

ANNEX 8

Ensuring integrity and responding to suspected fraud

Complementary pathways are implemented by a plethora of partners, who support various stages of the individual's journey, including identification, referral and selection of candidates, departure, post-arrival formalities, monitoring and evaluation. In principle, UNHCR will not implement all stages in a complementary pathways programme. Consequently, in this ecosystem of multiple partners, preserving integrity also becomes a shared responsibility.

UNHCR's response to matters of fraud and integrity is guided by the [Policy on Addressing Fraud Committed by Forcibly Displaced and Stateless Persons](#) ("the Policy"), and its [Administrative Instructions on the Procedures](#) ("Procedures"). The [General Policy on Personal Data Protection and Privacy \(GDPP\)](#) is also relevant. Given that complementary pathways involve shared multi-partner processes, where UNHCR is only one such partner, the organization's engagement in ensuring the integrity of the procedure will differ from that required of activities where UNHCR is involved in all stages of the process.¹

A. Preserving systems integrity

For UNHCR, preventing, detecting and responding to fraud committed by forcibly displaced and stateless persons is essential to ensuring that those persons and the international community (including donor, resettlement and host States) continue to have confidence in the integrity of our interventions.

This confidence is critical to safeguarding UNHCR's ability to exercise its international protection and solutions mandate. Therefore, whether UNHCR is actively involved in facilitating a complementary pathway solution or is only requested by other actors to review and verify the accuracy of documentation, status or personal data of a forcibly displaced and stateless person, it has an interest in preserving the systemic integrity of complementary pathways programming and implementation.

As per its mandate, UNHCR plays a key role in preserving the integrity of the entire protection system on the ground and works with partners, governments and service providers alike to ensure its integrity is preserved. To do so, UNHCR may be asked to support various complementary pathways partners with spot checks of applications, review and verification of documentation and status, provided necessary data protection considerations are fully in place. UNHCR may be in the position to verify documents issued by UNHCR itself and share the information on the verification back to the partner, provided two-way data-sharing is established through the relevant agreement in place and consent is provided by the data subjects.

B. Fraud prevention

Complementary pathways are not UNHCR-led or managed processes. It is recommended that programme designs by partners incorporate mechanisms to deal with suspected fraud. These mechanisms include accessible feedback and response mechanisms, assigning senior personnel as

¹ From the perspective of the "individual case management continuum" in processes fully owned or controlled by UNHCR, such as reception, registration, refugee status determination (RSD), assistance, and resettlement, we conduct systematic and periodic checks and assessments of data and processes, as per the Policy. UNHCR's approach to integrity risks in complementary pathways differs significantly. Given the involvement of a wide range of actors, resource implications for UNHCR, and the risk of creating bottlenecks, it will not be feasible for UNHCR to perform systematic or periodic integrity checks at each key stage of the process. However, UNHCR remains committed to maintaining key checks and integrity measures within its capacity to ensure the overall integrity of complementary pathways.

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an anti-fraud focal point (AFFP) by partners within their organizations, and regular dissemination of tailored anti-fraud information.

UNHCR has a structured approach to preventing fraud and ensuring the integrity of complementary pathways. UNHCR supports its partners in developing robust anti-fraud measures based on its own organizational experiences, knowledge of the local context and specific policies and toolkits that guide UNHCR's actions and those of partners. UNHCR has an important role in disseminating anti-fraud messaging in general.²

Refugees trust messages that come from UNHCR and such messages can help them avoid fraudulent schemes. Notably, anti-fraud messaging in pathways can be quite different from resettlement, Cash-Based Interventions, and other types of assistance and services. For instance, many complementary pathways come with visa fees; therefore, it cannot be said that all services, except for those provided by UNHCR and its funded partners, are free of charge.

Examples of how UNHCR's internal due diligence measures enhance complementary pathways opportunities are:

- **Data collection and management:** UNHCR will ensure data integrity and protection while collecting and managing data relevant to complementary pathways eligibility, such as skills and family composition, to prevent, detect and respond to fraud and ensure the credibility of the programmes;
- **Document issuance:** UNHCR will verify identity and legal status when issuing documents to individuals accessing complementary pathways and issue automatic accreditation letters from the [Digital Gateway](#) confirming identity, registration details and biodata of individuals upon their or a partner's request, provided data protection agreements and/or consents are in place;
- **Advocacy:** When UNHCR advocates with host country authorities for exit clearances or documents related to complementary pathways, the above internal measures contribute to maintaining the highest standards of integrity, accountability and transparency and to ensuring that complementary pathways remain trustworthy, secure and aligned with UNHCR's commitment to protecting refugees.

C. Response to suspected fraud

The Policy and Procedures apply to complementary pathways. As per the Policy, in situations where UNHCR becomes aware of suspected fraud related to partner-managed case(s) that poses a significant risk to UNHCR's interests and/or seriously impacts the protection of forcibly displaced and stateless persons, it must be brought forward to the AFFP at the Operation. The AFFP and the accountable officer for complementary pathways should consult the Regional AFFP and the accountable officer for complementary pathways at the Regional Bureau. The Bureau-level accountable officer for complementary pathways should undertake all correspondence with the project partner, in line with the Policy.

Typically, complementary pathways case support will involve little to no UNHCR direct involvement.

² Please see Section 13 (c) of the Procedures for further details on working with partners on fraud prevention, detection, and response.

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However, when suspected fraud is identified by partners or reported by forcibly displaced or stateless persons, UNHCR personnel or any other party, including anonymous sources, referral to the AFFP in an Operation would be required. The AFFP will assess the potential risk to UNHCR Operations, resources or forcibly displaced and stateless persons and initiate investigations (where necessary).

If the individual implicated in suspected fraud remains in the country of asylum and if an investigation is warranted, UNHCR should request the relevant country/stakeholder to put the complementary pathways processing on hold until further notice from UNHCR.

During the investigation, UNHCR will provide the individual with an opportunity to be interviewed by an Investigator (as per the Procedures, para. 8.24), which is also the opportunity to inform the individual of their rights as a data subject, in line with the GDPP (para. 27 and 29-35).

If following the fraud resolution process as stipulated in the Procedures (Section 7), fraud is not established, UNHCR will ask the relevant country/stakeholder to lift the hold and resume complementary pathways processing.

As per Procedures (para. 9.13), suspected fraud involving forcibly displaced and stateless persons, including those in complementary pathways programmes, should be resolved as soon as possible and within six months. The six-month timeline starts from the receipt of an allegation by the AFFP and ends with the initial decision by the Reviewer.

D. Disclosure of established fraud

If fraud is established, UNHCR should first inform the data subject of its intention to disclose relevant information including personal data with the relevant entity who made the request and allow the data subject to object within a reasonable timeframe (para. 35 GDPP). In case the data subject objects, the responsible Personal Data Controller will need to assess whether UNHCR's interest in disclosing fraud-related information outweighs the privacy rights of the individual. The latter would in general be the case unless processing and disclosing personal data would put the data subject at risk of serious human rights violations.

If no objection was made or if an objection was not accepted by UNHCR (after due process in line with the GDPP, para. 47 and following), UNHCR informs the relevant entity, and the latter will determine further course of action. The AFFP should ensure that all actions are recorded in proGres, physical and/or electronic files.

If the suspected fraud of significant impact to UNHCR and/or the forcibly displaced persons is identified **after** the individual departed, it will be forwarded to the relevant country/stakeholders with an explanation as to the context in which it arose. UNHCR will not initiate an investigation into suspected fraud in these circumstances. However, UNHCR will assist with fact-finding for the relevant country/stakeholder with due regard to its resource capacity.