

UNHCR Asylum Capacity Development (ACD) Evaluation

An Independent Evaluation of
UNHCR's Support for
Strengthening National Asylum
Systems

EVALUATION REPORT
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List of Abbreviations

AAP	Accountability to Affected People
AC	Asylum Capacity
ACD	Asylum Capacity Development
ACSG	Asylum Capacity Support Group
AGD	Age, Gender and Diversity
BRA	Ministry of Foreign Affairs [Morocco]
CD	Capacity Development
CFSI	Community and Family Services International
CNDH	National Commission for Human Rights
COMAR	Commission for Refugee Assistance
CRRF	Comprehensive Refugee Response Framework
CSO	Civil Society Organisation
DER	Division of External Relations
DGME	General Directorate of Migration
DIP	Division of International Protection
DHR	Division of Human Resources
DRS	Division of Resilience and Solutions
DSPR	Division of Strategic Planning and Results
EAf	Evidence Assessment Framework
EASO	European Asylum Support Office
EQ	Evaluation Question
ERM	Enterprise Risk Management
ERMS	Enterprise Risk Management Service
ES	Evaluation Service
EU	European Union
GCFF	Global Concessional Financing Facility
GCR	Global Compact on Refugees
GDS	Global Data Service
GLDC	Global Learning and Development Centre
GRF	Global Refugee Forum
HQ	Headquarters
IADB	Inter-American Development Bank
IASC	Interagency Steering Committee
IDA WHR	IDA 'Window for Host Communities and Refugees'
IDP	Internally Displaced Person

ILO	International Labour Organization
INGO	International Non-Governmental Organisation
IOM	International Organization for Migration
KI	Key Informant
KII	Key Informant Interview
LAC	Legal Assistance Centre
LenCD	Learning Network on Capacity Development
MENA	Middle East and North Africa
MoU	Memorandum of Understanding
NAS	National Asylum System
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
OECD DAC	Organisation for Economic Cooperation and Development's Development Assistance Committee
OIOS	United Nations Office of Internal Oversight Services
OMDH	Moroccan Organisation for Human Rights
PA	Participatory Assessment
PDES	Policy Development and Evaluation Service
PoC	Persons of Concern
QA	Quality Assurance
QAI	Quality Assurance Initiative
QI	Quality Initiative
QIEE	Quality Initiative in Eastern Europe and South Caucasus
QPP	Quality Protection Partnership
RBM	Results-Based Management
RG	Reference Group
RLO	Refugee-Led Organisation
RPRF	Refugee Policy Review Framework
RSD	Refugee Status Determination
RSD PP	Refugee Status Determination Practitioners' Platform
TCS	Transformation and Change Service
ToC	Theory of Change
ToR	Terms of Reference
UK	United Kingdom
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme

UNEG	United Nations Evaluation Group
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNSDCF	United Nations Sustainable Development Cooperation Framework
UNSDG	United Nations Sustainable Development Group

Executive Summary

Overview

This document summarises the findings, conclusions and recommendations of the Independent Evaluation of the United Nations High Commissioner for Refugees' (UNHCR's) Support for Strengthening National Asylum Systems. The evaluation was undertaken from January to December 2021.

The overall purpose of the evaluation is to review how UNHCR has fulfilled its objective to support and strengthen the capacity of national asylum systems in the period 2015–2020 and thereby improve the quality of protection for persons of concern and the sustainability of the systems that support this. It reviews UNHCR's experience globally and the lessons learned, and provides recommendations for UNHCR's role in national asylum capacity development with specific reference to Refugee Status Determination (RSD) policy and processes. The specific focus of the evaluation is on RSD; although in less detail, it also considers the related activities of registration and documentation (REG). In collaboration with UNHCR Division for International Protection (DIP), a spectrum of country situations and typologies of UNHCR's Asylum Capacity Development (ACD) activities is covered by the evaluation, including for example advocacy, legislative advice, institutional and infrastructure support, individual capacity support, asylum system monitoring and quality assurance (QA).

The evaluation has been built on a Theory of Change model of capacity development. The guiding principles for the evaluation have been that it is summative, formative, participatory and utilisation-focused.

The evaluation employed a mixed methods approach for data collection and analysis, including: a targeted document review, key informants interviews, a global online survey of UNHCR (mainly protection) staff members, a sample of 11 case study countries, of which Costa Rica, Morocco, Niger, Philippines, South Africa and the United Kingdom (UK) were in depth, and Azerbaijan, Ecuador, Israel, South Korea, Uganda lighter-touch, and interviews with a small number of asylum-seekers in Costa Rica and Niger. Four online sensemaking workshops were held with UNHCR staff and the Reference Group to sense-check and test the initial evaluation findings.

The evaluation was subject to a number of limitations: a stronger focus on RSD than on other aspects of asylum such as registration and documentation; remote working because of COVID-19 travel restrictions; case study selection, partly based on objective criteria but also influenced by pragmatic considerations; difficulty of accessing internal annual reports by country and regional offices; lack of an agreed set of output codes for ACD for financial evaluation; and the absence of prior ACD-related reviews and evaluations from which to draw.

Context

Building on the UNDG/UNDAF definition of capacity development as “the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt, and maintain capacity over time, in order to achieve development results”, the evaluation emphasises the individual, organisational and institutional dimensions of capacity development.

UNHCR has made significant policy and technical progress in ACD during the evaluation period. Recent global developments, such as the Global Compact on Refugees 2018, the Global Refugee Forum 2019 and the Asylum Capacity Support Group (ACSG), have reset the framework for interventions and modalities for supporting the development of national asylum systems. Likewise, institutional reforms that commenced in the second half of the evaluation period, including regionalisation and the results-based management system (COMPASS), presage potentially positive impacts on the planning and implementation of longer-term ACD processes.

An estimate of UNHCR’s financial expenditure on ACD over the five-year evaluation period illustrates its significance. Depending on the range of indicators, and with some caveats as to whether the indicators may include items that are not RSD/REG, lower and higher estimates of \$267 million (lower) and \$1.2 billion (higher) represent, respectively, 1.3% and 5.6% of total UNHCR expenditure in 2015–2020.

UNHCR faces significant exogenous challenges that impact its approach to ACD and place heavy pressure on the capacity of national asylum systems. These include: the rising numbers of refugees and asylum-seekers; the increasing complexity of displacement drivers and the processes of mixed and irregular migration; an increasingly restrictive environment for asylum that has emerged in many countries; and the COVID-19 pandemic, which has exacerbated these impacts.

Findings

UNHCR’s progress in developing a structured and systematic approach to capacity development of national asylum systems

Over the five-year evaluation period, UNHCR’s strategy for ACD has become more comprehensive and developmental, moving away from a focus largely on individual capacity development. This is a significant advance, even if UNHCR’s ACD is still largely training-focused in practice. Moreover, in the absence of a well-developed institutional development component in UNHCR’s strategy, ACD has advanced much further where pre-existing institutional capacity was able to make good use of ACD inputs.

The evaluation also finds that UNHCR tends to conflate the provision of extra capacity and capacity strengthening with capacity development and does not distinguish clearly between the developmental

effects of these actions. Only some types of capacity strengthening contribute to lasting improvements in national systems and ownership that outlast UNHCR's engagement in ACD.

The evaluation attributes these limitations, in part, to the lack of a clear definition of UNHCR's role in ACD and a stronger corporate endorsement of its ACD functions. On the other hand, organisational reforms under way in UNHCR (notably regionalisation, COMPASS, and the scaling-up of change management processes and expertise, including from UNHCR's Transformation and Change Service) may prove beneficial to ACD in the medium term.

In grounding ACD in asylum-seekers' rights, UNHCR carries out consultations and participatory assessments with asylum-seekers. But these processes do not generally cover their experiences of the asylum system, and where experiences of asylum processes are recorded, they do not feed directly into the design or implementation of ACD activities.

The evaluation recognises the potential of the ACSG, as a driver of the improvement of national asylum systems. This role would be enhanced if UNHCR could help to ensure that country-based ACD is closely coordinated with the ACSG mechanism.

UNHCR's strategic response to national demands for ACD

UNHCR's strategies for ACD have been more successful where the regional and national contexts for asylum have proven more favourable; conversely, it has made much less progress where they are not manifest. More favourable conditions include: state commitment to quality asylum; moderate to low caseloads; the capacity and quality of the current asylum system; positive national and public attitudes to the protection environment; and UNHCR credibility in the country.

Manifesting strategic adaptation to the political and operational contexts for ACD, UNHCR has adopted a flexible, responsive and bespoke model for engaging with national governments on technical and operational efforts for ACD to strengthen national asylum systems. This approach enables the organisation to adapt strategically to the political and operational contexts. Indeed, the evaluation observes that UNHCR's approach to ACD is underpinned by a well-developed understanding of the political context of asylum in each country.

Unfortunately, and consonant with a recently completed evaluation of UNHCR's Engagement in Humanitarian-Development Cooperation (2021), this flexible model does not necessarily produce better protection outcomes. UNHCR can often find itself 'between a rock and a hard place' when it comes to promoting ACD in more constrained operating environments, where UNHCR's ACD support does not always generate better protection environment for asylum-seekers and refugees. This can leave UNHCR managers in a difficult position, continuing to invest in unproductive ACD efforts without (seemingly) a way to change course.

UNHCR's advocacy for ACD is extensive, and the evaluation has found that the impact of UNHCR's advocacy for ACD greatly increases when part of an intergovernmental process. UNHCR is smart at using political openings but less adept at more indirect methods such as building or joining networks or partnerships that can also exert more influence on ACD.

The COVID-19 pandemic has had severe and continuing impacts on asylum systems and ACD efforts. UNHCR's response has been pragmatic and context-specific, encouraging and supporting states to retain functioning asylum systems. The widespread lack of access to technology is a barrier to conducting ACD effectively during the pandemic. UNHCR has yet to strategically assess the developmental opportunities and limitations for ACD presented by digital technology.

The effectiveness of UNHCR efforts in developing national asylum systems capacity

In evaluating the implementation of capacity development strategies, the country case studies furnish strong evidence of UNHCR's effectiveness in the systematic application and implementation of wide-ranging tools, practices and technical guidance to promote ACD with national governments. There are good linkages between Headquarters (HQ), Regional Bureaux and Country Operations, and these activities are supported by experienced protection staff in these offices. Quality Assurance Initiatives (QAIs), particularly those that are region-based, have proven to be a valuable tool in advancing the capacity of national asylum systems.

Nevertheless, despite significant efforts at capacitating national governments, in general UNHCR's effectiveness in establishing sustainable national asylum capacity that is fully supported by government staff and budgets has been limited. Whereas UNHCR has been relatively successful at technical capacity-building for individuals, it has had more limited impact in developing institutional capacity. National asylum systems cannot become sustainable unless they are embedded in government structures and in ministerial budgets. But the evaluation observes that UNHCR faces challenges in encouraging governments to adequately finance, staff and resource national asylum systems. A tendency to form parallel asylum systems outside the government structure is a sign of, and tends to exacerbate, limited government ownership of the asylum system.

With exceptions, continuing dependency on UNHCR support for ACD, often extending over many years, has seldom yielded transition strategies for national asylum systems; capacity uptake and buy-in from governments are both limited. In addition, in countries with fully developed asylum systems, UNHCR's supervisory role provides only limited scope to influence policy direction and strategies.

Moreover, UNHCR's pragmatic and adaptive approach to ACD hampers the capture and transfer of the wider lessons learned.

There is a gap in the measurement of the outcomes achieved by UNHCR's ACD activities. This is limiting the accountability of both UNHCR and national institutions that received assistance, and also

limits the scope of for learning and improvement. As an illustration, UNHCR does not collect data on the effectiveness of ACD training for improving the quality of asylum systems, even though there are widely reported concerns and questions raised regarding its impact. Similarly, there is widely-held concern about the efficiency and effectiveness of the national (asylum or eligibility) commissions that are responsible for RSD decision-making.

The evaluation found that UNHCR's support for the development and operation of registration systems was viewed positively and that UNHCR often plays a critical operational role in helping to develop field capacity for registration to improve access for asylum-seekers and refugees.

The extent to which UNHCR has equipped itself to support national asylum systems capacity development

UNHCR has strengths and assets that together make it uniquely placed to contribute to ACD, including its global mandate and voice, protection expertise, political awareness and convening power. Against this backdrop, and despite the technical strengths of RSD staff, at an operational level evidence indicates that many lack training in the core skills of capacity and institutional development required for delivering ACD. Staff rotation also impairs the delivery of ACD, given its long-term nature.

Nevertheless, UNHCR delivers a wide variety of training related to asylum capacity, both in content and style. UNHCR has developed modular approaches to classroom and online training and has coupled the training with various learning strategies, especially on-the-job learning. A focus on individual capacity development has persisted in UNHCR ACD (identified in the 2020 Evaluation of UNHCR's Approach to Learning and Development for Workforce and Partners), driven by incentives for both UNHCR and governments.

UNHCR's Country Operations and Regional Bureaux have established a range of partnerships to support some capacity development strategies, but not all. There is an evident gap in partnerships that encompass institutional capacity development in particular. International collaboration and partnerships offer new opportunities and challenges to support UNHCR development efforts to strengthen national asylum systems. Nonetheless, UNHCR has yet to fully consider the potential such collaboration offers, though the partnership with the World Bank offers some positive indicators of what partnerships with influential development actors might offer.

UNHCR's ability to capture and use its learning to improve its asylum capacity strengthening strategies and practices

UNHCR has an active learning culture within its RSD and registration functions. Lessons learned have been used to improve UNHCR's internal training, tools and systems for ACD and to advance changes to national asylum systems, working with national authorities and with partners.

Nevertheless, UNHCR has underinvested in analysis and evaluation of how effective ACD has proven

in terms of positive impacts for asylum-seekers. In addition, UNHCR has not generated enough learning about how to overcome the principal barriers to ACD that would support its case for building sustainable institutional capacity for ACD and decreased dependency on UNHCR.

Conclusions

The evaluation concludes that over the evaluation period, UNHCR has enhanced, developed and implemented an array of relevant and effective processes, systems and technical support facilities. These efforts have contributed to strengthening national asylum systems. Internal reform processes offer further significant potential to support ACD by tackling some of the structural limitations, identified in this evaluation, that currently impair UNHCR's work on ACD.

At the same time, some significant constraints have limited further progress on ACD. These pertain to both strategies for ACD (notably concerning institutional development) and the operational demands of supporting national asylum system development.

UNHCR's progress in developing a structured and systematic approach to capacity development of national asylum systems

There is a capability gap in UNHCR's understanding and engagement with capacity development concepts and processes and how these might be applied to support the capacity development of national asylum systems. UNHCR needs greater conceptual clarity about ACD, based on a Theory of Change for ACD which UNHCR has yet to develop. UNHCR's toolkit is stronger in analysing and enhancing the technical capacity of asylum systems but much weaker in its approach to building their institutional capacity/sustainability. Accordingly, UNHCR's ACD approach is relatively effective where national institutional capacity is already moderately high, and less effective where institutions are weak.

On the need to strengthen the voices of asylum-seekers in their experience of asylum systems and asylum systems design, the evaluation concludes that further implementation of Accountability to Affected People (AAP) principles could increase the weight UNHCR gives to this objective.

While a review of the performance of the intergovernmental ACSG mechanism was outside the scope of the evaluation, an assessment of UNHCR support to the ACSG was within scope. The evaluation concurs with proposals made in the recent ACSG stocktaking exercise that the ACSG mechanism is likely to be most effective where it aligns with in-country coordination and support from various stakeholders: this will help to ensure that there is synergy between the ACSG mechanism and other elements of a national strategy for ACD.

UNHCR's strategic response to national demands for ACD

UNHCR is responsive to government requests for support to ACD, with the evaluation also concluding that UNHCR is well equipped to propose reforms that are relevant to weaknesses in the asylum systems. Moreover, UNHCR responds well in providing additional capacity when requested to support national asylum systems.

Nevertheless, even with a relatively well-developed toolkit, implementing a comprehensive, long-term framework for developing and sustaining a state's asylum capacity has proven possible in only a few countries, because governments often lack the political will to address structural weaknesses in their asylum systems. UNHCR could enhance its strategic response to ACD by paying greater attention to these weaknesses. Instead, by design or default, UNHCR has adapted a tactical and opportunistic rather than strategic approach to ACD, which is often appropriate in achieving tangible short term 'wins' in terms of improved policy and legislation, improved skills in asylum institutions or better conditions for asylum-seekers. But this does not achieve sustainable state-owned asylum capacity.

Overall, the strategic choices UNHCR makes for greater or lesser engagement seldom appear to offer a clear rationale or prioritisation. However, it is clear that UNHCR treads a fine line between managing the tension between protecting and upholding the protection standards and rights of asylum-seekers while also supporting government-led improvements in their asylum processes.

The effectiveness of UNHCR efforts in developing national asylum systems capacity

While the range and scope of UNHCR's ACD activities is extensive, nevertheless the corollary is that many countries are still very dependent on UNHCR financial and human resources and training, often with no clear strategy or planned end date for these activities for capacity development. Within this context, it is the level of political commitment by governments to improve their asylum laws and systems that is the overriding determinant of the effectiveness of ACD. Moreover, for a national asylum system to become sustainable, it needs to be tied into national development planning and the relevant institutions should be on the national budget.

Unless the environment for asylum is positive, the evaluation suggests, UNHCR can find itself with limited influence over states' policies on asylum – all the more so once management of the asylum system has passed to the state. In unfavourable asylum contexts, UNHCR has continued to give technical and financial support to governments that have had little or no effect and where, in some cases, the quality of asylum is deteriorating. UNHCR's commitment to these investments to make sure asylum-seekers continue to be protected has some merit but reflects the limits of its ability to challenge or change the asylum status quo. In other circumstances, UNHCR uses 'quiet diplomacy' to influence government policy and practice, with mixed results.

At an operational level, although the evaluation emphasises the high professional quality of protection staff, the effectiveness of UNHCR's ACD is also hampered by the lack of enough staff with sufficiently high skills levels to address the range of institutional and technical challenges involved in a comprehensive approach to ACD.

Similarly, the effectiveness of UNHCR's ACD activities would be better assessed if UNHCR collected the data required to judge the efficacy of their impacts and to assess the impact of ACD expenditures. Outputs and outcomes of UNHCR's ACD activities are not systematically or consistently measured over time to enable UNHCR to assess the effectiveness of its interventions in developing the capacity of national asylum systems and, ultimately, in improving protection outcomes for asylum-seekers and refugees.

The extent to which UNHCR has equipped itself to support national asylum systems capacity development

UNHCR's competence to undertake technical elements of ACD is well-established and recognised, and HQ staff expertise and knowledge, consulted by Regional Bureaux and Country Offices for strategic and operational/technical guidance, are highly valued and accessible. These resources are complemented by skilled registration and RSD staff at Regional Bureaux and Country Office levels. However, capacity development is the missing core skill for protection staff charged with supporting the development of national asylum systems. UNHCR staff could also benefit from further developing skills in political economy analysis in order to assess the factors that shape a government's commitment to developing and owning its national asylum system.

UNHCR's new RBM system, COMPASS, could prove to be a major step forward in equipping UNHCR to support ACD more effectively, provided that there is extensive staff training tailored to the specific needs of ACD.

The scale of UNHCR training outputs on asylum-related topics over the evaluation period is impressive. Yet, UNHCR staff understanding of capacity development remains uneven. UNHCR might be better equipped to undertake capacity development when the planned online training is implemented.

A consistent and largely effective element of UNHCR's strategic response has been to develop partnerships with non-governmental organisations (NGOs) and civil society organisations (CSOs) to support its ACD efforts. However, it has yet to give serious consideration to how partnerships with international and regional multilateral and bilateral development organisations could provide greater influence and longer-term support to buttress its own efforts for building the public sector institutional capacity of national asylum systems.

UNHCR’s ability to capture and use its learning to improve its asylum capacity strengthening strategies and practices

The active learning culture within RSD and the registration functions has enabled UNHCR to enhance ACD training, tools and systems which in turn have helped to promote changes to national asylum systems. However, the underinvestment in analysis and evaluation of the effectiveness of ACD efforts, and whether these efforts have produced positive outcomes for asylum-seekers, means UNHCR has not generated enough learning about how to overcome the principal barriers to ACD.

Recommendations

Based on the evaluation findings, the following recommendations are presented with a view to enabling UNHCR to further develop its strategic thinking and approach to the capacity development of national asylum systems and to better equip itself with techniques, processes, models and skills to support states more effectively in the development of their national asylum systems. It is proposed that DIP should lead the implementation of the recommendations in collaboration with other relevant UNHCR Divisions, Services and Offices for which indicative suggestions are included.

	Recommended actions	Indicative Responsibility
1	Seek high-level endorsement for a policy and strategy statement on the scope and role of UNHCR’s role in ACD	<i>DIP, Global Data Service (GDS), Division of Strategic Planning and Results (DSPR)</i>
2	Revise and expand UNHCR strategy and guidance on ACD, building on existing documents and tools	<i>DIP, GDS, DSPR and Division of Resilience and Solutions (DRS)</i>
3	UNHCR should take a more strategic, performance-driven approach to ACD	<i>DIP, GDS, DSPR, Regional Bureaux, Country Offices</i>
4	UNHCR should extend its collaborative efforts and, where appropriate, form and coordinate partnerships with development organisations (local and international) to work together on country approaches to ACD and to strengthen the institutional capacity of its national asylum counterparts	<i>DIP, Division of External Relations (DER), DRS, Country Offices and Regional Bureaux.</i>
5	UNHCR should develop strategies and methods to monitor its performance in ACD	<i>DIP, GDS, DSPR and Regional Bureau support</i>
6	UNHCR should ensure that detailed attention is given to assessing the risks associated with ACD at country and global level	<i>DIP, GDS, with Country Offices, Regional Bureaux, and technical support from Enterprise Risk Management Service</i>

7	Request UNHCR internal auditors to include the functioning and value for money of national eligibility commissions and related appeal structures in audits of UNHCR Country Operations that support such commissions	<i>DIP, GDS, Country Offices, with United Nations Office of Internal Oversight Services (OIOS)</i>
8	Trial the use of third-party actors to consult with asylum-seekers on their experience of the asylum system to ensure ACD remains relevant to their needs and on the design of future ACD projects to inform country programme planning	<i>DIP, GDS</i>
9	UNHCR should equip relevant protection staff in change management and institutional capacity development related to national asylum systems	<i>DIP, Division of Human Resources (DHR), Country Offices, Regional Bureaux and Global Learning and Development Centre (GLDC)</i>
10	Complete the development and implementation of an online learning programme on ACD for UNHCR staff, and potentially for government counterparts	<i>DIP, with GLDC and DHR</i>
11	Increase the number of internal and external reviews and evaluations of ACD efforts, engaging stakeholders beyond UNHCR, to generate more evidence of what does and does not work	<i>DIP</i>
12	Undertake further analysis of the Quality Assurance Initiatives (QAIs) implemented in the Americas and Europe, and expand the most successful aspects for application elsewhere	<i>DIP, GDS, Regional Bureaux</i>

1 Introduction

1.1 Introduction and outline of the report

States have the primary responsibility for protecting those seeking international protection and Refugee Status Determination (RSD) on their territory.¹ Accordingly, developing and strengthening the capacity of national asylum systems that enable states to undertake responsibility for protection and, notably, RSD has been an enduring objective of the United Nations High Commissioner for Refugees (UNHCR) in its efforts to address the protection, assistance and solution needs of refugees and asylum-seekers. This objective is underpinned by UNHCR's supervisory role in the implementation of the 1951 Convention.

This evaluation, "Asylum capacity development (ACD) evaluation: an independent evaluation of UNHCR's support for strengthening national asylum systems", assesses how UNHCR has fulfilled this objective. The specific focus of the evaluation is on RSD, although – in less detail – it also considers the related activities of registration and documentation.

The purpose of this evaluation is to review UNHCR's experience, learn lessons and provide recommendations for UNHCR's role in national asylum/RSD capacity development to support the protection needs of refugees and asylum-seekers.

This report presents the findings, conclusions and recommendations of the evaluation and is structured as follows:

- **Section 1** outlines the overall purpose and objectives of the evaluation.
- **Section 2** examines the setting and context for UNHCR's engagement in ACD. It highlights relevant global developments, such as the Global Compact on Refugees (GCR) and the Global Refugee Forum (GRF), and the external challenges the organisation faces in promoting national ownership of asylum systems. It considers the different typologies for ACD.
- **Section 3** presents the approach, methodology, case study selection and data collection processes for the evaluation. It considers the main Evaluation Questions (EQs) and a Theory of Change (ToC) approach, including its application – which, we propose, underpins ACD. The limitations of the evaluation are also considered. An analysis of expenditure on ACD over the evaluation period is presented.

¹ UNHCR (2020b).

- **Section 4** draws on evidence from country case studies,² key informant interviews (KIIs), a global online survey of practitioners (survey report in Annex 7), a document review and an analysis of financial expenditure (full report in Annex 8) to provide the core of the evaluation, which details the analysis and findings around the five EQs. It evaluates the role of policy and strategic factors at corporate level that have governed the development of asylum capacity of national systems. It elaborates and evaluates UNHCR's effectiveness in implementing ACD for national asylum systems and its strategies to engage with, maintain, and hand over responsibility for national asylum systems to governments.
- **Sections 5 and 6** present the conclusions and recommendations, structured around the five main EQs. Section 5 provides conclusions on the relevance, coherence and effectiveness of UNHCR's approaches to ACD and the lessons learned. Section 6 presents 12 recommendations to provide direction for UNHCR's future role in national asylum/RSD capacity development.

1.2 Evaluation objectives, scope and intended users

The five **objectives** for the evaluation set out in the terms of reference (ToR) (Annex 1) are:

1. **Concepts:** To determine how well-established and clear UNHCR's concept of capacity development is in the context of strengthening national asylum/RSD systems.
2. **Strategic approach:** To establish how coherent and strategic UNHCR's overall approach to capacity development in national asylum systems has been.
3. **Effectiveness:** To determine where and how UNHCR has effectively built national asylum/RSD capacity that has resulted in an effective and sustainable system.
4. **UNHCR capacity and systems:** To assess the extent to which UNHCR's own capacity, structures and processes are aligned and fit for purpose in supporting national capacity development.
5. **Lessons and use of learning:** To highlight best practices and lessons and to generate recommendations that provide a clear direction for UNHCR's future role in national asylum/RSD capacity development.

These objectives structure the five EQs – elaborated in Section 3 – and are used to organise the findings, conclusions and recommendations presented in Sections 4, 5 and 6.

²The country case studies are internal documents to UNHCR and not published publicly. Country reports are collated in Annex II (internal document).

The evaluation team has located these ToR in the wider context of UNHCR's mandate and the 1951 Convention to strengthen and improve its own and states' capacities to receive and protect refugees, leading to more favourable protection environments.

The **subject scope** of this evaluation, ACD, refers to a range of UNHCR's activities and actions that aim to increase government ownership of national asylum systems, government capacity to manage asylum systems and quality improvement of asylum, including progressive handover of responsibility from UNHCR to government, and UNHCR's supervisory role.³ More specifically, the evaluation focuses on the key aspects of an asylum system related to acquiring refugee status, and has therefore confined the scope of the term 'ACD' primarily to include RSD (including Referrals and Appeals), with only limited discussion of registration and documentation – a limitation of the evaluation noted in Section 3.3.6.

It is not an evaluation of government capacity but of UNHCR's role and contribution in developing that capacity.

The **scope of asylum systems** covered by the evaluation includes the spectrum of evolving national asylum systems, including situations where: (a) systems where states have not assumed responsibility for RSD under national law but where there is a movement towards assuming responsibility, and where UNHCR has started to initiate capacity-related work in support of this transition; (b) systems that are partially developed but not yet fully functional and where UNHCR continues to support components of the asylum system; and (c) fully developed asylum systems for which states are responsible, and where UNHCR plays a supervisory role.

Situations where RSD has been implemented exclusively by UNHCR under its mandate, and/or where there is no or minimal ownership of the asylum system by national authorities, are outside the evaluation scope, in line with the ToR.

The **temporal scope** primarily covers the period between 2015 and 2020 inclusive; however, where relevant, documentation prior to this period as well as the institutional developments relevant to ACD during 2021 are also considered.

