

STRENGTHENING AND EXPANDING RESETTLEMENT
TODAY: DILEMMAS, CHALLENGES AND OPPORTUNITIES

I. INTRODUCTION

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

2. There has also been a marked increase both in the number of countries engaged in resettlement and in the extent of UNHCR field office involvement. Currently most UNHCR offices in all regions are involved, albeit to varying degrees, in resettlement activities. International fora have also given increasing consideration to resettlement as vital tool within the refugee protection regime. In the past year alone, calls to expand the use of resettlement featured prominently both within the conclusions adopted by the Executive Committee¹ at its fifty-second session and those of the Nordic Regional Resettlement Meeting on International Protection in the context of the Global Consultations².

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

4. The evolving nature of resettlement brings both challenges and opportunities. The purpose of this paper is to explain the role of resettlement in the modern refugee context, and suggest ways to expand the scope and impact of this basic solution.

II. THE FUNCTIONS OF RESETTLEMENT

A. Core functions of resettlement

5. Resettlement serves three equally important functions. *First*, it is a tool to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge. *Second*, it is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration. *Third*, it can be a tangible

¹ Executive Committee Conclusion, No. 90 (LII)- 2001, paras. (j)-(n)

² EC/GC/02/4

expression of international solidarity and a responsibility-sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum.

B. Complementary nature of the three durable solutions

6. Promoting and facilitating durable solutions is a central mandate responsibility for UNHCR under its Statute. Solutions are clearly, also, the best protection outcome. Neither the Statute of UNHCR, nor any other international instrument relating to refugees, sets out a hierarchy of durable solutions. Resettlement, as part of the comprehensive range of responses available to States and to UNHCR, is of equal importance with the other solutions, although the use of one or another of the solutions can vary greatly depending on its appropriateness, desirability and feasibility under the circumstances. UNHCR places emphasis on the use of resettlement worldwide as part of an integral of comprehensive protection and durable solutions strategies.

7. That the three solutions are complementary in nature, and can function simultaneously has been demonstrated in a number of recent programmes, including those for Bosnian refugees during the mid 1990s. While acknowledging that the need for temporary protection had ended and asserting the primacy of voluntary return for the majority, UNHCR also advocated with States to continue to provide protection to (individual) specific groups of refugees from the former Yugoslavia in the form of local integration and resettlement to third countries. States were encouraged to increase or maintain resettlement quotas for such groups while, at the same time, UNHCR was promoting voluntary repatriation for large parts of the refugee population. This same approach is currently being taken with refugees from Afghanistan.

C. Strategic Utilisation of Resettlement: Complementary Benefits

8. When resettlement efforts are undertaken as an essential element of a comprehensive protection and solutions strategy, there are a number of complementary benefits to be gained, in addition to providing a solution for specific refugees. First, these efforts can bring changes in attitude and practice with regard to asylum policy in the countries of first refuge. By relieving some of the pressure on the host countries, resettlement can actually serve to enhance protection and asylum prospects for the remaining refugee population.

9. Secondly, in UNHCR's experience, the introduction of resettlement programmes in new resettlement countries can lead to improvements in the asylum system in those countries, including through the establishment of refugee status determination procedures. Thirdly, refugees bring with them to their countries of resettlement important skills and resources, as well as diversity which, when appreciated and utilised, is a distinct social, cultural and economic benefit for the host country. Finally, a coherent and harmonized approach to resettlement processing accessible in a balanced way throughout a particular region, can help reduce to some extent onward or secondary movements of refugees in search of protection and resettlement opportunities.

10. Resettlement is, nevertheless, in no way a panacea for irregular movement and more and better resettlement opportunities will not, alone, combat this trend. Similarly, resettlement cannot and should not serve as a substitute for effective protection in the country of first asylum. A major challenge for States and for UNHCR is to maximize the dividends resettlement can bear while, at the same time, ensuring that asylum on acceptable terms remains accessible in countries of first asylum.

III. THE NEED TO EXPAND RESETTLEMENT

A. Resettlement Environment

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

a) Protracted refugee situations and burdens on asylum countries: Today, there are clearly more refugees in need of resettlement than there are places or resources available. A lack of resolution of the root causes of flight and insufficient resources in host countries have resulted in refugees being unable for long periods to either repatriate safely or integrate locally. These severe strains on the protection regime in countries of first asylum lead to extraordinary pressure on the resettlement process. Countries hosting large numbers of refugees for a long period, with no durable solution in sight, have to contend with resulting economic, social or security problems which can be additional burdens on often fragile domestic structures. These countries are increasingly looking to UNHCR to institute burden-sharing measures as well as to expedite solutions.

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

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

d) Security Concerns: Heightened security concerns following the terrorist attacks of September 11 2001, have led to greater restrictions on refugee admissions in major resettlement countries. While some countries have instituted more restrictive legislation and other requirements for refugees, others have reduced the number of processing locations and increased security checks which have greatly extended the time required for processing. The predictability that once characterized the commitments of resettlement countries has proven most regrettably to be another casualty of September 11. In view of the prevailing uncertainties in terms of quotas, criteria and timing, UNHCR offices are hindered in planning their resettlement work, in terms of making the necessary resources available and submitting candidates in a timely way.

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

f) Security of staff: The aforementioned factors, in particular the smuggling and corruption issues, have contributed to creating an increasingly insecure environment for UNHCR field staff. The possibility of resettlement engenders high expectations on the part of many refugees caught in

limbo. Action to expose fraud, combined with frustrated expectations in the face of slow moving processes, delayed departures or rejected resettlement applications are resulting in threats to the safety of UNHCR and that of their partners in the field.

