

**Annual Tripartite Consultations on Resettlement
Geneva, 6-8 July 2010**

UNHCR Position Paper on the Strategic Use of Resettlement

I. Introduction

1. Resettlement is one of the three durable solutions UNHCR is mandated to pursue, in cooperation with States, as derived from its Statute¹ and set out in subsequent UN General Assembly Resolutions. Its important role as a tool of protection and durable solution has been reaffirmed by a number of UNHCR Executive Committee conclusions.²

2. The measure of resettlement as a protection tool and durable solution is based not only on how many refugees have access to this solution and how many countries offer resettlement places, but also on the way refugees are selected, received and supported; in other words, the sum value of all its components. The *strategic* use of resettlement is sometimes misunderstood and undervalued, yet the need to integrate resettlement into broader protection strategies is widely recognized. When done effectively and with strategic vision, the results of resettlement can be powerful beyond the actual number of persons resettled.

3. This position paper seeks to clarify what is meant by “the strategic use of resettlement” and outlines for the Annual Tripartite Consultations on Resettlement (ATCR) some of the important underlying considerations, and some of the protection benefits that can be derived from its use in different operational contexts.³

II. What is the strategic use of resettlement?

4. Resettlement cannot be viewed in isolation from other protection interventions, and in specific situations it is a key component of comprehensive solutions strategies. With the active involvement and cooperation of States, refugees and civil society, resettlement can open avenues for international burden and responsibility sharing and can, in combination with other measures, unlock protracted refugee situations. When used strategically, resettlement can bring about positive results beyond those that are usually viewed as a direct resettlement outcome.

¹ A copy of UNHCR’s Statute is available on Refworld: <http://www.unhcr.org/refworld/docid/3ae6b3628.html>

² A compilation UNHCR’s Executive Committee conclusions relating to resettlement (1976 – 2008) is available on UNHCR’s Refworld: <http://www.unhcr.org/refworld/docid/4a7c4b882.html>

³ This paper is based on the discussion paper tabled by UNHCR at the Working Group on Resettlement (WGR) in Geneva on 14 October 2009 and includes revisions following discussions at the WGR and the subsequent extraordinary meeting of the WGR held in Geneva on 18 December 2009.

5. The strategic use of resettlement has been defined as follows:

“The planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting State, other States or the international protection regime in general.”⁴

6. The strategic use of resettlement strengthens coherence of international responses to refugee situations and promotes the objectives presented in the *Agenda for Protection and the Multilateral Framework of Understandings on Resettlement*. The *Agenda for Protection*,⁵ endorsed by the Executive Committee of the High Commissioner’s Programme and welcomed by the United Nations General Assembly in 2002, among other elements, recognized the need to expand resettlement opportunities and to use resettlement more strategically, and thereby achieve protection and durable solutions for more refugees. The *Multilateral Framework of Understandings on Resettlement*, agreed upon in 2004⁶ as part of the Convention Plus initiative, aims to improve refugee protection worldwide and to facilitate the resolution of refugee problems through multilateral special agreements and to which many States with an interest and involvement in resettlement contributed.

7. UNHCR continues to draw the attention of resettlement countries to the needs in priority protracted refugee situations, in line with Executive Committee Conclusion 109⁷. While efforts have been made to better integrate resettlement in protection and solutions strategies, UNHCR’s resettlement objectives and priorities do not always match those of States. Greater effort is required by the international community, including resettlement countries, to operationalize the relevant paragraphs of Executive Committee Conclusions in the area of resettlement. There is also a need for resettlement countries to forge greater cooperation within government structures and between ministries, particularly in raising awareness of the strategic value of resettlement, including its role in comprehensive solutions strategies for protracted refugee situations.

8. UNHCR has systematically used resettlement in a strategic manner to enhance protection on a broader scale. These efforts have included various negotiated arrangements to improve the protection conditions in the country of asylum, such as mitigating the risk of *refoulement*, ensuring that appropriate documents are issued to asylum-seekers and refugees (e.g. Egypt, Turkey) or that UNHCR has access to refugees in detention (e.g. China and Libya). In some protracted situations, resettlement has contributed to unlocking other durable solutions; for example, the strategic use of resettlement in India assisted in creating opportunities for local integration (see Annex A). Simultaneously, UNHCR has been encouraging resettlement countries to consider multi-year planning and other means to enhance flexibility and predictability in programme delivery⁸.

