

MULTILATERAL FRAMEWORK OF UNDERSTANDINGS
ON RESETTLEMENT

I. PREAMBLE

1. Resettlement is one of the three durable solutions for refugees. It is also a vital instrument of international solidarity, and burden and responsibility sharing, particularly for large-scale and protracted refugee situations. It is equally an important tool for ensuring the protection of refugees. It may help to reduce irregular secondary movements. The Agenda for Protection, endorsed by the Executive Committee of the High Commissioner's Programme and welcomed by the United Nations General Assembly in 2002, among other elements, recognised the need to expand resettlement opportunities and to use resettlement more strategically, and thereby achieve durable solutions for more refugees. Resettlement therefore plays an important role in the context of the United Nations High Commissioner for Refugees' Convention Plus initiative, aimed at providing comprehensive solutions to refugee situations.

2. The following understandings, reached in the context of that Convention Plus initiative, while not legally binding, are intended to strengthen the international refugee protection system through a more strategic use of resettlement for the benefit of a greater number of refugees. Their purpose is to guide parties to situation-specific multilateral agreements (namely, UNHCR, refugee hosting countries, resettlement countries, countries of origin, the International Organization for Migration (IOM) and other relevant resettlement partners) in designing comprehensive arrangements which involve multilateral resettlement operations. While not all of the understandings will be relevant to every situation, where they are appropriate, they are to be relied upon. It is also recognized that each multilateral agreement will be unique, depending upon the circumstances.

3. In the context of Convention Plus comprehensive arrangements to achieve durable solutions, resettlement will normally be undertaken in concert with the other durable solutions for refugees and initiatives relating to persons found not to be in need of international protection. There may be situations, however, in which a multilateral resettlement response alone to a refugee situation is appropriate, although a comprehensive resolution of the plight of an entire refugee population may not yet be possible. In such circumstances, the understandings outlined here may also be useful.

4. Convention Plus comprehensive arrangements to achieve durable solutions, as well as multilateral resettlement operations, will be designed and implemented so as to respect fully:

- UNHCR's international responsibilities pursuant to its mandate;

- the international law obligations of States as set out in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and other international refugee, humanitarian and human rights law instruments; and
- national legislation and policy applicable to resettlement.

II. OPERATIVE PARAGRAPHS

A. Leadership and Coordination

To maximize the benefits of a multilateral resettlement operation, there is a need for the roles and responsibilities of all parties to be clearly articulated at the outset.

5. UNHCR to identify, at its own initiative or upon request, refugee situations that would benefit from a multilateral resettlement operation, with special consideration being given to protracted refugee situations. This analysis to focus on the protection and durable solutions needs of the refugee population, the strategic benefits accruing from resettlement and the identification of potential obstacles and constraints.

6. In the context of a multilateral resettlement operation, UNHCR to ensure clear coordination, wide participatory planning, ongoing oversight and monitoring, and regular reporting. UNHCR to organize and facilitate regular and, when necessary, emergency meetings of all parties.

7. UNHCR to lead wide consultations among all relevant stakeholders regarding the logistical, operational and infrastructure requirements of the multilateral resettlement operation and the most time and cost-effective way to meet them.

8. All parties to examine the resource implications, including personnel and training needs, to meet the objectives of the multilateral resettlement operation. Each party, as appropriate, to formulate a plan of action to meet any additional resource and training requirements that are identified.

9. Recognizing that resettlement is a core activity, UNHCR to work to ensure that its capacity to discharge its resettlement responsibility is adequate and/or adjusted to meet prevailing needs, and to seek assistance and support as necessary.

10. In some situations it may be necessary for UNHCR to launch an appeal for funding in order to meet the financial requirements of the multilateral resettlement operation. Any such appeal to include, as appropriate, the needs of UNHCR, IOM, and other parties. Such an appeal may invite countries and organizations not involved in providing resettlement places to contribute resources and lend their support by any other appropriate means.

11. Resettlement countries to cooperate in pledging places with the aim of meeting the identified resettlement needs and to provide undertakings regarding the number of refugees and profiles of populations to be resettled. In this regard, resettlement countries to consult with UNHCR and relevant resettlement partners so as to make best use of their respective expertise, in order to maximize the number of resettlement places being made available.

B. Timely Registration and Documentation

To maximize the benefits of a multilateral resettlement operation, all parties must know the characteristics of the refugees, including the most vulnerable.

12. Host countries, with the assistance of UNHCR and relevant resettlement partners, to register and document a refugee population in a timely manner in line with the basic guidelines set out in Executive Committee Conclusion No. 91 (LII) 2001.¹ The absence of comprehensive information provided through registration, however, should not preclude the use of resettlement in emergency and/or mass influx situations.

13. All parties to seek a full understanding of the characteristics of the refugee population, including particularly vulnerable cases such as survivors of violence and torture, persons with medical needs (e.g. HIV/AIDS, mental health needs, disabilities), women at risk, separated children and the elderly, so as to best delineate and coordinate their respective responsibilities.