The **geographical scope** of the evaluation is global, with case study countries selected from across UNHCR's regions. The case study countries selected for this evaluation are Costa Rica, Morocco, Niger, Philippines, South Africa and United Kingdom (UK) (see Section 3 for more detail).

The **primary audience for this evaluation** includes UNHCR's Division for International Protection (DIP), other UNHCR Divisions, Regional Bureaux, Country Offices and all protection staff in UNHCR,

³ This text was agreed with UNHCR (RSD-DIP) as a working definition of ACD.

as input to their ongoing capacity development support for national asylum systems, including the work of the Asylum Capacity Support Group (ACSG). However, **the findings and recommendations will also be of value to other stakeholders** engaged with asylum system development and processes and with RSD: states; international organisations, e.g. the International Organization for Migration (IOM) and the International Labour Organization (ILO); intergovernmental bodies, e.g. World Bank, African Union and European Union; international non-governmental organisations (INGOs), non-governmental organisations (NGOs) and civil society organisations (CSOs) involved in rights protection and advocacy for asylum-seekers and refugees; and international and national organisations representing relevant professions such as the judiciary.

2 ACD – setting the context

This section of the report first explores some of the key conceptual and operational parameters of capacity development that have guided the evaluation approach, based on a literature review and the experience of the evaluation team. It then examines UNHCR’s approach to and the main directions of ACD, and the different typologies for ACD that were proposed in the ToR and which are considered in the evaluation. The section also outlines the main contextual factors that mediate UNHCR’s engagement in capacity development for national asylum systems. Relevant global developments and the external challenges the organisation faces in promoting the development and supervision of asylum systems are highlighted. Finally this section presents an estimate of expenditure on ACD over the six-year evaluation period.

2.1 Brief introduction to capacity development

This evaluation builds on theories and practices of capacity development in general, and more specifically their application to the subject of the evaluation, which is UNHCR’s work on ACD.

To provide context to UNHCR’s approach to ACD, the evaluation has reviewed some of the theory on good practice in capacity development. Since the 1990s, literature on capacity development has increasingly emphasised ‘systems thinking’, that is, seeing the organisation as an integrated whole in which components interact, rather than trying to build elements of capacity in isolation. The literature emphasises that capacity results from “a complex interplay of attitudes, assets, resources, strategies and skills, both tangible and intangible [requiring] complex technical, organisational and social activities that could not be addressed through exclusively functional interventions”.⁴

From 2003 to 2009, development institutions, including the United Nations Development Programme (UNDP), the World Bank and others, delivered all the principal guidance documents on capacity development in international development, all of which emphasise the need to address capacity in a comprehensive way.⁵ A United Nations Development Group/United Nations Development Assistance Framework (UNDG/UNDAF) companion guide on capacity development⁶ from 2016 includes the following definitions pertinent to the evaluation: **Capacity** as *the ability of people, organisations and society as a whole to manage their affairs successfully*; **Capacity development** as *the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt, and*

⁴ Baser, H. and Morgan, P. (2008).

⁵ Including a series of studies of capacity development undertaken by the Organisation for Economic Cooperation and Development’s Development Assistance Committee (OECD DAC) Network on Governance, including: (2005) “Living up to the capacity development challenge”; (2006) “The challenge of capacity development”; (2006) “Power and drivers of change: using political economy analysis to improve aid effectiveness”.

⁶ UNDG (2017), p.5.

*maintain capacity over time, in order to achieve development results,*⁷ and **Capacity assessment** as *the identification of capacity assets and needs at national and local levels.* UNHCR has adopted the United Nations Sustainable Development Group's (UNSDG's) definition of capacity development.

Historically, UNHCR has had a uniform and strong culture of delivery that reflects its humanitarian nature and emphasises the achievement of practical results in a short time frame. This is a trend observed elsewhere, as – according to McKinsey – non-profit organisations tend to prioritise programme execution over institutional development and are often hampered by a simple lack of knowledge about how to build capacity.⁸ Conversely, United Nations (UN) guidance on capacity development (including UNHCR's) tends to set out process steps (assess, plan, implement, review) without explaining how change is achieved.

Many organisations have relied on training as their main tool for capacity development. The research literature on human resource development is unanimous that training as the principal route to capacity development has serious limitations. “Training an individual does not ensure that this training is then implemented in the workplace. Capacity development must be broader to address improvements in systems”.⁹ The literature also notes that capacity development initiatives tend to see the improvement of individual capacity as the central goal with “the view that organisational capability is limited by individual capacities [...] but in many instances, it is obvious that the capacity of individuals is not the key constraint.”¹⁰ The evidence base for how capacity development is best conducted is not strong¹¹ and comprehensive – lasting capacity development is a difficult, political, imprecise and organic process, subject to advances, false starts and setbacks.

2.2 UNHCR's approach to ACD

2.2.1 UNHCR's guidance and tools for ACD and RSD

UNHCR has been engaged in developing policies, tools and procedures for ACD, and more specifically for RSD, for many years. Amongst the first multi-country initiatives was the UNHCR Strengthening Protection Capacity Project (2005–2010), which covered 14 countries¹² and included

⁷ UNDG prefers the term ‘capacity development’ over ‘capacity-building’, because ‘capacity-building’ suggests that there is no or little existing capacity and so it has to be built. The term ‘capacity development’ suggests that there already is a lot of capacity on the part of the government, which will merely be developed or enhanced. In practice, there is no discernible difference between guidance on capacity-building versus guidance on capacity development.

⁸ Venture Philanthropy Partners (2001).

⁹ UNDP (2019). See also Beer, M., Finnström, M. and Schrader, D. (2016).

¹⁰ Andrews et al., p.85.

¹¹ “The evidence base for capacity development is fragmented and patchy. There have been few rigorous studies and evaluations explicitly on capacity development”. DFID (2013).

¹² Africa: Benin, Burkina Faso, Burundi, Kenya, Tanzania, Zambia; Asia: Thailand; Europe: Armenia, Azerbaijan, Georgia; Middle East: Egypt, Yemen; Latin America: Bolivia, Ecuador.

asylum-related elements – legislation, admission and registration and documentation – and RSD – training, equipping, providing premises, and access to country information for government. The need to assess capacity gaps before investing in ACD has long been recognised, since at least the 2005 “Framework for identifying gaps in protection”.¹³

UNHCR is now well equipped with technical resources on RSD, some of which touch on ACD. Key documents include:

- UNHCR’s 2011 document “Building in quality: a manual on building a high quality asylum system”, co-developed with and focused on the European Union (EU), takes a strongly training-based approach to capacity development¹⁴ but also endorses quality assurance (QA) processes that had already been adopted in support of improvement of asylum systems quality in Eastern Europe and the Caucasus and in Latin America (see Box 12). Institutional and political elements of capacity development were not part of the manual.
- The 2017 “Guide to international refugee protection and building state asylum systems” is a comprehensive resource on RSD, covering in detail refugee protection, the roles and responsibilities of states, the laws and standards that apply to refugees, developing state asylum systems, and managing the border and regulating the entry of refugees. However, the handbook includes no practical guidance on capacity development.
- The 2018 document “Refugee status determination backlog prevention and reduction” points to the challenges, shared in many general RSD settings, of systemic issues and inefficiencies (staffing, resources, management, infrastructure, case management tools and techniques, etc.).
- In 2020, UNHCR published an updated “Procedural standards for refugee status determination under UNHCR’s mandate” as well as “Aide-memoire & glossary of case processing modalities, terms and concepts applicable to refugee status determination [RSD] under UNHCR’s mandate”, which also covers case processing modalities, terms and concepts.
- On refugee documentation, UNHCR has also consolidated its approach with online “Guidance on registration and identity management” (undated).
- In 2021, UNHCR DIP RSD Section/Regional Bureau Middle East and North Africa (MENA) Protection Service prepared an internal document: “Observations on the use of the procedural

¹³ Designed to assess: receptive, legal, political and social environment; admission in safety to the country of refuge; refugees and asylum-seekers are registered as soon as possible; a legislative framework to fairly and efficiently determine claims to protected status; protection from the threat of violence, coercion or deliberate deprivation; protected status is legally recognised; free movement; assistance in meeting protection needs; equal benefit and protection of the law; ability to achieve self-reliance and to contribute to the host country; opportunities for durable solutions are actively engaged.

¹⁴ UNHCR (2011a).

standards for RSD under UNHCR’s mandate in the context of national asylum systems”. It provides advice on why and how UNHCR can utilise the RSD procedural standards in devising advocacy strategies for the strengthening or developing of national asylum systems.

2.2.2 UNHCR’s responsibility for ACD

UNHCR works with states having a wide variety of asylum systems in place, adapting its approach to ACD according to context, including situations where: there is no national system and UNHCR conducts RSD under its mandate; UNHCR conducts RSD and registration jointly with the government; it works with states that have well-established asylum systems. In 2019 the number of states and territories implementing national asylum procedures was 116 (as outlined in the ToR).

UNHCR considers ACD to be a fundamental part of its protection mandate, based in its supervisory role premised on article 35 of the 1951 Convention and paragraph 8 of the UNHCR Statute. States have recognised and repeatedly reaffirmed the need for cooperation within the international community to achieve international protection goals, including in ExCom conclusions.¹⁵

From 2015 (the start of the evaluation period), and following a Policy Development and Evaluation Service (PDES) review in 2014 of UNHCR’s support to states’ assumption of responsibilities for RSD,¹⁶ UNHCR’s DIP adopted a new approach to RSD. Set out in the RSD Section’s document “Mission and strategic direction”¹⁷ was a broader, more institutional development approach for transitioning to state responsibility for RSD, supported by proposals for a toolbox and a repository of knowledge developed by DIP.

Subsequently, the “Guide to international refugee protection and building state asylum systems”¹⁸ and a UNHCR document “Capacity development approach in the context of RSD: a cheat sheet”¹⁹ (unpublished but internally available to operations through the RSD Practitioners’ Platform (RSD PP)) set out the parameters of state asylum systems and core issues for capacity development following UNSDG’s accepted definition already cited above.

¹⁵ Articles 35 and 36 of the 1951 Convention, Article II of its 1967 Protocol and Article VIII of the 1969 OAU Refugee Convention contain the corresponding treaty obligations of states in this area. Strengthening national asylum systems, particularly national RSD procedures, has been repeatedly emphasised in different fora as a function inherent in UNHCR’s international protection mandate. See Türk, V. (2010).

See also UNHCR (2002b). ExCom Conclusions in UNHCR (2014a), pp. 12–13, 70–72.

¹⁶ UNHCR (2014a).

¹⁷ UNHCR (2015a) – internal document; UNHCR (2016a) and UNHCR (2016b) – external documents.

¹⁸ UNHCR (2017a).

¹⁹ UNHCR (2018a).

2.2.3 UNHCR’s ACD activities – an overview

At the start of the evaluation, the evaluation team, with support from DIP, reviewed a comprehensive schedule of ACD activities and developed a typology for ACD²⁰ – presented in **Error! Reference source not found.** – that covers situations where UNHCR has played one or more of the outlined functions to support national governments in developing their asylum capacity.²¹ Capturing these different situations has been one criterion for the selection of the case studies (Section 3.2) and is used to detail the findings in Section 4, notably in subsection 4.3 which examines how these resources have been applied.



Figure 1: Typology of ACD activities

Beyond the immediate functional objectives, ACD also serves other less explicit purposes that can underpin the robustness and quality of protection. Developing the asylum capacity of states offers the

²⁰ This typology develops a fuller and more systematic framework of activities based on the original outline in UNHCR’s 2015 Mission and Strategy.

²¹ Annex 2 provides more details of the scope of activities contained in the typology outlined in Figure 1.

potential to generate an environment for rights-based approaches for persons of concern (PoC) from the outset, upon which legal frameworks and processes for protection can be established; for example, better documentation can help to prevent refoulement and arbitrary arrest. ACD can also be an entry point to access other rights for refugees and PoC, to progress to other legal statuses, and to durable solutions. ACD is an important vehicle for partnerships that bring together state authorities, donors, civil society actors and other UN agencies, who all have a role to play in providing protection and facilitating sustainable responses envisaged in the GCR. Multi-agency engagement in ACD enhances transparency and accountability.

2.3 Context and challenges to ACD

2.3.1 Key developments during the evaluation period

The New York Declaration on Refugees and Migrants was adopted by the UN General Assembly in September 2016.²² It marked the launch of an extensive global reconfiguration of humanitarian and developmental responses to the needs and impacts of refugees. The development of national asylum capacity is firmly located within this new landscape, which reset the framework for interventions and modalities for supporting the development of asylum systems. This dynamic is evident in several interlinked initiatives in which ACD is embedded:

- The Comprehensive Refugee Response Framework (CRRF), which includes ACD as a component of the framework, first described the 2016 New York Declaration;²³
- The GCR,²⁴ which reinforces the importance of developing asylum capacity but, significantly, also frames ACD within the wider policy context of development-led responses to large-scale and protracted refugee displacement, and of wider systemic changes to refugee governance, notably responsibility sharing;
- The GRF, established by the GCR for states and other actors to come together every four years to share good practice and contribute with financial support, technical expertise and policy changes to help reach the goals of the GCR. The 2019 GRF²⁵ added momentum to ACD, with over 50 pledges on strengthening asylum systems;
- The ACSG,²⁶ a “matching and interface mechanism” (established at the GCR and launched at the first GRF in 2019), which is based on promoting and coordinating state-to-state exchange and support for developing asylum capacity.

²² www.unhcr.org/584689257.pdf

²³ UN (2016).

²⁴ UNHCR (2018b).

²⁵ www.unhcr.org/uk/global-refugee-forum.html

²⁶ <https://acsg-portal.org/>

The evaluation recognises the significance of these developments, and their impact on UNHCR's approach to ACD is developed in the findings in Section 4.

2.3.2 Organisational context

UNHCR is currently engaged in a series of institutional reforms, some of which have a bearing on the evaluation, including the following:

- Regionalisation, started in 2019, has commenced a process of decentralising the organisation's activities, giving more autonomy to Regional Bureaux and Country Operations and improving the speed and responsiveness of service delivery by shifting this closer to the field and beneficiaries. Decentralisation aims to bring operational responses closer to the field in support of the GCR and, of the three main aims of the process, the first – ensuring more effective protection to refugees and other persons of concern – is of particular relevance in the context of ACD.
- UNHCR is rolling out a new results-based management (RBM) system (COMPASS). In the planning process, operations are required to report on core indicators common to all operations as well as core indicators in the outcome areas in which they are working. In addition, operations have the ability to define their own impacts, outcomes, and inputs aligned to multi-year budgeting is being tested and will be rolled out to all offices within three years. Within certain parameters, Country Offices will have the freedom to define their own results, based on a ToC. In addition, multi-year budgeting is being introduced, initially in 23 countries and subsequently to all operations within three years.

Depending on their implementation, these reforms might impact positively on the planning and implementation of longer-term ACD processes, on the measurement of outcomes, and on the better assessment of value for money in UNHCR's ACD activities.

2.3.3 Operating context

The contextual analysis also points to a number of significant exogenous challenges that have conditioned and continue to impact UNHCR's approach to ACD. First, these developments take place against a context of mass displacements preceding and during the evaluation period, notably from Syria, Afghanistan and South Sudan and Venezuela, and mixed migration from and across many regions. Together with the rising numbers of refugees and asylum-seekers, the increasing complexity of displacement drivers and the patterns and processes of mixed and irregular migration are trends placing heavy pressure on the capacity of national asylum systems. In 2020, there were 4.1 million

asylum-seekers at the end of the year, one million new, first instance, individual asylum applications were registered,²⁷ and large backlogs existed in a number of countries.²⁸

Second, over the evaluation period, an increasingly restrictive environment for asylum has emerged in many countries, including the ‘Global North’, which has led to the promotion of policies of pushing asylum-seekers back to transit or first asylum countries, which in turn puts pressure on the asylum systems of these countries.

Third, the COVID-19 pandemic has exacerbated these impacts – discussed in the findings under EQ2. By closing their borders to control the spread of the COVID-19 virus, states have significantly constrained access for people seeking asylum. The effects of the pandemic have placed additional pressure on national asylum system capacities, causing additional backlogs as well as limiting the scope to strengthen asylum systems.

These developments and impacts emphasise the timeliness of this evaluation.

2.4 UNHCR ACD evaluation expenditures related to ACD and asylum capacity 2015–2020

The significance of ACD as part of UNHCR’s portfolio of activities is reflected in the level of financial expenditure on ACD. This section of the evaluation presents an estimate of this expenditure over the six-year evaluation period – a calculation that has not, so far as the evaluation team is aware, been attempted before.

UNHCR has no defined set of outputs from the UNHCR Results Framework that comprise ACD. Therefore, it is not possible to derive accurate figures for ACD expenditure. The evaluation team developed two different approximations of expenditure on ACD in countries with national asylum systems, neither of them accurate. One is a broader estimate using expenditure on UNHCR objectives under which it can reasonably be expected that ACD expenditure will fall, while accepting that this will also capture some transactions that are not related to ACD. A second, more narrowly defined estimate of ACD costs includes only spending under output codes that describe themselves as “capacity development” or “capacity-building”. It is likely that there are ACD costs that are not

²⁷ UNHCR (2021c).

²⁸ However, UNHCR observes that “the pandemic may have reduced the number of international migrants by around two million globally during the first six months of the year. This corresponds to a decrease of around 27 per cent in the expected number of international migrants from July 2019 to June 2020”. UNHCR (2020h), p.5.

captured by this narrower estimate, but also some costs that may not be directly attributable to ACD.²⁹ Annex 8 provides details of the objectives and outputs used in deriving the figures included here.³⁰

Both wider and narrower sets of data will have captured some costs other than ACD. In addition, even for the narrower measure of spending, as UNHCR tends not to distinguish between the cost of adding extra capacity and developing sustainable capacity, it is likely that the capacity development outputs include costs that are not for developmental activities. Equally, other outputs not included in the cost calculations may include ACD costs.

These estimates provide two sets of expenditures for ACD, and an order of magnitude for ACD costs, for comparison with total spend on operations as a starting point for future discussion of ACD expenditures within UNHCR, if only to provoke the derivation of more realistic figures. A fuller understanding of the expenditures would be possible only by examining the transactions at the Country Operations level.

The total expenditure for the wider basket of ACD-related objectives across the seven UNHCR regions was \$1.2 billion, or 5.6% of the total UNHCR spend for 2015–2020. The region with the highest percentage spending was West and Central Africa at 14% followed by Europe at 9%.³¹

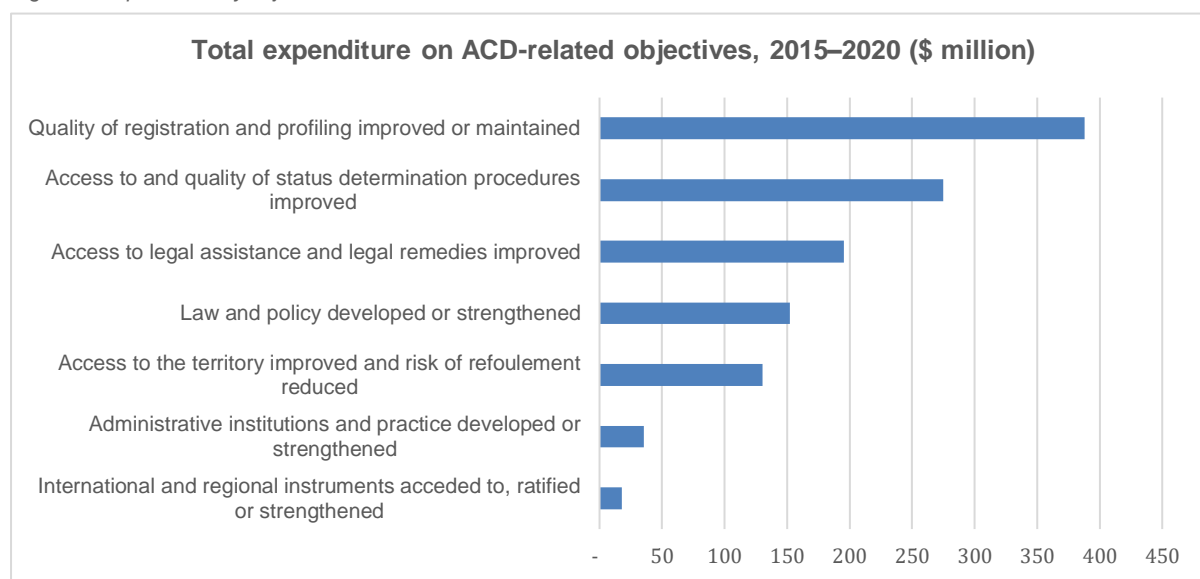
Figure 2 shows the breakdown by objective.

²⁹ Both estimates are presented in the tables below. Greater accuracy could be achieved only by an analysis of transactions at the country operation level.

³⁰ Other objectives excluded from the analysis that might include ACD costs are: (1) reception conditions improved. While the improvement of reception costs is an important component of expenditure for asylum, it was not included in the scope of ACD in this evaluation; (2) public attitude towards PoC. This covers a wide range of public information and advocacy activity that might include elements directly related to creating Capacity Development (CD) Strategy 1 – Enabling Environment.

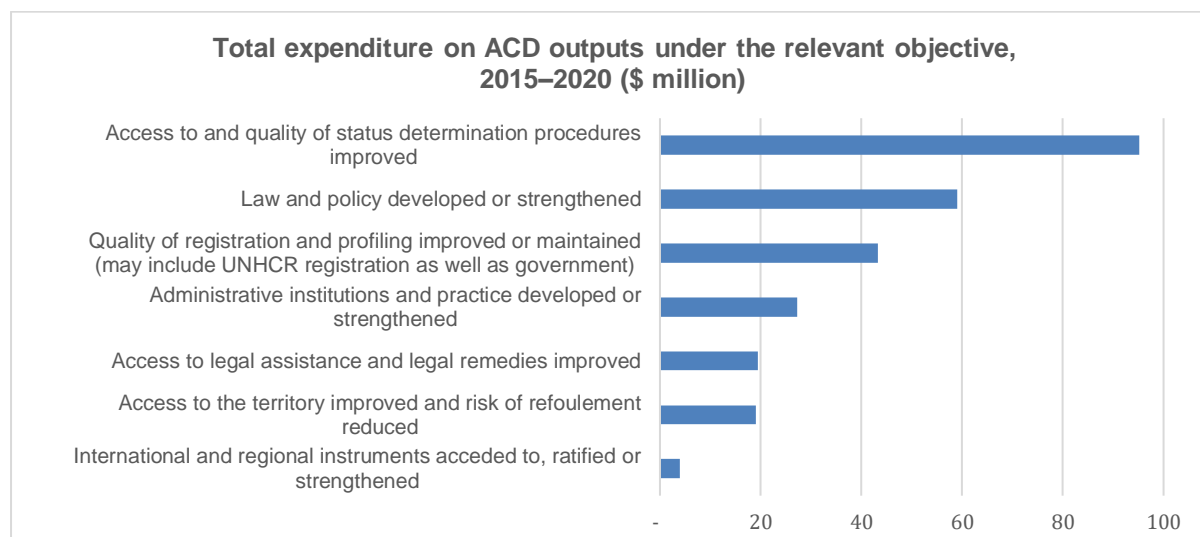
³¹ Given that UNHCR was not funding major humanitarian operations in Europe in the evaluation period, it is reasonable that a relatively high percentage of total costs would have gone to capacity development, including various quality initiatives.

Figure 2: Expenditure by objective



The narrow basket of ACD expenditure on seven outputs labelled “capacity development” totalled \$267 million, or 1.3% of total expenditure in the evaluation period. Figure 3 gives the breakdown by output.

Figure 3: Expenditure by output



Combining the figures for the wider and narrower measures, the regional breakdown was as follows:

Table 1: Wider and narrower measures of ACD expenditure 2015–2020 (\$)

Region	Total exp. (\$, 2015–2020)	Wider basket-based 7 ACD-related objectives		Narrow basket 7 ACD capacity devt. outputs	
		Expenditure (\$)	%	7 CD outputs	%
Asia and the Pacific	2,680,570,103	39,622,765	1.48	10,573,293	0.4
East Horn and Great Lakes	7,539,071,687	289,510,879	3.84	41,010,559	0.5
Europe	4,896,245,402	463,236,306	9.46	108,531,144	2.2
Middle East and North Africa	924,491,950	9,429,306	1.02	3,740,633	0.4
Southern Africa	1,929,510,203	82,739,758	4.29	19,336,209	1.0
The Americas	2,120,332,904	174,871,944	8.25	58,956,143	2.8
West and Central Africa	986,209,378	134,593,590	13.65	24,898,555	2.5
Totals for 7 regions	21,076,431,627	1,194,004,547	5.67	267,046,536	1.3

Table 2 shows the comparable figures for the six detailed country case studies of this evaluation.

Table 2: ACD expenditure – country case studies

Level 2 case study country	Total exp. (\$, 2015–2020)	Wider basket-based 7 ACD-related objectives		Narrow basket 7 ACD capacity devt. outputs	
		Expenditure (\$)	%	7 CD outputs	%
Costa Rica	49,028,000	10,364,147	21%	4,026,487	8%
Morocco	32,742,395	4,705,052	14%	1,699,549	5%
Niger	292,989,486	23,157,238	8%	3,907,841	1%
Philippines	16,689,439	3,362,393	20%	1,999,959	12%
South Africa MCO	100,488,824	21,696,884	22%	7,182,731	7%
United Kingdom	13,075,636	5,609,009	43%	432,082	3%

The relatively few Country Operations with structured plans for increasing asylum capacity may have a clear view of ACD costs. However, in the case studies, the Country Operations seemed to be making limited use of expenditure data to assess value for money of ACD, which suggests that UNHCR does not undertake a systematic review of its ACD expenditures by country, region and globally in order to judge whether ACD investments are appropriate and are giving sufficient return on investment.

3 Evaluation approach and methodology

This section presents the approach, methodology, case study selection and data collection processes for the evaluation. It sets out the main EQs and the ToC used as the basis of the evaluation and which, the evaluation team proposes, could be applied by UNHCR in future revisions of its ACD guidance. The limitations of the evaluation are also considered.

3.1 Evaluation principles

The following principles were applied to the evaluation:

Summative and formative: The evaluation has looked back to evaluate UNHCR's past performance in ACD during the period 2015–2020 and forward to make proposals for how UNHCR can become more effective in ACD in future.

Participatory: The evaluation has engaged stakeholders at all levels and within and beyond UNHCR, within the limits imposed by the COVID-19 pandemic. This includes UNHCR staff – at Headquarters (HQ), Regional Bureau and Country Office levels – CSOs and the Reference Group, the members of which were drawn from across governments, refugee organisations, consultants, academia and refugees and asylum-seekers. Preliminary global and country-level evaluation findings were discussed in sensemaking workshops and a series of face-to-face interviews and discussions in Geneva in November 2021 before drafting this report.

Utilisation-focused: The evaluation team has developed a series of clear targeted and realistic recommendations for UNHCR's broader organisational work on ACD, alongside more operational recommendations which take account of the contextual nuances in which Country Offices and Regional Bureaux operate.

3.2 Evaluation questions

The evaluation has addressed five EQs:³²

- EQ1. How well has UNHCR developed a structured and systematic approach to capacity development of national asylum systems? This question focuses on UNHCR's understanding of national asylum systems (NAS) CD concepts and guidance and whether UNHCR has developed and applied an NAS CD model based and guidance on good practice and shared experience.

³² Slightly modified from the ToR during the inception period of the evaluation.

- EQ2. How strategic has UNHCR’s response been to national demands for asylum capacity development? This question focuses on the relevance and consistency of UNHCR approaches and strategies to addressing NAS capacity needs across a range of contexts.
- EQ3. How effective has UNHCR been in developing national asylum systems capacity? This question explores the effectiveness and sustainability of UNHCR strategies in building capacity and observed outcomes for strengthened NAS capacity and performance.
- EQ4. How well has UNHCR equipped itself to support national asylum systems capacity development? This question explores the strength and suitability of UNHCR capacity, systems, and processes for ACD.
- EQ5. How well has UNHCR captured and used its learning to improve its asylum capacity strengthening strategies and practices? This question focuses on UNHCR’s own internal generation and use of learning, and how this supports improvements in UNHCR’s ACD strategies, approaches and delivery.