⁴ 2003 Standing Committee paper EC/53/SC/CRP.10/Add.1

⁵ The *Agenda for Protection* is available on Refworld: <http://www.unhcr.org/refworld/docid/4714a1bf2.html>

⁶ High Commissioner’s Forum, Forum/2004/6, 16 September 2004

⁷ ExCom Conclusion 109 is available on: <http://www.unhcr.org/4b332bca9.html>

⁸ *Progress Report on Resettlement / 42nd Standing Committee Meeting EC/59/SC/CRP.11*

9. Multi-year resettlement programmes, as opposed to annually conceived and implemented initiatives, have greater value and provide predictability which will allow for the sustained and phased implementation of comprehensive strategies. It can additionally give scope for more strategic use of resettlement by opening opportunities for parallel efforts to strengthen protection frameworks (e.g. asylum systems) and to realize potential for alternative solutions involving simultaneous and/or sequential implementation. Multi-year resettlement planning is particularly valuable where diplomatic efforts and development assistance are linked to the strategic use of resettlement. UNHCR therefore encourages resettlement countries to consider adopting a flexible multi-year planning approach.

10. While the strategic use of resettlement can be promoted by a single resettlement country, coordination with other resettlement countries is likely to maximize its impact. Such coordination may involve negotiation of mutually agreeable arrangements between the international community and the country of asylum; common advocacy for protection dividends arising from resettlement engagement; and multi-year commitments by the international community to sustain burden-sharing arrangements. Other coordination efforts may involve assistance to advance local integration or the livelihood of refugees in countries of asylum. Hence, there is great value in resettlement working in concert with other protection interventions and thus having a direct and positive impact on the quality of asylum and prospects for other solutions.⁹

III. Disentangling the definition of strategic use of resettlement

11. A number of short, midterm, or sometimes longer-term protection benefits can be associated with the use of resettlement. These additional protection benefits – in addition to those accruing to the individuals resettled – can be derived directly or indirectly from the use of resettlement. Even so, the use of resettlement, which remains a vital tool of protection and a durable solution for refugees, should not be conditional upon other protection benefits that may arise from its use; however, there may be a legitimate expectation in some situations. Rather, any protection benefits that can be derived from the [strategic] use of resettlement, where opportunity exists, should be seen as additional and complementary to the resettlement function. These benefits usually do not come automatically, but require concerted and coordinated efforts and investments by various stakeholders to achieve the specific results gained directly or indirectly through resettlement. In some cases, these dividends might be unplanned; in other situations, a concerted effort can be made to link resettlement engagement with the attainment of specific protection results. These specific protection results could be designed in a way to progressively achieve larger strategic impacts overtime. Clear illustration of incremental protection dividends expected from diverse resettlement contributions over a period of time will maximize concerted efforts by various stakeholders.

12. The following is a non-exhaustive list of the types of protection benefits that may arise in the context of resettlement through the engagement of key stakeholders (e.g. resettlement countries and countries of asylum):

⁹ Discussion paper “Challenges in Addressing Global Refugee Resettlement Needs”, Annual Tripartite Consultations on Resettlement, 22-23 June 2006.

(a) **Protection benefits in countries of first asylum**

- ✚ **Strengthen the protection environment**, such as: access to asylum, adherence to the principle of *non-refoulement*, provide an alternative to long-term detention as well as strengthen protection systems (e.g. registration, access to refugee populations including refugees in detention, et cetera), and widen the protection space;
- ✚ **Unlock alternative durable solutions** by creating conditions conducive for dialogue with a host country on building a more favourable protection environment and forging comprehensive solutions strategies;
- ✚ **Impact behaviour / attitudes in States of asylum** to open access for refugees to livelihood opportunities, health care, employment, education and freedom of movement and residence;
- ✚ **Assist with the decongestion of camps** or their consolidation, and reduce demands on assistance programmes and scarce environmental resources;
- ✚ **Reduce unnecessary in-country population movements**, such as between urban areas and refugee camps and settlements, by strengthening access to resettlement in a balanced and equitable way within countries of asylum;
- ✚ **Foster community cohesion** and provide opportunities for services previously accessible to refugees to be made available to neighbouring host communities;
- ✚ **Strengthen civil society** participation and capacity in the area of refugee protection;
- ✚ **Impact behaviour / attitudes of refugees** and others of concern, for example through decreasing sexual and gender-based violence, increasing enrollment in education and vocational training, reducing dependency and encouraging livelihood options (including acquisition of skills which could be beneficial for all three durable solutions);
- ✚ **Open opportunities for remittances** from resettled refugees to support the well-being of some refugees in countries of asylum;
- ✚ **Strengthen refugee mobilization and participation** in peace-building initiatives.

