

CHAPTER III

DURABLE SOLUTIONS AND NEW DISPLACEMENT

INTRODUCTION

Securing durable solutions for refugees is a core element of international protection and part of UNHCR's mandate. These solutions can take three different forms: (i) voluntary repatriation to the home country; (ii) resettlement in another country; or (iii) finding appropriate permanent integration mechanisms in the country of asylum. Voluntary repatriation is the durable solution which generally benefits the largest number of refugees. Resettlement is a key protection tool and a significant burden and responsibility-sharing mechanism. Local integration is a legal, socio-economic and political process by which refugees progressively become part of the host society. While voluntary repatriation and resettlement departures are relatively easy to track, local integration is more difficult to quantify given the variety of forms it can take. The analysis of the data is therefore limited to local integration through naturalization of refugees by the host country.

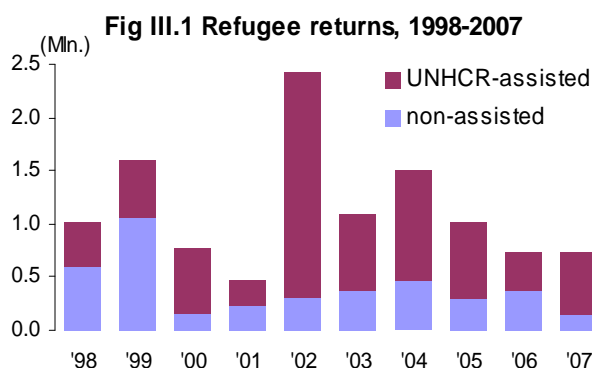
Progress in achieving durable solutions is partly offset by new outflows of refugees. Each year, thousands of refugees flee their home country and are recognized either on an individual basis or through group determination. This chapter looks at both developments: new displacement which occurred and durable solutions which were found during 2007.

In addition to analysing global trends in durable solutions, this chapter also provides insight into two closely related aspects. A closer look is taken at resettlement activities undertaken by UNHCR in Thailand where more than 14,600 refugees have departed with the Office's assistance in 2007. Furthermore, with millions of refugees currently living in a state of prolonged exile, some even for decades, with limited or no hope of finding a durable solution, this chapter provides a statistical overview of protracted refugee situations in developing countries.

DURABLE SOLUTIONS

VOLUNTARY REPATRIATION

Based on consolidated reports from countries of asylum (departure) and origin (arrival), it is estimated that close to 731,000 refugees repatriated voluntarily during 2007, virtually the same number as in 2006 (734,000). The main countries of return included Afghanistan (374,000)³⁶, Sudan (131,000), the Democratic Republic

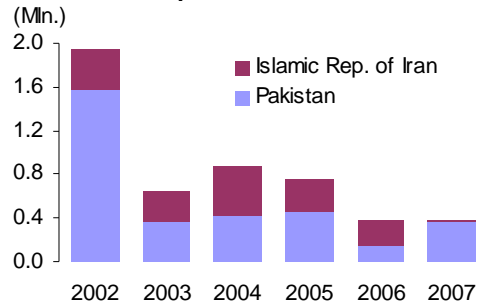


³⁶ All Afghans registered in Pakistan and the Islamic Republic of Iran who avail themselves of voluntary repatriation are reflected as returnees because they receive transportation and reintegration assistance. In 2007, at the request of the Government of Pakistan, a grace period was provided to unregistered Afghans residing in Pakistan who wished to return and they were also assisted. The figure includes 206,000 unregistered Afghans, who returned during that period and benefited from repatriation assistance.

of the Congo (60,000), Iraq (45,000), and Liberia (44,000).

Whereas the past decade has seen large-scale return movements of refugees, mainly the return of millions of Afghans, the total numbers of refugees who have returned during 2006 and 2007 were the second- and third-lowest of the past 15 years. Only in 2001 were the numbers of returns lower (462,000). One of the reasons for the significant slowdown in the number of refugee returns over the past two years can be found among the Afghan refugee population. Deteriorating security in some Afghan provinces, difficult economic and social conditions, and factors related to prolonged exile are some of the reasons behind the reluctance of some Afghan refugees in Pakistan and the Islamic Republic of Iran to return home. Globally, an estimated 11.4 million refugees have returned home over the past 10 years, 7.3 million, or 65 per cent, of them with UNHCR assistance.