The EQs are used to structure the evaluation findings set out in Section 4, the Conclusions in Section 5 and the Recommendations in Section 6. A set of summary statements against the EQs and accompanying sub-questions is included in Annex 3. The full Evaluation Matrix can be found in Annex 4.³³

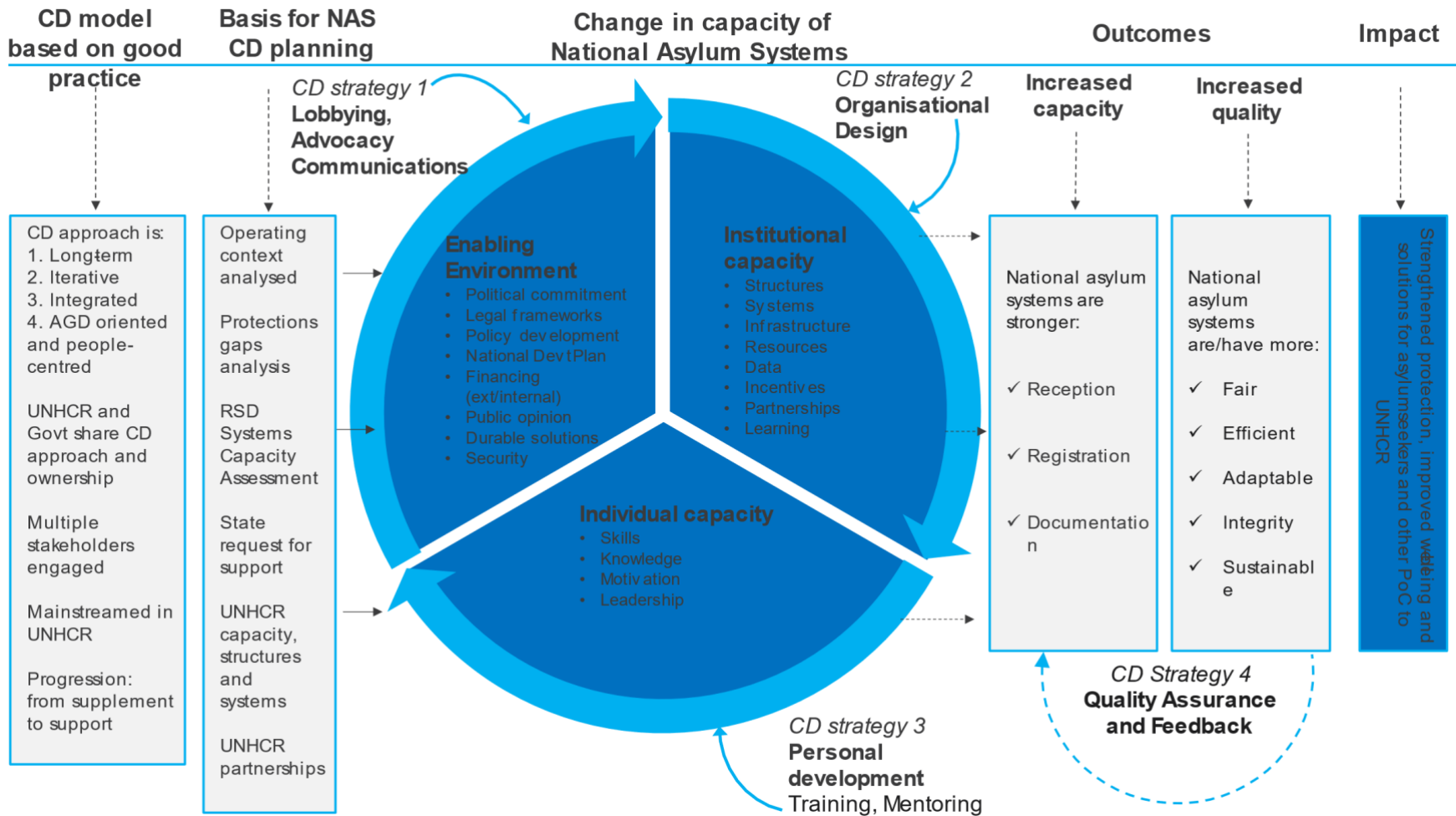
3.3 Evaluation approach

3.3.1 Working model for ACD

To provide a basis for evaluating UNHCR’s contribution to capacity development, a model for ACD was developed during the Inception Phase (see Figure 4**Error! Reference source not found.**).

³³ The evaluation matrix also includes evaluation criteria, indicators/judgement criteria for each sub-question, and proposed data collection and analysis methods and tools. Six evaluation criteria are employed, as revised by OECD/DAC in 2019: Relevance, Coherence, Effectiveness, Efficiency, Impact and Sustainability. See www.oecd.org/dac/evaluation/dacriteriaforevaluatingdevelopmentassistance.htm

Figure 4: ToC for national asylum system capacity development



The model presented in Figure 4 was built on standard UN guidance on capacity development and other material on capacity development, and was tailored to ACD using UNHCR documentation on asylum systems and ACD (see Bibliography, Annex 13). All components of the model have informed the interview questions and the survey and the evaluation analysis leading to the findings, which touch explicitly or implicitly on all aspects of the model in the findings (Section 4).

The three sections of the centre circle reflect the typology of entry points for capacity development first developed by UNDP in 2008 and now adopted by UNSDG. UN guidance on capacity development assumes that the development of sustainable national capacity requires a comprehensive approach³⁴ to developing three types of capacity, as follows:³⁵ (1) enabling environment (political and economic context, policy and legislative environment, culture); (2) individual capacity (skills, knowledge and performance); and (3) organisational capacity (organisational leadership, structures, systems and processes, resources).

The model assumes that capacity development should be based on documented good practice and on UNHCR's existing understanding of how ACD can be successfully planned (left-hand side of Figure 4). The intended end results of ACD are positive outcomes in terms of more capable and higher-quality national asylum systems. The evaluation is set in the context of the end purpose of ACD, i.e. the impact for asylum-seekers in terms of better protection (right-hand side of Figure 4).

Building on UNHCR documentation and early interviews, the model assumes that UNHCR generates ACD results through the following strategies, as illustrated: (1) lobbying, advocacy and communication; (2) organisational design; (3) personal development; and (4) QA and feedback (see Figure 4). The evaluation has tested the extent to which UNHCR has used these four strategies across different operating contexts, and with what results.³⁶ The evaluation has also sought to determine the success factors for ACD – both those under UNHCR's influence and those determined by externalities beyond UNHCR's control.

The ToC understands success in ACD in both capacity and quality terms.

In registration, increased national capacity refers to the successful implementation of systems that can provide documentation, backed by digitisation, biometrics and other relevant technology, as quality

³⁴ For example: “there has been a paradigm shift whereby the notion of capacity development is no longer limited to human resource development, but rather covers a broader scope that includes societal and organisational transformation and the issues of national ownership, policy-level impacts, and sustainability. It includes the creation of space for and management of dialogues, relationships, and partnership; knowledge networks; and incentives for performance and accountability”. UNDG (2006).

³⁵ Ibid.

³⁶ In the case studies, UNHCR's ACD activities have been evaluated on their own merits, comparing planned with actual outcomes, without imposing the ACD ToC devised for the evaluation. The evaluation team has subsequently applied the ToC in its contribution and performance analysis.

registration data, disaggregated by age, gender, disability and diversity, and in line with data protection and privacy principles.³⁷

3.3.2 Evaluation methodology

The evaluation employed a mixed methods approach for data collection and analysis, as follows.

Document review

The evaluation team undertook a comprehensive review of:

- UNHCR documents, reports, strategies and guidance related to ACD and UNHCR institutional reforms;
- academic literature and research reports on refugee protection and asylum systems and on institutional capacity development;
- reports and studies by UN and other multilateral organisations engaged with refugee protection, and academic literature and UN documentation on capacity development.

The document review, initiated in the Inception Phase but augmented through the remaining phase, has proven critically important in informing the evaluation.

KIIs

A sampling strategy combining purposive and snowballing methods was adopted for KIIs, with the aim of ensuring that staff from all relevant HQ sections and all Regional Bureaux were interviewed, as well as external stakeholders and experts, in addition to the country case study interviews. This resulted in a total of 191 key informants (KIs) being interviewed for the evaluation, mostly remotely, as follows:

- 126 as part of the 11 case studies, with Country Operations, government officials and partner NGOs, including 11 interviews with refugees and asylum-seekers;
- 55 with UNHCR staff from various divisions at HQ and Regional Bureaux, NGOs, international organisations, academics and think tanks, and members of the Evaluation Reference Group;
- 10 face to face with UNHCR staff at HQ during the evaluation team's visit to Geneva in November 2021.

A full list of KIs is included as Annex 5.

³⁷ See www.unhcr.org/uk/registration.html

Global online survey

An online survey was devised to enable UNHCR staff members not otherwise included in the evaluation to make inputs to the evaluation. The anonymous survey included 20 open text and ranking questions about UNHCR staff views of UNHCR performance in ACD, including strengths, weaknesses, good practice and proposals for the future. The survey was issued in English, French and Spanish versions in May 2021, with a covering message from the Director of DIP. A total of 191 responses was received.³⁸ 81% of all respondents were working in Protection, including 35% from RSD. The results were reviewed for any significant differences of response by region, job grade and length of service. The survey report is included as Annex 7.

Case studies

The evaluation included 11 country case studies – five light-touch (Level 1) and six more in-depth (Level 2).³⁹ The Level 1 studies were for data gathering only,⁴⁰ while the Level 2 studies were evaluative and addressed the EQs. The case studies were selected through an iterative process, to achieve a balance of larger and smaller caseloads, a range of asylum and operating contexts, and coverage of all UNHCR regions, while avoiding countries recently subject to an evaluation or facing an emergency.⁴¹

All country case studies were conducted remotely, with the exception of Niger.⁴² In Costa Rica and South Africa, in-country consultants were engaged to undertake face-to-face interviews, including with asylum-seekers. An ethics and safeguarding protocol was developed by the evaluation team and approved by UNHCR to conduct these interviews (see Annex 10).

The initial results of each of the six Level 2 case studies were presented to and discussed with the UNHCR country teams, which also commented on the case study reports. Early in the evaluation, it was determined by UNHCR that the case study reports, while providing primary data for the evaluation, would remain internal to UNHCR, and so are not included with this report.

3.3.3 Data analysis and synthesis

The team used Excel-based Evidence Assessment Frameworks to organise all the data collected in the case studies and interviews by mapping the data against the EQs and sub-questions to build up an evidence base

³⁸ The survey was issued via the email list for the UNHCR RSD PP, which has just over 1000 members.

³⁹ These were: Level 1 – Azerbaijan, Ecuador, Israel, South Korea, Uganda; Level 2 – Costa Rica, Morocco, Niger, Philippines, South Africa, UK.

⁴⁰ The Level 1 studies involved a light document review and typically up to 4–5 interviews. They were not evaluative in that they were not designed to be able to answer the EQs.

⁴¹ UNHCR helpfully provided global expenditure data for the outputs deemed relevant to asylum for the period 2012–2019 for all countries in five UNHCR regions, plus a categorisation of UNHCR's role in ACD in each country, and another of the state of the evaluation of the asylum system in each country.

⁴² One member of the evaluation team visited Niger for three working days.

for subsequent triangulation and analysis of the evaluation findings. The evaluation synthesis was kick-started by preparation and debate of the background papers submitted to four virtual sensemaking workshops in October/November 2021 (see Section 3.3.4 below), for which the team extracted the principal themes emerging from the data, and which proved influential in the preparation of this evaluation report.⁴³

3.3.4 Stakeholder engagement

Reflecting the evaluation team's commitment to engage directly with asylum-seekers in two case studies (as outlined in the inception report), 11 asylum-seekers in Costa Rica and Niger were interviewed. The number was not predetermined but was the outcome of considerable efforts by local members of the evaluation team canvassing participants. An online workshop was held with each UNHCR Country Office that took part in a Level 2 case study. Once the preliminary global findings had been assembled, four online sensemaking workshops were held in late October and early November 2021 to sense-check and test the initial evaluation findings, as follows: (1) Strategic level, with management staff attending; (2 and 3) operations level – two workshops with regional and Country Offices; and (4) the Reference Group. In November 2021, three members of the evaluation team were able to visit UNHCR Geneva HQ to meet for the first time with the Evaluation Service and the RSD Section at HQ, and to conduct some face-to-face KIIs.

3.3.5 Dissemination

At the time of writing, the dissemination events are still in discussion with the Evaluation Service. Following the agreement of the final report, it is envisaged that the Evaluation Team Leader will brief various UNHCR stakeholders, including for example Regional Bureaux. The Director of the Evaluation Service will brief the UNHCR Senior Executive Team on the principal findings and recommendations.

3.3.6 Evaluation limitations

The evaluation was subject to a number of limitations:

- **RSD focus.** As the evaluation's primary interlocutors from DIP were the RSD Section, this led to a strong focus of the evaluation on RSD rather than on other related aspects of asylum systems, such as documentation and registration. Additional interviews with registration and identity management staff partially addressed the imbalance, but there was limited evaluative evidence to complement the depth of findings on RSD. In retrospect, the evaluation would have rebalanced some resources to this component of ACD.

⁴³ The evaluation inception report committed the team to providing a contribution analysis table. While the team used the tables in analysing data during a team workshop in the analysis phase, the tables have been omitted from this report as they were not deemed to be a useful tool for analysis. All evidence from interviews and case studies was organised and analysed in the Evidence Assessment Framework, which provided the basis for triangulation and analysis, as discussed in the inception report.

- **Remote working.** Conducting country case studies remotely because of COVID-19 travel restrictions restricted the range of interviews, site visits and observations possible, and reduced the breadth, depth and quality of data gathering. It proved possible to undertake one site visit, to Niger, and the engagement of in-country consultants in Costa Rica and South Africa helped to partially close the data gap for those case studies.
- **Case study selection.** As discussed above, case study selection was partly based on objective criteria, but was also influenced by pragmatic considerations.⁴⁴ In practice, the selection provided a good range of operating contexts and regional spread, as planned, but was not fully independently determined by the evaluation team. Of 11 studies, two involved major displacement crises: Venezuela (Costa Rica study) and the Sahel (Niger study). Of the top ten countries by UNHCR ACD-related expenditure in the evaluation period, only Niger featured among the case studies.
- **Annual reports.** Country Office and Regional Bureau reports are internal to UNHCR and were not directly available to the evaluation team. This was partially mitigated with the help of the Evaluation Service making extracts from the relevant annual reports, using keyword search.
- **Data.** As there is no agreed set of output codes for ACD, analysis of ACD financial value for money was limited. UNHCR's Results Framework includes many standard indicators related to asylum, though not necessarily related to ACD. The accuracy of the data was questioned by some UNHCR HQ informants. Quantitative measures of performance for ACD were therefore limited as a data source for the evaluation. The evaluation has partially compensated by gathering a broad set of qualitative data.
- **Evaluations.** There were few prior UNHCR ACD-related reviews and evaluations to draw on.

See Annex 3 for more details of the evaluation approach.

⁴⁴ For example, to avoid country operations that had recently been evaluated or audited, or were about to be.

4 Findings

This section of the report presents the findings from all data sources – the document review, country case studies, the KIs, the global online survey and the analysis of UNHCR financial expenditure on ACD. The section is structured around the five EQs, each of which aligns with a respective term of reference. Each finding is presented in bold, followed by explanation and discussion.

4.1 Evaluation Question 1 – structured and systematic approach to ACD

How well has UNHCR developed a structured and systematic approach to capacity development of national asylum systems?

The findings on EQ1 are presented around seven themes: UNHCR’s emerging strategy and guidance for ACD; translating ACD principles into practice; UNHCR’s role in ACD; ACD as a form of capacity strengthening; organisational reforms and ACD; grounding ACD in asylum-seekers’ rights and perspectives; and the ACSG mechanism.

4.1.1 UNHCR’s emerging strategy and guidance for ACD

From 2015, UNHCR’s strategy for ACD has become more comprehensive and developmental, moving away from a focus largely on individual capacity development. This is a significant advance, even if UNHCR’s ACD is still largely training-focused in practice.

Understanding of the systems-based approach to ACD is growing across the RSD network, but it is yet to be widely implemented. RSD staff are also becoming aware of the implementation challenge the comprehensive approach to ACD presents.

In 2014, UNHCR PDES undertook a formative global evaluation of UNHCR’s work to assist states to take responsibility for RSD.⁴⁵ This is the only such global evaluative exercise on RSD that UNHCR has undertaken.⁴⁶ The review emphasised the need for UNHCR’s involvement to be “more structurally organised, broader in scope, and better sustained”. In response, in 2015, the UNHCR RSD Section issued a new “Mission and strategic direction”, which presented a more comprehensive, systems-based approach to ACD than the earlier approach based largely on technical training. This strategic direction was later presented to UNHCR’s Executive Committee in a slightly different form in 2016.⁴⁷

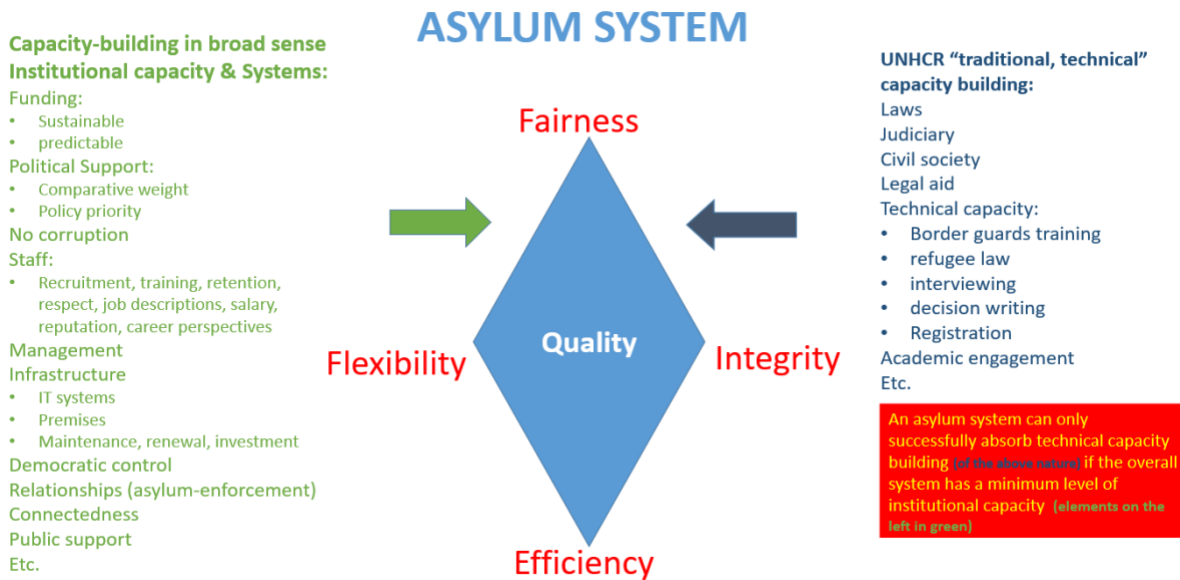
⁴⁵ UNHCR (2014c).

⁴⁶ This evaluation was followed by a similar evaluation for Kenya: Garlick, M. et al. (2015).

⁴⁷ UNHCR (2016a).

Figure 5 captures the proposed shift in UNHCR’s approach to ACD,⁴⁸ the main purpose of which was to communicate that UNHCR’s traditional approach to ACD needed to broaden out to encompass governance, systems, institutional capacities and influencing public opinion on asylum, among other areas.

Figure 5: Proposed new capacity development approach for RSD



The diagram carries an important statement: “An asylum system can only successfully absorb technical capacity if the overall system has a minimum level of institutional capacity.”

Since 2015, the New York Declaration, the GCR and the GRF have provided a strong foundation for host states to prioritise the capacity development of their national asylum systems, and for other states to support them in doing so. These developments have given further momentum to UNHCR support to the development of national asylum systems, even if, as noted above, the ‘how to’ of that support role needs further definition.

The subsequent May 2018 RSD Section’s “Capacity development approach in the context of RSD: a cheat sheet” appears to be an important reference for RSD staff. It brought UNHCR into line with UNSDG guidance on capacity development. A review of the accompanying tools shows that they are strong on how to analyse capacity gaps in national asylum systems but largely miss out the ‘how to’ of capacity development, as does UN guidance in general – a finding which is further elaborated in EQ2 (see Section 4.2) and EQ3 (see Section 4.3).

⁴⁸ Extracted from a 2017 presentation by the then Head of RSD Section: “On Strengthening asylum systems”.

The Cheat Sheet goes part way towards adopting the shift in approach to ACD proposed in Figure 5 above.⁴⁹ In the absence of any corporate UNHCR guidance or strategy applying the UNSDG conceptual framework, the Cheat Sheet brings UNHCR’s approach to ACD in line with UN guidance on capacity development by adopting the UNSDG threefold elements of capacity development, and by setting training in context as just one capacity development strategy.

According to the Cheat Sheet: “Any trainings should be embedded in a broader programme of activities [...] based on an assessment of capacity gaps. ACD could address institutional incentives to apply the newly acquired skill, organisational structures that may prevent new knowledge being effectively applied, and longer-term coaching and mentoring initiatives and in-house learning strategies.” (p.3) This approach of paying attention to organisational incentives and structures has yet to gain full traction. One of the clearest findings of the evaluation, emerging consistently from all information sources, is that UNHCR’s ACD practice still tends to be heavily training-focused, in part because this is what governments primarily want (for a full discussion on training and incentives, see Section 4.3.4).

These policy developments have been complemented by the consolidation of UNHCR’s approach to RSD during the evaluation period 2015–2020. A wealth of RSD guidance materials and tools regarding RSD have been collected and further materials have been developed and made available via the RSD PP, a source that is highly valued by its users.⁵⁰

Likewise, UNHCR’s 2020 “Guidance on registration and identity management”⁵¹ provides a much-revised version of earlier guidance, in a comprehensive online toolkit that aims to align practice with UNHCR’s policy on registration and identity management. It provides UNHCR staff and operations, host governments and registration partners with comprehensive guidance and good practice.

⁴⁹ The ‘Cheat Sheet’ references a 1999 draft UNHCR “practical guide to capacity building [sic] as a feature of UNHCR’s humanitarian programmes” and builds on its underlying principles. The guide warns against making simplistic assumptions about capacity development and observes that capacity-building is not an objective in itself but aims to secure sustainable change in institutional and human behaviour. It further notes that capacity-building always implies a change-oriented process aimed at empowering an organisation or group to gradually function autonomously. While only a draft, the guide is of interest because it is the only UNHCR document located that takes a multidimensional approach to capacity development prior to 2015.

⁵⁰ The platform structure includes: COI resources grouped in regional pages; external COI commissioning; RSD guidance and tools; ACSG mechanism; internal and external resources on RSD training; and RSD global events. It includes materials on strengthening asylum systems, including UNDP and UNHCR guidance, relevant evaluations, and examples of field-based good practice tools and standard operating procedures.

⁵¹ UNHCR (n.d.). “Guidance on registration and identity management”. Available from www.unhcr.org/registration-guidance/ [accessed 15 October 2021]. Particularly relevant to the evaluation is Module 2 of the Guidance, ‘Guide for UNHCR and Governments’, which lays out the principles and the main operational guidance and options; but this was not accessed as it is not publicly available.

4.1.2 ACD: translating principles to practice

In the absence of a well-developed institutional development component in UNHCR’s strategy, ACD has advanced much further where pre-existing institutional capacity was able to make good use of ACD inputs.

According to UNHCR informants, the developmental approach envisaged in the Cheat Sheet is not mainstreamed in UNHCR field practice. ACD has made most progress where national asylum institutions are already strong enough to absorb UNHCR’s technical, training and material inputs into a functioning management system into the institution. This is because ACD leading to full national ownership of national asylum systems is, by its nature, necessarily a 5–10 year process.⁵²

There is no UNHCR division charged with embedding capacity development across the organisation, and the evaluation team has not found a UNHCR corporate policy, strategy or guideline for capacity development. The ACD tools now available can provide a sound analysis of the operating context and of the changes needed to improve an asylum system. Asylum capacity *assessment* is well described in the tools available, but capacity *development* is not. DIP is aware of this and is working with the Global Learning and Development Centre (GLDC) to designing a course on capacity development of national asylum systems, with the focus on aspects of asylum systems related to seeking and entitlement to asylum (i.e. reception/registration/RSD).

The evidence points to a gap in UNHCR’s model and capability concerning the application of capacity development concepts and processes to ACD. The development of a structured and systematic approach to these elements of ACD is yet to be completed.

Several UNHCR informants commented that long-term, progressive, nationally-led capacity development has not fitted readily into established ways of working and systems in UNHCR, for several reasons:

- Traditionally, UNHCR management systems have not been built for long-term, gradual developmental processes: UNHCR’s humanitarian disposition has tended to favour short-term results.
- The organisation’s one-year budget cycles have limited the effectiveness of ACD implementation, in part because they do not incentivise long range analysis and planning. For this reason, UNHCR RBM has been reformed to include 3-year budget cycles (see also Section 4.1.5).
- In interviews and in the survey, staff recognised that only a minority of staff have experience of institutional development and that many have not been trained in capacity development core skills (see also Section 4.4.1).

⁵² In Kenya, UNHCR provided sustained support over ten years to planned, progressive building up of the asylum institutions and greater ownership being taken by government, albeit with setbacks along the way.

Survey respondents proposed the following as ways to overcome some of these challenges:

- UNHCR needs a more intentional, multi-year approach to setting an agenda with governments for the development of national asylum systems, with performance indicators.
- ACD guidance needs to become more comprehensive.
- Move away from national asylum institutions being reliant upon the ‘unpredictable’ annual programme budgets of UNHCR.
- For ACD, UNHCR needs “an office-wide strategy [that] requires an office-wide response” (not just from Protection).

4.1.3 UNHCR’s role in ACD

UNHCR’s role in ACD is hampered by the limited definition and endorsement, both internally and externally by UNHCR’s governing and consultative bodies.

In considering how well UNHCR has performed its role in ACD, the evaluation team has tried to establish the basis for UNHCR’s role in ACD, but ran into some difficulty in doing so.

Government and non-government partners, and UNHCR internally, have no clear statement supported, for example, by ExCom⁵³ covering the scope of UNHCR ACD, how it is to be delivered, or how governments and UNHCR are expected to cooperate in its planning and execution. The 2019 GRF and subsequent ACSG documentation included 2–3 clauses that might form a basis for future clarification of its role in ACD.⁵⁴

UNHCR’s influence over improvements to national asylum system performance is limited.

UNHCR staff expressed concern that some governments tend not to respond to UNHCR comments on the performance of national asylum systems. In contrast, UNHCR’s right to have direct access to individual asylum-seekers, and to comment or advise on individual cases, is widely respected, but this tends not to translate to significant influence over systems-level performance. Instead, UNHCR relies on persuasion, which, as some of the case studies and survey responses show, has had limited effect when faced with weak or deteriorating asylum policy environments. In exercising its supervisory role, in some countries UNHCR has

⁵³ Or other relevant authority.

⁵⁴ The GCR (2019) calls on UNHCR to establish the ACSG, which is expected to provide support to relevant national authorities “to strengthen aspects of their asylum systems, with a view to ensuring their fairness, efficiency, adaptability and integrity.” Without naming (but likely implying) UNHCR, the GCR also calls on stakeholders with “relevant mandates and expertise” to “provide guidance and support for measures to address other protection and humanitarian challenges” (GCR, p.23). This does provide a mandate to provide capacity rather than develop it. According to the ACSG Note for Discussion (2019), the ACSG “will enable UNHCR to carry out its coordinating role for more effective and targeted support to national asylum/RSD systems by multiple stakeholders” and “continue to support existing, and identify new, projects/initiatives that address capacity gaps in national asylum systems and improve one or more of the fairness, efficiency, adaptability or integrity of such systems.”

put less emphasis on pressing the government to meet its international obligations for protection, because of the resistance this has met and concern that the end result may be a more negative protection environment. Instead, it has tended to emphasise supporting the government to pursue specific projects or activities. This has improved working relationships with governments and may lead to some gains in capacity, but reduces UNHCR’s role in helping the government to hold itself accountable for building quality asylum systems, which is itself the basis for investing in ACD.

