

Protection Considerations and Identification of Resettlement Needs



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Key protection considerations

- Resettlement is not a right
- Resettlement as a protection tool
- Preconditions for resettlement considerations:
 - Determined refugee by UNHCR
 - All other durable solutions assessed
- Age, Gender and Diversity sensitive approach:
 - Equal rights for women, men, boys and girls
 - Participatory Assessment
 - SGBV

Key Protection Considerations



- **The principle of family unity**
 - Universally recognized
 - International instruments (ICCPR, CRC, Refugee Convention)
- **Who is a family member?**
 - Nuclear family
 - Dependency
 - DNA Testing
- **Promotion of national legislation**

Specific Protection Needs and Potential Vulnerabilities

Women and Girls

Children and Adolescents

Older Refugees

Refugee with disabilities

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Refugees

Refugees from minorities and indigenous groups

UNHCR Resettlement Submission Categories

Applicants must meet the requirements for submission under **one or more** of these categories:

- **Legal and/or physical protection needs**
- **Survivors of violence and/or torture**
- **Medical needs**
- **Women and girls at risk**
- **Family reunification**
- **Children and adolescents at risk**
- **Lack of foreseeable alternative durable solutions**

UNHCR Resettlement Submission Categories

The Resettlement Submission Categories:

- should be seen as **inclusive**;
- may **overlap**, and submissions can often effectively be made under both **a primary and secondary category**.



Resettlement Priority Levels

Emergency:

- Security and/or medical condition **requires immediate removal.**
- Ideally, **seven-day maximum** between the submission of an emergency case and the refugee's departure.

Urgent:

- Serious medical risks or other vulnerabilities requiring **expedited resettlement within six weeks** of submission.
- Ideally, cases to be submitted within two weeks of identification.

Normal:

- Majority of cases, **without immediate medical, social or security concerns** which would merit expedited processing.

Minimize the time between identification and submission so that normal and urgent cases don't become emergency cases.

Legal and/or Physical Protection Needs

A refugee's situation must meet **one or more of the following conditions:**

- Risk of **immediate or long-term threat of *refoulement*** to the country of origin or expulsion to another country from where the refugee may be *refouled*: *or*
- **Threat of arbitrary arrest, detention or imprisonment**: *or*
- **Threat to physical safety or human rights** in the country of refuge which renders asylum untenable.



Legal and/or Physical Protection Needs

Considerations:

- Threat / risk must be **real and direct**, not accidental
- Target can be **individual or group**
- Threat must **continue to exist**
- Threat / risk may require **emergency / urgent resettlement intervention**
- Other temporary protection measures may be required

Note: Every **country bears the primary responsibility to provide protection** to and ensure the safety of refugees on its territory or at its borders

Survivors of violence and/or torture

What is violence or torture?

- UNHCR encourages **a broad interpretation of the terms violence and torture**
- Survivors may have been **subjected to, experienced or witnessed:**
 - **physical harm or severe mistreatment** including **sexual and gender-based violence**;
 - **severe humiliations and intimidation** with threats;
 - **substantial non-criminal detention**, including kidnapping;
 - the **violent death or severe mistreatment, including rape**, of near family members.

Survivors of violence and/or torture

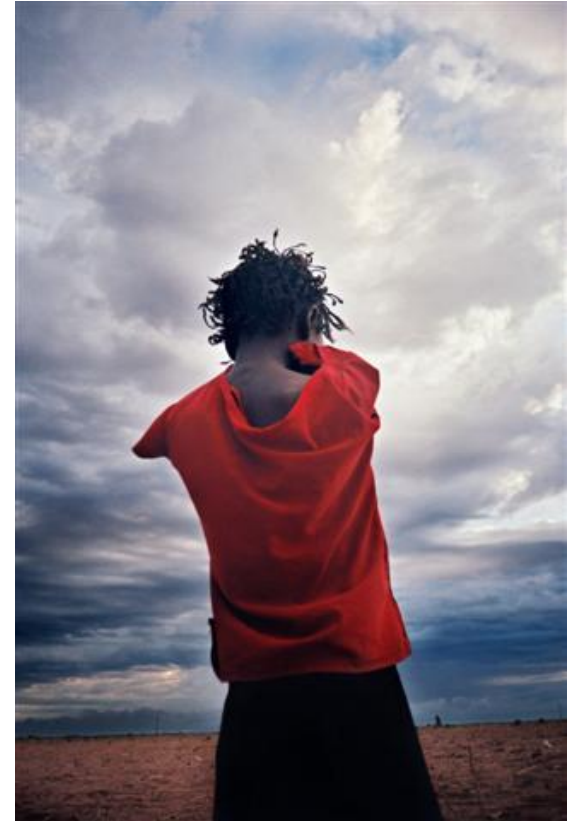
A refugee submitted under this category:

- has **experienced torture and/or violence** either in the country of origin or the country of asylum; *and*
- **may have lingering physical or psychological effects** from the torture or violence, although there may be no apparent physical signs or symptoms; *and*
- could face further **traumatization and/or heightened risk** due to the conditions of asylum or repatriation; *and*
- may require **medical or psychological care, support or counselling** not available in the country of asylum; *and*
- requires resettlement to meet their **specific needs**.