Fig III.2 Afghan returns from the Islamic Rep. of Iran and Pakistan



The largest number of refugee departures was reported by Pakistan (366,000), reflecting almost exclusively departures by Afghan refugees. In addition, a significant number of refugees departed from Uganda (77,000), the United Republic of Tanzania (68,000), and the Syrian Arab Republic (45,000).

It should be noted that for statistical purposes, only refugees who have returned during the calendar year are included. In practice, however, operations may assist returnees to reintegrate into their country for shorter or longer periods.



55,000 Sudanese refugees returned home with UNHCR's assistance in 2007. UNHCR/ E. Denholm

RESETTLEMENT

Resettlement is used primarily as a vital protection tool, but also as part of comprehensive durable solution strategies and as an international responsibility-sharing mechanism. It aims to provide protection to refugees whose life, liberty, safety, health or other fundamental human rights are at risk in their country of asylum.

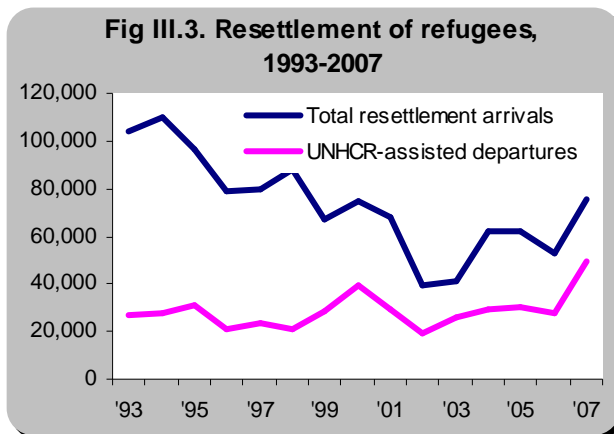
Currently, resettlement benefits only a small number of refugees. In 2007, less than 1 per cent of the world's refugees directly benefited from resettlement. During 1998-2007, some 821,000 refugees were accepted for resettlement, compared to 11.4 million refugees who were able to repatriate. Thus, for every refugee who has been resettled since 1998, about 14 have repatriated.

The number of countries accepting refugees through resettlement programmes and the places offered remains limited. Over the last few years, States in Latin America have emerged as new resettlement countries, offering a durable solution for refugees primarily from Colombia. In 2007, UNHCR identified seven new countries willing to establish or re-establish resettlement programmes, including the Czech Republic, France, Spain and Portugal.

The 2007 Yearbook uses two sources for resettlement statistics. First, UNHCR records from first asylum countries indicate the number of refugees who have been resettled under its auspices. Second, official statistics from resettlement countries are used to analyse the total inflow of resettled refugees, whether or not facilitated by UNHCR.

(a) Resettlement under UNHCR auspices

Individuals supported for resettlement by UNHCR are (i) recognized as refugees under the Office's mandate; and (ii) deemed eligible according to UNHCR's resettlement guidelines and criteria. These criteria relate to specific international protection needs, such as when the physical or legal security of a refugee is at stake (e.g. women-at-risk or individuals faced with *refoulement*) or when specialized services (e.g. psychosocial or medical) are required that are not available in the country of asylum. UNHCR also supports the resettlement of refugees in order to reunite refugee families.



In 2007, UNHCR submitted close to 100,000 individuals for resettlement consideration by States, the highest number of the past 15 years and 83 per cent above the 2006 level (54,200). The figures were boosted by a major resettlement operation for Iraqis, especially in Jordan, Lebanon, the Syrian Arab Republic, and Turkey. The significant increase in the number of submissions over previous years reflects the improving ability of UNHCR to

identify refugees in need of this solution, and a more conscious and strategic use of resettlement for durable solutions and protection purposes.

During the year, some 50,000 individuals departed with UNHCR assistance³⁷, almost 20,400 more than the year before. By nationality, the main beneficiaries of the UNHCR-facilitated resettlement programmes were refugees from Myanmar (20,300), Burundi (6,200), Somalia (5,900), Iraq (3,800), the Democratic Republic of the Congo (2,500), and Afghanistan (2,300). The high number of resettled refugees from Myanmar reflects opportunities for the strategic use of resettlement by applying the group resettlement methodology.