UNHCR does not publish reports on the state of national asylum systems for the majority of the countries where it is working on ACD.⁵⁵ UNHCR does, however, compile data on the performance and quality of asylum systems as part of its coordination of regional asylum quality initiatives (see Box 12 below: “QAI in the Americas and QIEE in Eastern Europe and the Caucasus”).⁵⁶ By not generating data that analyses the state of asylum systems and outcomes across regions, UNHCR is losing an opportunity to exercise its supervisory function and moral leadership in the field. Such analysis could be useful to governments and many other actors working on asylum.

4.1.4 ACD as a form of capacity strengthening

UNHCR tends to conflate the provision of extra capacity with capacity development.

UNHCR documentation and interviews referred on many occasions to UNHCR “capacity strengthening” of asylum systems. The evidence shows that under this umbrella term there are at least four types of action seen by UNHCR to fall under capacity strengthening, including (see Figure 6 below):

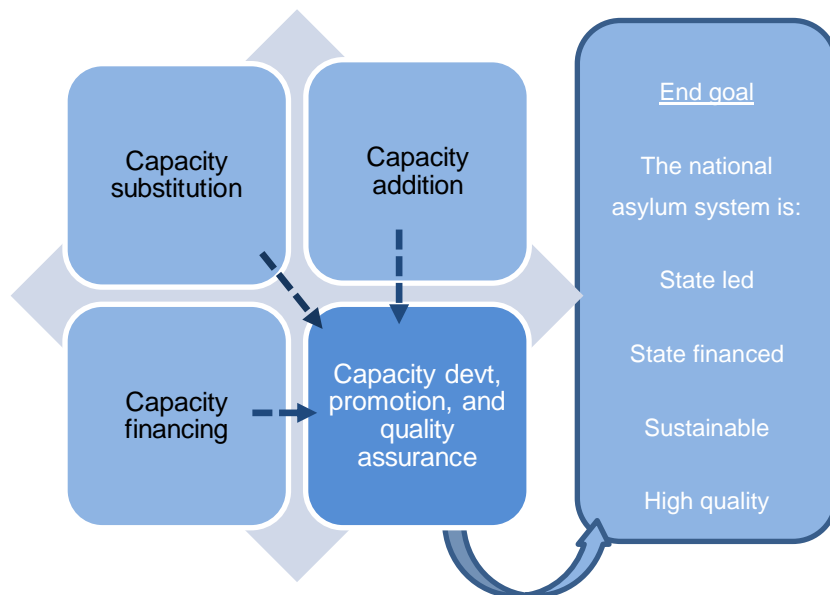
- Capacity substitution – UNHCR provides all necessary capacity to run the asylum system
- Capacity addition – UNHCR adds additional capacity to a state-run asylum system
- Capacity financing – UNHCR pays for some or all elements of the asylum system
- Capacity development, promotion and QA – UNHCR acts with the end goal of helping to form a sustainable and nationally managed and financed asylum system

⁵⁵ There are exceptions, for example the triennial progress reports on the Brazil Plan of Action, 2015–2017 and 2018–2020. www.refworld.org/es/pdfid/5c883e844.pdf

⁵⁶ For example, under the Quality Initiative in Eastern Europe and South Caucasus (QIEE), UNHCR assisted participating states by generating sub-regional reports against a detailed suite of performance measures, including, among several measures, the quality of status determination decision-making and recognition rates. This data was actively debated amongst the countries taking part in QIEE and served as a motivator for improvement.

The evaluation team found that UNHCR staff tend not to distinguish clearly between the developmental effects of these actions. Only some types of capacity strengthening contribute to lasting improvements in national systems and ownership that outlast UNHCR’s engagement in ACD.⁵⁷ In some discussions, UNHCR staff made the assumption that capacity addition has an indirect capacity development effect from, for example, interaction between RSD contract staff and the staff of the asylum institution leading to a transfer of knowledge, as illustrated by the dotted arrows in Figure 6. This is hard to prove or disprove; but there is little evidence to demonstrate this effect, and it cannot be taken as a reliable part of an ACD strategy. All four of these actions are necessary for UNHCR to fulfil its mandate in various contexts. Capacity substitution and addition can only be considered as part of ACD when used as temporary measures within a longer-term, progressive and developmental plan. That all types are seen as part of ACD is a conceptual confusion that will affect ACD programme design and budgeting unless addressed.

Figure 6: Types of UNHCR asylum capacity strengthening



4.1.5 Organisational reforms and ACD

Organisational reforms under way in UNHCR may prove beneficial to ACD in the medium term.

For ACD to be most effective, it needs UNHCR’s culture and management systems to be supportive of developmental processes. The current UNHCR institutional reforms on regionalisation, RBM, change

⁵⁷ The test of whether activities prove developmental is the level of increased national capacity that remains once UNHCR’s capacity strengthening is withdrawn. To illustrate the point, where UNHCR has invested in ACD, it typically employs additional staff not on government contracts who are placed within and boost the capacity of the national asylum institution(s) – a form of capacity addition. This tends to be described as capacity development but it is not – unless, once withdrawn, new national capacity remains.

management, Human Resources management and enterprise risk management could prove favourable to ACD in the medium term, as described below. The current reforms do not cover capacity development directly. One of the Strategic Directions plans has the theme of “development action”. Future papers under that theme could be used to help clarify UNHCR’s role in capacity development.

Regionalisation

Under regionalisation, significant responsibilities and resources have recently been decentralised to the seven UNHCR regions. Regional Bureaux took up their new responsibilities in January 2020.^{58,59} It is intended that Regional Bureaux will become critical hubs for collaboration and strategic engagement, as well as for addressing any cross-cutting operational challenges. Ensuring more effective protection to refugees and other PoC in ways that promote the exercise of fundamental rights is one of three intended outcomes of regionalisation which are of direct relevance to ACD.

While regionalisation has given more autonomy to regions and Country Offices for overall strategic decision-making, regional prioritisation and QA, some informants expressed concern that decentralisation might lead to less coherence of approaches to ACD rather than more.

On the other hand, Regional Bureaux’ efforts for promoting regional dimensions of ACD are increasing, for example training, advocacy, legal standards, promoting the standardisation of RSD practices, information exchange and regional dialogue, and supporting regional asylum quality initiatives. The evidence of the impacts of these initiatives is limited at this early stage of rollout. The modalities for these activities vary between regions; but the approaches, in general, utilise multi-country, multi-stakeholder strategies which envisage building up from county-level operations and governments’ priorities to regional perspectives, or ‘visions’, which can then provide a platform for the better regional alignment of Country Operations working with governments to deal with ACD challenges. Regional Bureaux are using online methods, partly in response to the COVID-19 pandemic, for these partnerships and promoting online tools for ACD; but in some regions a limitation to these efforts is that few countries have sufficient digital capacity.

RBM

UNHCR has recently launched its new RBM system (COMPASS), which, in addition to mandatory organisation-wide indicators, allows operations to define their own impacts, outcomes and inputs, aligned to multi-year budgeting. It will be rolled out to all offices within three years. Country Offices will define their own

⁵⁸ UNHCR’s seven Regional Bureaux cover a full spectrum of activities, including: setting regional strategies and priorities; managing performance and compliance; identifying and monitoring emerging issues and risks; and providing technical support and guidance to country operations.

⁵⁹ UNHCR repositioned or created more than 150 technical positions to strengthen country operations (including 100 placed with country operations), as well as the new bureau structures, with the requisite expertise to support them.

results based on a ToC, a relatively new concept to UNHCR.⁶⁰ This could be favourable to the planning and implementation of longer-term ACD processes. It may also allow for the monitoring of outcomes and the assessment of value for money, neither of which has been systemically carried during the evaluation period.⁶¹

Change management

Change management⁶² may appear theoretical to those working on ACD, and the language and concepts may be unfamiliar. The evaluation team found that change management has not been widely applied to ACD, and few staff reported having been trained in it.⁶³ While perhaps not obviously so, ACD is primarily a change management process, but this needs fuller explanation in ACD guidance materials. Country-based staff would benefit from access to change management expertise, including from UNHCR's Transformation and Change Service (TCS) and the UNHCR guidance on change management.^{64,65,66}

UNHCR Enterprise Risk Management (ERM)

There is no direct connection between ACD and risk management. It is mentioned here for two reasons:

- In terms of reliably achieving a return on investment, all evidence points to ACD as an inherently high risk set of investments. As noted earlier, ACD interventions sometimes do not lead to their intended outcomes because of several challenges that limit their success (see Sections 4.1.2, 4.2.4, 4.3.7). ACD is therefore a candidate to appear more prominently in UNHCR's Risk Register. In some cases,

⁶⁰ Multi-year budgeting (more than 1 year) is being introduced initially in 23 countries and, in three years' time, all operations' budgets will be multi-year.

⁶¹ The evaluation team has not been able to find financial management information on ACD that might be used for decision-making about costs and benefits. The evaluation team has been provided with financial data for the evaluation related to objectives and outputs related to ACD and the evaluation report and has included a preliminary data on UNHCR expenditures on ACD over the evaluation period.

⁶² Change management includes how actors respond to signals, pressures and influences from their formal and informal connections, or "influence networks". The development of networks of influence is central to effective ACD.

⁶³ An online course on change management is available via GLDC.

⁶⁴ TCS is an internal management consulting service supporting the Senior Executive Team, Divisions, Bureaux, and other entities to align organisational performance and change initiatives with UNHCR's Strategic Directions. TCS was established in January 2020, reporting to the Deputy High Commissioner. TCS replaced the Office of the Director of Change Management, including its organisational development component.

⁶⁵ UNHCR's recently adopted guidance on change management describes a step-by-step process approach set out in the UNHCR Change Management Guide V1.0, December 2020 – a PowerPoint slide deck, issued by TCS.

⁶⁶ According to the UN Joint Inspection Unit, "Only seven United Nations system organizations covered in the present review had established change management units or permanent or semi-permanent teams within their organizational structure". UN (2019), pp.47,51.

the risks associated with UNHCR investment in asylum systems have not been well managed, as highlighted by OIOS audit reports.^{67,68}

- ERM is envisaged as a ten-year change programme,^{69,70} demonstrating that UNHCR can plan and implement long-term, albeit for an internal change management programme. Long-term change with milestones can fit within UNHCR’s planning logic. This is the approach needed for ACD, as UNHCR’s experience has already demonstrated.

4.1.6 Grounding ACD in asylum-seekers’ rights and perspectives

UNHCR carries out consultations with asylum-seekers and refugees under the heading of Age, Gender and Diversity (AGD) participatory assessments. These do not generally cover their experiences of the asylum system, and where experiences of asylum processes are recorded they do not, in general, feed directly into the design or implementation of ACD activities. A focus on systems may be diluting UNHCR’s focus on asylum-seekers’ rights.

The evaluation understands that UNHCR Country Offices regularly conduct participatory assessments (PAs) aimed at understanding the lived experiences of asylum-seekers, refugees and other PoC. These assessments are used to inform planning and advocacy campaigns, as well as being an important tool to tailor UNHCR’s activities to the needs of asylum-seekers and refugees. In the UK, the Country Office conducted a series of PAs on a variety of topics, such as women refugees, stateless and Eritrean refugees. However, the evaluation has found little evidence that UNHCR includes the perspectives of asylum-seekers in the design or implementation of ACD activities or ACD strategies. Nevertheless, there is some case study evidence of feedback from asylum-seekers being directly used to improve specific aspects of national asylum processes.⁷¹

⁶⁷ The OIOS 2019 audit report of UNHCR Tanzania recommended that UNHCR suspend its funding to the training of national officials in Tanzania, due to the lack of progress on “fair outcomes in the national asylum system”. The audit stated that “the [UNHCR] Representation provided financial assistance to the Government’s RSD processes which, given a near full rejection rate, could be perceived as UNHCR not supporting the refugees’ right for asylum.” OIOS Internal Audit Division Report 2019/035: Audit of the operations in Tanzania for the Office of the United Nations High Commissioner for Refugees, 22 May 2019, para. 14. (UNHCR financial assistance to RSD in Tanzania was halted temporarily and then restarted.)

⁶⁸ The 2018 OIOS audit report of UNHCR in Uganda recommended that UNHCR should undertake a lesson learned exercise over registration activities in Uganda, establish accountability for failure to take timely corrective measures on the irregularities in these activities and implement effective risk management procedures in registration.” OIOS Internal Audit Division Report 2018/097: Audit of the operations in Uganda for the office of the United Nations High Commissioner for refugees, 17 October 2018, executive summary.

⁶⁹ PowerPoint presentation on ERM to the Evaluation Service, May 2021.

⁷⁰ UNHCR introduced an ERM policy in 2014 and a revised policy in 2021. The policy is implemented in UNHCR under the guidance of the Enterprise Risk Management Service (ERMS). The High Commissioner launched “Risk Management 2.0”, to run from 2018 to 2020.

⁷¹ For example, in Ecuador UNHCR has used feedback from asylum-seekers to better understand weaknesses in the system and intervene to improve the system. The example of a security guard providing the wrong information to asylum-seekers led to efforts to integrate oversight, further target entrance guards as a group and avoid this practice.

UNHCR Country Offices are required to conduct at least one AGD assessment per year. Under AGD, Country Offices undertake various consultations with asylum-seekers and other PoC. The consultations tend to focus on asylum-seekers' access to services, such as shelter, employment or health. UNHCR staff commented that AGD consultations are sometimes nominal, done to meet a requirement, with the results of the feedback not going back to those consulted.⁷² In one of the sensemaking workshops, it was suggested that questions could be devised to ask asylum-seekers directly about their experience in the asylum system, such as feedback on interviews with immigration officials, but the evaluation team did not hear of any examples in practice.

At a policy level, UNHCR is committed to the Interagency Steering Committee (IASC) Accountability to Affected Populations (AAP) commitments and operational framework.⁷³ This includes objectives such as “Systematically communicate with affected populations using relevant feedback and communication mechanisms”. In UNHCR, AAP is lodged under AGD. In 2020, UNHCR released “Operational guidance on Accountability to Affected People (AAP)”.⁷⁴

In discussion at UNHCR HQ, informants recognised that the implementation of AAP commitments has been slow, given that UNHCR has had no clear implementation plan since the commitments were agreed by the IASC in 2011.

More generally, to maximise the protection of asylum-seekers, UNHCR representatives maintain good relationships with governments to retain access to asylum institutions and direct access to asylum-seekers themselves. But this may challenge UNHCR's role in grounding asylum-seekers' rights, because, as a result, UNHCR Country Offices can find themselves holding back from pressing the government on the rights of asylum-seekers, in order to avoid adverse reaction and the potential deterioration of its relationship with government. Cases were cited by UNHCR staff of ACD support leading to more efficient national asylum processes, with appeal processes in place, yet with no improvement in recognition rates or in the quality of RSD.

Registration systems can provide insights about refugees and asylum-seekers that can feed into RSD processes, for example the propensity to seek RSD beyond the basic rights that registration might provide. Focus and community groups methods have proved effective in canvassing their views on registration and verification systems.

⁷² A KI stated that UNHCR has set aside \$60,000 for refugee-led organisations to test out more meaningful consultations on UNHCR's behalf (unverified).

⁷³

https://interagencystandingcommittee.org/system/files/legacy_files/AAP%20Operational%20Framework%20Final%20Revision.pdf

⁷⁴ www.unhcr.org/handbooks/aap/

4.1.7 The ACSG mechanism

UNHCR could help to ensure that country-based ACD planning and engagement of stakeholders is closely coordinated with the ACSG mechanism.

UNHCR has a designated coordination and secretariat role within the ACSG mechanism, a special initiative under the GCR which was launched at the first GRF in 2019.⁷⁵ The ACSG mechanism is intended to add greater momentum to ACD, with greater national leadership and state-to-state collaboration.

KIs to the evaluation affirmed that by promoting ACD through the ACSG, UNHCR has helped to reinforce the importance of strengthening asylum capacity by introducing a new modality for doing so mainly, but not exclusively, through intergovernmental action. Informants also observe that – in principle – by encouraging greater state-to-state leadership on asylum strengthening, this signals firmer state commitment to the process. In promoting the ACSG mechanism, UNHCR has also signalled increasing emphases on the principle of greater responsibility sharing between states, in line with GCR commitments. Moreover, certain regions, especially the Americas,⁷⁶ already have ACSG-like mechanisms, including the Brazil Plan of Action and the Mexico Joint Plan of Action (discussed in Section 4.2.4).

The mechanism is still fairly new, and its implementation may have been slowed by the COVID-19 pandemic. According to KIs, it needs time to bed in. The ACSG mechanism was informally reviewed at a stocktaking event in October 2021.⁷⁷ Some of the key conclusions from that event for ways forward align well with the findings of this evaluation. UNHCR could helpfully promote strategic approaches to ACD within the ACSG mechanism, supporting governments to bring development partners and funders into the multilateral planning and financing process and ensuring that any HQ/corporate-level initiatives are closely coordinated with existing in-country ACD planning and implementation. Bringing in the expertise of CSOs, legal aid organisations and refugee-led organisations to strengthen ACD also aligns with the findings of this evaluation.

⁷⁵ The platform is managed through a Secretariat within UNHCR's DIP responsible for reviewing, coordinating and prioritising requests and offers of support. An online ACSG portal, established in April 2021, shares relevant tools and guidance, good practice and examples of support and gives further visibility to relevant projects and initiatives. At the time of reporting, about 20 items had been posted.

⁷⁶ MIRPS, SICA, Quality Assurance Initiative (QAI)/Brazil Plan of Action, OAS, Quito Process.

⁷⁷ UNHCR (2021e).

4.2 Evaluation Question 2 – UNHCR’s strategic response

How strategic has UNHCR’s response been to national demands for asylum capacity development?

Evaluating UNHCR’s strategic response comprises five themes: the operating context; strategic adaptation to the political and operational contexts for ACD; ACD in difficult contexts: ‘between a rock and a hard place’; advocacy for ACD in intergovernmental processes; and the impacts of COVID-19 on ACD.

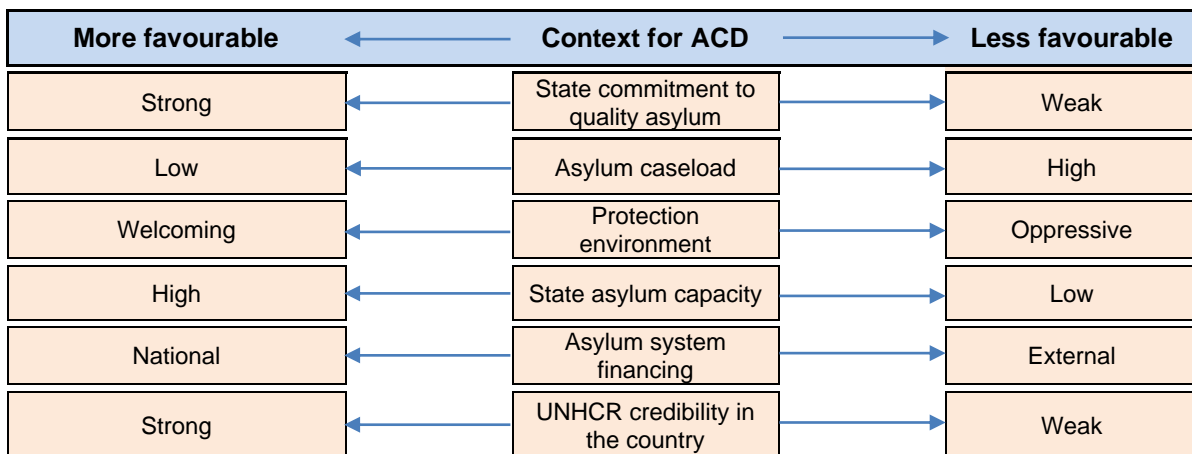
4.2.1 The operating context

UNHCR ACD has been more successful where the regional and national context for asylum has proven more favourable and, conversely, has made much less progress where they are not.

During the evaluation, UNHCR staff frequently emphasised the importance of the operating environment in determining the most appropriate form of strategic engagement, the types of ACD UNHCR can carry out in each country, the levels of positive change that can realistically be expected, and how the success of ACD can be assessed.

Looking across all evaluation data sources, a set of conditions for success in ACD emerges. The more of the favourable conditions that are met (left-hand side of Figure 7), the more likely ACD is to have made lasting progress, with state commitment to quality asylum as the dominant factor. A review of the evaluation evidence from all sources points to a number of contextual conditions that have influenced the success of ACD including (but perhaps not limited to) those shown in Figure 7.

Figure 7: Conditions influencing ACD success



In principle, each UNHCR Country Office can plot where each the country contexts sits on the left–right spectrum for each of the elements described above, to provide an assessment of the strategic possibilities and needs for ACD. Important points relating to these conditions emerge from the data:

- **State commitment to improve the quality of asylum.** All information sources confirm that the readiness of governments to improve and progressively take responsibility for the management of the national asylum system is far and away the most important factor in whether UNHCR investments in ACD have proven productive.
- **Asylum caseload.** Governments dealing with smaller caseloads of asylum-seekers tend to be more open to undertaking improvement initiatives and may have the institutional capacity to make long-term adjustments. For example, in the Philippines the lack of pressure on the asylum system has been one factor enabling UNHCR and the government to build a close working relationship in developing capacity. Where caseloads are high, and especially where they increase suddenly, existing asylum capacity tends to be overwhelmed, thereby reducing the financial and organisational space to take on or continue ACD activities. UNHCR engagement has been most productive where governments have kept borders open and asked UNHCR for help to manage the caseload,⁷⁸ as in Costa Rica.
- **Protection environment.** Where national policies and public opinion reinforce a welcoming attitude to asylum-seekers, there is a greater will and openness to making improvements in the asylum system, as the case of Uganda exemplifies. However, since 2015 the global trend, as UNHCR reports,⁷⁹ has been towards more restrictive approaches to asylum. Nevertheless, in some situations, UNHCR continues to work on the improvement of asylum systems, even where asylum recognition rates are close to zero.
- **State asylum capacity.** Where the basics of the asylum system are functioning well, it tends to indicate that there is capacity to absorb and make use of further capacity development efforts. It also becomes possible to set aspirations for higher standards, and to attempt deeper legal and institutional reforms.
- **Asylum system financing.** The more the financing of asylum systems is part of the national planning and budget system, the more it falls under the management of government and, in principle, the greater the national ownership. In contrast, experience from the case studies shows that externally funded initiatives outside government structures can be part of a transition to national ownership but do not themselves lead to sustained national capacity. External funding can be part of a sustainable asylum system if that financing is part of the national plan and budget process rather than separate project-based funding.
- **UNHCR credibility in the country.** In many of case study countries, UNHCR has a strong reputation and credibility because of a long track record of continuous support to the state asylum system.

⁷⁸ Policies have sometimes become more restrictive in response to a major population influx but there is no automatic inverse correlation between caseload and the willingness of governments to improve their asylum systems, as positive response by some countries in the Americas to a major influx from Venezuela has shown.

⁷⁹ See e.g. Annual Global Trend in Forced Displacement Reports.

4.2.2 Strategic adaptation to the political and operational contexts for ACD

UNHCR has adopted a flexible, responsive and bespoke model for engaging with national governments on technical and operational efforts for ACD to strengthen national asylum systems.

During the evaluation, UNHCR personnel regularly expressed the view that there is no ‘one size fits all’ approach to ACD because every operating context is different (see also Sections 4.2.1, 4.3.1 and 4.3.2). The case study evidence strongly endorses that view, revealing a wide variety of approaches that UNHCR has adopted for ACD. Self-evidently, this approach to the operational and technical engagement with a country on ACD complements UNHCR’s strategic ability to navigate the political space and opportunities, as discussed above.

UNHCR has adopted a flexible approach to developing bespoke responses to prevailing needs and opportunities. It is an approach that has enabled UNHCR to incrementally strengthen national asylum systems in both transitional and developed asylum system contexts. UNHCR has found context-appropriate entry points where it can negotiate with and encourage governments to promote protection standards and refugee rights. UNHCR has adapted its supervisory role to work with states having fully developed asylum systems and has played an essential role in supporting the development of national regulatory frameworks, policies and processes for asylum systems.

The evidence indicates that UNHCR has a good general sense of strengths and weaknesses of counterpart institutions, sometimes backed up by detailed needs analysis. Country representatives play a crucial role in building and sustaining good relationships with government officials to underpin political engagement.⁸⁰ All evaluation sources point to ACD as an inherently political process because it involves: (1) policy decisions about how asylum processes deal with asylum-seekers; and (2) allocation of resources and power to, and between, national institutions.⁸¹ UNHCR management therefore needs to be able to understand local political dynamics. UNHCR Country Offices tend to have a well-developed sense of the political room for manoeuvre as far as ACD is concerned and have proven themselves adept at determining ‘the art of the possible’, focusing on particular components of a national asylum system where it can contribute, influence and introduce new initiatives on asylum. Given how sensitive asylum issues can be for governments, maintaining

⁸⁰ KII: “Operations are very tuned to any process and opportunity that presents itself to exert influence – this is the Reps’ daily business”.

⁸¹ Capacity Development theory also indicates that interventions to build institutional capacity “only work if they do not threaten the interests of the powerful stakeholders in and around an organization” (Ubels, J. et al. (2010), p.146). Focusing on technical aspects only carries risks of “collusion between the agents and recipients of capacity development [national institutions] to keep them away from sensitive issues of power and privilege” (Baser, H. and Morgan, P. (2008), p.71), while focusing instead on “programme design and management, performance measurement and structure and systems [i.e.] ‘First-order’ changes [that] can be put in place more quickly, while deeper and more important ‘second-order’ changes of developing capabilities can take years to embed in daily practice” (Ibid., pp.60,76).

active engagement between UNHCR and the government requires careful relationship management. Box 1 below illustrates this point.

Box 1: Adapting to operational needs and priorities – South Africa’s backlog project

South Africa’s most expansive ACD effort is its backlog project. South Africa has a backlog of approximately 150,000 asylum applications, mostly at the appeal stage. Many have not been adjudicated for years, and within the backlog there are various groups with specific needs or where more country-of-origin information is needed. UNHCR has sought to help the government with its backlog for many years but has now captured the opportunity to design a methodology and work with South African officials in a comprehensive manner, including embedding staff, to address the backlog. Such an undertaking is the result of extensive planning and relationship-building between UNHCR and the government. Indeed, providing a plan that helps the government see why it is in their interest not just to clear the backlog but also to improve on the system overall – to avoid future backlogs happening again – is essential to UNHCR’s ACD in South Africa.

UNHCR’s pragmatic approach has served the organisation well in making its support to national governments relevant while enabling it to maintain and adapt its long-term engagement with a country. The evidence from interviews and case studies indicates that UNHCR has been most successful in promoting ACD when it has been able to meet some or all of the following conditions in its work:

- **Long-term understanding of country context** complemented in some cases by ACD/protection needs assessment enables UNHCR to consolidate and sustain its ACD efforts. In Ecuador and Morocco, for example, UNHCR has worked with both governments over many years providing, inter alia: advice to support the development of refugee legislation, legal processes, systems and reform; training across a spectrum of partners and stakeholders; and support for rights-based organisations. In Niger, a joint government–UNHCR assessment was undertaken in 2018 on asylum capacity. A comparative normative regional assessment is under way.
- **Knowledge of governments’ political priorities** enables UNHCR to determine opportunities for engagement in specific ACD activities, for example: with the South Africa and Ecuador backlog projects; support for decentralisation and harmonising decentralised asylum processing in Costa Rica and Ecuador in line with government priorities; improving documentation processes in Azerbaijan.
- **Good personal relationships between UNHCR staff and government officials** help to sustain commitment to ACD. In Niger UNHCR maintains a close relationship with the government, including regular joint coordination meetings and daily interactions with government officials; this has sustained the government’s commitment and pledges to strengthen ACD, and a self-assessment process is under way.
- **Aligning UNHCR funding of ACD activities to government priorities** – for example: online registration and substantial support for the backlog project in South Africa; funding activities in the Philippines’ Department of Justice.