14. Registration preferably to include biometric data where possible.

15. At the time of registration, UNHCR, host countries and relevant partners to coordinate efforts to establish the identity of individual refugees and identify all members of a family present in the host country and in other countries.

16. UNHCR, in consultation with relevant resettlement partners, to develop a resettlement identification and referral plan to be agreed to by the parties.

C. Selection Criteria

Flexible resettlement criteria and the use of group methodology can contribute to securing protection and durable solutions for more refugees.

17. Resettlement countries to consider developing selection criteria to provide themselves with the flexibility to resettle persons of concern to UNHCR who may not fall within the terms of the 1951 Convention. Governments may wish to consider the refugee definitions contained in the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and/or the 1984 Cartagena Declaration on Refugees.

18. UNHCR to continue to develop its methodology for identifying groups for resettlement based on common characteristics.

19. Under the leadership of UNHCR, resettlement countries to cooperate, where appropriate, in the use of the group methodology for identifying groups in need of resettlement. The use of this methodology is not to preclude the application of individual

¹ See also *UNHCR Resettlement Handbook*, UNHCR, Department of International Protection, (Rev. July 2002). UNHCR is in the process of revising the *Resettlement Handbook*. See also *UNHCR Handbook for Registration* (2003).

selection criteria. As national legislation and policy may dictate the manner in which individual resettlement countries deal with the referral of groups, any limitations with respect to group processing to be identified at the outset.

20. Refugees are not arbitrarily to be screened out of a multilateral resettlement operation solely on account of characteristics such as physical and mental condition, gender, ethnicity, race, religion, age, political opinion, nationality or country of origin.

D. Family Unity

Family is the fundamental unit of society. Successive Executive Committee Conclusions² call on States to respect family unity and support family reunion. Family members can provide a strong and effective support system and, in so doing, enhance the integration of resettled refugees.

21. Without prejudice to individual refugee preference, all parties to respect and maintain family unity. In this context, “family” at a minimum includes immediate family, as provided for in national legislation or policy.

22. Resettlement countries to endeavour to maintain the unity of broader family units, taking into account cultural variations, as well as economic and emotional dependency factors.

23. In situations where immediate family members are in the same host country, that country to permit and facilitate the unification of family members within the country.

24. Resettlement countries to respect the unity of the family when processing applications for resettlement. Where immediate family members are in different host countries and resettlement is the preferred durable solution, resettlement countries to make every effort to facilitate reunification through resettlement of the family in one country.

25. If a refugee has immediate family members who are already established in a participating country, that country normally to be the first to consider an application to reunite the family, when resettlement is the most appropriate durable solution.

26. If a refugee has immediate family members who are already established in a non-participating country, UNHCR to ask that country to consider an application to reunite the family.

27. Resettlement countries to consider all available lawful channels, including non-refugee admission procedures, in endeavoring to ensure the unity of the family.

² See Conclusion Nos. 1, 9, 24, 84, 84 and 88.

E. Transparency

Multilateral resettlement operations require open communication among parties on all matters that have an impact on resettlement processing. It is important that refugees be consulted and provided with information on the resettlement process.

28. All parties to maintain the transparency of the resettlement process, giving due consideration to the privacy needs of individuals.

29. UNHCR, in consultation with other parties and partners, to develop a strategy to inform and consult with refugees on the resettlement process, so as to ensure that the multilateral resettlement operation is not adversely affected due to false information or unrealistic expectations, and that refugees participate in the process on an informed basis.

30. UNHCR to work with host countries and relevant resettlement partners as well as refugee communities to provide appropriately targeted information and counselling to refugees on:

- their options for durable solutions;
- eligibility and selection criteria, and information on groups or types of individuals identified for resettlement by a particular country; and
- in the case of refugees considered for resettlement, the procedures for resettlement and for family reunification.

F. Integrity of Process

Misuse of resettlement processes compromises multilateral resettlement operations, and jeopardizes the strategic use of resettlement.

31. All parties to put in place the necessary management systems to deter, detect and take appropriate action against those who engage in fraudulent practices relating to the resettlement process, including registration.

32. All parties to assist in the investigation of fraudulent activities affecting the resettlement process and, when appropriate, countries to prosecute any persons within their national territories who engage in such activities contrary to national legislation.

33. Where appropriate, UNHCR, host countries and resettlement countries to endeavor to provide adequate protection to those who report fraudulent activities.

34. Host countries, with the assistance of UNHCR where appropriate, to monitor new arrivals in host countries and to establish coherent screening processes. All parties to contribute to a collective response to detect and deter non protection-related population movements in order to ensure the integrity and continuation of the resettlement effort.

G. Maximizing effective programme delivery

Among the benefits of multilateral resettlement operations are the efficiencies that can be gained by pooling resources and expertise, and by having ready access to refugees for resettlement purposes. Time and cost savings may result in additional resources to assist more refugees.

