have been a game changer for the migration crisis facing Europe. Instead of trading involuntary returns for resettlement, a comprehensive and coordinated EU resettlement program with clear targets at the EU level and agreed responsibility sharing among EU members could have played a critical role in responding to this emergency. First, van Selm argues that it would have allowed the European Union to know whom they were resettling, eliminating the concern around security and

<sup>3</sup> The PSR program enables Canadians to sponsor refugees to come to Canada through a variety of channels, including Sponsorship Agreement Holders, their Constituent Groups, Groups of Five and Community Sponsors. See www.cic.gc.ca/english/pdf/pub/refsponsor.pdf.

the unknown and unmanaged nature of the movement. She also emphasizes that it would have saved lives, offering a legal channel for refugees to travel to Europe and not requiring them to rely on smugglers to make the dangerous journey to Europe. She argues that significant resettlement would give the European Union stronger bargaining power with Turkey on key issues of concern and emphasized that working together in a joined-up resettlement program could have addressed concerns around unfair burdens on certain EU members and overall solidarity within the European Union. Finally, she argues that such a scheme would send a powerful message to parties to the conflict around protection of civilians (ibid.).

Recommendation Five: The UNHCR should refuse to participate in the resettlement scheme under the EU-Turkey deal and should advocate against the one-for-one concept, working toward a more appropriate and effective EU resettlement scheme. Ensuring that the one-for-one policy does not set a precedent for other responsibility sharing arrangements is critical, as the policy fundamentally undermines the effectiveness of resettlement as a responsibility sharing tool. Canada should encourage the UNHCR to take a principled stand on this issue.

### **CONCLUSIONS**

While resettlement is considered a fundamental component of international responsibility sharing, it is questionable whether it has played a meaningful role in practice, with so few refugees benefiting from resettlement annually. Resettlement continues to be a tool that only a small number of states are using in any significant way to demonstrate international solidarity, and efforts to use resettlement more effectively and strategically in order to influence solutions, improve the protection environment and lessen the burden on refugee host countries have been limited. If resettlement is to be a truly effective component of international responsibility sharing, critical changes are needed. As outlined in this paper, the Government of Canada has an opportunity to lead this effort, in particular in light of its most recent leadership on resettlement in response to the Syrian refugee crisis. Resettlement has the potential to be a powerful tool for change, but it has yet to realize its full potential.

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# CIGI PUBLICATIONS ADVANCING POLICY IDEAS AND DEBATE



When Norms Are Not Enough: Understanding the Principle and Practice of Burden and Responsibility Sharing for Refugees

Refugee Responsibility Sharing Project Paper No. 2 James Milner

What is the refugee "burden" and how is it measured? What are the mechanisms through which it can be shared? How can international cooperation be made more predictable? This paper begins by outlining the principle and significance of burden and responsibility sharing before addressing these three questions in turn and making nine recommendations for future policy discussions on enhancing the scope, scale and predictability of international cooperation and burden sharing for refugees.



Spotlight on Yemen's Forgotten War and Humanitarian Disaster: Preventing the Next Syrian Refugee Crisis

CIGI Paper No. 97 Jacqueline Lopour

Yemen's humanitarian situation is arguably the worst humanitarian crisis in the world and the world is looking the other way. The number of refugees is steadily rising and Yemen is seriously at risk of becoming the next Syrian refugee crisis. With Yemen, the past is poised to repeat itself unless the world takes notice. International support for UN-initiated peace talks — to include pressure on Saudi Arabia and Iran, who are both active players in the Yemen conflict — is equally essential to mitigating Yemen's humanitarian disaster, ending the conflict, and ensuring that Yemen's displaced citizens can ultimately return home.



Preparing New Teachers to Work with Refugee Students: Proposal for a Bachelor of Humanitarian Education Program

Refugee Responsibility Sharing Project Paper No. 1 Jacqueline Lopour and Andrew S. Thompson

More than half of the 65 million refugees and displaced persons in the world are children. Most are not in school, as rising numbers strain local education systems to their limits. The world needs teachers trained specifically to provide instruction in complex humanitarian situations. This paper proposes that Canada, with its reputation for excellent teacher training programs, is well placed to help fill this gap by creating a Bachelor of Humanitarian Education degree program that trains international "humanitarian teachers" to work specifically with refugee and displaced students.



Humanitarian Assistance and the Politics of Self-reliance: Uganda's Nakivale Refugee Settlement

CIGI Paper No. 86

Suzan Ilcan, Marcia Oliver and Laura Connoy

Increasingly, refugees residing in refugee camps are living in protracted situations for which there are no quick remedies. Existing attempts to address protracted situations for refugees engage with the concept and practices of the Self-reliance Strategy (SRS). This paper focuses on the SRS in Uganda's Nakivale Refugee Settlement. It draws attention to the strategy's disconnection from the social and economic relations within which refugees live in settlements, and its inability to provide refugees with sufficient access to social support and protection.



Limiting Dangerous Climate Change: The Critical Role of Citizen Suits and Domestic Courts — Despite the Paris Agreement

CIGI Paper No. 101 David Estrin

This paper focuses on the emerging new role of citizen suits, domestic courts and human rights commissions in limiting dangerous climate change. Given the failure of states to stop the almost constant increase in global carbon emissions (and the worrying practical and legal gaps in the 2015 Paris Agreement), frustrated citizens are increasingly looking to domestic courts to require governments to mitigate emissions and limit climate harm. This emerging role is demonstrated in three important 2015 decisions: *Urgenda* from the Netherlands; *Leghari* from Pakistan; and *Foster v Washington Department of Ecology* from the United States.



Climate Change and Human Rights: How? Where? When?

CIGI Paper No. 82 Basil Ugochukwu

Actions taken to mitigate and adapt to the adverse impacts of climate change must be centred on human rights. This paper analyzes a few examples of national, subnational and corporate climate change policies to show how they have either enshrined human rights principles, or failed to do so. It also examines the challenge of integrating human rights principles in climate change actions. Climate change policies, if they are to respect all human rights, must actually use human rights language to articulate adaptation or mitigation measures.



### **ABOUT CIGI**

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