- **Building partnerships with other stakeholders helps to support capacitating activities.** There is extensive evidence of CSO support for asylum-seeker and refugee access to asylum systems, and training provided by local partners.

Box 2 below illustrates how some of these conditions operate in practice, notably long-term understanding, good personal relationships and partnerships.

Box 2: Political context and relationships with governments – the Philippines

In the Philippines, UNHCR assessed the context – a government inclined to develop its asylum system, and with smaller numbers of asylum-seekers, but somewhat limited staff and human resources to carry out RSD – and positioned itself as both a supporter and mentor to the government. There is a high level of trust between government officials and UNHCR, resulting in open communication and a willingness on the part of the government to consider UNHCR’s input on asylum issues. Its role in helping to create and coordinate the Philippines’ IASC has helped engage other government ministries on asylum-related issues, and has improved communication and coordination between government offices, with UNHCR and other stakeholders.

A flexible approach to ACD is not always strategic.

It is not clear that UNHCR’s ACD strategies have been consistently applied. Indeed, some informants questioned whether a corporate strategy for ACD was feasible, given the degree of variation needed in country-level approaches to ACD. There are relatively few contexts in which a comprehensive approach to ACD is possible, and – as discussed below in Section 4.3 and elsewhere – UNHCR has taken advantage of them.

Productive ACD requires a favourable policy backed by asylum legislation and positive public opinion towards protecting asylum-seekers, plus adequate capacity in the national systems to make good use of UNHCR ACD, as in the Philippines (see 2 above). In some cases, UNHCR and government have developed medium to long-term programmes for selected elements of ACD, as for example in South Africa and Costa Rica. In Mexico, UNHCR worked with regional states (USA and Canada) to develop a joint action plan to support the development of Mexico’s RSD processes in line with international standards, as the number of asylum-seekers began to escalate.⁸²

Evidence indicates that UNHCR has been strategically adept at adapting its ACD approach in any one context to the prevailing political and operational conditions. Whether or not there is a corporate strategy, it is also unclear whether UNHCR’s choice of an operational strategy for ACD in each context are based on a clear rationale or prioritisation. For example, some of the case studies relate to middle-income countries that could

⁸² See e.g. Chavez, G. and Voisine, A. (2021).

be expected to fund their own asylum systems, yet UNHCR continues to underwrite ACD at considerable costs.

4.2.3 ACD in difficult contexts: ‘between a rock and a hard place’

In more constrained operating environments, UNHCR’s ACD support does not always generate better protection outcomes for asylum-seekers. This can leave UNHCR managers in a difficult position, continuing to invest in unproductive ACD without, seemingly, a way to change course.

While UNHCR’s flexible approach to ACD investments is welcomed by governments, it has not always led to sustained gains in capacity or in the quality of asylum processes for asylum-seekers. In some cases, governments assuming greater responsibility for the management of asylum systems has not led to greater protection for asylum-seekers, with asylum-seekers’ access to rights declining even as system capacity increases. In more difficult environments, where some or all conditions for success are missing (see Section 4.2.1), UNHCR’s ACD investments do not always achieve their intended outcomes. UNHCR staff expressed frustration about the lack of progress in ACD in these more difficult contexts.⁸³ This can feel like a ‘no-win’ situation for Country Offices, aware that the investments in ACD are bringing limited results for asylum-seekers but without feeling they have any real power to significantly change the approach or the outcome. The scope for real reform of national asylum institutions depends on whether UNHCR has any power to influence change.⁸⁴ In more difficult operating contexts, UNHCR tends to focus on technical inputs, accepting that positive changes to the governance of asylum and any significant move to national ownership of ACD are not currently on the agenda. Thus, consonant with a recently completed evaluation of UNHCR’s Engagement in Humanitarian-Development Cooperation,⁸⁵ this flexible model does not necessarily produce better protection outcomes, and UNHCR can often find itself ‘between a rock and a hard place’ when it comes to promoting ACD and improvements in protection in more constrained operating environments.

In reality, therefore, ACD investments are made with both direct ACD-related benefits and indirect protection benefits in mind. Funds may be allocated to ACD activities in order to preserve the asylum ‘space’ and basic conditions of protection. Some UNHCR informants argued that UNHCR should continue with these investments to make sure asylum-seekers continue to be protected, while continuing to challenge the asylum

⁸³ A quote from the survey captures the dilemma faced by some UNHCR Country Offices: “For me, success entirely depends on the level of commitment and willingness of the government. It has simply not been a priority of the government here. In the meantime, UNHCR has been investing a lot of resources into it [ACD] with little result.”

⁸⁴ As the literature on capacity development notes, an enabling environment is a necessary precursor. For example, building institutional capacity “is much more than a technical process – power, politics and stakeholder interests shape what can be done, and how [...] there are limits to how far improvements will go even in the medium term if the context is less than enabling.” Ubels, J. et al. (2010), p.155.

⁸⁵ UNHCR (2021b) UNHCR’s Engagement in Humanitarian-Development Cooperation ES/2021/05 <https://www.unhcr.org/research/evalreports/61af7be94/evaluation-unhcrs-engagement-humanitarian-development-cooperation-sep-2021.html>

status quo behind the scenes. As the value of ACD investments is minor in the grand scheme, the lack of return in terms of asylum system gains is acceptable. However, in some countries ACD costs are not insignificant. Other informants argued that UNHCR managers should be held accountable for the benefits ACD investments generate (whether capacity or protection benefits). UNHCR appears to lack a structured process for reviewing ACD investment decisions. ACD value for money assessments were not found, either for direct capacity or indirect protection benefits.

4.2.4 Advocacy for ACD in intergovernmental processes

The strength of UNHCR’s advocacy for ACD greatly increases when part of an intergovernmental process. UNHCR is smart at using political openings but less adept at building or joining networks or partnerships that can exert more influence on ACD than UNHCR acting alone.

All the case studies included examples of UNHCR advocating for and/or contributing to changes in asylum policy, legislation, systems and living conditions for asylum-seekers. Feedback from the online survey respondents concerning UNHCR advocacy was mixed, with some feeling it was successful and others lamenting UNHCR’s limited ability to influence government policy and practice in asylum.⁸⁶ While being a valued partner to government – for example in Morocco, Niger and, to some extent, the UK, where UNHCR ACD has strengthened components of the national systems – its efforts have not always fundamentally changed the disposition of the governments towards asylum, even in countries where UNHCR has built a strong long-term relationship with the government.

In contrast, UNHCR’s influence greatly increased when feeding into or coordinating donor-led or intergovernmental processes, formal or informal, whereby the government was more open to change and needed UNHCR’s knowledge and support, as for example when preparing for the GRF, or when implementing the Brazil Plan of Action or the Joint Action Plan for Mexico. The key point here is that it was not UNHCR creating the political momentum but rather an exogenous political process creating incentives, which generated a positive demand for UNHCR support.

The evaluation found UNHCR to be smart at using political openings to propose improvements in asylum systems. It was also noted that UNHCR has had some success in building or joining networks beyond its implementing partners – where, together, members exert influence on governments to strengthen national asylum systems – but these are the minority of countries. There seems to be potential for more such networking. In some cases, UNHCR has taken the view that ACD is its mandate alone and that therefore other partners should not be engaged, or that they are not likely to have the expertise to do so, or that governments will only deal with UNHCR on a subject as sensitive as asylum.

⁸⁶ Including in particular in some of the survey responses.

4.2.5 The impacts of COVID-19 on ACD

The COVID-19 pandemic has had severe and continuing impacts on asylum systems and ACD efforts. UNHCR’s response has been pragmatic and context-specific, encouraging and supporting states to retain functioning asylum systems. The widespread lack of access to technology has been a barrier to conducting effective remote processes of ACD during the pandemic. UNHCR has yet to strategically assess the developmental opportunities and limitations for ACD presented by digital technology.⁸⁷

The evaluation revealed a significant range of constraints that the COVID-19 pandemic has placed on asylum systems, from complete shutdowns to increased delays in processing applications. Border and government office closures resulted in slower systems of reception and access, and in some cases the scapegoating of asylum-seekers, refugees and other PoC, and use of the pandemic as an excuse to limit asylum-seekers from entering the country, or to restrict applications for asylum, as demonstrated by the case studies.

In the UK and Costa Rica, among other case study countries, the asylum application backlog worsened as a result of the shutdowns in travel and government offices, at least in the first phases of the pandemic. In addition, resettlement and family reunion ceased in the UK when incoming flights were halted due to the pandemic. In the Philippines, closures due to COVID-19 meant fewer places to lodge claims and to submit documentation. The pandemic also led to some reductions in donor funding for ACD for UNHCR and its partners (NGOs, CSOs, legal aid, etc.).

UNHCR’s global response has mainly concentrated on adapting asylum services, operational and programme activities to mitigate COVID-19 impacts. UNHCR has pivoted to adjust its asylum capacity activities – ‘holding the line’ to support government registration and asylum processing, and introducing or speeding up the application of digital technology. In some cases this has meant moving ACD activities such as trainings or workshops online, which has had mixed results, with, in general, lower attendance rates in online fora. In more drastic cases, it has obliged UNHCR to go from trying to support improvements to the asylum systems to simply trying to preserve and uphold the basics of those asylum systems that were already under pressure before the pandemic. In Costa Rica, UNHCR managed to support the government in carrying out RSD in border areas – a flexible and decentralised approach that made it easier for applicants to avoid travelling to the capital city to lodge their claims. UNHCR in the Philippines supported the government to continue receiving applications by, for example, providing transportation for screening officers to alternative locations, building up plastic barriers for border officials so as to reduce the transmission of the virus in conducting registration and asylum processing, and carrying out additional trainings for new officials. Filing applications has been better activated despite the pandemic. In Niger, similar infrastructure support has been provided,

⁸⁷ The Joint Evaluation of the Protection of the Rights of Refugees during the COVID-19 Pandemic, involving UNHCR, was conducted in parallel with this evaluation.

and many ACD activities – including trainings, workshops and other events – were postponed, adjusted, or moved online.

One example of ACD leading to enhanced protection during the pandemic has been guidance issued by UNHCR for assessment and mitigation related to AGD considerations.⁸⁸

The pandemic has allowed UNHCR to capitalise on opportunities to prompt governments to accelerate the digitisation of their asylum processes. This has led to some processes being available online, from document renewal to holding formal RSD interviews. In South Africa, the backlog project includes a component of improving and digitising record-keeping. Documentation expiration dates were extended in South Africa, to give asylum-seekers more time to complete formal processes.

The evaluation found concerns that the widespread lack of access to technology remains a barrier to conducting ACD effectively during the pandemic and in the longer term.⁸⁹ Asylum-seekers and other informants pointed out that aspects of the asylum system are unsuited to online platforms, most notably conducting RSD interviews, in which asylum-seekers may have to divulge traumatic events. The evaluation team heard that it can be hard to find interpreters to assist in online RSD interviews. Thus, the constraints imposed by the pandemic on asylum systems are extensive.⁹⁰

4.3 Evaluation Question 3 – Effectiveness

How effective has UNHCR been in developing national asylum systems capacity?

The evaluation of the effectiveness of ACD is presented in seven sub-sections, covering: implementation of capacity development strategies, guidance, tools and practices for ACD; the effectiveness of UNHCR's contributions to sustainability and ownership; measuring ACD outcomes; QAIs; support for registration and identity management; the performance of national eligibility commissions; and data management.

⁸⁸ UNHCR (2020a).

⁸⁹ For UNHCR to conduct meetings, for refugees and asylum-seekers to access documentation and processing mechanisms, and for governments to offer an online system for applications and/or document renewal.

⁹⁰ For examples of guidance produced by UNHCR: Key Procedural Considerations on the Remote Participation of Asylum Seekers in the Refugee Status Determination Interview <https://www.refworld.org/pdfid/5ebe73794.pdf>; Key Legal Considerations on access to territory for persons in need of international protection in the context of the COVID-19 response <https://www.refworld.org/docid/5e7132834.html>

4.3.1 Implementation of capacity development strategies, practices, tools and technical guidance for ACD

UNHCR has been effective in the application and implementation of wide-ranging tools, practices and technical guidance to promote ACD with national governments. These activities are supported by experienced protection staff. However, UNHCR’s pragmatic and adaptive approach hampers the capture and transfer of the wider lessons learned, and the engagement of refugees and asylum-seekers in ACD is a significant gap in the effectiveness of UNHCR’s approach to ACD.

A key finding under EQ2 was that UNHCR has adopted a flexible approach to engaging with national governments for ACD. The evidence suggests, especially in the case studies, that this has been made possible by the development and wide application of ACD tools, practices and technical guidance developed at HQ that contribute to the development of national asylum capacity. Country Offices and Regional Bureaux actively draw on this extensive technical portfolio⁹¹ of resources, adapting relevant tools and practices to support effective engagement with governments and other stakeholders to capacitate national asylum systems.

Stimulated by the 2014 PDES review and the UNHCR RSD Section’s “Mission and strategic direction” document in 2015, the further development of ACD tools, practices and technical guidance over the evaluation period has clearly yielded benefits for UNHCR’s operational and technical capacity to undertake ACD effectively. Respondents in the global online survey remarked on the high-quality guidance and tools for ACD. The development of the resources and advice on their application to Country Offices and Regional Bureaux is supported by HQ technical staff, highly experienced in protection and RSD.

The following vignettes, compiled from the case studies, illustrate the effectiveness of UNHCR’s application of different approaches to ACD that are typically found across the six elements of the typology outlined in **Error! Reference source not found.** (Section 2.2.3).^{92,93}

Legislative support and legal advice

Country Offices are active in providing legislative support and legal advice to governments to develop legal processes and normative frameworks for national ACD efforts.

⁹¹ See Annex 2: Typology of ACD activities.

⁹² See Annex 2 for a full description of the ACD activities in this typology.

⁹³ The vignettes also constitute a valuable compilation of good practice.

Box 3: Costa Rica – legislative advice for ACD

This example illustrates a typical menu of legislative, legal and procedural support and advice provided by UNHCR to the government to strengthen its legal frameworks.

- Advice on policy and the development and revisions to legal frameworks.
- Comments on refugee appeals' procedural rules and Refugee Act Amendment.
- Technical and financial support for the Asylum System.
- Deployment of national and international experts to assist the government to ensure the quality of the RSD process.
- Capacity development activities, including workshops for the Asylum System's collaborative partners, including judges and other eligibility officers.
- RSD PP.
- Implementation of the QAI programme.

The evaluation finds that the effectiveness of these efforts is conditioned by several factors. The recognised high professional competency of Country Offices' protection staff is crucial; and, amongst the six activities that constitute ACD, legal advice always forms the core activity. Although, Country Offices generally have to hand a comprehensive portfolio of technical expertise, illustrated in the Costa Rica case above, in practice they tend to provide specialised support in only one or two areas of legal advice rather than 'across the board'—contingent on the needs and priorities expressed by government or where UNHCR perceives opportunities. The emphasis may therefore change through time and does not appear, from the case studies, to form part of a systematic strategy. Moreover, UNHCR's engagement in the long-term process of developing legal apparatus is vulnerable to short term changes, for example when it has to adapt to large and unexpected refugee inflows and government de-prioritisation of ACD.

Particularly where it has built up good long-term relations with government, UNHCR is proactive, in other situations reactive. In some cases, improving the legal apparatus relies more on UNHCR's sustained commitment to engagement with the government, rather than the government taking the initiative and responsibility.

There is some evidence of UNHCR support for developing the capacity of national judiciaries (both within countries and through regionally based initiatives), and their role in providing independent scrutiny of national asylum systems. This activity could be more widely promoted.

Overall, the evidence indicates that, although UNHCR provides substantial technical capacity to support and, in some cases, strengthen national asylum systems, this has had limited effectiveness in developing the capacity or sustainability of these systems over the evaluation period.

Advocacy and lobbying

Advocacy and lobbying constitute significant ACD activities which can be effective in encouraging states to increase their commitment to developing ACD and to take ownership of and resource their asylum systems.

Box 4: South Africa – advocacy to support ACD

This example illustrates how a package of advocacy activities developed by UNHCR to support national ACD efforts can encourage government investment, especially when backed up by UNHCR funding and technical assistance.

UNHCR has implemented an extensive advocacy programme to influence the national authorities to improve the quality and robustness of the national asylum system. This has included:

- Sensitisation sessions and informal and formal discussions.
- Workshops and trainings on international and national legal obligations, COI, asylum process and RSD.
- Coordination activities.
- Media campaigns to counter xenophobia.
- Encouragement to adopt electronic filing/document renewal systems.

UNHCR advocacy has also encouraged the government to invest in its ACD activities, backed up by substantial UNHCR and donor assistance for asylum system development and training.

The

‘soft politics’ of lobbying and advocacy by UNHCR plays an important role in supporting its capacity development activities.

Direct influencing on national authorities to establish robust asylum systems and to respect relevant international and national legal obligations is undertaken through a variety of activities: for example, sensitisation sessions, informal and formal discussions, workshops, coordination activities. The permutation of these and other activities is contingent on how effectively UNHCR has adapted its political engagement with governments. More successful advocacy is built upon long term engagement and good relationships with governments, together with adaptable strategies (as discussed more widely in Section 4.2.2). At the same time, widening the scope of advocacy to other stakeholders in a government’s asylum system, for example the law enforcement agencies (police or public defence services), and local governments also appears to yields positive results and better coherence in the asylum system. On the other hand there is limited evidence across all the case studies of advocacy being effective for including asylum seekers and refugees in the ACD process.

Indirect lobbying and influencing by UNHCR on governments through other stakeholders – such as NGOs, human rights organisations – as well as media and awareness raising campaigns also play a very significant role in helping to consolidate government willingness to strengthen the capacity of its national asylum system. UNHCR’s networking can be effective in creating important spaces for influencing and advocacy. Again, the evidence confirms the value of long term networking by UNHCR with these other stakeholders.

Influencing and advocacy are significantly enhanced if UNHCR makes available sufficient levels of funding to support the particular activities and parts of the national asylum system it is seeking to enhance. On the other hand, there is very limited measurable evidence of the effectiveness of advocacy and influencing on the outcomes for improving the quality of national asylum systems.

Institutional support

Country Offices deploy a wide range of technical, logistical and administrative assistance to help build or to advise on the development of institutional capacity.

Box 5: Philippines – an institutional support package for ACD

This example illustrates how UNHCR has developed, in collaboration with the government, a package of technical and institutional activities that plays a key role in supporting the country's national ACD efforts.

UNHCR has built a strong working relationship with the government and provides institutional and technical support to help coordinate and facilitate ACD in a number of targeted areas, including:

- Technical advice to government and government bodies on asylum systems development and developing institutional, organisational and administrative structures – notably the creation and the co-organisation of the IASC (the main forum for policy development and coordination).
- Facilitating improved access to legal services, including through a Memorandum of Understanding (MoU) with the Public Attorney's Office.
- Capacity needs assessments and identifying gaps in policy, institutional and staffing capacity.
- Partnerships with other asylum system and protection stakeholders, donors, NGOs/CSOs, and legal advisers.
- Business continuity plan in response to COVID-19.

Alongside the major role UNHCR plays in providing legislative support and legal advice, the effective functioning of national asylum systems can also be dependent on UNHCR's institutional support. National system limitations are, in some cases, compensated for by UNHCR, by providing personnel and material support. Institutional support together with legal advice are often, in effect, the main pillars on which the effectiveness of UNHCR assistance depends. Support for institutional capacity covers an extensive array of activities – typified by the example of Box 5 – and is usually built around a long history of technical cooperation with the government with priorities tending to be driven by shorter term strategic actions. Less clear from the evidence is how the priorities for institutional assistance are agreed between UNHCR and respective governments, and the rationale for sustaining them often over considerable periods of time, despite the lack of evaluation of the effectiveness of such support. This reinforces the evidence for UNHCR's pragmatic and adaptive approach discussed above in Section 4.2. Such assistance ensures that UNHCR 'remains engaged' with a government whilst simultaneously also a factor contributing to the dependency of national asylum systems already identified (Section 4.2.3).

A significant element in such assistance in the case study countries lies in the embedding of UNHCR-funded staff in different parts of the national asylum system – often but not exclusively legal advisors and experts but also including an extensive array of organisational and administrative support roles. This enables UNHCR to maintain good relationships with governments whilst ensuring necessary levels of effectiveness.

Forming partnerships with other asylum capacity and protection stakeholders, such as CSOs, and academic institutions and developing the capacity of these stakeholders for their participation in asylum support

activities (discussed in more detail in Section 4.4.4), constitutes a significant dimension of UNHCR’s institutional capacity building. Of themselves the partnerships do not necessarily allow respective Country Offices to achieve fully effective asylum-related interventions. Nonetheless, they have enabled it to enhance effectiveness by leveraging local capabilities.

Infrastructure and systems

UNHCR Country Offices deploy an extensive toolkit of infrastructural and systems support which provide essential technical, logistical, managerial, and operational assistance to enable the functioning of national asylum systems. This assistance covers activities such as information and data management, together with infrastructure support such as the provision of buildings, facilities, IT equipment, and, in some cases, transportation.

Box 6: Azerbaijan – support for ACD infrastructure and systems

UNHCR has developed, in collaboration with the government, a package of infrastructural and technical support activities that underpin the government’s service provision and delivery to asylum-seekers.

- Assistance with accommodation centres in Baku and other locations where asylum-seekers resided. Facilities now handed over to government.
- Preparation of advisory leaflets and brochures in different languages covering asylum procedures, contact details, where to go for help, legal health care services, etc.
- Renovation works on the interviewing facilities completed in late 2020 [facilities have not been used yet because of COVID restrictions on entry into the country].
- Technical support: desktop pcs, printer, and camera.
- Advice on database development on asylum-seekers and refugees – similar to ProGres. [Assistance with the asylum database development was postponed to 2021]

As with other ACD activities discussed so far, and below, the finding indicate that national asylum systems would not function, or would function with very limited capacity without UNHCR support. Similarly with findings related to these other activities, it is evident that essential though this infrastructural support is, there is little clarity on how and why particular activities are selected and sustained and how they relate to strategic priorities. More often, UNHCR’s infrastructure support functions to fills in the gaps and to keep the asylum system running rather than building effectiveness and the capacity of the government to operate that asylum system.

Individual capacity development

Given UNHCR’s heavy emphasis on training to support ACD (see Section 4.4.1), and the popularity of training with governments, UNHCR has developed and implemented an extensive portfolio of training activities to improve the skills, knowledge, motivation and leadership capacities of national counterparts in asylum processes.

Box 7: Morocco – individual capacity development for ACD

Developed in partnership with the government, several axes of individual capacity development and training illustrate the diversity of UNHCR’s support for this aspect of ACD.

- An annually renewed partnership between the UNHCR and the National Commission for Human Rights (CNDH), since 2014, provides staff, technical assistance and funding for a range of activities such as dedicated training and awareness-raising events on asylum, aimed at civil society, migrant associations and national human rights institutions in Sub-Saharan countries.
- Since 2016, UNHCR has implemented an annual programme of workshops, seminars, conferences and training courses with selected institutions of higher learning to support legal clinics for RSD and refugee registration processes.
- Between 2014 and 2019, UNHCR conducted public workshops and seminars – at both introductory and technical levels – for key government staff in relevant ministries, law enforcement and national security officials, elected officials, and members of the judiciary on: refugee law; asylum policy; UNHCR’s mandate; protection and the integration of refugees; statelessness; birth registration.
- UNHCR is now in discussions with the Ministry of Foreign Affairs (BRA) on a joint plan to further develop the technical capacity of BRA staff.

The scope of UNHCR’s support for individual capacity development across many government entities and institutions, and a wide range of other stakeholders in national asylum systems includes inter alia: immigration officials, case workers, border guards, police, and many NGOs and the bar. UNHCR also works closely with academe partners who often provide the trainings and UNHCR Country Offices are proactive in using local capacity which of itself, is a process that further helps to embed local ownership of national systems. Trainings cover many topics as noted in Box 7 above, for example on working with asylum seekers, interviewing, legal analysis, RSD, COI research, decision drafting as well as, more broadly, transferable skills and capacity in personal motivation and leadership.

The Findings on training are fully elaborated in Section 4.4.3. Specifically in terms of their effectiveness, whilst the diversity of individual capacity development activity is remarkable and is the focus of UNHCR’s contribution to (and governments’ interest in), developing potentially effective asylum systems, two inter-related findings are evident. First, a significant gap in UNHCR’s approach to individual capacity development lies in the lack of evaluation of the effectiveness of these activities for the individuals concerned. Secondly, and by extension, there is significant evidence that individual capacity development does not lead to, in the absence of other strategic and supporting activities, sustainably effective outcomes of improved asylum systems.

Quality Initiatives (QIs)

Facilitating and providing technical support for national and regional quality helps to underpin improvements to the functioning, quality and efficiency of asylum systems and processes.

Box 8: UK – Quality Protection Partnership (QPP)

This example illustrates how UNHCR has implemented a long-term and systematic programme for asylum quality improvement using well-tested UNHCR tools and guidance to support its supervisory role.

- UNHCR has supported and advised the UK government through QA projects since 2004, as part of its supervisory role under the 1951 Refugee Convention.
- The Projects are funded by the UK Home Office, the competent authority for determining asylum claims.
- UNHCR and the Home Office agree yearly organisational priorities, often determined by changing political contexts, and by specific pressures on the asylum system. UNHCR also responds to ad hoc requests from the Home Office.
- UNHCR provides technical support to the Home Office by sharing policy guidance and best practice, offering advice and guidance on international best practices, conducting audits and enhanced training, and supporting the Home Office's development and integration of QA mechanisms related to international protection.
- UNHCR has assisted in the implementation of one pilot project.
- The current project (2019 to 2021, with an extension to 2022), is the QPP, which aims to improve the functioning, quality, fairness, efficiency and integrity of the asylum system, in particular to strengthen the quality of pathways to protection related to refugee and statelessness determination procedures.

UNHCR has supported QIs at Country Office and Regional Bureaux levels, although this activity tends to be less prominent than the other activities discussed so far, despite the evident success of QIs, notably at a regional level (discussed in Section 4.3.4 and Box 12 below). The UK example (Box 8 above) is unusual amongst the case studies undertaken for this evaluation in illustrating a coherent programme and a project-driven approach supported by UNHCR, and also with a clear thematic focus for the 2019-2022 QPP.

By contrast, the evaluation has found only very limited application of QIs in the other case study countries, and no evidence in two of the cases. Where there this activity takes place, QI efforts are ad hoc and informal. Typically they rely on staff development (mainly through exchange visits, twinning, or workshops to facilitate cross fertilisation of good practice and to bring in learning from other contexts), rather than activities that embed QI in a national asylum system per se, such as diagnostic tools and quality monitoring processes. The example of Niger is an exception where the establishment of a new Quality Monitoring Unit is an ACSG pledge.

Complementing these findings, which are drawn from specific examples of the effectiveness of UNHCR's approaches to ACD, with cross-cutting findings from the case studies, some important new variables that underpin the effectiveness of UNHCR's activities are evident. From this same perspective of effectiveness, many of the earlier structural (EQ1) and strategic findings (EQ2) are reinforced.

The case studies overall, and the array of activities demonstrated in the boxes above, provide ample evidence that among UNHCR's main strengths are: the effectiveness of its technical and operational expertise and the capacity of staff at Country Office and Regional Bureau levels; the array of tools and guidance at its disposal for ACD; its systematic approach in identifying the main shortcomings of asylum systems; its advocacy for ACD; and its capacity to act as coordinator and facilitator.

Moreover, UNHCR has been most effective in promoting ACD when it backs its proposals with resources – there are (financial) resource components evident in all the examples above. In all case studies, UNHCR was actively advocating with governments to influence asylum policy at political levels. But evidence of measurable and sustainable changes in national asylum systems occurring through advocacy alone are scant (see Section 4.3.2 below). Governments were much more likely to respond to UNHCR’s proposals when they were backed up with UNHCR financial resources and personnel, specifically in countries where asylum systems are not fully developed. At the same time, the findings from the case studies demonstrate that the effectiveness of ACD activities can really only be delivered with significant and long-term government commitment to systems change and to broader protection improvements for asylum-seekers, for example in the case of the Philippines (Box 5 above). Otherwise the pragmatic and adaptive approach to the development of a targeted element (or elements) of national asylum capacity – highlighted by the evidence above – with modest objectives is the realistic choice evident in almost all the case studies.