Some 85 UNHCR country offices were engaged in facilitating resettlement departures of refugees during 2007, 10 less than in 2006. The largest number of refugees resettled with UNHCR assistance departed from Thailand (14,600), Kenya (6,500), the United Republic of Tanzania (6,100), Malaysia (5,600), and Turkey (2,700). These five UNHCR offices together accounted for 7 out of every 10 resettlement departures assisted by the organization in 2007.

³⁷ The disparity between submissions and departures is partly explained by the time delay between a submission by UNHCR and the decision by a resettlement State to allow the refugee to travel. In many cases, a decision by a resettlement State is made several months after receiving a submission; hence the travel of refugees submitted for resettlement in 2007 might occur the following calendar year, particularly for those cases submitted in the last quarter of 2007.

(b) Resettlement arrivals (with limited or no direct UNHCR involvement)

A number of resettlement States (e.g. Australia, Canada and the United States of America) have humanitarian programmes and/or family reunion or sponsorship programmes which address the specific needs of refugees and people in refugee-like situations. These programmes generally have limited direct UNHCR involvement, but nevertheless a significant number of the people who benefit from these programmes are refugees or their family members. This accounts for the difference between the statistics for overall resettlement and persons resettled with UNHCR's assistance.

During 2007, a total of 75,300 refugees were admitted by 14 resettlement countries, including the United States of America (48,300; during US Fiscal Year)³⁸, Canada (11,200), Australia (9,600), Sweden (1,800), Norway (1,100), and New Zealand (740). Overall, this was 5 per cent more than in 2006 (71,700).

The 14 countries resettling refugees during 2007 accepted more than 80 different nationalities, with the largest groups benefiting refugees originating from Myanmar (20,100), Somalia (7,800), the Islamic Republic of Iran (6,200), Burundi (5,400), and Iraq (4,900).

The recent years have witnessed a far lower level of resettlement arrivals as compared to the 1990s. In particular following the events of 11 September 2001, the number of refugees accepted by countries decreased significantly due to specific screening procedures put in place by some countries, in particular the United States of America (see Figure III.3).



A US-bound refugee from Bhutan bids her friends and relatives goodbye in eastern Nepal's Sanischare camp.

LOCAL INTEGRATION

While the degree and nature of local integration are difficult to measure in quantitative terms, some countries document the acquisition of nationality, the final and crucial step towards obtaining the full protection of the asylum country. Even in those cases where refugees acquire the citizenship through naturalization, statistical data is usually very limited, as the countries concerned generally do not distinguish between refugees and others who have been naturalized. Moreover, national laws in many countries do not permit refugees to be naturalized. The naturalization of refugees is both restricted and under-reported.

The limited data on naturalization of refugees available to UNHCR show that during the past decade, more than one million refugees were granted citizenship by their asylum country. The United States of America accounted for more than half of them, even though their 2006 and 2007 numbers are not available. Azerbaijan and Armenia also granted citizenship to a significant number of refugees during the same period (188,400 and 65,000 respectively). For 2007, UNHCR was informed of refugees being granted citizenship in Belgium (12,000), the United Republic of Tanzania (730), Armenia (700), Finland (570), and Ireland (370). In total, data on naturalization was available for 23 asylum countries covering some 15,400 refugees.

³⁸ Resettlement statistics for the United States of America may also include people resettled for the purpose of family reunification.

Box 4. Resettlement as protection tool: activities from UNHCR's office in Thailand

At the end of 2007, the number of recognized refugees from Myanmar in Thailand totalled 124,600 people. In addition, more than 12,700 individuals were recorded as pending consideration for formal admission by the Thai government.¹ In designing its resettlement strategy for Myanmar refugees in Thailand, UNHCR assessed the needs of the various segments of the population in the camps. It has considered resettlement as a protection tool for refugees with urgent security concerns, for those with particular vulnerabilities or serious medical conditions, as well as for those in need of a lasting solution to prolonged encampment and extremely limited opportunities. With regard to the urban (non-Myanmar) population, at the end of the year, about 1,000 refugees from more than 32 different countries, as well as 720 asylum-seekers (from 29 countries) in Thailand were under the protection of UNHCR. As the Royal Thai Government does not recognize refugee status accorded by UNHCR, and considers these people to be illegal migrants, many were subjected in 2007 to arbitrary arrest, detention, and various forms of exploitation and abuse, making resettlement the primary protection mechanism. At the end of 2007, some 270 recognized refugees were detained by the Thai authorities in immigration detention centres.

