

Discussion Paper for the Annual Tripartite Consultations on Resettlement (22-23 June 2006)

Challenges in Addressing Global Refugee Resettlement Needs

This paper has been prepared by the Resettlement Service for the 2006 Annual Tripartite Consultations on Resettlement with particular regard to agenda items: 4(c) 'challenges to the management and allocation of resettlement places'; 4(d), 'update on case identification and processing methods'; 6, 'indications meeting'; and 7, 'applying comprehensive and strategic use of resettlement'. The purpose of this paper is to encourage open and frank discussions on resettlement challenges and ways to overcome them. It highlights some of the challenges UNHCR and the international community continue to encounter in refugee resettlement, such as: how to effectively manage operations to ensure refugees have access based on identified needs and priorities, and to make coherent use of resettlement within comprehensive strategies for durable solutions.

1. Managing and planning resettlement more efficiently

Each year, UNHCR country offices undertake an exercise of proactive planning for resettlement which is linked to the Country Operations Planning and budget cycle. The results of this process are reported in the *UNHCR Projected Global Resettlement Needs*. This document is key for planning the global resettlement activities of the Office as it provides the rationale and scope of UNHCR's resettlement operations in any given country, as well as the consolidated needs for resettlement. The Regional Bureaux and Resettlement Service at Headquarters oversee this process to ensure consensus on strategic directions and prioritisation of resettlement needs and resources.

In the Country Operation Plans (COP), UNHCR requires offices to report on resettlement needs that reflect 'actual needs' based on existing criteria and policy directives, and to separately assess field-level capacity and challenges to meet these needs. In addition to the *UNHCR Projected Global Resettlement Needs*, the COP figures are the basis for the *Indications Chart*. The *Indications Chart*, which is prepared in matrix format, includes the identified needs, the levels that UNHCR capacity can address, and the resettlement places offered by governments in response to the identified needs. These planning tools are shared with the resettlement countries in the lead-up to the Annual Tripartite Consultations on Resettlement (ATC) held in June each year in Geneva. The *Indications Chart* is regularly updated so that it at any given time reflects a comprehensive view of the year ahead. It is a useful tool to inform UNHCR and resettlement countries of anticipated gaps and overlaps in program delivery.

Challenges: ► A. While progress has been made in the methodology used by UNHCR offices to identify resettlement needs, gaps and capacities, further concerted efforts are required in this area. For

example, some offices are reluctant to identify specific refugee populations as being suitable for resettlement because of the challenges this would pose in terms of resources, processing complexities and management issues. The identification of resettlement needs may rather be a reflection of challenges, not the actual and updated needs according to a thorough understanding of the refugee dynamics. So too, in some operations comprehensive durable solutions thinking has not yet developed to a level that can be translated into practice. Offices thus may be reticent to engage refugees about their durable solutions needs for fear of raising unrealistic expectations about resettlement. Similarly, some offices feel that when voluntary repatriation is being promoted resettlement for refugees of the same nationality is inherently counterproductive to the interests of the majority of refugees repatriating. Some may feel resettlement must pause, even if there are refugees whose protection needs may differ and their need for resettlement would seem justifiable.

- ▶ B. In other UNHCR country offices there may be a limited capacity to do the proactive planning necessary to comprehensively assess and identify resettlement needs. While resources might be found to address identified resettlement needs (e.g. staff deployments to prepare case submissions), what can be done to strengthen UNHCR's capacity to proactively identify refugees for resettlement within a framework that considers all durable solutions comprehensively?
- ▶ C. How can NGOs and other actors contribute to strengthening of the framework of global resettlement operations and the identification of resettlement needs? What steps can be taken by UNHCR, governments and NGOs to better coordinate on a needs based resettlement system and to ensure that multiple actors do not work at cross purposes?

An 'indications meeting' between resettlement countries and UNHCR is held in conjunction with the ATC to discuss ways to respond to specific populations in need of resettlement, including populations for whom resettlement is already a priority or where the strategic use of resettlement can be explored. The 'indications process' is designed to strengthen the coordination and management of the global resettlement program and ensure predictability for planning purposes. It attempts to link UNHCR's resettlement needs with the quotas of resettlement countries and make for a more transparent and efficient consultative process. UNHCR invites resettlement countries to provide an indication of their resettlement targets and mission plans for the next calendar year. These initial indications by governments draw UNHCR's attention to overlaps and gaps in responses, and inform UNHCR where further efforts need to be made to address specific refugee populations where indications are wanting.