B. The Way Forward: Dilemmas, Challenges and Opportunities

12. Although UNHCR has made a concerted effort to increase the number of resettlement countries, primary responsibility has traditionally tended to fall on a limited number of countries. Given the multi-faceted function of resettlement and its role within comprehensive protection plans in particular countries and regions, the need to enhance resettlement capacity and expand its base cannot be over-stated. UNHCR is endeavouring to realize this goal through a number of targeted activities.

13. In the first instance, the Office is putting in place processes to improve field level management and standardize case processing, beginning with registration, through refugee status determination to the creation of Standard Operating Procedures for all resettlement processing stages. UNHCR is also working with States on refining and harmonizing resettlement criteria and processes in a way which not only addresses serious protection needs of individual refugees, but also allows for regional specificity and the resettlement of groups or categories of refugees otherwise without a durable solution.

14. Expanding the base of resettlement countries is an ongoing challenge. The limited number of resettlement countries worldwide translates into a limited number of resettlement options for those in need of it. The base has to expand in order to diversify resettlement opportunities. Strategies being pursued by UNHCR include measures to consolidate the emerging resettlement country programmes through twinning projects, and by putting more human and financial resources into capacity-building. New resettlement programmes are being actively promoted in countries deemed to have sufficient capacity, including European countries. The role of traditional resettlement countries and of NGOs in efforts to expand the base of resettlement countries and to consolidate emerging resettlement programmes is crucial, particularly in light of their expertise with respect to integration.

15. UNHCR is also looking at how to diversify and improve access for refugees to resettlement opportunities, regardless of nationality, location, or type of need (protection-based or as a durable solution). Clearly, it is important here to discourage countries from resorting to the criterion of "integration potential". Partnerships with NGOs are being strengthened to increase outreach and improve access, while internally, the Office is looking at adjusting staffing requirements consistent with these goals.

16. For the resettlement solution to meet the increasing expectations being laid at its door, the divergent policies and expectations of resettlement countries, as well as those that exist between these countries and UNHCR, need to be addressed. Major constraints include the slow processing of resettlement submissions and greater difficulty in resettling refugees of certain nationalities. As mentioned earlier, another concern is the treatment of the so-called "secondary movers" who may be subjected to restrictive measures limiting their resettlement prospects or the reunification of their families. A problem arises when a person enjoys *prima facie* refugee status (with the broader refugee criteria being the underlying basis for this), but is rejected for resettlement on the grounds that he/she does not meet a strict application of the 1951 Convention criteria. This happens most often when displacement is driven by generalized violence or conflict, often compounded by other elements contributing to flight. Resettlement countries are encouraged to harmonize their resettlement criteria with UNHCR's mandate to allow for due consideration of the unique circumstances and resettlement needs of *prima facie* refugees.

17. Addressing fraud remains a major concern to UNHCR. While the risk can never be entirely eliminated, minimizing its potential is a priority for UNHCR. A number of steps have been taken in protection and resettlement programmes to improve management controls and accountability. These range from an instruction issued by the High Commissioner to all UNHCR staff on the *Management of Protection Activities* to a review of the Resettlement Handbook chapters to include guidelines on management controls, procedures and a list of universal minimum Standard Operating Procedures that includes appropriate control mechanisms and clear lines of accountability. Training modules for regional protection workshops and for *the Resettlement and Refugee Status Determination Learning Programme* are being adjusted to incorporate accountability components. UNHCR hopes to be able to enjoy the active collaboration of governmental and NGO counterparts in order to maintain the integrity of the resettlement process. Partners are encouraged to share expertise in fraud prevention, possibly by seconding staff to assist in a procedural review process, and to engage in joint training events.

18. The provision of sufficient resources to expand resettlement is also an ongoing challenge. A number of approaches, such as the UNHCR/International Catholic Migration Commission (ICMC) Deployment Scheme, are already in place to address gaps in the field. UNHCR encourages creative thinking by tripartite partners to devise other strategies to address the resource issue.

IV. CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

19. Expanding the resettlement function to meet the expectations now held of it, both as a protection and as a durable solution tool, as well as a burden-sharing mechanism would require:

- An increase in current resettlement quotas, with States that have not yet done so, establishing resettlement programmes. Tripartite partners (UNHCR, States and NGOs) should actively engage new resettlement countries who possess sufficient capacity and resources, while assisting in consolidating capacities of emerging resettlement countries, inter alia through twinning projects.
- Diversification of resettlement intakes, in part through streamlining processing requirements and accepting greater flexibility in establishing criteria, especially for refugees who have been in limbo for years, or for those from within *prima facie* populations who have particularly pressing protection needs in the country of asylum. "Integration potential" should not play a determining role in the consideration of protection resettlement cases.
- Enhanced response to special needs identified and to emergency situations, in a manner which reflects the urgency of the situation and the increasing diversity of resettlement needs.
- A concerted effort to address the issue of lack of resources available for carrying out resettlement activities, for instance, through continued support for the UNHCR/ICMC Deployment Scheme, and through the secondment of government and NGO resettlement experts to UNHCR field operations.
- Minimising the potential for malfeasance and improving methods and mechanisms to root out corruption and fraud.

The full attainment of these key objectives is, needless to say, a joint responsibility of all concerned: States, UNHCR and NGO partners.