Over the course of 2007, UNHCR offices in Thailand facilitated resettlement processing for refugees from some 22 different countries of origin, with 12 resettlement States involved in the operation. More than 30,300 refugees were referred for resettlement consideration during the year, while 18,200 were accepted by States and 14,600 departed the country. The Myanmar population accounted for the majority of refugees processed, with 29,700 referrals, 17,800 acceptances, and more than 14,300 departures. Other nationalities with significant departures included refugees from Viet Nam, Cambodia, Sri Lanka, Nepal, China, and Somalia.

UNHCR's resettlement programme in Thailand has been designed to ensure that all segments of the refugee population have fair and equal access to resettlement, while keeping in mind the need to accord higher priority to specific groups of refugees who are in need of urgent processing. Highest priority for referral is given to refugees with serious protection problems and to those who are more vulnerable. However, most of refugees are submitted based on the early date of their arrival. Of the 14,610 refugees who departed during the year, five were referred under the emergency priority and some 180 were referred for urgent processing; the remaining 14,420 were referred under normal priority.

To facilitate resettlement opportunities for larger numbers of refugees in an environment of extremely limited resources, UNHCR has encouraged the use of the group resettlement methodology for Myanmar refugees in Thailand, and successful exercises were undertaken in 2007 with Australia, Canada, and the United States of America. While the vast majority of refugees were referred through the group referral mechanism, individual referrals to States with smaller quotas remained an integral component of UNHCR's resettlement strategy throughout the year. The United States of America was by far the largest recipient of UNHCR referrals in 2007, with some 24,930 refugees of all nationalities having been submitted for resettlement consideration, and 10,160 having departed Thailand. Some 2,800 refugees were referred to Australia, and 1,450 departed to that country, while Canada considered referrals of 1,170 people and resettled a total of 1,540.²

Looking at departures from an age and gender perspective, roughly 48 per cent of those resettled in 2007 were women and girls. Adults aged between 18 and 59 comprised the largest group of refugees that departed (53%), while children below 18 years of age accounted for 44.5 per cent.

The primary resettlement criterion under which refugees were referred during the year was legal and physical protection needs, which made up some 98 per cent of all refugees who departed. However, this figure is somewhat misleading in view of the special procedures in place for group referrals to the United States of America. These include a simplified process of verification at the time of submission, without any assessment of priority or specific needs for resettlement. Only a small number of cases were recorded as being referred under other resettlement criteria: 136 as women-at-risk, 46 for family reunification, 29 for medical needs, 14 as survivors of violence and torture, 5 under the criterion for children and adolescents, and 2 under the older refugees criterion.

With regard to women at risk, an assessment has been undertaken to provide an estimate of the number of women referred for resettlement, because they had been identified as being at risk. The data indicate that 8 per cent of refugees submitted in 2007 (2,240 individuals), and 5 per cent of those who departed (770) are regarded as women at risk. The actual number of cases referred under this criterion from among the camp population could be much higher than reported here, had an assessment of criteria been undertaken as part of the group resettlement process. However, considering the limited resources and time available to carry out large-scale referrals, such an assessment would simply not have been practical.

¹ In addition to those who are registered as asylum-seekers, it is estimated that as many as 10,000 to 15,000 new arrivals from Myanmar were seeking access to screening at the end of 2007.

² It is noted that with certain countries more refugees departed in 2007 than were submitted, as many of those who departed during the year were referred by UNHCR in previous years.