Survivors of violence and/or torture

Operational Considerations:

- Ideally, the submission would include an **expert assessment by psychologist or psychiatrist**, and a **medical report** if there are any physical symptoms or injuries;
- There may be a need for **medical treatment / psycho-social counselling** in the country of asylum pending resettlement;
- Refugees may require **post-arrival support services**; both medical and psycho-social.



Medical Needs

Operational Considerations:

- Very **limited availability of quota places** for refugees with medical needs;
- An **independent, qualified medical doctor** must complete a **Medical Assessment Form (MAF)** determining the diagnosis and prognosis;
- **Supporting documents** (x-rays, ultrasounds, medical reports) to included in the file;
- **Timely identification** of medical conditions can make a significant impact on the prognosis, and **improve the likelihood of acceptance** by a resettlement country.

Medical Needs

All of the following **four conditions must be met:**

- **Diagnosis:** Life threatening, or irreversible loss of functions, or obstacle to normal life; *and*,
- **Treatment:** Not available or accessible in country of asylum and medical evacuation not feasible; *and*,
- **Prognosis:** Favorable prognosis for cure in resettlement country, or the stay in first asylum causes or worsens health condition; *and*,
- **Informed Consent:** Resettlement is the expressed wish of the individual.

Medical Needs

Prioritization

Priority Level	Severity of Condition: Any medical condition that:	Time frame for medical intervention	Time frame for resettlement (departure)
Emergency	-is immediately life threatening (i.e. life-saving surgery)	< 1 month	within 1 week
Urgent	-requires life-saving interventions, but that is not immediately life threatening. -is at risk of major progression or complication without further intervention (i.e. many cancers).	1 to < 6 months	within 6 weeks
Normal	-is not life threatening or at risk of major progression/ complication, but requires intervention in order to ensure reduction of risk of progression/complications and to improve the person's quality of life and overall functioning	≥ 6 months	within 52 weeks

Women and Girls at Risk

Rationale for the Submission Category

- To provide international protection and assistance through resettlement to refugee **women who face particular protection problems as a result of their gender**;
- To obtain **priority processing and accelerated departure** for those refugee women and girls considered “at risk”;
- To ensure that refugee women at risk receive **specialized care**, if needed, and appropriate support upon arrival in the country of resettlement with a view to achieving socio-economic integration and self-sufficiency;
- To highlight the need for other **short-term protection interventions** required pending resettlement.

EXCOM Conclusion 105/2006

Women and Girls at Risk

Who are Women and Girls at Risk?

- Women or girls who have **protection problems particular to their gender**, and **lack effective protection** normally provided by male family members.
- They may be: **single heads of families, unaccompanied girls or women**, or together with their male (or female) family members.



Women and Girls at Risk

Resettlement should be considered for a Woman or Girl at Risk when:

- She faces a **precarious security or physical protection threat** as a result of her gender;
- She has **specific needs** arising from past persecution and/or trauma;
- She faces **severe hardship** resulting in exposure to exploitation and abuse;
- She **lacks access** to traditional or alternative support and protection mechanisms.

Women and Girls at Risk

Women and Girls may be at risk of:

- **Being trafficked** or forced into prostitution;
- **Sexual violence**, sexual harassment or abduction;
- **Exploitation** in the informal sector;
- **Domestic violence**;
- **Stigmatization** by their families or the refugee community and risk violence as a result.



Family Reunification

Family Unity

- UNHCR promotes an **inclusive culturally sensitive** understanding of the family, focusing on the concept of **dependency**.
- Family unity should be supported and promoted at all times. All family members should be **resettled together**.
- Submission promoted under this category to **reunite with family in a resettlement country**, when the separation was involuntary and related to the refugee situation.

A person who depends substantially and directly on another for economic, social and/or emotional reasons is **a dependant**.