(b) **Protection benefits in countries of resettlement**

- ✚ **Expand the range and quality of services** available to refugees and asylum-seekers such as may be the case in emerging resettlement countries;
- ✚ **Reduce xenophobia and foster positive attitudes** towards refugees and their plight, and towards the government programmes benefiting them. A positive image of off-shore resettlement programmes, however, should not diminish the importance of “on-shore” asylum programmes, and should therefore affirm that resettlement can be a complement but not a substitute for protection under the national asylum system;

- ✚ **Enrich the cultural and socioeconomic diversity** within communities and enhance connectivity between communities through the presence and integration of refugees.

(c) **Protection benefits in regional contexts**

- ✚ **Potentially reduce some of the push-pull dynamics of refugee movements:** The improved / equitable access to resettlement for refugees facing similar protection challenges in different hosting or asylum States may in some cases mitigate the potential for movements from countries of origin or for secondary movements from one country of asylum to another. So too, consideration should be given to address the resettlement needs of long-term refugees, thereby ensuring equitable access to resettlement according to established criteria and mitigating the risk of pull-factors that may arise when resettlement targets only new arrivals.
- ✚ **Reduce the influence of trafficking/smuggling** and potentially, in some cases, contribute to reducing associated risks and loss of lives linked to secondary movements.
- ✚ **Help balance the burdens and responsibilities** of receiving and hosting refugee arrivals. In this context, resettlement can strengthen regional cooperation, protection frameworks and migration management. Participation in relocation/ and burden-sharing efforts (e.g. from Malta) may also prompt States to assist with comprehensive durable solutions strategies (including resettlement) in countries of first asylum in order to reduce the potential for secondary movements.
- ✚ **Generate interest in strengthening refugee protection and developing resettlement programmes**, such as through the participation of States in arrangements to facilitate transit evacuations for onward resettlement to third countries (e.g. Burkina Faso, Philippines, Romania and Slovak Republic).

IV. Considerations for implementing the strategic use of resettlement

13. The following elements are to be taken into consideration when implementing the strategic use of resettlement.

- (a) **Adherence to protection and durable solutions priorities:** It is important to ensure appropriate and targeted resource allocation for populations in need of resettlement and other solutions. In this connection, resettlement can be used strategically without necessarily being yet part of a comprehensive solutions strategy; for instance, in specific situations the use of resettlement might assist in creating conditions conducive for the development of comprehensive solutions strategies involving the parallel activities of voluntary repatriation and/or local integration in the country of asylum.
- (b) **Ensuring resettlement is used in a complementary way:** Resettlement activities can be calibrated to work in concert with other protection and solution strategies and interventions, including through cognizance of regional protection and migration dynamics and equal access for refugees in different countries of asylum with similar

protection concerns. It is important to note that the decision to use resettlement in a strategic manner needs to be taken with full consideration of the possible concomitant impacts. Hasty decisions that are not thought through could potentially jeopardize or hamper other durable solutions opportunities.