35. All parties to endeavour to avoid duplication of efforts by sharing information and resources, while respecting confidentiality concerns.

36. Host countries, with the assistance of the parties and the international community where appropriate, to:

- ensure that candidates for resettlement are readily accessible to UNHCR, resettlement countries and relevant resettlement partners, including for the purpose of selection interviews and follow-up procedures;
- facilitate resettlement activities through the prompt issuance of entry and other necessary documentation and authorization to the staff of UNHCR and relevant resettlement countries and partners;
- allow the movement of refugees for the purposes of resettlement eligibility interviews, medical examinations, security checks, visas, family reunification and other pre-departure requirements for resettlement; and
- facilitate the departure of refugees selected for resettlement, including by the timely issuance of exit permits and travel documents, and to avoid taking measures which might impede the process.

37. While respecting privacy principles and the need to safeguard individual security, all parties to share personal information when it is consistent with the purpose for which it was collected such as identifying special needs, facilitating medical clearances and family unity, as well as for exclusion purposes.

38. UNHCR and relevant resettlement partners to provide logistical support to the host and resettlement countries throughout the multilateral resettlement operation. This may include arranging and facilitating interviews, assisting with the arrangement of medical examinations and transportation, facilitating the issuance of exit permits and travel documents, and assisting with any other procedures integral to the resettlement process.

39. In some situations, to enhance the effectiveness of resettlement efforts, countries and UNHCR to avail themselves of the expertise and to rely on the support of relevant resettlement partners in activities integral to the resettlement process. Some examples may include:

- assisting UNHCR in the identification of refugees for resettlement ;
- case preparation and verification of refugee files for management by UNHCR and consideration by resettlement countries;

- assisting in the facilitation of resettlement countries' interview and adjudication missions;
- arranging medical examinations;
- providing pre-departure cultural orientation and integration briefings; and
- requesting security checks, facilitating the issuance of exit permits and travel documents, and arranging transportation.

H. Integration Support

Resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration.³ Resettlement countries to ensure that, prior to resettlement, measures are put in place to provide for the appropriate reception and integration of resettled refugees. The full and mutual benefits of resettlement are enhanced by such measures, as elaborated, for example, in Refugee Resettlement: An International Handbook to Guide Reception and Integration.⁴

40. Resettlement countries and relevant resettlement partners to work with refugees, as needed, to enhance their effective integration, with a view to progressively attaining the standards enjoyed by nationals. The following are some examples of the kinds of services that have proven helpful:

- providing pre-departure and post-arrival orientation;
- providing access to education (including language training and skills development), employment and health and social services;
- working to engender public support and acceptance, including through public relations campaigns, especially in situations where a number of refugees are resettled in a short period of time; and
- promoting naturalization.

41. Resettlement countries to accord resettled refugees secure legal status upon arrival, including civil, political, economic, social and cultural rights.

42. Resettlement countries to endeavour to ensure that resettled family members of resettled refugees receive a secure legal status unaffected by subsequent changes in the family unit, such as through divorce or death.

³ See ExCom Conclusion 90 (LII) 2001, para. (1).

⁴ First published in September 2002 by the Victoria Foundation for Survivors of Torture (VFST), Melbourne, Australia in cooperation with UNHCR and its international partners in refugee resettlement. This publication builds on deliberations of the International Conference on the Reception and Integration of Resettled Refugees (Norrköping, Sweden, 25-27 April 2001).

I. Sustained and Enhanced Commitment

Multilateral resettlement operations require sustained commitment. Such commitment is also needed to protect and offer durable solutions to refugees who are not covered by a multilateral resettlement operation. Expanding resettlement opportunities is an ambition of this framework, and includes increasing the number of countries engaged in resettlement and consolidating the capacity of new resettlement countries.

43. All parties to maintain their commitment to the multilateral resettlement operation and the provision of durable solutions until the objectives of the multilateral agreement have been achieved.

44. Working in close co-operation with UNHCR, all parties to endeavour to assist emerging resettlement countries that have made a commitment to participate in the multilateral resettlement operation. This can be done, for example, by providing technical support, training, sharing information about good practices in refugee reception and integration or, if appropriate, financial support.

45. All parties, working in close co-operation with UNHCR, to encourage the participation of countries not currently active in refugee resettlement so as to expand and diversify resettlement opportunities globally.

46. Host countries to continue to provide secure first asylum to refugees and adhere to the principle of *non-refoulement* in accordance with international standards.

47. In cases in which refugees are not selected or accepted for the multilateral resettlement operation, all parties to continue to respond to their asylum and assistance needs while actively seeking other durable solutions.

48. Resettlement countries to continue to address through resettlement the needs of other refugees who are not included in the multilateral resettlement operation but for whom resettlement is the appropriate solution and/or the only means to guarantee their protection.