Separate meetings are normally held outside the ATC or in the context of the Working Group on Resettlement (WGR) to further discuss and confirm the size and composition of the targets set by resettlement countries for the upcoming year. This includes efforts by governments and UNHCR to bridge gaps and strengthen capacity to address identified needs. The Resettlement Service finds such bilateral meetings with resettlement countries to be important adjuncts to multi-lateral discussions and foster better understanding of needs and expectations, and strengthen joint planning

efforts. The *Indications Chart* is further updated following bilateral discussions and prior to the WGR meeting held in November of that year, and March the following year. This process of updating the *Indications Chart* allows for informed discussion on gaps in resettlement delivery and opens opportunities for the WGR to consider ways to bridge them. Hence, the *indications process* serves to strengthen ways to identify and address resettlement needs through international burden and responsibility sharing. So too, it results in clearer responsibilities for UNHCR country offices and more efficient coordination between Headquarters and the field. The work plans and resource needs of UNHCR country offices are based on the outcome of these discussions.

Challenges: ► D. How can the *indications process* be made more effective in bridging gaps, avoiding overlaps and duplications, and contribute to better coordination between resettlement countries and UNHCR in comprehensive planning for resettlement?

E. UNHCR assists in facilitating the resettlement interview missions of many resettlement countries, which requires considerable planning and preparation to manage diverse priorities, schedules, and demands, and at the same time minimise any undesirable impact that resettlement activities may have on other operations. Similarly, resettlement countries may not have the same planning cycle as UNHCR (January – December). So, how can flexibility be built into the indications process to allow for timely indications by resettlement countries and sufficient lead-time for UNHCR to mobilize resources and prepare case submissions?

The *Indications Chart* is a planning tool which requires timely and effective input from governments on indications and mission plans. It is essential that indications to address the resettlement needs of specific refugee populations are confirmed with UNHCR in advance of the actual resettlement submissions and the selection process. As aforementioned, at the time of the ATC in June each year UNHCR invites resettlement countries to provide an indication of their resettlement quotas for the next calendar year. This allows UNHCR to have a global picture at the early stages of the process of how resettlement needs around the world are likely to be met in the coming year. Still, UNHCR recognises that it is not always possible for resettlement countries to provide detailed indications at this early stage, which is why bilateral consultations continue after the ATC in June and in the lead-up to the WGR meeting in November.

UNHCR encourages resettlement countries to communicate directly with the Resettlement Service at Headquarters (this can be done through UNHCR representations in their respective capitals) to confirm indications on the size and composition of resettlement intakes and tentative mission plans, rather than only communicate directly with UNHCR field offices. This is vital for the Resettlement Service to ensure coordination is maintained in UNHCR's regional and global resettlement efforts. At this stage in the process, the Resettlement Service coordinates with its field operations to reach consensus on the proposed activities. Once headquarters and field offices have reached consensus resettlement countries would be advised to communicate directly with the field (regional resettlement hubs and/or country offices) on submissions and logistic arrangements for interview missions. Thus, the earlier these plans are communicated to the Resettlement Service the easier it is for preparations to be made for resettlement submissions and interview missions. The UNHCR field offices can recommend the most suitable dates

for interview missions given field-level considerations. The Resettlement Service will continue to monitor and assist the process.

2. Size and composition of resettlement country targets and programs, and UNHCR planning

Coordinating an international response to the projected global resettlement needs is complex given the diverse profiles of refugees and the number of countries of asylum and resettlement involved. In 2005, UNHCR facilitated the resettlement departures of more than 38,500 people, involving 62 nationalities, 68 countries of asylum and 23 destination [resettlement] countries. Actual submissions were made for about 46,000 individuals, involving 25 destination countries, 74 asylum countries and 73 nationalities. In addition to the countries to which UNHCR regularly makes resettlement submissions, the Office is often called upon to facilitate the travel of refugees on family reunion grounds to countries on an ad hoc basis. Yet gaps in resettlement delivery remain. Based on the projected global resettlement needs for 2007, UNHCR has the capacity to deliver outcomes for about 37,000 refugees from a global figure of 53,000. This shortfall in capacity (16,000 persons) does not include possible group resettlement activities, involving an additional 24,500 persons, for which resources would also be required.