Efforts have been made in recent years to raise awareness among the refugee population on the issue of sexual and gender-based violence, and this has resulted in a substantial increase in the number of refugees who have reported incidents of rape and other forms of violence, including domestic abuse. UNHCR, together with NGOs, has implemented a comprehensive mechanism for reporting and addressing this, including prosecution of perpetrators through the Thai justice system. In 2007, a total of 205 incidents of sexual and gender-based violence were reported by refugees in Thailand, and resettlement was often used as a tool to address the psychosocial and protection concerns of survivors.

In addition to the processing of resettlement cases, over the course of 2007, some 560 best interests determination (BID) assessments were carried out for unaccompanied or separated children included in resettlement applications, in order to ensure that resettlement with caretakers would be the most appropriate solution for these children. It is estimated that perhaps as many as 10,000 such children reside in the nine refugee camps in Thailand, having been separated from parents as a result of war, disease, and poverty.

NEW ARRIVALS

Refugees escaping war or armed conflict often move in large groups. In mass inflow situations asylum countries may accord international protection on a group or *prima facie* basis. Conversely, a significant number of people seek asylum on an individual basis, that is, they request refugee status by lodging an individual asylum claim. This will be discussed in great detail in Chapter IV, whereas the overview in this section is limited to individuals who have been granted refugee status on a group basis.

MASS REFUGEE MOVEMENTS

Although the total number of people who have fled Iraq during the year is not available, some 150,000 Iraqis were registered in Lebanon, Jordan, the Syrian Arab Republic and other countries in the region in 2007. Somalia was another main source of new refugee displacement in 2007 with more than 41,000 individuals fleeing the country, followed by the Central African Republic, Chad, the Democratic Republic of the Congo, and Sudan. Renewed armed conflict and gross human rights violations in those five African countries led to refugee outflows of almost 120,000 people.

The largest number of new arrivals of refugees was reported by Kenya (25,000), Cameroon (25,000), and Sudan (22,500). In addition, Yemen reported the arrival of more than 16,500 Somali refugees in the course of 2007.

PROTRACTED REFUGEE SITUATIONS

While millions of refugees have found a durable solution over the past decades, others have been confined to camps and other settlements for many years without any solution in sight. UNHCR, together with its partners is facing significant challenges at global, regional and local levels posed by protracted refugee situations. These include the significant cost to the international community in caring for many long-term refugees, donor-fatigue, limited alternative solutions, the precarious conditions in which the refugees live in some countries, environmental damage and increased pressure on limited available employment opportunities and social services (e.g. education, health) caused by long-staying groups of refugees in host countries.

UNHCR defines a protracted refugee situation as one in which 25,000 or more refugees from the same nationality have been in exile for five years or more in a given asylum country. This definition has major limitations and is likely to underestimate the number of refugees in protracted situations. For instance, as long as a group of refugees from the same nationality does not reach the threshold of 25,000, it will never feature as protracted irrespective of the group's duration in exile.

The time (five years) threshold is also seen by some as very short because in some countries affected by conflict, it might take more than five years to ensure return in safety and dignity or to find another durable solution. Furthermore, the fact that UNHCR uses only 'stock' figures (in contrast to 'flow' figures) to assess protracted refugee situations can be challenged. Returns and new arrivals of people from the same nationality can renew the refugee population in a given country of asylum without this being perceptible. For instance, all refugees of a given nationality can repatriate within the same year without this population losing its status as a protracted situation if the number of new arrivals of the same nationality during the same year remains at 25,000 or more. As UNHCR has identified protracted refugee situations as a priority protection issue, it is imperative that the Organization invests more in improving its methodologies to measure this phenomenon, to increase its visibility and enhance the strategies to address it.