- (c) **Defining the potential protection benefits and roles of key stakeholders:** The strategic use of resettlement requires defining in advance which potential protection benefits may be realistically derived and/or result from resettlement engagement and, where applicable, defining protection benefits which progressively achieve larger strategic impacts. This process should be part of the dialogue with interested resettlement States and, if possible, the host countries. The establishment of “core groups” or “focus groups”, involving interested States and potentially NGO partners and UNHCR, might assist in this process. Each situation may require specific sets of considerations, and the scope for resettlement, and role and function of bilateral and multilateral engagements by States, will depend on the situation and strategic context. For instance, while on the one hand the number of persons being resettled may not need to be large in order to demonstrate the leverage possibilities of resettlement, the number of resettlement States involved may demonstrate international solidarity for which strategic dividends may be maximized.
- (d) **Measuring the protection benefits in host countries:** Defining measurable benchmarks and time frames to evaluate protection benefits may be challenging but will enable mobilizing efforts and focusing on results. It is therefore important to ensure that resettlement activities are prioritized to target those most in need, and that they are calibrated effectively to maximize the potential for other solutions. Nevertheless, resettlement should not be conditional on improvements in countries of asylum, but can be linked to protection objectives such as improvement in detention conditions, work permits, local integration of particular profiles of refugees (e.g. those who have married nationals of the asylum country).
- (e) **Multi-year / sustained commitment:** A sustained resettlement programme over a multi-year period, as opposed to an annually conceived and implemented programme, has greater interest value and predictability. This will allow for sustained and phased implementation of comprehensive strategies, particularly where diplomatic efforts and development assistance are linked to the strategic use of resettlement.
- (f) **Responsibility sharing:** The strategic use of resettlement should in practice be a shared responsibility between the resettlement States, countries of asylum and UNHCR. It is not an exclusive responsibility of UNHCR. In many situations the engagement by States will require a multi-faceted approach involving development aid, diplomacy and engagement beyond resettlement, as different ministries / departments are mobilized to ensure synergy and complementarities of efforts.
- (g) **Advocacy role of NGOs and civil society:** NGOs and civil society (including refugees) have a key advocacy role in supporting strategic resettlement initiatives and defining in advance which potential protection benefits may be realistically devised and/or result from resettlement engagement.

V. Way forward

14. In 2009, the Swedish Chair of the ATRC / WGR, together with UNHCR, initiated a discussion on intensifying the strategic use of resettlement in selected refugee situations in Africa, Asia, Europe, and the Middle East/North Africa region. These discussions aimed at specifying strategic protection dividends and developing concrete steps and work methods for initiatives in these situations. UNHCR encourages continued engagement by resettlement countries in these, as well as any new emerging initiatives, to expand the commitment and capacity of global resettlement and to reaffirm its strategic use. In confirming the advantages attained through strategic resettlement, resettlement countries are promoting the efforts carried out by all partners concerned in closing protection gaps. Encouraging solidarity with countries of asylum hosting refugees as well as promoting burden and responsibility sharing is an important aspect of strategic resettlement. This presents the opportunity to advocate for further increases in the number of resettlement countries and therefore in resettlement places, which is an important aspect of ensuring that the protection benefits in countries of asylum and regional contexts, outlined in this paper, are achieved.

15. Multi-year resettlement planning is particularly valuable where diplomatic efforts and development assistance are linked to the strategic use of resettlement. UNHCR seeks to forge greater connectivity within governments and between ministries in realizing the value of resettlement, including its role in comprehensive solutions strategies for protracted refugee situations. UNHCR would like to invite resettlement countries to further this discussion with examples of good practice, showing where multi-year resettlement planning possibilities have been beneficial to strategic resettlement by promoting protection through responsibility and burden sharing with countries of asylum, other resettlement countries and in regional contexts. This opportunity presents a framework in which new resettlement countries can be encouraged to use strategic resettlement to promote protection benefits as well as to encourage non-resettlement countries to begin their own programmes.

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Annex A

Example: The strategic use of resettlement in India	
Situation prior to introduction of strategic use of resettlement	India hosts Afghans who have been refugees in India for over 27 years as well as a continuing population of Myanmar refugees, arriving since 1989. These two populations, many of whom had severe protection problems which worsened over the years in a harsh urban environment, could neither return to Afghanistan or to Myanmar for protection-related reasons. India, which had allowed these populations to stay, was reluctant to provide local integration for all.
Strategic use of resettlement	India to consider naturalization for those refugees who were deemed to be of Indian origin (Hindus and Sikhs), while resettlement countries agreed to provide resettlement solutions to remaining cases.
Potential protection benefits	<ul style="list-style-type: none"> • It contributed to open up the discussion with the Indian authorities providing protection and another durable solution to refugees in exile for three decades. • The protection environment has been more receptive to newly arriving refugees, notably from Myanmar and Iraq, who require full protection support. • Both India and partner countries have appreciated the importance of collaboration, and the willingness to offer further protection for new cases is underlined by the understanding that this type of collaboration and responsibility-sharing is available.
Statistics	<ul style="list-style-type: none"> ▪ 2390 refugees resettled since 2005 ▪ USA, Canada, New Zealand, Norway and Sweden the main countries of destination ▪ 3950 refugees of Hindus Sikhs origin have applied for naturalization and 555 have been so far naturalized (at October 2009).