- Challenges:
- ▶ A. UNHCR's capacity to address global resettlement needs is challenged by the particular priorities and criteria set by resettlement countries. Resettlement countries often determine the use and allocation of their resettlement capacity based on domestic considerations and constraints. Thus, which refugees are selected for resettlement, the size of targets and programs, or the priority accorded to certain populations may be more influenced by domestic influences than by UNHCR or international standards.
 - ▶ B. So too, governmental responses to particular populations are greatly influenced by program management considerations such as access to refugees (including security, logistic and budget considerations) and population profiles that affect program delivery (e.g. 'high risk' populations in terms of inadmissibility, lengthy and enhanced security checks or other complexities). This can inhibit countries' ability and willingness to indicate positively even for refugees whom they acknowledge have specific and priority needs for resettlement.
 - ▶ C. The above considerations in the allocation of resettlement places often lead to a number of resettlement countries preferring the same refugee population (e.g. an accessible and 'low risk' population), which leads to the persistence of gaps in meeting global resettlement needs and priorities.

One aspect of this problem is seen with refugees in remote and/or hostile environments where interview missions by resettlement countries are prohibitive owing to logistic or security considerations. In such circumstances, UNHCR must rely on the few countries which offer unallocated places for dossier submissions (i.e. the requirement for the refugee to be interviewed by the resettlement country is waived). Without additional countries offering dossier type places, submissions of such cases will continue to be skewed towards the relatively few countries capable of processing without a face to face interview. Thus a more equitable distribution of these cases

remains dependent upon the ability of more countries to receive dossier submissions or to put in place equivalent mechanisms. At present available places for dossier submissions requiring emergency and urgent resettlement (including medical cases) are lacking.

It is recognized that domestic considerations will always be a factor in the way governments respond to global resettlement needs. Domestic interests may foster and sustain public sentiment for refugees and support consistent and predictable program delivery. This is particularly evident when considering the issue of integration. The Agenda for Protection recognizes the importance of integration, however, the focus must be on determining who needs resettlement and for countries to have appropriate services in place to respond to integration needs. This is to be distinguished from integration potential being a criterion for determining who needs resettlement. Failure to make this distinction on the issue of integration can lead to disconnects between the criteria and priorities set by UNHCR and those of resettlement countries. To avoid such gaps, UNHCR and resettlement countries should agree collectively on resettlement goals, and use concerted and possibly multilateral approaches to achieve those goals.

- Challenges:
- ▶ D. In coordinating the global response to projected resettlement needs, the challenge is to maximise and make as flexible as possible the places made available to UNHCR, while at the same time balancing the domestic concerns of resettlement countries, to the extent this is compatible with protection and durable solutions needs. Ideally, a combination of approaches would serve to deliver outcomes for refugees most in need of resettlement, involving comprehensive solution strategies and innovations in line with the Agenda for Protection, the Convention Plus initiative and the Multilateral Framework of Understandings on Resettlement.
 - ▶ E. In recent years, some resettlement countries are increasingly turning to selection criteria that are based on the notion of 'integration potential' rather than protection or durable solutions needs. An approach that emphasizes immigration criteria, such as integration potential or other domestic considerations (e.g. level of education, medical status or nationality) without flexibility to consider protection needs may result in putting the lives of vulnerable refugees at risk when no other solutions are available.