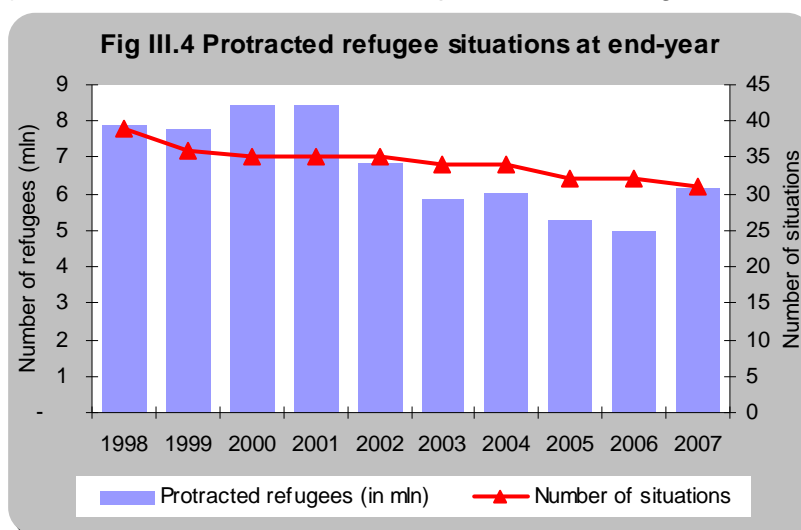
Despite these limitations, the methodology provides a unique opportunity for monitoring trends and establishing regional comparisons on both the number of situations as well as the number of refugees in long exile situations. UNHCR uses the following indicators to illustrate the overall pattern of protracted refugee situations:

- the number of refugees caught in such a situation;
- the number of protracted refugee situations (*situation perspective*);
- the number of countries hosting refugees in protracted situations (*country perspective*). This indicator can be monitored from two angles: (i) the country of asylum perspective; and (ii) the country of origin perspective; and
- the average duration of stay of a given population.

The difference between b) and c) is that in some countries, one may find more than one group of refugees in a protracted situation. For instance, in Chad, refugees originating from the Central African Republic and Sudan are located in different places and are therefore reported as two different protracted refugee situations.

TRENDS IN PROTRACTED REFUGEE SITUATIONS

For purpose of the 2007 Yearbook, only protracted refugee situations in non-industrialized countries are considered. The number of refugees considered to be in a protracted situation has dropped in recent years, i.e. from 8.4 million in 2000 to 5 million in 2006. This decrease can by and large be attributed to a number of successful repatriation operations in recent years, most notably Afghanistan (more than 5 million returnees), Sudan, and the Democratic Republic of the Congo. In 2007, however, figures increased again, primarily because of the inclusion of people in refugee-like situations in Pakistan (+1 million) and the Bolivarian Republic of Venezuela (+200,000). Out of a global total of 11.4 million refugees at the end of 2007, it was estimated that some 6.2 million

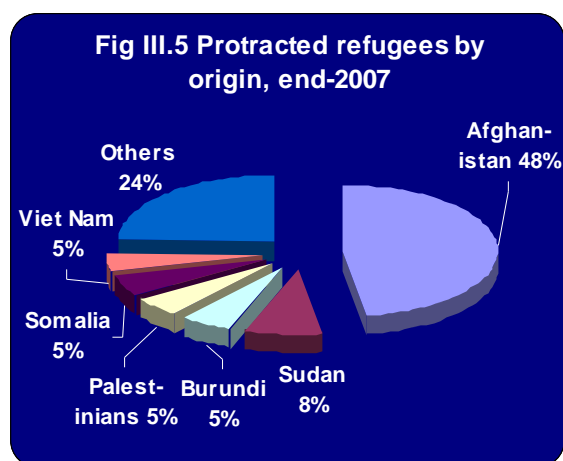


(54%) were in a protracted situation. These refugees were living in 25 different countries accounting for 31 protracted situations in total.

The number of situations has continuously declined over the past decade from 39 in 1998 to 31 in 2007. Primarily because of the situation in Afghanistan, Pakistan and the Islamic Republic of Iran are hosting together close to 3 million refugees in a protracted situation. Other major countries hosting refugees in protracted situations include the United Republic of Tanzania (433,000), China (300,000), Chad (289,000), and Saudi Arabia (240,000). Chad, India, the Islamic Republic of Iran, Kenya, Serbia, the United Republic of Tanzania, and Zambia hosted protracted refugees from more than one country of origin each.