Although there is some evidence of institutional learning on the effectiveness of these activities (further elaborated in Section 4.5.1 below), the pragmatic and adaptive approach hampers the capture and transfer of the wider lessons learned in what are, and what are not, effective ACD activities. Beyond process reporting, the evaluation found limited case study evidence that UNHCR has undertaken more systematic evaluation to capture the learning from strategies and practices such as those exemplified in the vignettes above and the impacts and outcomes of its ACD activities as opposed to the outputs. Lessons have not been captured in ways that feed into broader ACD learning, either at the operational level or in the organisation, about how to overcome the principal barriers to ACD (see also Section 4.5.3 below).

Engagement of refugees and asylum-seekers in ACD is a significant gap in the effectiveness of UNHCR’s approach to ACD across the case studies, as also noted earlier (Section 4.2.6). While UNHCR carries out AGD consultations in some countries, there was no evidence that refugees’ and asylum-seekers’ views were sought on the design or functioning of the asylum system (see also Section 4.5.2). There were also indications that despite UNHCR efforts, asylum-seekers lacked understanding and information on the asylum process, on what refugee status can provide, and on what rejection of an asylum claim entails.

More generally, the case study findings on effectiveness also reinforce some of the structural (EQ1) and strategic findings (EQ2). For example, the political context and the willingness of the government to take up the support offered by UNHCR are dominant variables in the effectiveness of UNHCR’s engagement and progress in ACD. Similarly, as the above examples illustrate, these effective interventions could not be achieved without close working partnerships and relationship management between UNHCR and governments (and with its NGO and CSO partners), even though this runs the risk of UNHCR being unable to challenge the government to take on greater responsibility for its asylum system. In some case study countries, the national asylum system seems to have been deteriorating, which raises questions about the overall effectiveness of UNHCR’s ACD to improved protection outcomes. Although UNHCR has been effective, in some cases, in ensuring that asylum applications are processed efficiently, the case studies

confirm that UNHCR may have had little impact on effecting systemic changes needed to build the national asylum system or capacity.

4.3.2 The effectiveness of UNHCR's contributions to sustainability and ownership

Despite significant efforts at capacitating national governments, in general the effectiveness of these efforts has had limited effect in establishing sustainable asylum capacity, i.e. that is fully owned⁹⁴ and supported by government. UNHCR has been relatively successful at technical capacity-building for individuals, but it has had more limited impact in developing institutional capacity development.

The measure of successful ACD is how sustainable national asylum systems are without UNHCR financial or operational support, and how eventual transition to a well-developed state-managed asylum system can be satisfactorily accomplished. These criteria constitute the basis on which UNHCR can withdraw direct ACD support and focus on supervision of state responsibilities, as enshrined in the 1951 Convention.

UNHCR efforts, described in the previous section, have been effective in implementing many technical and operational components of asylum systems within national governments. But successful capacity-building also entails developing and sustaining institutional capability. To some extent the effectiveness of ACD activities in achieving sustainability in national asylum capacity may depend on factors over which UNHCR has little or no control, or which lie outside the mandate and competence of the organisation. Nevertheless, the evaluation has found very limited evidence that these efforts have been effective in engaging with public sector capacity and institution development processes that include improvements to, inter alia, administrative and civil service functions, public financial management, and revenue administration.⁹⁵ The example presented below (Box 9) captures the limitations in developing institutional capability that are widely evident in the case studies.

⁹⁴ In one sense, national asylum systems are by nature “owned” by the State. “Ownership” here is used as shorthand for government management and financing of asylum systems, as in “developed systems” and “fully developed systems” typology explained in Section 2.4.4.

⁹⁵ These components of capacity development have been discussed in Section 3. In line with the ToR, the evaluation takes the definition of capacity development adopted by UNHCR’s RSD Section in 2019, which itself draws from UNSDG guidance: “the process whereby people, organisations and society as a whole unleash, strengthen, create, adapt, and maintain capacity over time, in order to achieve development results.” UNDG (2017), p.5.

Box 9: The challenge of sustainability

UNHCR's ACD work in one case study country ranges from technical to financial support, including paying some staff salaries, creating RSD spaces (providing the facility for the Refugee Desk that is in line with UNHCR standards), providing Internet, transportation and accommodation for police and border officials, and logistical support. UNHCR has also helped develop the refugee eligibility committee and conducts numerous trainings for the Refugee Appeals Board Officers. UNHCR can tie these activities to positive outcomes for asylum-seekers; there is a 96% recognition rate, and the country is known for having a relatively progressive policy toward asylum-seekers – something that has direct linkage to its asylum capacity. However, while UNHCR has supported the government to have ownership of its system, if and when UNHCR's presence and funding decrease it will be difficult for the country to maintain on its own, because ACD efforts have neither consolidated institutional capacity – system administration and management, staffing – nor enhanced the government's ability to finance the asylum system independently.

UNHCR is understandably reluctant to withdraw support for national asylum systems unless they are sustainable under government responsibility, because the protection of asylum-seekers may suffer. For their part, governments may be reluctant to assume full responsibility, because sustaining national asylum systems imposes significant institutional and financial demands and may have negative political consequences if doing so goes against public opinion. According to the ToR, during the evaluation period Kenya and Turkey substantially transitioned to full responsibility for national asylum procedures. That only two countries did so suggests the hesitancy of states to take on national management of asylum systems and the challenges of developing the relevant capacities and assigning the resources required.

Long-term, effectively resourced planning for ACD that sets a clear agenda with government is essential for sustainability but is not yet embedded in current UNHCR practice.

Evidence from the global online survey and from case studies stresses the importance of strategic and long-term approaches to ACD, setting a clear agenda with government and engaging directors and senior policymakers in national counterparts for progress towards sustainability. The evaluation has found only a few cases of longer-term ACD planning. Evaluation respondents indicated that UNHCR's short-term budgeting and planning cycle is an inhibiting factor. Survey respondents anticipated that UNHCR's new RBM system, COMPASS, combined with three-year budgeting, should allow for a longer-term planning approach for the progressive development of capacity without having to focus only on short-term outputs.

ACD strategies in the case studies tended to focus on specific issues or themes. For example, in Ecuador between 2015 and 2017, a reassessment of priorities enabled UNHCR to introduce the QAI strategy and processes aimed at a systemic approach to quality improvement linked to new legislation, which UNHCR advised on. An extensive training programme was also rolled out as part of this strategy.

The case of Niger (Box 10 below) highlights the importance, but also the challenges, of long-term ACD planning.

Box 10: Long-term planning and sustainability – Niger

In 2018, with UNHCR support, Niger defined a new strategy to strengthen the asylum system, focused on: RSD; institutional capacity and infrastructure development to reinforce central agencies; improving competencies for case processing; and training. The strategy foresaw the introduction of structural reform of the system to ensure some sustainability of technical capacity activities, and the option of a fully dedicated asylum agency attached to the Ministry of Interior to be considered in the long term. In many respects this was an exemplary model of ACD longer-term planning, built upon effective relations between government and UNHCR. However systemic constraints, not fully addressed in the strategy, have limited its operationalisation:

- complex funding arrangements, including part-reliance on the EU Regional Development and Protection Programme for North Africa;
- different interests of stakeholders – UNHCR, government and others;
- the country’s extreme poverty prevents national resources being dedicated to ACD, so dependency on external funding continues;
- high turnover of staff;
- lack of preparedness and flexibility to address increasingly mixed migration flows;
- challenges for government in fully assessing the political and technical feasibility of translating reforms into practice.

UNHCR faces challenges in encouraging governments to adequately finance, staff and resource national asylum systems. But national asylum systems cannot become sustainable unless they are embedded in government structures and in ministerial budgets.

Because it is state responsibility for RSD that flows from the 1951 Convention, transition to a fully developed state asylum system, with RSD at its core, should be the fundamental objective of ACD. However, this can be very challenging to achieve.

Survey respondents pinpoint the challenges that UNHCR faces in encouraging government ownership, noting the “lack of political will [of governments] to take ownership of, and fund, the asylum system” as a significant barrier to the establishment of sustainable asylum systems. Maintaining, and ultimately assuming responsibility for, “developed” and “fully developed” asylum systems and national asylum capacity can, indeed, be challenging for governments. Consequently, they do not prioritise asylum quality and ACD, assigning only limited national financial resources to their asylum systems. This can lead to continued reliance on UNHCR to fund capacity gaps (some larger, some smaller) for many years and with no agreed end point, even when the asylum system is under state management. Long-term dependency on UNHCR financing makes it difficult for UNHCR to withdraw support, which in turn further reduces governments’ incentives to shoulder the costs. Moreover, capacity development tends not to proceed smoothly or linearly: capacity can be gained and then lost or fail when government policy changes or where governments are unwilling to take full responsibility.

Sudden mass population movements can severely constrain an otherwise reasonably functional asylum system, as in Niger⁹⁶ and Costa Rica, where sudden mass population displacements overwhelmed host government capacity to provide protection. UNHCR ACD efforts have been put back by these rapidly changing conditions.

Box 11: The challenge of sustainability – Philippines

UNHCR and the government have a strong and long-running working relationship. In principle, the government has taken full ownership over the asylum process and authority over decisions. Yet, even though the case load is very small,⁹⁷ this has not resulted in the handover of the management of all asylum-related activities. In part this is due to the government's continuing reliance on UNHCR knowledge and expertise: UNHCR plays what was described as a 'substitutionary' role. While UNHCR has persuaded the Department of Justice of the importance of having comprehensive asylum legislation that would enable them to do more, it has faced challenges in convincing legislators to adopt these priorities. This lack of comprehensive asylum legislation is indicative of how technical capacity-building cannot succeed without institutional commitment. A lack of state resources for the Philippines government to dedicate more staff to its asylum system remains the biggest obstacle to government ownership.

The financial impact of UNHCR taking on the provision of substantial financial resources for national asylum systems is echoed in interviews and other country case studies. Thus, UNHCR's role in providing the financial resources to sustain asylum capacity is an important determinant of the willingness and capacity of states to undertake responsibility for RSD, their asylum systems and ACD more generally. Understandably, hard-pressed governments in middle- and low-income countries often assign only limited national financial resources to meet these obligations of state-owned systems. As a result, UNHCR tends to find itself paying part or all the costs of government systems year after year (except in countries with fully developed asylum systems). Sustainability depends on the government providing some or all of the funding for the national asylum system within the national planning and budget. Where it is considered unrealistic for the national budget to cover all costs of the asylum system, external funding can form part of a sustainable system if made part of national development planning and budgeting. Short-term (even if repeated), project-based funding to asylum structures outside the national budget cannot be regarded as sustainable.

Symptomatic of these challenges, evidence shows that governments that do not have fully developed asylum systems often locate asylum-related activities to parallel agencies⁹⁸ attached to line ministries – rather than embedding them within line ministries such as interior/home affairs – and their budgets. These agencies enjoy less direct government ownership either with or paid for by UNHCR, exacerbating the limited government

⁹⁶ The number of forcibly displaced persons in Niger increased by 25% between 2019 and 2020, surpassing 535,000 persons.

⁹⁷ 811 refugees and 542 asylum-seekers registered as of 30 June 2021.

⁹⁸ Typically, these may be called Directorates or National Commissions, such as the General Directorate of Migration (DGME) in Costa Rica.

ownership of the asylum system. The short-term and unpredictable contracts then undermine UNHCR efforts to build or embed capacity.

In countries with fully developed asylum systems, UNHCR’s supervisory role provides only limited scope to influence policy direction and strategies.

UNHCR also operates in countries which have fully developed asylum systems, low asylum caseloads compared with other countries, and well-resourced institutional and funding capacity. In these contexts, UNHCR’s role is largely focused on QA (CD Strategy 4 from the ToC) and influencing (within CD Strategy 1).

For example, UNHCR is closely engaged with the UK government, where the scope to influence a broader development strategy for asylum capacity is mediated by the more pragmatic need to adapt to frequent political and legal changes. The Country Office has worked with the Home Office on selected activities set out in agreed short-term workplans to improve specific aspects of the asylum system and to support QPPs (see Box 8 above).

Countries with fully developed systems also tend to be high-income countries, where UNHCR may make little financial contribution to the functioning of the asylum system. This, in turn, can reduce UNHCR’s influence further compared with countries where UNHCR is paying some or all of the asylum system costs. In these contexts, UNHCR may thus have to downplay its role in advocating with government to meet its international obligations for protection, and put more emphasis on building relationships with governments and supporting them (with technical advice, for example) to achieve their own operational plans. This strategy can be valuable for creating and sustaining positive relationships with governments and may result in positive protection impacts overall, for example, through training, QI activities (as in the UK), or assistance in developing or by informally commenting on national guidelines; but it potentially reduces UNHCR’s voice in helping government to be accountable for quality asylum systems.

With exceptions, continuing dependency on UNHCR support for ACD, often extending over many years, has seldom yielded transition strategies for national asylum systems; capacity uptake and buy-in from governments are both limited.

In the case study countries that are in transitional or development stages of ownership of their asylum systems, the evaluation has found that UNHCR ACD efforts are constrained either by pressing challenges that need immediate attention or by lack of political will.

UNHCR assistance for national asylum systems is determined by the country’s immediate needs and priorities – for example: the backlog project in South Africa; tackling a steeply rising case load in Costa Rica – which tend to pre-empt or deflect from more holistic strategies for developing and transitioning capacity. These conditions take the focus away from capacity development.

In other case studies, despite very different operating contexts, UNHCR has had some successes in strengthening some elements of the national asylum system across a wide-ranging portfolio: legislative advice; capacity-building and advisory support to line ministries and the judiciary; introducing structural reform; enhancing technical capacities of state institutions. However, there is scant evidence, over the evaluation period, that UNHCR has succeeded in embedding asylum systems in government institutions; instead it continues to provide resources and assistance to governments and implementing partners, resulting in continuing dependency.

Strategic and systematic approaches to the transition of national asylum systems to governments have been employed in a few countries only.

During the evaluation period, UNHCR has been able to map capacity and agree a medium-term capacity development plan in a few countries. In many other cases this has not happened for one or more reasons, including: a crisis context squeezes out the space for ACD; the government is not ready or interested in longer-term ACD; and/or UNHCR does not take sufficient action to propose such a process, or does not have the appropriate mechanisms to do so. Many informants spoke of the need for more deliberate “exit strategies”,⁹⁹ i.e. how to reach a point when UNHCR ACD activities and/or funding are no longer needed and when the transition process to nationally owned ACD is achieved.

UNHCR’s highly differentiated, tactical approach to ACD (discussed under EQ2) can serve the organisation well; but it is not clear that UNHCR’s ACD engages with a government with a strategic ‘vision’ of the long-term objectives and purpose. The evaluation found and heard of many cases where a ‘steady state’ of long-term dependence of the state on UNHCR has developed, with very limited progress from year to year. The states are unable, or unwilling, to develop sufficient capacity to take responsibility for their asylum systems, yet UNHCR finds it hard to stop its work in ACD, does not consider that there is any way to withdraw, or considers it would be a mistake to do so.¹⁰⁰ Some KIs feared that if UNHCR withdrew, national asylum systems would collapse.

It also implies, as other respondents have indicated, that ACD provides UNHCR with the rationale to retain relationships with a government and long-term support, even where there is little or no positive change in asylum quality, and UNHCR is not always able to influence authorities to meet their responsibilities for asylum or to respect the rights of asylum-seekers and other PoC.

⁹⁹ The term ‘exit strategy’ is debatable in that UNHCR does not ‘exit’ (i.e. leave), but transitions to different roles, such as its supervisory role.

¹⁰⁰ Terms such as ‘ownership’, ‘handover’ and ‘exit strategy’ were used widely by UNHCR staff in interviews. These are often shorthand for transition to full national ownership. UNHCR does not ‘hand over’ an asylum system, since the asylum system belongs to the state. These terms refer to the phasing out of UNHCR assistance for ACD, so that UNHCR can recalibrate its relationship with government to its supervisory role of helping to ensure that states uphold the 1951 Convention.

4.3.3 Measuring ACD outcomes

There is a gap in the measurement of the outcomes achieved by UNHCR's ACD activities. This is limiting the accountability of both UNHCR and national institutions that received assistance, and limits the scope of for learning and improvement.

Although attributing outcomes to the effectiveness of specific UNHCR activities to promote ACD is difficult, the evaluation team has struggled to find data at a global level on the contribution of UNHCR to such outcomes in terms of, for example, the quality of asylum outcomes, the quality of asylum decisions and their fairness and efficiency, or value for money. UNHCR collects significant amounts of data on financial expenditure and outputs and some output indicators that can be designated as ACD, and many more loosely related to this. There is no agreed set of output codes for ACD. An attempt has been made to assemble relevant indicators and associated expenditures (see Section 2.5 and Annex 8).

Given how long UNHCR has been engaged in ACD, it is reasonable to expect the organisation to have developed outcome performance measures to assess changes in the capacity and quality of asylum systems, including the contribution of its own work in ACD. For specific initiatives, especially for the QIEE, it has done so; but so far it has not applied these approaches more widely. Survey respondents noted this gap and expressed the desire to see more evidence and analysis on what works in ACD. Several informants expressed hope that the new RBM system, COMPASS, with its multi-year budgeting, could be favourable to the planning and implementation of longer-term ACD processes and for monitoring outcomes.

UNHCR does not collect data on effectiveness of ACD training for improving the quality of asylum systems. Nevertheless, there are widely reported concerns about the limited impacts.

Good-quality training translates into effective training only when the surrounding institutional conditions allow – conditions which, as discussed in earlier findings, often do not pertain. The learning of trainees needs to 'fall into the fertile ground' of an institution which will make active use of new skills and knowledge acquired. The evaluation has no firm data on the effectiveness of UNHCR training of counterparts, because the team has not located any analysis by UNHCR of the link between training and the changes accruing to the quality of asylum processes or outcomes. UNHCR routinely collects information on how many people have been trained, but much less on how much difference the training made at the implementation level.¹⁰¹ Feedback from interviews and from the survey was mixed.

Some UNHCR staff were very positive about how much national counterpart trainees valued the courses provided. In some cases, a wide variety of courses has been provided. Other expressed frustrations about the effort going into the provision of training, leading to limited results. Whatever the quality of ACD training

¹⁰¹ Perhaps, in part, because this requires monitoring and analytical resources the UNHCR Country Offices do not have.

provided by UNHCR, there are other factors, emerging from all data sources, that sometimes undermine its value and effectiveness, the most cited by informants being the following:

- Frequent turnover of the officials makes repeat training necessary and the development of a skilled cadre within the relevant asylum institution more difficult. (Government informants explained that they also find the turnover of UNHCR staff makes their work with UNHCR more difficult.)
- Training is sometimes undertaken within a political context where the granting of asylum is restrictive (and becoming more so in several countries), so that, even though skills and efficiency have improved, the quality of asylum has not.
- In some cases, the staff put forward for training by government institutions are not sufficiently qualified to benefit from the training. UNHCR can find itself having limited influence over the selection of trainees.

4.3.4 Quality Assurance Initiatives

QAIs have proven to be a valuable tool in advancing the capacity of national asylum systems.

The evaluation team reviewed the role of UNHCR's QAIs in facilitating improvements to national asylum capacity. Two initiatives in particular were highlighted by informants as good examples: the QAI in the Americas (which originated from the BPA in 2014 and has the goal to harmonise national asylum systems by progressively including RSD procedures, capacity-building activities and case management procedures) and the QIEE. That a similar approach to quality improvement worked successfully in regions with quite different operating contexts indicates that these approaches and tools might be more generally applicable.

Box 12: QAI in the Americas and QIEE in Eastern Europe and the Caucasus

The evaluation has sought to assess what made these initiatives successful and what UNHCR can learn from them. The following seem to be the success factors behind these quality initiatives:

- Both initiatives were based on the 2010 reference document “Building in quality: a manual on building a high quality asylum system”.
- States in both these initiatives were committed to strengthening national systems through bilateral and regional cooperation.
- National improvement plans were based on detailed capacity assessments.
- UNHCR had financial resources to provide facilitation, coordination and reporting.
- UNHCR produced periodic assessments of the quality of asylum systems, backed by detailed assessments, that were actively debated by participating states.
- Several evaluations and impact assessments were carried out.
- There was external funding support for at least six years.

Heads of the national asylum services met in high-level regional meetings. QAI and QIEE created momentum with national authorities at country level, and a regional dynamic of peer review and friendly competition between countries that meant participants were keen to show continuous improvement. UNHCR's monitoring role was a key element of both initiatives. The initiatives proved important in helping participating governments to prepare positions and pledges for the GRF. A political momentum was created that, in turn, created space for UNHCR's supervisory, facilitation

and support roles. It may also be that they were more accepting of UNHCR's monitoring while there was external funding.

4.3.5 Support for Registration and Identity Management

The evaluation found that UNHCR's role in the development and operation of registrations systems was positively viewed, and UNHCR often plays a critical operational role in helping to develop field capacity for registration to improve access for asylum-seekers and refugees.¹⁰²

UNHCR's approach consists of supporting government to develop their own digital, online systems by scaling up resources, providing technical know-how and, in some cases, consultants to help governments develop their systems, or using UNHCR's PRIMES, which comes with robust support resources from HQ and Country Offices. UNHCR's approach has recently been revised and consolidated.¹⁰³

Although the evidence collected is limited, the evaluation found that UNHCR's role in the development and operation of registrations systems was positively viewed. In some (but not all) contexts, registration, it is suggested by informants, may be a less politically sensitive process than RSD, and so UNHCR support may be more positively received, particularly as the data that these information systems provide are usually of direct value to governments for their own policy and operational needs.

UNHCR often plays a critical operational role in helping to develop field capacity for registration to improve access for asylum-seekers and refugees. In many case study countries, UNHCR has supported governments and CSOs to establish reception and registration facilities, and train border guards and police who are often in the front line for arrivals, to ensure registration of asylum-seekers at entry points. For example, in Costa Rica and in Morocco, UNHCR has provided assistance to the government and a CSO respectively, to establish a reception centre, to assist with documentation and, in the case of Costa Rica, also to avoid administrative detention. In Costa Rica, efforts are also focused on engaging with the migration police at border posts.

Regional Bureau and Country Operations in the Americas have been proactive in developing regional capacity, building on the earlier work of a regional registration office, which preceded establishment of Regional Bureaux. A regional approach has enabled UNHCR to prioritise and harmonise its assistance across the region. Developing regional registration systems also forms an essential prelude to the scaling-up of RSD processes, ensuring that they too are more consistent across the region, and more efficient, since there will be more accurate and more comprehensive data on refugees, asylum-seekers and migrants in the region. QA

¹⁰² It should be recalled that that the restricted evaluation of registration and documentation has been acknowledged, in retrospect, as a limitation to this report.

¹⁰³ UNHCR (n.d.) "Guidance on Registration and Identity Management". [online] Available at: <https://www.unhcr.org/registration-guidance/>

workshops, to support governments in developing common standards for state-owned registration systems, have proved to be a valuable tool to support these initiatives.

Developing registration systems in collaboration with governments requires a strong process perspective, a phased multi-year programme, awareness of the political interests and tensions involved in working with governments, and innovative methods of ensuring that asylum-seekers and refugees are involved in the design and development.

The following observations on registration systems and registration tools were gleaned from the KIIs:

- Registration systems are very context-specific, requiring detailed analysis of local conditions and needs as a prelude to the tailored application of principles and operational systems.
- Developing registration systems is rarely a linear process. A phased approach is needed for implementing UNHCR’s registration system or developing or transitioning to government systems.
- Complex data management systems and a multi-year and clear handover strategy are needed. Sustaining government commitment is important but has not been successful in some case study countries. Although adopting the UNHCR system may be an essential first step, it is not an end goal but a transitional system, requiring a clear strategy of how to progress to government ownership and, often, also requiring significant investment from UNHCR.
- Registration systems are costly to develop and expensive to run, leading to government reliance on UNHCR funding. Governments may contend that UNHCR is holding up development when, in fact, funding is not available.
- By adopting, where possible, national local standards and tools for registration systems in UNHCR-led systems, UNHCR can support the development of national registration systems, and encourage national ownership of refugee and asylum-seeker data.
- Ensuring compatibility with the UNHCR’s data protection framework is an important component of UNHCR assistance to the development of national asylum systems.¹⁰⁴
- Where governments prefer to control the processing of refugee and asylum-seeker data, for example when integrating them into their own national identity registration systems, it is important to ensure interoperability with UNHCR programming needs, which generally require richer data sets, including socioeconomic and demographic information.

¹⁰⁴ For instance, the 2020 RSD Procedural Standards begin with a comprehensive chapter on Data Protection. Likewise, data protection considerations are mainstreamed across UNHCR’s “Guidance on Registration and Identity Management”.

4.3.6 Performance of national (eligibility) commissions

There is widely-held concern about the efficiency and effectiveness of the national (asylum or eligibility) commissions that are responsible for RSD decision-making.

Often with UNHCR encouragement in the past, national commissions are used widely, though not in all countries that have adopted the Convention. The commissions have often been set up to engage a variety of government actors¹⁰⁵ in the decision-making, with the aims of gaining greater protection for those granted asylum and establishing more transparency.

Several sources¹⁰⁶ criticised these national commissions for being too large, inefficient and expensive, even when they are supported technically by UNHCR. Decision-making on status determination can, in some cases, be slow to very slow, and arbitrary. The commissions are perceived by informants as expensive to service, requiring funding to support them even when there is no improvement in the quality of asylum outcomes and the intended structural reforms are not forthcoming. According to a survey participant, “Whether resources invested in national eligibility committee/commissions yield tangible outcomes should be tested”.¹⁰⁷

4.3.7 Data management

UNHCR deploys a range of national and global reporting mechanisms on data related to refugees and asylum-seekers. Among the key reports is the annual UNHCR Global Trends report.

UNHCR manages and hosts the global information management system, ‘proGres’ (now in version 4), that holds information on registration, RSD, resettlement and other data, as an essential building block of asylum system capacity. A major exercise to deploy and train on the latest version has recently been completed. Consistent with the aim of promoting national ownership of asylum systems, UNHCR encourages governments to develop their own registration and case management systems, but also runs proGres with more than 100 governments, without charge. Governments are reluctant to collect this data – complex systems are resource-heavy and costly to manage. The challenge for UNHCR is to ensure compatibility and interoperability between national systems and proGres. UNHCR’s global training programme for proGres was favourably reviewed in a case study on the recent UNHCR Learning and Development evaluation.

Work across the Regional Bureaux and Country Offices in the Americas, and with governments and local technical partners, has strengthened the data management capacity of national registration systems, which is particularly important in the context of the magnitude and complexity of recent large-scale displacement in the

¹⁰⁵ Typically, the Ministry of the Interior or Foreign Affairs, the State Migration Service, etc.

¹⁰⁶ KIIs, country case study KIIs, global online survey.

¹⁰⁷ A small number of OIOS audits of UNHCR country operations have directly called into question the value of UNHCR’s investments in these commissions and related mechanisms.

region. The experience also indicates that online systems for asylum applications have the potential for function at scale, but they need careful planning and resourcing if systems are not to be overwhelmed.

4.4 Evaluation Question 4 – Support to national asylum systems

How well has UNHCR equipped itself to support national asylum systems’ capacity development?

This question explores the strength and suitability of UNHCR capacity, systems and processes – one of the prerequisites for effective capacity development efforts – presenting findings on five themes: UNHCR’s assets in support of ACD; human resources and training for ACD; UNHCR training and its contribution to ACD; partnerships; and international development partnerships to support ACD.