3. Targets, timing and post-submission processing

As aforementioned, the identification of resettlement needs and the annual allocation of places by resettlement countries are linked to a global framework of needs-based planning. This is a process that assumes a consistent and predictable rate of delivery that matches needs to government targets so that emerging resettlement needs and priorities can be systematically met. However, delays in the identification and preparation of case submissions by UNHCR and delays in the processing of cases by resettlement countries can have serious protection implications for refugees. It is therefore incumbent on all parties to ensure a balanced and predictable program so that individuals receive timely access to resettlement. Although all refugees in need of resettlement deserve the best service possible, UNHCR recognises that different priorities should be used to help manage specific needs. Emergency cases, which typically involve immediate life-threatening situations, are expected to depart for resettlement within a period not exceeding five days; urgent cases should depart

within six weeks; and, normal priority cases are to be resettled within 12 months. These notional limits are used by UNHCR to gauge whether resettlement activities are efficient and responsive to the protection and resettlement needs of refugees.

- Challenges:
- ▶ A. Some governments interview more refugees for resettlement than their target intake will accommodate in a given program year. This can have a positive aspect when governments increase their targets for specific populations where resettlement needs are unmet. Efficiencies in program management can be by building a 'pipeline' of cases for future resettlement or as contingency in the event of shortfalls in other areas of program delivery. At the same time, this type of approach may not be responsive to the timely resettlement of individuals in need of protection. So, from a protection standpoint and in terms of ensuring effective resettlement delivery considering the needs of all resettlement countries, how long should a pipeline be?
 - ▶ B. UNHCR faces difficulties as a result of some resettlement countries' practice to request a number of submissions from UNHCR that exceed targets so that they can 'pre-screen' the cases and select the most suitable for their national programs. On occasions, resettlement countries have requested submissions that exceed their target indication by more than 30 percent. Similarly, resettlement countries sometimes return case submissions to UNHCR without explanation. This 'cherry picking' approach to resettlement is of serious concern to UNHCR as it can prejudice refugee' access to resettlement, raise expectations and undermine equitable and efficient resettlement delivery. Moreover, it places burdens on UNHCR's limited resources for resettlement to submit cases to a country when there is no intention or capacity for that country to take all of the cases submitted.

As a general rule, UNHCR submits resettlement cases in accordance with protection needs and priorities, but when such cases are placed in a long pipeline of pending cases, it can have an immediate negative impact on the timing of such cases being interviewed and selected by the resettlement country. This has protection implications for refugees and can place UNHCR in the unfortunate position of having to consider retracting case submissions and resubmitting to another resettlement country where processing times are more favorable, or explore alternative ways to expedite their resettlement such as by escalating the case to urgent or emergency priority. In both cases, however, a further assessment of the case is usually required by UNHCR, putting further strain on limited resources.

The *pipeline management* and *prescreening* approach to program delivery ultimately affects the speed with which refugees are resettled. While this may be considered a management issue for governments, it is both a management and protection issue of concern to UNHCR.

- Proposals:
- ▶ (i) In recognition of legitimate decline rate expectations (the average decline rate for individual cases is about 5-10 percent) and the need for contingencies (e.g. in the event of 'no shows'), UNHCR considers the number of resettlement submissions over and above target indications by resettlement countries should not exceed ten percent.

- ▶ (ii) The Resettlement Service will continue to refine the indications process in order to give priority consideration to specific refugees in need of resettlement (e.g. refugees who face specific risks and/or acute protection problems) and invite support from resettlement countries, including ways to enhance the use of resettlement for protracted refugee situations in both camp and urban settings. This will involve a process of prioritisation of resettlement needs which will be reflected in UNHCR's presentations at the ATC and the Indications Meeting. This assessment of global resettlement needs will assist UNHCR and the international community to address specific populations and profiles of refugees and orient resettlement delivery toward protection needs and priorities.
- ▶ (iii) Increased emphasis will be given to ensuring conformity with the Multilateral Framework of Understandings on Resettlement for populations where indications are wanting.
- ▶ (iv) UNHCR will take steps to track the status of its resettlement submissions and processing times of resettlement countries more systematically and factor this into the indications process. By knowing the number of pending cases and the processing times of resettlement countries UNHCR can more effectively direct and prioritise submissions to improve protection and resettlement delivery.