Reunification promoted for:

Nuclear family members

- **spouses**, including same-sex and common-law
- **dependent children** regardless of age

Other dependants

- **relatives**, including parents
- **other dependant** members of the family unit

Family Reunification

All four conditions must be met:

At least **one person within the family unit to be reunited is a refugee** under the UNHCR mandate or a person of concern to UNHCR; *and*

The individuals to be reunited are **family members under UNHCR's inclusive definition**; *and*

The individuals are reuniting with a **member of the family already in a resettlement country**; *and*

The **availability and accessibility of other family reunification or migration options has been reviewed** and the submission of a resettlement case has been determined to be the most appropriate option given the resettlement needs and protection implications for the family member.

Children and Adolescents at Risk

A Child or Adolescent at Risk:

- is under 18;
- may or may not be an **unaccompanied or separated child**;
- has **compelling protection needs** which are not addressed in the country of asylum and resettlement has been determined to be the most appropriate solution.



Children and Adolescents at Risk

Operational Considerations

- A **Best Interests Determination (BID)** must identify resettlement as the most appropriate solution for **unaccompanied or separated children**.
- As well as family linkages, the **services and supports offered** for unaccompanied or separated children should be considered when **determining the resettlement State** to which the case should be submitted.
- **Records should be kept carefully to facilitate family tracing** and potential reunification in cases of unaccompanied and separated children.
- Children and adolescents may also be considered under any other submission category.

Lack of Foreseeable Alternative Durable Solutions

- Refugees have an **on-going, not an urgent, need for resettlement**;
- Mostly commonly used for **group resettlement**, but also applicable to individuals;
- Particularly useful in addressing **protracted refugee situations**;
- Applied in coordination with national or regional strategies to address the needs of specific refugee groups – **advance consultation important**.

Lack of foreseeable alternative durable solutions

When assessing submission under this category consider:

- **Objective indicators:**
 - legal protection in the country of asylum
 - prospect of voluntary repatriation or local integration;
 - conditions of asylum;
 - socio-economic and psychosocial situation;
- Priorities of resettlement States;
- Possible adverse effects.



The process of identification of the resettlement needs

Initial identification of resettlement needs:

- Strategic Planning (proGres, Focus or any other database)
- Individual identification (Heightened Risk Identification Tool, referrals)

Identification of the case for resettlement submission

Tools and methodologies to assist with identification needs

- Registration Data
- Participatory Assessments
- Partner reports and dialogue
- Data from HRIT
- Referral System

Types of arrangements to receive referrals

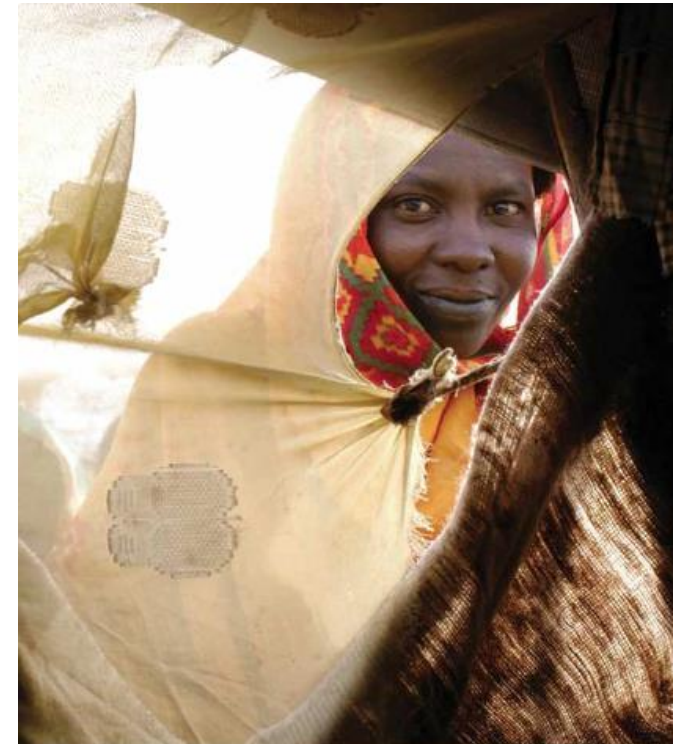
- Formal arrangements (MoU, Sub-agreements)
- Partnership with secondary protection functions
- Case-by-case referrals

Elements of referral mechanism

- Training
- Accountability and oversight
- Standardization (SOPs)
- Safeguards (services free of charge)
- Managing expectations
- Focal points
- Liaison

Conclusion:

- UNHCR resettlement activities must be carried out on the basis of a **correct and consistent application of the resettlement submission categories** and considerations detailed in the Resettlement Handbook;
- A **coherent and transparent approach** will, **strengthen the credibility of UNHCR and partners** and widen the confidence of refugees, resettlement countries and other partners.



UNHCR Resettlement Handbook