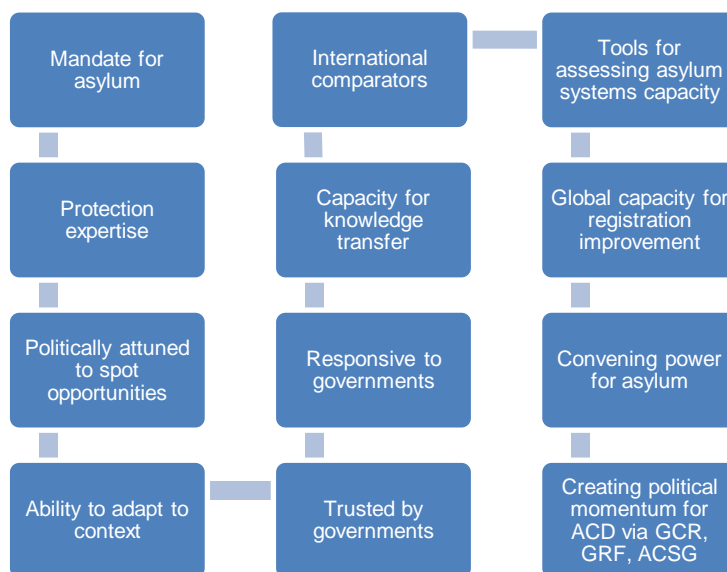
4.4.1 UNHCR’s assets in support of ACD

UNHCR has strengths and assets that together make it uniquely placed to contribute to ACD, including its global mandate and voice, protection expertise, political awareness and convening power.

Both before and especially during the period covered by this evaluation (2015–2020), UNHCR has developed and consolidated a significant array of assets which underpin its operational role in ACD. These assets are shown in

Figure 8 and elaborated below.

Figure 8: Summary of UNHCR’s principal strengths in ACD



UNHCR's **global mandate and voice** on protection, endorsed by KIIs and the global online survey respondents, ensures that it is the trusted source of international expertise on asylum, which is well recognised by states. All the case studies confirmed the authoritative role that UNHCR has in this domain. On this basis, UNHCR has adopted a responsibility for ACD (as discussed under EQ4.1 above), a role that is welcomed and relied upon by governments committed to improving their asylum systems.

Except where this contradicts the Convention or other international protection agreements, **UNHCR's readiness to respond to government requests for assistance** and to bring its assistance in line with government plans emerges strongly as an asset in the case studies. This is exemplified by the scaling-up of capacity development support for Costa Rica's asylum system in the mass influx of asylum-seekers from Venezuela in 2016 and from Nicaragua in 2018, and by the substantial support from UNHCR for South Africa's backlog project.

In all the case studies, UNHCR enjoyed a **close working relationship with government counterparts**, for example ministries of the interior/immigration and the state migration service (as discussed in EQ4.2 and EQ4.3 above). The evaluation found examples of UNHCR having built good relationships with other line ministries and with the office of the prime minister/president. This means that there is often an open door for UNHCR representatives to gain the trust of government counterparts.

Supporting its global mandate, UNHCR also has extensive **technical knowledge** and a portfolio of high-quality **technical resources and transferrable international experience**, both of which are appreciated by governments (again, as discussed in EQ4.3 above).¹⁰⁸ Governments value UNHCR's protection guidance materials and tools developed by HQ. These resources are complemented by the availability of IT expertise – for database management, software and electronic filing – relevant to asylum caseload management.

UNHCR's **expertise and experience in developing, managing and advising on registration systems** is well recognised and valued (see EQ4.3.5). Developing registration systems is essential for UNHCR and government policy development and operational needs. Along with RSD, registration is part of the 'core mandate' of protection-related actions. Case studies include global, regional and local initiatives to improve national registration and documentation systems, including through proGres v4, or in support of the development of bespoke national systems.

¹⁰⁸ KII: "UNHCR has huge in-depth knowledge of RSD".

UNHCR has a **recognised ability to transfer knowledge and provide international comparators** of ‘what works’ in ACD from other contexts. The RSD Practitioners’ Platform and Refworld provide valuable methods for such exchange.

One of UNHCR’s main assets is its **capacity to convene stakeholders**, which is respected and generally not contested. Informants also agreed that UNHCR has been able to **sustain political impetus for ACD** via over the evaluation period, building on the New York Declaration on Refugees 2016, the GCR and the GRF, and the ACSG, using its capacity to coordinate and convene.

4.4.2 Human resources and training for ACD

UNHCR ACD capacity

At the start of the evaluation period, the HQ teams for both RSD and Registration and Identity Management were smaller than they are today. In 2015, the two teams were based in DIP in Geneva, but both have scaled up since, and the Digital Identity and Registration Section is now part of the Global Data Service in Copenhagen.

At field level, in large-scale Country Operations, registration and RSD are separate functions; in smaller Country Operations they are combined. Close collaboration and joint work are essential when countries are also transitioning to national ownership of RSD, to ensure that registration systems and RSD are aligned. Given that the teams have different skills profiles, coordination can be difficult. For good coordination, RSD and registration staff need at least a basic understanding of each other’s work.

UNHCR staff training

Despite the technical strengths of RSD staff, evidence indicates that many lack training in the core skills of capacity and institutional development required for delivering ACD. Staff rotation also impairs the delivery of ACD.

The management of human resources is a strategic priority for UNHCR and a theme for this evaluation, because sufficient numbers of skilled and motivated personnel are a precondition for successful UNHCR contributions to ACD. One of UNHCR’s assets is the technical strength of its RSD and Registration and Identity Management personnel and the communities of practice these staff belong to, managed and actively supported from Geneva and Copenhagen.

Most UNHCR protection staff at country level are not trained in the disciplines of capacity development – a precondition of successful ACD. They have expertise in law, RSD and protection; but they do not have recourse to resources to guide them in mobilising capacity development – although, of necessity, some have taught themselves relevant skills on the job.

One of the tasks specified in the senior protection officer job description is to “engage national authorities in identifying and expanding opportunities in view of developing/strengthening national asylum/RSD systems”, yet capacity development is not a required skill for protection officers in the revised UNHCR skills register. Moreover, the need to set skills development for capacity development within the wider setting of a political economy perspective also appears to be a gap noted by some key informants.

GLDC offers a portfolio of training courses available on technical aspects of ACD¹⁰⁹ but these courses do not cover the ‘how to’ of institutional development and change management.¹¹⁰ As yet there is no general training available from GLDC on capacity development¹¹¹ as a discipline. For ACD, an online course is under development between by GLDC and the RSD Section.^{112,113}

In terms of skills training, three-quarters of respondents to the global online survey conducted as part of this evaluation reported having been trained in workshop or group facilitation, or in the design and delivery of training courses, and coaching and mentoring. By contrast, only a third had taken training in organisational development, change management or strategy development.¹¹⁴ 40% had received training on one or more technical aspects of ACD while at UNHCR¹¹⁵ (60% in Africa, 0% MENA).

UNHCR’s 2020 evaluation of learning and development¹¹⁶ challenged the organisation’s current approach to learning, finding that the organisation’s “wider learning system is not well-developed” and, as already noted, that the dominant paradigm concerning skill and knowledge development within UNHCR is heavily associated with training. The evaluation called for UNHCR’s “dominant mental model” to be reframed including to a new *understanding* of learning.¹¹⁷ The finding that “much of the workforce continues to see learning as

¹⁰⁹ Including: Refugee Status Determination Induction Programme (mandatory for new staff), RSD eLearning (available to all staff) and the RSD Learning Programme (a programme for advanced staff); coaching, mentoring and facilitation; training of trainers, training and facilitation development; staff secondments; Country of Origin information e-learning; and comprehensive proGres v4 training resources, including specific resources on RSD.

¹¹⁰ The RSD training programmes do not explicitly mention capacity development among their learning goals.

¹¹¹ There is an online course on change management, one of the tools underpinning capacity development.

¹¹² A learning programme is being designed, developed and delivered jointly by DIP and GLDC to cover identified capability gaps in the area of developing and strengthening national asylum systems. The target audience is protection staff with responsibilities for government capacity development in relation to the creation or strengthening of these aspects of national asylum systems. The ASLP will be ‘distance learning’ mode; however, it will take an innovative approach to engage the learners and allow them to have an interactive learning experience by making use of seminars/webinars, discussion forums, self-study, assignments and various micro-learning. Each cohort of the ASLP is planned to run for approximately four months.

¹¹³ In terms of training available, the only UN-supported training located was at the Learning Network on Capacity Development (LenCD) (<https://lencd.org>) and developed with the support of Swiss SDC and UNDP. The LENCDC was active from 2004 until 2016 and was largely Africa-focused. It is unclear whether this course is still available, but UNHCR may wish to explore it further. UNDP may also have better knowledge of suitable external courses. See <https://www.diplomacy.edu/courses/capacity#details>

¹¹⁴ Perhaps counter-intuitively, those with the longest service in UNHCR had less training in these subjects than their junior colleagues.

¹¹⁵ The most commonly cited were: The RSD learning programme, general protection training, facilitation of learning, interview techniques, and training of trainers.

¹¹⁶ UNHCR (2020e).

¹¹⁷ UNHCR (2020e), pp.6, 10.

synonymous with training” chimes with this evaluation’s findings, but only in part. At least some UNHCR staff are aware that training is not the only, or sometimes the best, route to capacity development. In many of the interviews and survey responses, staff made it clear that training by itself is no panacea.

An Independent Desk Review of UNHCR’s Global Strategy “Beyond Detention” review¹¹⁸ captured learning participants’ own recommendations for improvements to the training programmes, focused on practical experience, real scenarios, and testimony from PoC.¹¹⁹ The activities covered by the desk review are not part of ACD.

4.4.3 UNHCR training and its contribution to ACD

UNHCR has delivered training at a scale, and it is seen as the foundation of UNHCR’s work in ACD.

UNHCR and governments place substantial reliance on the wide variety of high-quality staff training resources provided by UNHCR. Training plays an important role in supporting the development of asylum capacity, especially RSD and registration staff – direct training of government staff, developing internal training capacity, or online products. Case study evidence strongly emphasises the fact that training is often a government’s first ‘port of call’ when requesting ACD assistance from UNHCR. Respondents to the global online survey gave a positive rating to the effectiveness of training on asylum for national officials. Delivery of training may be in-house by UNHCR or commissioned by UNHCR from local providers, with survey respondents observing that local training institutes are among the most important potential partners in ACD.

To give a sense of the scale of training activity over the evaluation period, data on UNHCR output indicators on this activity attached to ACD-related objectives across the evaluation period were assembled with assistance from the Evaluation Service, with reference to the UNHCR Results Framework.¹²⁰ A selection of indicators, by region, that appear to be directly related to ACD are listed in Table 3 below.

¹¹⁸ Independent Desk Review of UNHCR’s Global Strategy ‘Beyond Detention’, 2020, p.50.

¹¹⁹ “In many cases, individual participants favoured action-oriented learning or on the job training usually through peer-to-peer contacts and technical assistance. Learning arose out of experimentation, dialogue and discovery, rather than absorbing pre-selected material.” Baser and Morgan (2008), p.56.

¹²⁰ Whether the respective indicators relate to ACD and non-ACD activity is sometimes hard to discern from their labels – for example ‘number of advocacy interventions made’ or ‘number of events and workshops held’.

Table 3: Indicators related to ACD, by region

	Africa	Americas	Asia/Pacific	Europe	M. East N. Africa	Totals
# of border guards and government officials trained	4,688	21,627	5,158	10,791	4,168	46,432
# of government status determination staff trained	4,494	3,376	1,999	13,972	91	23,932
# of instances of legal advice provided to government status determination staff	1,141	439	55	49,730		51,365
# of management, security, social, legal, asylum and medical staff trained	223	643	309	2,258	42	3,475
# of profiling staff trained	539	968	245	144	7	1,903
# universities inc. int. refugee/statelessness law in curriculum due to UNHCR advocacy	8	52	1	5	16	82
# of UNHCR status determination staff trained	6	30	220	136	115	507

Little evidence was found of this type of data being used by managers as a management tool. If this is generally true, it would point to significant wasted effort on behalf of the protection and programme staff who collect and report the data. It may also indicate that these indicators are not relevant to decision-makers, which adds weight to UNHCR's decision to completely revise the ACD indicators with the new RBM system.

UNHCR delivers a wide variety of training related to asylum capacity, both in content and style. UNHCR has developed modular approaches to face-to-face and online training and has coupled the training with various learning strategies, especially on-the-job learning.

Across the evaluation period, UNHCR's ACD has included modular training and online training (expanded during the pandemic), with courses provided by local trainers in-country, by UNHCR staff and by invited specialists. In Morocco UNHCR, in partnership with selected local training institutions, has implemented an annual programme of workshops, seminars, conferences and training courses for a wide range of counterpart staff and other stakeholders in the national asylum system. This approach was replicated in other case study countries. In Niger, training aimed at improving the competences and enhancing quality standards included: workshops; induction/refresher, two-week courses; on-the-job training and twinning; and participation in regional and international specialised courses on refugee law and international protection for eligibility and registration staff.

UNHCR has organised regional-level training in several regions. At global level, a limited number of counterparts have accessed the UNHCR online courses. The evaluation found examples of UNHCR’s learning approach for ACD being expanded to include mentoring, on-the-job coaching, exchange visits, etc., perhaps reflecting a growing understanding that “the majority of knowledge and expertise is acquired through on-the-job learning and learning by doing”.¹²¹ In some cases, UNHCR has carefully analysed training needs in a country, planned and provided a variety of technical subject matter training in agreement with the government, and collected feedback from external trainees.

In these examples UNHCR has shown examples of good practice, with training content and delivery methods adjusted to make the training relevant and well-designed as possible. The evaluation has not analysed the quality of individual courses, but qualitative feedback, both from staff and counterparts, was generally positive.

The focus on individual capacity development has persisted in UNHCR ACD, driven by incentives for both UNHCR and governments.

There are strong drivers for both governments and UNHCR to continue to emphasise training as the preferred mode of ACD, even though UNHCR staff are increasingly aware that reliance on such training does not per se lead to sustained improvement in government asylum systems. These drivers include the following:

- In some contexts, the prime purpose of the training is to maintain a good relationship with government, with training effectiveness a secondary goal.¹²² Investment may continue even though UNHCR knows its impact on the quality of asylum is minimal.¹²³
- Technical training on protection, asylum, RSD, data management, etc. is what most governments ask UNHCR to provide.
- Training courses can be seen by government officials as a perk, especially if they take place in another country or in a location that attracts benefits. “Many trainees perceived their participation in the training as a reward” (online survey).¹²⁴

¹²¹ According to Lombardo and Eichinger’s 70:20:10 rule, only 10% of relevant knowledge and expertise (for professionals) is acquired through formal training and education, 20% through coaching and mentoring, and 70% via on-the-job learning, learning by doing, and other actual experience-building activities. Lombardo, M. M. and Eichinger, R. W. (1996), p.iv.

¹²² “Going through the ritualistic motions of ‘trainings’ counts as success, even if no one’s practices actually improve.” Andrews et al., p.31.

¹²³ The recent RDPP evaluation recommended that “Awareness raising activities and capacity building [sic] to relevant authorities should continue. *Even in absence of demonstrated impact in the short term, they may contribute to set the foundations for improving the capacity to receive and assist migrants and refugees over a longer timeframe.* However, any further support should be made conditional to a demonstrable and documentable improvement of compliance with human rights and international protection standards.” Restelli, G. (2021), p.11 (italics added). It is not clear that UNHCR considers that it can impose such conditions.

¹²⁴ “Many [trainees] have not had any previous contact with international organizations, so selection for the training made them feel considered as professionals by their own Department and exposed them to an international environment. This is even more relevant when trainings are organized outside of the targeted country.” Restelli, G. (2021), p.12.

- Asylum policy and development attracts limited national and international financing, making the adoption of more comprehensive models for ACD less feasible, even if all parties expressed interest. The few countries that have managed to adopt a more comprehensive approach have overcome these constraints.
- For Country Operations with limited budgets, training is seen as a relatively low-cost option.
- For hard-pressed protection and programme officers, ACD training is relatively self-contained and so outputs (numbers trained) can be planned, funded and delivered within the financial year.
- Keeping the focus on training avoids all sides having to engage in politically sensitive discussions around the governance and organisation of the asylum institutions, where the real constraints on the quality of asylum often lie.
- Technical training is often delivered by UNHCR protection specialists or invited experts (training institutes, judges, academics, refugee organisations), without having to call on other expertise (e.g. organisational development, financial management, governance) for which UNHCR lacks delivery partners.
- As several informants acknowledged, UNHCR does not have enough staff who are sufficiently well-versed in institutional capacity development and change management to be able to formulate alternative training approaches to ACD and propose them to government.

Training has been most effective when the institutions sending and managing the trainees actively welcome and employ the new knowledge and skills acquired, and where it is one element of a holistic approach to the development of national asylum systems. The evaluation found limited evidence UNHCR ACD training that promotes institutional capacity-building.

4.4.4 Partnerships

UNHCR Country Offices and Regional Bureaux have established a range of partnerships to support some capacity development strategies, but not all. UNHCR will need to extend its range of partners further to encompass institutional capacity development in particular.

As the proposed ToC indicates, effective ACD requires a combination of capacity development strategies and a range of expertise provided by a variety of stakeholders. In this regard, an important asset is UNHCR's widely acknowledged authority as a neutral, knowledgeable convener of stakeholders. Its ability to develop close, long-term relationships with diverse stakeholders and partners on asylum issues, including government officials, NGOs, CSOs, judiciary and donors, is widely respected. Partnerships play a significant role in increasing the scope of, and extending opportunities for, UNHCR's efforts to consolidate and strengthen national asylum systems.

All the evaluation's case study countries provide evidence of the essential role that UNHCR's partners play in underpinning its ACD efforts to strengthen state capacity, and in implementing ACD activities in which the partners have expertise that complements that of UNHCR. UNHCR's approach aligns with the increasing

share of resources to be made available through local actors, a policy objective in the recent global humanitarian reform process. The scope of partnerships is varied, with CSOs and academic implementing partners assigned various roles, including technical assistance and resources, professional expertise to governments (sometimes pro bono), legal services and advice and support to asylum-seekers, and advocacy to influence governments and national actors to uphold responsibilities and standards on rights and protection, plus legal training, legal assistance, and representation. Respondents to the global online survey indicated that the most important partners in ACD are local training institutes, academic/research organisations (both sources of sustainable training capacity) and regional intergovernmental organisations, who are seen as sources of (1) standards and expertise and (2) political influence.

Across all the case studies, UNHCR's Country Office partnerships with CSOs are among the most important and productive in supporting ACD. Relationships with CSO/NGO partners depend on building up trust, they take time to establish, and their contribution is vulnerable to both budget cuts and short-term funding cycles. CSOs play a vital role in assisting refugees and asylum-seekers to access the national asylum system – legal processes and services for registration and RSD that secure their protection. This usually involves guiding asylum-seekers through the asylum application process, advising on civil documentation requirements, making practical arrangements for their initial interviews, and providing legal assistance for RSD applications and appeals. Box 13 below, drawn from the Morocco case study, provides an illustration of the scope of this form of partnership.

Box 13: Morocco and Philippines – CSOs underpinning UNHCR ACD with national governments

In Morocco UNHCR's partner organisation, the Moroccan Organisation for Human Rights (OMDH), and in the Philippines Community and Family Services International (CFSI), a non-governmental organisation, play an essential role in legal assistance for refugees and asylum-seekers. OMDH operates a legal assistance centre (LAC) in the town Oujda, an entry point on the border with Algeria. LAC therefore plays a key strategic role in facilitating migrants' engagement with asylum processes, through to more substantial technical and legal assistance and representation (where relevant) to help asylum-seekers through the refugee registration and application processes. In Morocco, as in other case study countries, legal assistance is also provided by clinics operated by law schools and legal practices supported by UNHCR. CFSI is UNHCR's main implementing partner for refugee/asylum-seeker-related issues in the Philippines; its remit is similar to OMDH, helping refugees and asylum-seekers gain access to legal services, with a wider remit also including social services.

The complementarity of roles that UNHCR's different partners play in supporting the organisation's efforts to build national asylum capacity is significant. However, while UNHCR's mechanisms for information sharing, accountability and policy dialogue between partners are often strong, mechanisms for policy coordination between UNHCR and its partners, and with government, do not always function well, which limits the coherence of ACD efforts.

The most important gaps in partnerships seem to be the non-funding partnerships where UNHCR can work in complementary – but not necessarily contractual – ways with other actors which have expertise in public sector reform that can help to embed ACD into the national development agenda. (See 4.4.5 below).

4.4.5 International development partnerships to support ACD

International collaboration and partnerships offer new opportunities and challenges to support UNHCR development efforts to strengthen national asylum systems. UNHCR has yet to fully consider the potential such collaboration offers, though the partnership with the World Bank offers some positive indicators of what partnerships with influential development actors might offer.

UNHCR partnerships with other states, international organisations and bilateral or multilateral initiatives hold potential for further influential reform programmes.¹²⁵ In a few cases, the power of multilateral partnership to transform asylum capacity has been demonstrated, for example in the Brazil Plan of Action and the Kenya RSD transition. Mexico illustrates the importance of UNHCR's brokering role in such partnerships (see Box 14), and indicates how international partnerships can help to develop national capacity. A recent evaluation reported a "significant increase in the extent of humanitarian–development cooperation".¹²⁶

Box 14: Mexico – multilateral partnership to support ACD

Against the backdrop of the steeply rising number of asylum-seekers and those in transit across Mexico, UNHCR played a key role brokering a comprehensive programme of capacity development of the national asylum system since 2017. This has comprised, among other elements: (i) resources to build capacity; (ii) development of legal frameworks. Described by a KI as using "its limited resources for short-term gains", UNHCR has been instrumental in the Tripartite Joint Action Plan (with technical and financial assistance from USA and Canada), funding staff and technical assistance, enhancing policy coordination in Mexico's Commission for Refugee Assistance (COMAR) in the Ministry of the Interior, and boosting COMAR's registration and case processing capacity, including through secondment of contractors and with a new processing centre. Close working relationships between UNHCR and COMAR staff have also been cited as crucial.

In contrast, the case of Niger exemplifies the challenges of collaboration with multilateral partners (see Box 15), highlighting, at the same time, how UNHCR is developing modalities of collaboration with the European Asylum Support Office (EASO), which is itself an increasingly significant actor for ACD.

¹²⁵ For example, the UNHCR RBA has strengthened its partnerships with international financial institutions, in particular the World Bank and the Inter-American Development Bank (IADB). A MoU with the IADB enables closer collaboration, including the exchange of information on forced displacement, data collection and analysis, policy and advocacy, operational delivery, specific projects and staff secondment. This MoU will guide the preparation of an action plan in 2022 focusing on the development challenges and opportunities of forced displacement and inclusion of displaced populations, especially vulnerable people.

¹²⁶ Also, that "UNHCR has systematically built partnerships with a number of multilateral and bilateral development actors", while "UNHCR and its development partners have little influence on many of the key factors affecting host government policies towards refugees". UNHCR (2021b), Executive summary.

Box 15: Niger and Azerbaijan – collaboration with multilateral agency to support ACD

Evidence from the Azerbaijan and Niger case studies and from KIIs indicates that EASO has strengthened its role in ACD for EUMSs and bordering and transit countries. Like UNHCR, EASO supports national asylum system development and monitoring, as well as training capacity. EASO's role offers opportunities for UNHCR to revisit collaborative engagement based on complementarities; but it also illustrates the challenges of cooperation in ACD in a dynamic environment of large-scale and mixed migration and international migration policy development. At a technical level there is cooperation: in Azerbaijan, for instance, UNHCR uses EASO's training modules. However, in other countries, such as Niger, EASO's external policy dimension associated with the EU's migration management priorities, its access to wider funding mechanisms that could support ACD, and its expanding role as a policy implementing agency will all change the nature of its collaboration with UNHCR in ACD. Aligning UNHCR's ACD agenda and its international mandate responsibility for supervision and monitoring standards of protection and RSD with EASO's increasing EU mandate responsibility for these functions could be challenging. UNHCR's programme in Niger is facing severe underfunding; NGO partner funding is being reduced by around 40% in 2021. This accentuates the need for other donors and partners, such as the EU.

UNHCR is not yet systematically considering the potential opportunities to strengthen national asylum institutions by collaboration with international and regional development organisations. Their involvement and expertise in public sector and governance reform could be made complementary to the need for the development of national asylum institutions – areas where UNHCR tends to have less influence and expertise. For UNHCR to strengthen the institutional development element of ACD, which is currently underdeveloped, it will need more and new types of partners to do so, especially development partners, including development donors, multilateral development banks and specialists in institutional and organisational development.

The World Bank has an important role in support of the rollout of the GCR, especially because of its capacity to support public sector reform. There is potential to influence national asylum policy through the UNHCR partnership with the World Bank – not that the World Bank will take part directly in ACD, but through the government receipt of development grants or loans being tied to the existence of a positive asylum environment, as assessed through UNHCR's protection assessments, which inform the World Bank's investment decisions.¹²⁷ In principle, similar approaches might be followed with other multilateral and bilateral donors and agencies, where financing generates incentives for change in the national asylum systems.

Survey respondents were not unanimous about the desirability of international development partnerships being involved in ACD. Some considered ACD a function reserved for UNHCR alone, because of its mandate. A majority considered that UNHCR needs to work with partners that have institutional and organisational development expertise to create stronger coalitions of influence when advocating with governments, including,

¹²⁷ Notably, the Refugee Policy Review Framework (RPRF), that informs World Bank decision-making on the IDA "Window for host communities and refugees" (IDA WHR) grant funding, and potentially the global concessional financing facility (GCFF) for middle-income countries.

where possible, by making development financing dependent on national commitments to close gaps in the protection environment identified by UNHCR and other protection actors' assessments.

4.5 Evaluation Question 5 – Learning

How well has UNHCR captured and used its learning to improve its asylum capacity strengthening strategies and practices?

Effective organisational learning requires that the following processes work well: (1) active reflection, leading to continuous improvement; (2) evaluative evidence of what works in creating desired outcomes; and (3) a receptive audience with sufficient capacity to change in response to lessons learned. These three processes constitute the themes evaluated in this section.

4.5.1 Active reflection and process improvement

UNHCR has an active learning culture within its RSD and registration functions. Lessons learned have been used to improve UNHCR's internal training, tools and systems for ACD and to advance changes to national asylum systems, working with national authorities and with partners.

Almost all the case studies show that UNHCR has been actively reflecting on how well its ACD efforts are working. The following examples were found in at least one case study and may be common practice:

- UNHCR gathers feedback from its internal and external training participants.
- Annual ACD review exercises are undertaken with government counterparts and partners.¹²⁸
- Annual planning takes into account lessons learned in review exercises.
- UNHCR RSD and registration staff reflect on progress in periodic workshops.
- The RSD Section organises an annual RSD retreat with UNHCR staff and an additional one with partners.
- Supervision of national RSD by UNHCR helps to generate learning that national asylum authorities can, and sometimes do, use to improve RSD processes.

The design of core online training courses and country-level trainings benefits from these learning functions, both in the selection of training priorities and in terms of tailoring of course content.¹²⁹ Similarly, the design of information systems and tools and guidelines has been updated based on learning. UNHCR's supervision

¹²⁸ In South Africa, an Outcomes Document was developed by UNHCR's three legal partners to "jointly identifying areas for strengthened engagement towards and improved asylum procedure in South Africa."

¹²⁹ In South Africa, the RSD Practitioners Capacity Development Programme from 2020 did yield a detailed report with analysis of lessons learned and insights on future iterations of the training.

function of RSD processes has also generated feedback that has influenced the design of improvements to national asylum systems.¹³⁰ UNHCR used learning from its ACD experience before the current evaluation period when setting a new direction for RSD in 2015, and more recent learning in developing a new corporate Data Strategy. There is an appetite for more learning exercises, with some UNHCR informants calling for greater exchange of learning between countries via workshops and retreats.

While, internally, UNHCR has a strong internal reflection and learning function, there is limited documented evidence of it learning with other organisations beyond its implementing partners.

4.5.2 Evaluative evidence about outcomes

UNHCR has underinvested in analysis and evaluation of how effective ACD has proven in terms of positive outcomes for asylum-seekers.

In contrast to UNHCR's capacity for reflection and process improvement, UNHCR's gathering of evaluation evidence on ACD has not been sufficiently well-developed. This has not been helped by UNHCR's emphasis on indicators that gather data on inputs and outputs, rather than on outcomes and impacts. Review exercises, self-evaluations and external evaluations have not been undertaken at the scale required to inform UNHCR's understanding on which ACD strategies are most effective and, just as importantly, to analyse why certain interventions work to improve asylum quality and sustainability and others do not (see also Section 4.3.2 above).