4. Managing the comprehensive and strategic use of resettlement

- Challenges:
- ▶ A. Resettlement is more than protection and saving human lives; it improves the fate of people whose lives have been shattered and futures placed on hold. Resettlement may restore hope. Yet, resettlement also presents an opportunity for abuse by refugees and others who seek to exploit them to gain migration to developed countries, which puts pressure on the asylum system in hosting countries and undermines UNHCR's protection and resettlement activities.
 - ▶ B. Another challenge in managing the global resettlement program is to find the balance between the expectations of the international community and refugees that resettlement will be enhanced, on the one hand, and the concerns that expanded resettlement gives rise to distortions relative to other solutions and problems such as secondary movements, fraud and insecurity. So, how can opportunities for resettlement be expanded and effectively managed to benefit greater numbers of refugees in concert with other durable solutions?
 - ▶ C. How can UNHCR together with resettlement countries ensure that any negative impact resettlement activities may have on voluntary repatriation and/or local integration be minimized?
 - ▶ D. It can take several years from the point when a group resettlement submission is made and approved by a resettlement

country and the date of actual departure. The extensive processing time makes the planning of other UNHCR operations, such as voluntary repatriation, extremely challenging given the often uncertain and lengthy time-frames for group resettlement activities. What can UNHCR and resettlement countries do to shorten the processing time for group resettlement to minimise the negative impact on other equally critical operations?

- ▶ E. In many protracted refugee situations around the world, resettlement is the only viable durable solution, which creates enormous and often unrealisable expectations within the refugee community with regard to resettlement. What further measures can be taken by UNHCR and the international community (including countries of origin, countries of asylum, resettlement and donor countries) to make more strategic use of resettlement and find comprehensive durable solutions to protracted refugee situations, including camp as well as urban settings?

When resettlement efforts are undertaken as part of a comprehensive protection and durable solutions strategy, a number of benefits are to be gained. This is what is referred to as the **strategic use of resettlement**. In other words, the use of resettlement in a manner that fosters benefits, directly or indirectly, for refugees other than those received by the refugees being resettled. This is particularly relevant in protracted refugee situations where resettlement could be used to enhance opportunities for other durable solutions. So too, benefits may accrue to the host State, other States or the international protection regime in general.¹ This allows for the use of resettlement as a solution for some refugees, while at the same time – for instance – encouraging host countries to provide protection space for a larger number of refugees or improve the asylum conditions and opportunities for local integration, or achieving more equitable responsibility sharing and improving the system of refugee protection in general. On a regional basis, another consideration is to explore ways to harmonize durable solutions strategies and the role of resettlement, as well as resettlement policies for similar refugee populations, as means to mitigate any negative impact (e.g. secondary movements) that resettlement might otherwise have.

While the strategic use of resettlement can be promoted by a single resettlement State, coordination with a number of resettlement countries is likely to maximise benefits. Such coordination may involve negotiation of mutually agreeable arrangements between the international community and the State of asylum, possibly requiring a multi-year commitment by the international community to sustain the burden-sharing, as well as possible assistance to further local integration or enhance the livelihood of refugees in asylum countries.² Hence, resettlement can have a direct and positive impact on the quality of asylum and prospects for other solutions. Of course, the challenge remains how to conduct resettlement without increasing the risk that other potential solutions will be undermined.

¹ See *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 6.

² *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, section IV, p. 4 ff. See also *The Multilateral Framework of Understandings on Resettlement* (High Commissioner's Forum: FORUM/2004/6, 16 September 2004).

Needless to say, problems will arise if resettlement is poorly conceived and managed. A 'resettlement only' approach to durable solutions, regardless of the resettlement processing location, may have a concomitant negative impact (e.g., secondary movements and pull-factor from country of origin) and that any such impacts can be difficult to manage. Yet, with proper management and oversight, resettlement can be expanded to benefit greater numbers of refugees and the risks mitigated. Hence it is important to ensure measures are in place to ensure integrity and procedural compliance. The continuous development of policy and procedural guidelines and systems to register refugees, protect data integrity and prevent fraud will enhance the scope and flexibility of resettlement, including identification and processing methods. So too, active and timely case identification based on a fair, consistent and transparent application of the UNHCR resettlement criteria is imperative. This way, opportunities for resettlement can be expanded and effectively managed in concert with other durable solutions.