COUNTRIES OF ORIGIN

With close to 3 million refugees at the end of 2007, Afghanistan continues to be the leading country of origin of refugees in a protracted situation (about half of all refugees in a protracted situation). Even though Afghan refugees are located in over 70 countries, only those in Pakistan and the Islamic Republic of Iran meet the UNHCR definition of living in a protracted situation. Sudanese refugees were the second largest group to be found in a protracted situation (486,000 or 8%), mainly located in Chad, Ethiopia, Kenya, and Uganda. Other populations accounting for at least 300,000 or more people in protracted refugee situations include Burundians (in the United Republic of Tanzania), Palestinians (in Saudi Arabia and Egypt), Somali (in Yemen and Kenya), and Vietnamese (in China). In addition to Sudan, the Democratic Republic of the Congo (231,000) is the only other country having citizens in protracted refugee situations in four different countries. Refugees in protracted situations originating from Afghanistan, Angola, the Occupied Palestinian Territory, Somalia and Western Sahara are residing in two countries.



DURATION OF STAY

Another way to look at protracted refugee situations is to estimate the average duration of stay of a given population using two possible methods. Method A consists of looking at the year of arrival of the first significant number of refugees of a given nationality and estimating the average duration of stay thereafter for all protracted refugees of that nationality. Method B is derived by acknowledging population movements in and out of a protracted refugee situation, that is, by estimating the average duration based on a person-years criterion.

Based on method A, and looking at the phenomenon from a country of origin and situation perspective, data show that there are seven situations where refugees have spent more than 30 years in exile. They involve six different refugee origins, i.e. Angola, Burundi, Democratic Republic of the Congo, Rwanda, Sudan, and Western Sahara. While the average duration of the 31 protracted refugee situations at the end of 2007 is estimated to about 23 years, most of the situations (13) have been lasting between 10 and 19 years. It is worth mentioning that when method B is used, the average duration of protracted refugee situations observed in 2007 falls to 11 years.

To facilitate the understanding of the person-years criterion (Method B), Table III.1 below presents a scenario where 75,000 refugees arrived in 1998 and subsequently on average 2,000 refugees per year found a durable solution. This yearly decrease of 2,000 could also reflect the net movement of new arrivals and departures. Out of those 75,000 refugees, for instance, 71,000 spent three years in the country of asylum while 57,000 spent the whole 10 years. By calculating a weighted average and by using the person-years criterion, one can obtain a measure of an average duration which in the example below amounts to 5.3 years³⁹.

Fig III.6 Protracted refugee situations by duration, 2007

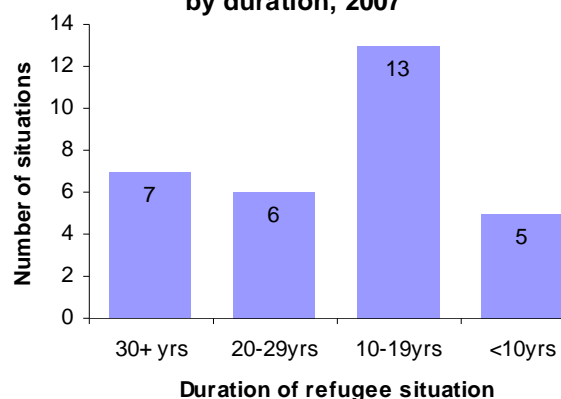


Table III.1: Estimated average duration of stay

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total & Average
Number of refugees	75,000	73,000	71,000	69,000	67,000	65,000	63,000	61,000	59,000	57,000	660,000
Duration of stay (years)	1	2	3	4	5	6	7	8	9	10	5.3
Person-Year	75,000	146,000	213,000	276,000	335,000	390,000	441,000	488,000	531,000	570,000	3,465,000

The same example with method A would result in a stay of 10 years for this situation. The main conclusion of this statistical exercise is that the interpretation of a protracted refugee situation requires caution, depending on the criteria and definition applied. Although both methods have their strengths and limitations, from a purely statistical perspective, method B would be the preferred one since it accounts for population movements and allows the inclusion of new arrivals within a given year under certain assumptions.

To address the challenges posed by protracted refugee situations properly, UNHCR has launched a new initiative which aims at identifying their root causes, with a focus on certain situations with greater likelihood of some progress being made. The second meeting of the High Commissioner's Dialogue on Protection Challenges in December 2008 focused on protracted refugee situations, bringing together relevant partners for a collective effort towards finding solutions and reducing the plight of refugees and the burden of hosting countries.

³⁹ The average is obtained by dividing the total number of person-years (3,465,000) by the cumulative number of persons (660,000).