

Resettlement Country Chapters

In these individual country chapters, resettlement States provide details about their resettlement programme selection criteria and procedures, annual quotas, and the services offered to resettled refugees after arrival. These chapters are updated by the States on a regular basis, but are available only in English.

See below for these chapters:

- [Argentina](#) (June 2013 revision)
- [Australia](#) (° 201 revision)
- [Belgium](#) (K 201)
- [Brazil](#) (July 2013 revision)
- [Canada](#) (August 2014 revision)
- [Chile](#) (January 2002 revision)
- [Czech Republic](#) (K 201 revision)
- [Denmark](#) (U 201 revision)
- [Finland](#) (September 2014 revision)
- [France](#) (K 201)
- [Germany](#) (° 201 revision)
- [Iceland](#) (° revision)
- [Ireland](#) (U 201 revision)
- [Netherlands](#) (K revision)
- [New Zealand](#) (October 2014 revision)
- [Norway](#) (K 201 revision)
- [Portugal](#) (July 2011 revision)
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- [Uruguay](#) (July 201– revision)

COUNTRY
CHAPTER

ARG

ARGENTINA

BY THE GOVERNMENT OF
ARGENTINA



Argentina Overview:

Resettlement programme since: 2005	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2013:

Admissions target for UNHCR submissions:	50 persons
Total goal for resettlement admissions:	50 persons

Regional allocations for 2013: (not available)

Africa	
Asia	
MENA	
Europe	
Americas	

Sub-quota characteristics:

Designated sub-quota/reason for acceptance	Description, additional comments:
Emergency resettlement procedures	Urgent cases may be considered by dossier
Medical cases	
Cases of women at risk	No specific quota
Unaccompanied minors	
Family reunification (within the programme)	Not part of quota

1. Resettlement Policy**1.1 Resettlement Policy**

The government of the Republic of Argentina, within the framework of International Human Rights Law and International Refugee Law - expressed in its General Law for the Recognition and Protection of Refugees - signed a Memorandum of Understanding with UNHCR in June 2005, within the guidelines agreed upon in the Mexico Plan of Action to Strengthen International Protection for Refugees in Latin America: the shared responsibility and duty of international solidarity.

At the same time, the programme is framed within the open immigration policy Argentina has been developing, having as a fundamental normative instrument for this Immigration Law 25.871. In this context, Argentina has implemented its international human rights commitments and its regional immigration commitments giving differential treatment to citizens of the Common Market of the South (MERCOSUR) and Associated States, especially in terms of documentation and requirements for settlement. In fact, citizens of any member nation of MERCOSUR and Associated States can legalize their immigration

status in Argentina based solely on nationality and lack of a criminal record. Among the latter are Colombian citizens. For that reason, Argentina considers the Resettlement Programme to be an instrument of its policy of prioritizing defense and protection of human rights.

The goal of the Solidarity Resettlement Programme is to provide protection and a lasting solution for refugees whose lives, safety freedom or other fundamental rights are threatened in their first country of asylum. Consequently, it should aim for the establishment of solid foundations for local integration of refugees in the welcoming country, through self-sufficiency and their positive contribution to local society. It should promote their capacity to reconstruct a positive future, the creation of ties with the welcoming community and the reestablishment of trust in political institutions and systems, always respecting religious and cultural identities.

In terms of the legal framework, the General Law for the Recognition and Protection of Refugees (Act N1/4 26.165), legislation that fully regulates the process for determining refugee status and the rights and guarantees of asylum and refugee applicants. This Law created the National Refugee Committee (CONARE) and its Executive Secretariat within the Ministry of the Interior and assigned the Committee a series of broad functions both in determining refugee status and in seeking lasting solutions.

1.2 Ministries or Departments Responsible for Resettlement Policy

CONARE consists of one representative from the Ministry of the Interior, one from the Ministry of Foreign Affairs, International Trade and Worship, one from the Ministry of Justice, Security and Human Rights, one from the National Institute Against Discrimination, Xenophobia and Racism, and one from the Ministry of Social Development. The Committee also includes a non-voting member from the UNHCR Regional Office and one from civil society.

CONARE is charged with choosing candidates for resettlement from a humanitarian perspective, according to criteria established in the Memorandum of Understanding and the Annual Work Plan, as well as processing documentation in coordination with the National Immigration Directorate and the National Registry of Persons. Within the jurisdiction of CONARE, appropriate personnel in the Executive Secretariat, the Subcommittee for Assistance and Integration, and specific Commissioners deal with questions related to the Programme. CONARE is empowered to call on governmental agencies to include resettled refugees in public assistance programs and policies in distinct jurisdictions. In addition, it functions as a liaison with the associated UNHCR agency that implements the Programme.

As a member of CONARE, the Foreign Ministry's General Directorate of Human Rights acts as a liaison between CONARE and the Argentine Mission to international organizations in Geneva concerning information provided by the UNHCR headquarters as well as the Annual Tripartite Consultative Meeting on Resettlement. In turn, it is responsible for facilitating and coordinating the issuance of visas, providing appropriate instructions to the consulates, and sending priority entry permits issued by the National Directorate of Immigration to the Consulates in the country of first asylum, which are charged with providing the corresponding travel documents.

1.3 Process of Determining the Annual Resettlement Quota and Composition

The Memorandum ratified by the Argentine government and UNHCR stipulates that each year the Republic of Argentina will provide the UNHCR with the number of persons who can be resettled in the country. There is no formal legal procedure to determine the annual quota and composition, nor deadlines for this purpose. In practice, the quota is defined annually in a coordinated manner between CONARE and the UNHCR, based on existing protection needs and available financial resources.