It follows that resettlement should be used in a flexible manner and with the necessary reconfigurations in different refugee situations; i.e. the initial period after refugee flight, in urban and camp settings and protracted refugee situations, during the repatriation phase and after concerted repatriation efforts. Additionally, resettlement may in certain instances be utilized in the context of protecting refugees and others of concern within broader migration movements.

In a repatriation context, for example, particular care will be necessary to identify individuals for whom resettlement is likely to be the only appropriate response whilst ensuring minimum impact on the willingness and ability of others to voluntarily repatriate. As repatriation gains ground and is actively promoted by UNHCR, the organization's resettlement activities for the same population will correspondingly become more restricted in numbers, the priority being assigned to imperative protection criteria as the basis for identifying needs and the way in which resettlement would be delivered.

Proposal: ► When repatriation is being actively promoted, resettlement interventions should be restricted to refugees with acute protection or specific needs. In particular, group resettlement and so-called discretionary criteria will be replaced by a more targeted approach in the selection and processing of cases. When repatriation has reached an appropriate point, further resettlement activities can be re-evaluated as part of a comprehensive approach for residual populations.

It should be emphasized that resettlement can still be considered in a larger context to advance a definitive comprehensive solutions. Resettlement could thus be strategically and carefully resorted to – for even groups of refugees – in the manner in which it has been used in some regions in a post-repatriation context for a residual population without viable options for local solutions. However, priority should be placed on maximizing complementarities while minimizing possible discord with other solutions, above all the willingness of refugees to repatriate. Moreover, such a strategic use of resettlement, if resorted to, will make sense only if a willingness of the host country to promote the local integration of a proportion of the residual refugee population could be counted upon.

5. Managing refugees' expectations

With the expansion of resettlement activities in recent years, the management of refugees' expectations has become a critical part of effective resettlement delivery.

Given the protracted nature of some refugee situations where local integration and voluntary repatriation are not foreseeable options, resettlement opportunities become highly sought after, which can escalate the risk of pull factors, fraud and corruption.

It might be assumed that as other solutions become available, there should be a corresponding reduction in resettlement numbers. However, experience has shown that the interest refugees may have in resettlement are not necessarily reduced by repatriation, local integration or the demonstration of a stricter resettlement policy. With limited information about the nature and limitations of resettlement as a durable solution, refugees often develop unrealistic expectations about resettlement. Such expectations can lead to increased desperation on the part of refugees and excessive pressures on resettlement offices, and may eventually undermine the resettlement process as a whole. In fact, as other solutions increasingly build up and UNHCR itself actively promotes them, refugees who have long harboured aspirations of resettlement could in all likelihood renew their interest with even more vigour, if not agitation.

This reaction by refugees, however, may be indicative of other concerns - such as gaps in the provision of protection and assistance including access to:

- (i) physical security
- (ii) adequate shelter, food, water and sanitation;
- (iii) health services, trauma counseling and psycho-social support;
- (iv) employment and/or educational opportunities; and,
- (v) repatriation and/or local integration opportunities.

Refugees may also perceive an automatic link between refugee status determination and resettlement, particularly if both are conducted by UNHCR. Expectations are most effectively managed through counseling in individual cases, and the dissemination of clear information on resettlement. By improving ways UNHCR and others involved in resettlement communicate with asylum-seekers and refugees as well as understand and address their specific needs (e.g. through participatory assessments, focus group clinics or protection profiling), unreal expectations and misunderstandings can be reduced.

The management of expectations is integral to the comprehensive and strategic use of resettlement. It is incumbent on UNHCR and other key actors to provide refugees, others working with refugees and, in some cases, the general public, with clear and consistent information on the limits and possibilities of resettlement. In addition, UNHCR should always communicate the way durable solutions interact and any approach to resettlement. The role of effective and clear communication is even more essential when there is a fundamental change of the priority or function of resettlement, such as when repatriation becomes a solution that can be promoted for most refugees in a situation where theretofore resettlement has been the only viable durable solution. Similarly, any change in the resettlement delivery of resettlement countries or with NGOs involved in resettlement must also be communicated in a clear and coordinated fashion to avoid misunderstanding or problems within refugee communities, as well as with the host country.

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