In 2014, the then PDES conducted an external formative evaluation of RSD. This is the only asylum-related review exercise undertaken at global level before this current evaluation. In addition, some ACD-related country and regional exercises have been completed, including: the 2015 Kenya RSD evaluation, the triennial reports on the Brazil Plan of Action 2015–2017 and 2018–2020 (in effect, evaluations), the 2017 evaluation of the Quality Integration Project in the UK, and the 2019 impact assessment of the QIEE.¹³¹ This represents a significant underinvestment in structured analytical exercises of ACD, given that UNHCR has ACD activities of various types in more than 100 countries. In particular, more evidence is needed on what works in ACD, based on protection outcomes, not just systems and processes, and using the perspectives of asylum-seekers and refugees. Access to more evaluative analysis could strengthen UNHCR's hand in influencing government policy.

¹³⁰ In the UK, UNHCR's role included auditing – intended as the process of reviewing, researching and learning – of specific aspects of the asylum system (e.g. trafficking, detention).

¹³¹ Other UNHCR evaluations with one or more findings relevant to ACD include the 2020 UNHCR Learning and Development Evaluation, the 2021 RDPP evaluation, and the 2021 Evaluation of UNHCR's Engagement in Humanitarian-Development Cooperation, 2016–2020. (Full references are included in the Bibliography – Annex 13.)

4.5.3 A receptive audience with capacity to change

UNHCR has not generated enough learning about how to overcome the principal barriers to ACD.

Governments have generally welcomed UNHCR investments in training and other material investments in ACD and are normally ready to discuss their progress and potential improvements as part of annual reviews. However, as noted above, effective UNHCR supported ACD depends on: (1) political commitment by government; (2) sufficient financial resources for any comprehensive ACD plan, including national resources; and (3) UNHCR capacity to support a comprehensive approach to national ACD. These are all more difficult to discuss than progressive adjustments to technical interventions, and UNHCR messaging on these subjects is not always welcome. The most valuable learning for UNHCR in the future will be about how to overcome barriers to ACD. Learning processes have not yet led to systematic analysis of how these barriers can be surmounted or, at least, lowered.

5 Conclusions

Ensuring that states develop, and are responsible for, national asylum systems that provide refugees and other PoC with high-quality protection to international norms and standards is a key function for UNHCR. This evaluation has focused on how UNHCR can support states in capacity development for their national asylum systems to achieve this goal and has evaluated how effective it has been in doing so in the period 2015–2020. It has considered corporate and strategic dimensions of its efforts in ACD, concentrating on RSD and, to a lesser extent, registration and identify management, as the core functions of an asylum system.

The evaluation has found that, over the evaluation period, UNHCR has enhanced, developed and implemented an array of relevant and effective processes, systems and technical support facilities. These efforts have contributed to strengthening national asylum systems and are underpinned by UNHCR's global mandate, expertise and voice on protection, which are strengths and assets uniquely placing it to contribute to ACD. In addition, internal reform processes, currently being rolled out, offer further significant potential to support ACD by tackling some of the structural limitations, identified in this evaluation, that currently impair UNHCR's work on ACD.

Taken together, the New York Declaration, the GCR, the GRF and the ACSG mechanism have given a strong foundation for host states to prioritise the capacity development of their national asylum systems, and for other states to support them in doing so. These developments have given further momentum to UNHCR's role and capacity in this function. At the same time, the findings of the evaluation also identify significant constraints that have limited progress on ACD. These pertain to both strategies for ACD and the operational demands of supporting national asylum system development.

Based on the evaluation findings, the evaluation team draws the following conclusions and makes its recommendations with a view to enabling UNHCR to further develop its strategic thinking and approach to the capacity development of national asylum systems and to better equip itself with techniques, processes, models and skills, especially in the area of capacity development, to support states in the development of their national asylum systems more effectively.

EQ1. How well has UNHCR developed a structured and systematic approach to capacity development of national asylum systems?

In 2015, UNHCR's RSD Section revised its ACD strategy significantly, bringing it into line with UNDG guidance on capacity development. Since then, UNHCR has generated a wide-ranging portfolio of technical guidance and assessment and planning tools, giving additional structure to UNHCR's legal advice and reform, training courses, monitoring processes, registration systems and infrastructure. While UNHCR has not yet agreed how to implement UNSDG guidance on capacity development, there is a systematic approach to the

putting in place of an ACD strategy, tools and technical guidance within the organisation, with good linkage between HQ, Regional Bureaux and the Country Offices.¹³²

UNHCR's 2015 strategy and later supporting documents provide a good basis for UNHCR ACD strategy. The most important gaps to be filled are in (1) how to implement ACD in practice and (2) institutional development. UNHCR has not yet developed a ToC for ACD. The evaluation has proposed a provisional theory for UNHCR's consideration. With reference to the proposed set of capacity development strategies (see Section 3.3.1), UNHCR has focused largely on CD Strategy 3 – Individual Capacity Development – with training being the primary intervention but not the only one. UNHCR has also been very active in aspects of CD Strategy 1 – Lobbying, Advocacy and Communications – especially the development of legal and policy frameworks and their implementation.

Some of UNHCR's most strategic ACD interventions during the evaluation period were in support of regional, state-led QAIs (corresponding to proposed CD Strategy 4 – Quality Assurance and Feedback). Given their relative success, UNHCR could do more to review and apply the lessons from these QAIs and to encourage further such collaboration. Donor support, highly structured progress reporting and a constructive peer review process all proved effective in these examples.

CD Strategy 2 – Organisational Design – is the least understood and well-developed of the four proposed CD strategies, along with the second part of CD Strategy 4 – Feedback. UNHCR requires greater internal expertise in organisation and institutional development. This strategy also needs new partnerships to become effective. UNHCR should understand that it can provide a comprehensive ACD strategy only by working with other actors.

UNHCR's internal understanding of ACD is being held back by its use of the catch-all term "capacity strengthening", which muddles capacity addition (temporary and not designed to provide lasting improvement to national asylum capacity) and capacity development (progressive, long-term and designed to result in a sustained increase in national capacity). UNHCR needs greater conceptual clarity about ACD and an updated

¹³² A 1996 UNHCR review of capacity-building in Europe (not specific to ACD) reached very similar conclusions to this evaluation regarding the need for a more highly developed capacity development function in UNHCR, including: "Although UNHCR has a considerable degree of scattered expertise in capacity-building, the organization has never really attempted to recognize, define and develop the function in a systematic manner [...] despite several decades of often successful experiences in many parts of the world, capacity-building has not yet been given a clear identity [...] In the somewhat ad hoc environment that has prevailed, the inventiveness and motivation of many staff has been an important compensating factor [...] In too many instances, offices tend to limit themselves to the workshops and institutional formulas with which they are familiar, despite indications that more diversified approaches would produce a greater impact [...] UNHCR needs to bring a greater commitment and professionalism to this area of its work." Inspection and Evaluation Service (1996).

ToC. Devising successful implementation strategies for ACD will engage not just DIP but, at a minimum, DER, DHR, DSPR, and DRS.

For RSD, UNHCR's toolkit is stronger in analysing and enhancing the technical capacity of asylum systems, but much weaker in its approach to building institutional capacity. This is because the organisation's conceptualisation and model of ACD is incomplete. There is a capability gap in UNHCR's understanding and engagement with capacity development concepts and processes and how these might be applied to support the capacity development of national asylum systems, including RSD. UNHCR's ACD approach is relatively effective where national institutional capacity is already moderately high, and less effective where institutions are weak. The ACSG mechanism has potential to generate greater engagement of states in ACD, especially when it supports national plans for ACD that are led by government and supported by multiple partners.

The conditions that have influenced the likelihood of positive outcomes from investing in ACD are set out in Section 4.2.1 above. An analysis of how far these conditions are met can be used in formulating the appropriate strategy for each country context, remembering that, with an eye to the long term, adjustments will be needed to strategies as the context changes, whether favourable or unfavourable for ACD.

UNHCR's performance in ACD is being held back by a lack of definition of UNHCR and governments' roles and responsibilities in the provision and utilisation of ACD. A process is needed to reach an agreement with member states in the relevant governing bodies of UNHCR.

On the risks associated with ACD, future iterations of the register should include risks associated with investments in ACD producing no positive outcomes for asylum-seekers. On the need to strengthen the voices of asylum-seekers in their experience of asylum systems and asylum systems design, the further implementation of AAP could increase the weight UNHCR gives to this objective. The operational guidance does not, however, recognise the particular challenges of consulting with asylum-seekers, who may be more reluctant than refugees and internally displaced persons (IDPs), for example, to express their views about their protection needs in general and their experience of the asylum process in particular, especially if UNHCR is seen as an actor in that process. UNHCR may need alternative means of consultation via other more neutral parties who can give UNHCR and government impartial and anonymous feedback on asylum-seekers' views and concerns, which could feed into ACD processes at global and country levels. While a review of the performance of the intergovernmental ACSG mechanism was outside the scope of the evaluation, an assessment of UNHCR support to the ACSG was within scope. The proposals made in the recent ACSG stocktaking exercise are generally supported. UNHCR support to the ACSG mechanism is likely to be most effective where it uses its in-country coordination and encouragement of ACD support from various stakeholders (local, national and international) to ensure that there is synergy between the ACSG mechanism and other elements of a national strategy for ACD, to prevent parallel or cross-cutting ACD processes.

EQ2. How strategic has UNHCR's response been to national demands for asylum capacity development?

UNHCR is responsive to government requests for support to ACD. In several instances, UNHCR's ACD approach has been underpinned by well-developed analysis of the political context for asylum in the country, and a good understanding of the state of the national asylum system has been derived using its capacity assessment tools for asylum systems with government. UNHCR is well equipped to propose reforms that are relevant to weaknesses in the asylum systems.

UNHCR responds well in providing additional capacity when requested to support national asylum systems, such as in emergencies arising from a mass influx of asylum-seekers, or to address a backlog in dealing with asylum applications. These inputs of extra capacity, which can be very large-scale, are very important but not necessarily strategic in that, generally, they have not left behind lasting increase in national asylum capacity.

Even with a relatively well-developed toolkit, implementing a comprehensive, long-term framework for developing and sustaining a state's asylum capacity for which it takes full responsibility, has proven possible in a few countries only, because governments often lack the political will to address structural weaknesses in their asylum systems. UNHCR does not pay enough attention to these weaknesses, in part because they are generally beyond UNHCR's competence and, sometimes, resources to address (and perhaps also its mandate). UNHCR has yet to recognise this gap fully.

In less favourable asylum contexts, by design or default, UNHCR has adapted a tactical approach to ACD, which is often appropriate, and has worked opportunistically, often achieving tangible 'wins' in terms of improved policy and legislation, improved skills in asylum institutions or better conditions for asylum-seekers.

UNHCR ACD tends to focus on individual capacity development. Various forms of training and workshops prevail as the delivery mechanism, supplemented by on-the-job training, coaching, exchange visits and regional workshops. Where the appropriate policies and governance structures are in place, this can be entirely appropriate. In their absence, the focus on individual development has often not delivered the desired change in asylum systems and quality. UNHCR is pushed to emphasise training by incentives from within and by governments. This concentration detracts from the wide range of other efforts that are required and could be applied to support national asylum systems.

UNHCR's most strategic ACD initiatives are those where there has been (1) active national leadership and (2) reinforcement by processes that provide additional political momentum, including those backed by individual donors. But the strategic choices UNHCR makes for greater or lesser engagement seldom appear to offer a clear rationale or prioritisation.

Moreover, UNHCR treads a fine line in managing the tension between protecting and upholding the protection standards and rights of asylum-seekers while also supporting government-led improvements in their asylum processes.

The challenge of making strategic choices, combined with this delicate balance between upholding protection standards and supporting governments, makes it difficult for UNHCR to develop transitional processes for fuller state responsibility and a reconfiguration of its own role in ACD.

While UNHCR has developed responses to mitigate some of the impacts of the COVID-19 pandemic on ACD, it has yet to consider how it might develop a more proactive strategy in this area.

EQ3. How effective has UNHCR been in developing national asylum systems capacity?

During the evaluation period, while multiple smaller protection gains for asylum-seekers have been achieved, for many of the case study countries where there is nominal national management of asylum systems, these countries are still very dependent on UNHCR financial and human resources and training, often with no planned end date for these activities.

The level of political commitment by governments to improve their asylum laws and systems is the overriding determinant of the effectiveness of ACD. Unless the environment for asylum is positive, UNHCR can find itself with limited influence over states' policies on asylum, even where the state has acceded to the Convention – all the more so once management of the asylum system has passed to the state. UNHCR has been most successful in ACD where third parties or events, such as the GRF, or regional initiatives, such as for QA, alter the political dynamics and provide the government with incentives for change that UNHCR persuasion alone cannot.

UNHCR has not collected the data on ACD activities required to assess the effectiveness of their impacts. There are few studies evaluating the success of its work in developing asylum capacity, either nationally or globally. Outputs and outcomes of UNHCR's ACD activities are not systematically or consistently measured over time to assess the effectiveness of UNHCR's interventions in improving protection outcomes for asylum-seekers and refugees.

UNHCR does not appear to assess ACD expenditures by country, region or globally. This prevents UNHCR from making judgements about whether these investments are effective and appropriate and are giving sufficient return on investment. It is part of UNHCR's ACD strategy in some contexts to fund ACD to maintain access and improve protection even where there is little or no return on investment in terms of the quality of asylum decision-making. The evaluation does not have the evidence to reach a conclusion on how effective this strategy has been. However, no indication was found of UNHCR management critically reviewing these

investments to make their political or practical benefit. These investments do not appear prominently in UNHCR's enterprise risk assessment.

In unfavourable asylum contexts, UNHCR has continued to give technical and financial support to governments that have had little or no effect and where, in some cases, the quality of asylum is deteriorating. UNHCR's commitment to these investments to make sure asylum-seekers continue to be protected has some merit but reflects the limits of its ability to challenge or change the asylum status quo. In some countries these costs are not trivial. UNHCR has not reviewed its country-level investments in asylum capacity and ensured that it pays a fair contribution as balanced against the national contribution. The evaluation cannot propose metrics for such an assessment, but the investment should be proportionate. Past audits point to some of these ACD investments not being well managed and risky, and UNHCR may want to consider whether they should appear in the corporate risk register.

UNHCR uses 'quiet diplomacy' to influence government policy and practice, with mixed results. There have been some important wins but also significant levels of frustration at the limited impact of UNHCR advocacy in some countries, according to UNHCR staff. UNHCR has applied a more comprehensive approach to ACD in a minority of countries where conditions are favourable. For a national asylum system to become sustainable, it needs to be tied into national development planning and the relevant institutions should be on the national budget. Thus, governments not prioritising, or not being able to prioritise, the financial costs of developing good asylum systems is one of the reasons for the modest levels of progress observed in many national asylum systems.

UNHCR does not often have enough staff with sufficiently high skills levels to address the range of institutional and technical challenges involved in a comprehensive approach to ACD.

Although the evaluation collected only limited evidence on registration systems, UNHCR progress in recent years has highlighted good practice in its collaboration with governments, and innovative methods of ensuring that asylum-seekers and refugees are involved in design and development.

Given the concern about the effectiveness of Eligibility Commissions, it is concluded that UNHCR should give further consideration on whether to continue to sustain them or how their effectiveness can be improved.

EQ4. How well has UNHCR equipped itself to support national asylum systems capacity development?

UNHCR has increased its human resource capacity for RSD and registration and identity management since 2015. It has also extended the strength and suitability of its capacity, systems and processes for ACD. UNHCR's competence to undertake technical elements of ACD is well-established and recognised. RSD and registration have developed a well-equipped portfolio of online technical support materials and toolkits to support ACD. Mechanisms for staff exchange and support, such as the RSD PP, work well.

HQ staff expertise and knowledge, consulted by Regional Bureaux and Country Offices for strategic and operational/technical guidance, are highly valued and accessible. These resources are complemented by skilled registration and RSD staff at Regional Bureau and Country Office levels. Capacity development is the missing core skill for protection staff charged with supporting the development of national asylum systems. UNHCR staff could also benefit from further developing skills in political economy analysis to assess the power, politics and stakeholder interests that shape a government's commitment to developing and owning its national asylum system.

UNHCR's new RBM system, COMPASS, could prove to be a major step forward in equipping UNHCR to support ACD more effectively by allowing for a multi-year planning and budgeting approach to the progressive development of asylum capacity. Extensive staff training tailored to the specific needs of ACD activity will, however, be required to draw out the full benefits as the system rolls out over the next three years.

The scale of UNHCR training outputs on asylum-related topics over the evaluation period is impressive. UNHCR has relied heavily on training as the route to ACD, complemented by other types of individual capacity development, such as mentoring, on-the-job learning and exchange visits. Learning content has not been reviewed in detail during the evaluation but UNHCR staff consider the training to be of good quality, and it is unlikely that lack of progress in ACD is down to the poor internal design of training courses.

UNHCR staff understanding of capacity development appears to be uneven. UNHCR might be better equipped to undertake capacity development if there were an HQ unit dedicated to the discipline and an associated corporate training course on capacity development. Given the wider political context within which ACD takes pace, linking this training in skills for capacity development with better understanding of the wider political economy context within which national asylum policy, and therefore ACD, is promoted would further enhance UNHCR staff capacity.

A consistent and largely effective element of UNHCR's strategic response has been to develop partnerships with NGO and CSOs to support its ACD efforts. However, less attention has been paid to how partnerships could provide greater influence and longer-term developmental support to buttress UNHCR's efforts for building the institutional capacity of national asylum systems. Accordingly, while UNHCR recognises that it has insufficient knowledge and expertise in the core area of institutional capacity development in support of national asylum systems, it has yet to give serious consideration to how institutional capacity could be strengthened by working with development organisations, such as international and regional multilateral and bilateral development partners and donors that have the organisational, institutional and public sector development expertise required.

EQ5. How well has UNHCR captured and used its learning to improve its asylum capacity strengthening strategies and practices?

UNHCR has an active learning culture within its RSD and registration functions. Lessons learned have been used to improve UNHCR's internal training, tools and systems for ACD and to advance changes to national asylum systems, working with national authorities, and with partners. UNHCR has underinvested in analysis and evaluation of how effective ACD has proven in terms of positive outcomes for asylum-seekers. UNHCR has not generated enough learning about how to overcome the principal barriers to ACD that would support its case for building sustainable institutional capacity for ACD and decreased dependency on UNHCR.

6 Recommendations

The evaluation sets out a limited set of targeted recommendations. The recommendations do not imply major new allocations of resources to ACD; but some new resources will be required to develop its strategies and guidance, to access additional expertise, to form new partnerships, and to strengthen accountability and learning. It is proposed that the DIP should lead the implementation of the recommendations in collaboration with other UNHCR Divisions for which indicative suggestions of relevant Divisions/Offices are included. It may also be necessary to include other entities not mentioned here, or to have specific entities to take the lead.

Structured and systematic approach to ACD

1. **Seek high-level endorsement for a policy and strategy statement on the scope and role of UNHCR's role in ACD.** *DIP, GDS, DSPR*

UNHCR would enhance the significance of ACD in its mandate by devising and gaining endorsement from senior management and, ultimately, the support of relevant UNHCR governing bodies and fora (such as ExCom and GRF), for a statement or policy on the scope of, and summary strategy for, ACD. The statement should explain how governments and UNHCR cooperate over ACD, and incorporate the ACSG mechanism.

2. **Revise and expand UNHCR strategy and guidance on ACD, building on existing documents and tools.** *DIP, GDS, DSPR, DRS*

Building on its achievements in developing its approaches to ACD during the evaluation period, this recommendation aims to support UNHCR in further developing and articulating a structured and systematic approach to ACD. In revising and expanding its guidance, UNHCR should consider embedding a ToC for ACD (incorporating, at least, RSD and REG), and articulating the underpinning implementation strategies. In addition, in extending its guidance, UNHCR should consider elaborating the 'how to' of ACD strategy implementation, built on multi-year strategies, and closing key gaps in guidance, especially organisation design and learning from feedback.

The need to distinguish between *capacity addition* (time-limited extra capacity UNHCR provides to national asylum systems) and *capacity development* (the process of assisting governments, civil society and the legislature to strengthen national ownership of, and capacity in, asylum legislation, institutions, systems and results) is a priority in making these revisions, as is the definition of separate outputs and budgets lines.

Strategic approach to ACD

3. **UNHCR should take a more strategic, performance-driven approach to ACD.** *DIP, GDS, DSPR, Regional Bureaux, Country Offices*

This recommendation envisages a systematic review of the ACD approach in all relevant countries, to assess whether the country strategy and funding for ACD is appropriate and how it could be improved, particularly in terms of capacity addition and capacity development. A strategic approach should analyse and clarify the types of ACD investment that are appropriate in various operating contexts, differentiating the type and level

of ACD interventions, and aiming at minor, moderate and major gains in the capacity and/or quality of the asylum system, depending on how favourable the asylum context is.

A strategic, performance-driven approach should also consider scaling investment in ACD to different operating contexts, taking into account the willingness and capacity of a government to improve asylum, the current asylum policy, law and systems capacity, the caseload of asylum-seekers, the economic development of the country, the funding available, and other relevant variables. Consideration should be given to situations where investments that have not demonstrated either direct or indirect benefits over the medium term might be suspended while a new strategy is devised.

Effective implementation of ACD

4. **UNHCR should extend its collaborative efforts and, where appropriate, form and coordinate partnerships with development organisations (local and international) to work together on country approaches to ACD and to strengthen the institutional capacity of its national asylum counterparts.** *DIP, GDS, DER and DRS, Country Offices and Regional Bureaux*

In order to enhance UNHCR's capacity to support the institutional development of national asylum systems, this recommendation encourages UNHCR to expand collaboration and partnerships with development actors. Harnessing the contribution of development actors would likely create a more favourable environment for asylum and, more specifically, for ACD by adding strategic and operational expertise and resources and, potentially, adding incentives for the government to take responsibility for and improve its asylum system.

Relevant actors and alliances would include donors, multilateral banks, development agencies, local or regional capacity development institutions and national NGOs. Mapping such institutions that are able to provide institutional development services for inclusion in comprehensive ACD could constitute the basis for strategic and operational collaboration and partnerships which, inter alia, could include: engaging stakeholders (asylum-seekers, parliamentarians, judiciary, NGOs) to help strengthen government commitment to take responsibility for their asylum systems; working with institutions that can advise on and support public sector and governance reform and institutional development to bring asylum institutions and systems into the national development agenda in countries requiring ACD; and liaising with the ACSG mechanism on the analysis, plans and agreed/potential financing agreed between the partners.

5. **UNHCR should develop strategies and methods to monitor its performance in ACD.** *DIP, GDS, DSPR and Regional Bureau support*

Systematic monitoring and reporting of ACD activities would enable UNHCR and governments to measure the outcomes of ACD and better understand the effectiveness of ACD efforts. This could be achieved by generating a global report periodically (perhaps in advance of each GRF, and drawing on and embedded in the COMPASS process) on the progress made in improving the capacity and quality of national asylum systems and outcomes, and on the challenges faced by national asylum systems, covering RSD, registration and documentation. Such a report could be presented to the GRF and/or ExCom for consideration.

6. UNHCR should ensure that detailed attention is given to assessing the risks associated with ACD at country and global levels. *DIP, GDS, with Country Offices, Regional Bureaux, and with technical support from ERMS*

Given the evident risks involved in ACD, UNHCR strategies and operational activities for ACD would be better attuned to local conditions by assessing the risks and reviewing mitigation measures in the design and implementation of ACD strategies and plans.

7. Request UNHCR internal auditors to include the functioning and value for money of national eligibility commissions and related appeal structures in audits of UNHCR Country Operations that support such commissions. *DIP, GDS, Country Offices, with OIOS*

The evaluation has highlighted concern about the efficiency, effectiveness and substantial UNHCR investment in such bodies. Auditing their performance and the value for money they represent in Country Operations audits would enable UNHCR to better evaluate its investment and the contribution of these bodies to the development of governments' asylum capacity.

8. Trial the use of third-party actors to consult with asylum-seekers on their experience of the asylum system to ensure ACD remains relevant to their needs and on the design of future ACD projects to inform country programme planning. *DIP, GDS*

UNHCR carries out a variety of consultations with asylum-seekers and refugees, but these do not generally include their experiences of the asylum system or, in general, feed directly into the design or implementation of ACD activities. The focus on systems, in its approach to ACD, may also be diluting UNHCR's focus on asylum-seekers' rights. In addition, there are the ethical challenges of consulting affected populations by the agency that is a stakeholder assessing their claims, and the methodological challenges of canvassing views are likely coloured by their direct interests in asylum outcome.

Trialling the use of third-party actors and organisations with community development experience/expertise, such as local academics, consultants or NGOs (one step removed from UNHCR), is proposed as a way forward to strengthen the voice of refugees and asylum-seekers in ACD and to overcome some of the constraints of current UNHCR approaches.

Equipping UNHCR to support ACD

9. UNHCR should equip relevant protection staff in change management and institutional capacity development related to national asylum systems. *DIP, DHR, Country Offices, Regional Bureaux and GLDC*

This recommendation addresses the significant gap that exists in staff expertise in change management and institutional capacity development for ACD within UNHCR, which was observed in the evaluation. The aim of the recommendation is to promote the development of a cadre of protection (RSD and REG) staff at HQ/Regional Bureau, and especially Country Office-level staff with this expertise, in order to enhance and

align ACD resources and know-how with protection expertise and to work with national counterparts in developing national asylum systems. Linking this recommendation to developing skill in political economy analysis would further strengthen this expertise. Capacity development expertise should be built into the job descriptions of key protection staff.

10. Complete the development and implementation of an online learning programme on ACD for UNHCR staff, and potentially government counterparts. *DIP, with GLDC and DHR*

The gap in staff knowledge on concepts and tools for capacity development and their application to asylum systems development has been identified as a significant constraint on UNHCR's capacity to design and deliver ACD strategies and programmes. An online learning programme on ACD has been developed to tackle these constraints but has not yet been finalised and implemented; this recommendation seeks to remedy that. Its application for training government counterparts as well as UNHCR staff is strongly encouraged. A curriculum that recognises the importance of the capacity development strategies in the proposed ToC in Section 3.3.1, and which includes RSD and registration, is endorsed. Developing this knowledge would be further enhanced if analysis of the wider political economy context, within which ACD takes place, could also be built into the curriculum. If it were extended to government counterparts, the learning programme would need to be adapted to the different requirements and perspectives of these officers.

Organisational learning for effective ACD

11. Increase the number of internal and external reviews and evaluations of ACD efforts, engaging stakeholders beyond UNHCR, to generate more evidence of what does and does not work. *DIP*

UNHCR has underinvested in analysis and evaluation of the effectiveness of different ACD efforts – what works, what does not work, and why – and the outcomes and impacts of its efforts. This recommendation seeks to remedy this gap in learning by stressing the need to undertake a more extensive and systematic review programme at scale: to inform UNHCR's understanding on which ACD strategies are most effective; to analyse why certain interventions work to improve asylum quality and sustainability and others do not; and to measure outcomes. In doing so, it is important that a wide range of stakeholders are engaged in the reviews – governments, asylum-seekers and refugees, and implementing partners.

While thematic priorities (building on the findings of this evaluation) – such as QAIs, developing metrics and methods for measuring ACD outcomes, partnerships with international development organisations on institutional development, strategies for building institutional and governance capacity for asylum systems within governments, and assessing modalities for transition and handover of national asylum systems – could be subjects for early review, it is important to stress the foundational importance for this evaluation of the ToC Model presented in Section 3.3.1. Capacity-building for sustainable national asylum systems requires systematic and holistic approaches that articulate a range of strategies, tools and resources and expertise.

12. Undertake further analysis of the QAIs implemented in the Americas and Europe, and expand the most successful aspects for application elsewhere. *DIP, GDS, Regional Bureaux*

The evaluation has highlighted the effectiveness of QAIs and the scope for transferring the lessons learned to other contexts. To build on this potential requires further systematic analysis of past success factors and how they may be built on, including: encouragement of regional dynamics; state leadership; the detailed application of performance measurements; progress reporting; peer review; and regional exchange of experience.