

ANNUAL TRIPARTITE CONSULTATIONS ON RESETTLEMENT
Geneva, 20-21 June 2001

**STRATEGIC UTILISATION OF RESETTLEMENT TO ENHANCE
ASYLUM AND PROTECTION PROSPECTS**

NGO Statement by Margaret Green, International Rescue Committee

**I. EXTRA-REGIONAL ASYLUM IS ESSENTIAL - THIRD-COUNTRY RESETTLEMENT
COMPLEMENTS AND STRENGTHENS THE ASYLUM REGIME**

Non-refoulement and Asylum

1. Exploring new methods to identify refugees in need of third-country resettlement is a welcome and worthwhile endeavor, but it can never be used to justify a reduction in the fundamental obligation of States to observe the principle of *non-refoulement* and to maintain and improve the asylum procedures at their borders. The Universal Declaration of Human Rights states that “[e]veryone has the right to seek and to enjoy in other countries asylum from persecution.” This right recognizes that individuals have essential freedoms that cannot be justly curtailed by Governments intent on providing asylum only to those whom they themselves have selected, at times irrespective of the profound and unique protection needs of individual refugees. The most effective way to strengthen refugee protection is to build complementary asylum and resettlement systems that are secure from abuse, particularly by those who seek to manipulate refugees and others for economic gain.

Challenges to asylum

2. The NGO community is concerned about the sizeable resources asylum countries are using to adjudicate unmeritorious claims. But as Governments find ways to reduce these expenditures, we urge that they do not adopt policies that undermine the ability of genuine asylum seekers to lodge claims, and that any savings realized as a result of changed procedures are re-directed to protection initiatives aimed at helping refugees residing in other asylum countries.

II. TARGETED RESETTLEMENT ENHANCES PROTECTION OF AT-RISK REFUGEES

Targeted Evacuation and Resettlement (Congolese Tutsi caseload in Cameroon)

3. In late 1999, the IOM evacuated a large group of Congolese Tutsis who were deemed by the ICRC and the UN to be at risk of persecution on account of their ethnicity. Cameroon agreed to admit them temporarily, where they were interviewed by UNHCR, determined to be refugees, and referred for third-country resettlement. By all accounts, it

was an enormously successful operation and illustrates the value of acting proactively to limit bloodshed and persecution. While this type of international response should not be used if it is instead possible to limit/stop the violence in the country of origin, the model ought to be pursued when it is the best life-saving course of action available. NGOs recommend that model criteria and how-to action steps should be developed for use elsewhere.

UNHCR Referrals

4. UNHCR has the international mandate for refugee protection. Through the course of their work they inevitably identify individuals or groups of refugees in critical need of resettlement. Their ability to do so is dependent upon adequate resources and member State support:

- **ICMC Deployment Project:** This project provides strength and flexibility to UNHCR's Resettlement Section and field offices. Continued support and staff training are essential.
- **Emergency Resettlement Procedures:** Providing day-to-day protection and assistance to at-risk refugees is extraordinarily difficult for UNHCR field staff. Emergency resettlement processing procedures save lives and reduce pressure on UNHCR field staff, and should be maintained and even expanded.
- **Durable Solutions Project:** Working with local NGOs who have the greatest knowledge of vulnerable refugees for whom conditions of asylum are grossly insufficient, the pilot project in Pakistan endeavors to identify and refer for resettlement refugees who would otherwise not come to the attention of UNHCR. The project effectively expands the scope of UNHCR's information base and thereby increases their protection effectiveness.

III. RESETTLEMENT STRENGTHENS THE QUALITY OF FIRST-COUNTRY ASYLUM

Responsibility-Sharing in Germany

5. In 1996, the United States initiated a resettlement program in Germany for Bosnian refugees who had protection-based reasons for not wanting to return to Bosnia. UNHCR helped to define the selection criteria used by the United States. The main objectives of the program were to reduce the strain number of refugees in Germany and to provide an appropriate durable solution for many who had continued protection needs. Many believe that this program served to increase the quality of protection that Germany was able to offer to all of the refugees residing in its territory and was a concrete expression of responsibility sharing with a country of first-asylum.

Humanitarian Evacuation Program

6. The multi-national Humanitarian Evacuation Program (HEP) initiated in Macedonia in 1999 in response to the Government's threat that it would close its border to other asylum seekers unless other countries agreed to take a share of the refugees has had mixed reviews.

On the one hand, many Kosovar Albanian refugees were eager and grateful to access protection (either temporary or permanent, depending on the policies of the country of destination) and Macedonia did keep its border open to those fleeing Kosovo. On the other hand, the program was expensive, resulted in split families, was not completely fair, and enabled the Macedonia Government to violate basic international refugee principles. All in all, though, it provides a model that may be useful in other situations of massive and rapid refugee movement.

Direct Government Resettlement (also known as) Regional Asylum Procedures

7. The protection situation in many first-asylum countries is not always adequate for all refugees. In such countries, UNHCR recognizes that resettlement represents the best durable solution for a variety of refugees for a variety of reasons. This is certainly the case in Pakistan, in Kenya, in Jordan, etc. In these countries, UNHCR with the support of donor nations offer large-scale humanitarian assistance programs designed to improve the quality of asylum for hundreds of thousands, or even millions, of refugees. The assistance programs are then complemented and strengthened by a much smaller resettlement program. UNHCR identifies the refugees, and refers the cases to resettlement countries for permanent protection. Resettlement countries can improve program efficiency by interviewing refugees directly, pursuant to UNHCR criteria.

IV. REGIONAL RESETTLEMENT PROCEDURES SHOULD SUPPORT AND NOT LIMIT ASYLUM

8. Again, the existence of regional asylum/resettlement procedures should not be used as justification for denying protection to those refugees who travel extra-regionally to seek asylum at a distant border, unless the refugee has moved “irregularly.” (i.e. the refugee had already sought and received full asylum in another country and had not had to leave for valid protection reasons. See ExCom Conclusion 58.) Make no mistake about it: Signatories to the Refugee Convention have fundamental and affirmative obligations to those at their borders. Their willingness to initiate resettlement/regional asylum programs is positive, but only so long as the programs complement, and do not replace, traditional extra-regional asylum procedures.