2. Eligibility Criteria for Recognition of Refugee and Asylum Status

2.1 National legislation that defines eligibility for refugee status

The criteria for recognition of refugee status in Argentina are based on the Recognition Act and General Law for the Recognition and Protection of Refugees (Act No. 26 165) that complies with the 1951 Convention and its Optional Protocol.

The Act also provides that the term refugee shall also apply to any persons who have fled their country of nationality or habitual residence -- in the event that they did not have citizenship -- because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

2.2 Distinction between the criteria for recognition of refugee status for asylum seekers and resettled refugees

There is no difference between the status of a spontaneous refugee and that of a resettled refugee.

3. Resettlement Criteria

3.1 Eligibility criteria for refugee resettlement

The criteria for resettlement set out in the Memorandum of Understanding signed with UNHCR are:

Need for legal and physical protection, when one or more of the following conditions exist:

- Immediate or long-term threat of return to the country of origin or expulsion to another country from which the refugee may be returned.
- Threat of arbitrary arrest, detention or imprisonment.
- Threat to physical safety or human rights in the country of refuge similar to that expressed in the definition of refugee, which makes asylum untenable.

Survivors of violence and torture

Their resettlement in Argentina is subject to the availability of appropriate services.

Women in situations of risk

Women who lack the traditional protection of their families or communities and face physical and/or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc.)

Children and adolescents

Minors who are unaccompanied or separated from their families and require specialized care and specific protection measures. Their resettlement in Argentina is subject to the best interests of the child.

Refugees without the prospect of local integration in the country of first asylum

When a refugee has spent some time in a country of asylum without being able to integrate and there are no real possibilities of repatriation in the near future, that person can submit an application for resettlement.

Without prejudice to the criteria for resettlement, Argentina, as a emerging country in the resettlement programme, will be given special consideration in the selection process for family groups with children or single parent families whose breadwinner is a woman, especially cases of women at risk with their children, and with people who have relatives in the country. Special needs cases submitted by UNHCR will also be given consideration, taking into account the availability of existing services to meet those needs before making a decision about resettlement in the country.

Consideration will also be given to the fact that, at present, refugees will be resettled in urban areas. The previous is based on the understanding that the programme in Argentina is an emerging programme and that these considerations will facilitate consolidation and future expansion.

4. Resettlement Allocations / Processing Priorities

The Argentine government does not currently use a system of sub-quotas.

5. Refugee Presentation and Processing Through Dossier Selection

The MOU provides for the possibility that the UNHCR could propose to CONARE the consideration of cases entailing the urgent need of legal and physical protection, which could be analyzed solely on the basis of existing documentation. Considering the urgency of these cases, a decision must be made by the agency within one (1) week of receipt of documentation by the Secretariat.

To date, the UNHCR has formally referred to Argentina a single case by Dossier, which was accepted.

6. Presentation and Processing of Refugees through Selection Missions

6.1 Selection Mission policies

Upon receipt of the resettlement registration forms submitted by UNHCR, CONARE conducts a review of the cases to be interviewed during the Selection Mission, according to established profiles and criteria for resettlement. For this, CONARE has requested that cases be provided one month prior to the selection mission, except for cases in urgent need of legal and physical protection.

In exceptional instances, where the referred case is manifestly at odds with Argentina's ability to provide effective protection, and in order not to harm the refugees and undermine their chances of obtaining international protection in another country, CONARE may decide not to interview the referred person/family. In this case, UNHCR will be informed of the decision and the reasons that behind it, so as not to include these cases in the agenda of the selection mission.

The purpose of the Selection Mission is to interview the candidates personally, to facilitate the assessment of cases and provide information on the scope of the programme and living conditions in Argentina. In addition, during the Missions, meetings are held in first asylum countries with different actors involved in the programme to report problems, situation summaries, questions and challenges to improve the effectiveness of their participation.

6.2 Case documentation

The documents required for a person to be referred to the Resettlement Programme in Argentina include: a passport, identification card (in cases authorized according to existing laws) or travel documents from the 1951 Agreement; criminal records from the refugee's country of asylum; authorization for minors traveling with only one of their parents.

In cases involving minors entering with parents holding an Entry Permit, or with parental consent as required, besides general requirements, it will be necessary to authorize the invoked relationship by way of appropriate documents, that is the corresponding records, certificates or registrations, or in their absence, substitute documentation.

Given the difficulties in processing certain documentation, the National Immigration Directorate may accept a "global" criminal record, i.e., a general response by the government in the first country of asylum.

During the Selection Mission, interviews are conducted by household, except in cases where the need to interview a family member separately has been identified previously or at that time.

6.3 Decision on applications

Standard cases

Once the mission is complete, CONARE must decide on the cases interviewed within a period not exceeding fourteen (14) days, based on the information shared in the CONARE meeting held to discuss the results of the interviews.

Once a decision is made, the records will be signed immediately, and the UNHCR will be notified at the corresponding meeting. In case of absences, UNHCR will be sent a copy of the record drawn up at the meeting.

Urgent cases

CONARE must make its decision within one (1) week from acceptance of consideration in dossier cases, or upon the return of Selection Mission team members for cases brought to UNHCR's consideration with urgent need for legal and physical protection.

Notification

Following CONARE's decision, the UNHCR Regional Office in Argentina reports those decisions to UNHCR offices in the respective countries of asylum, which proceed to notify the refugees of the official decisions.

Review of rejected cases

If an application for resettlement is rejected by CONARE, UNHCR may request a review of the case on the basis of complementary information provided by the latter.

Arrivals

Regarding the time between acceptance of a case and the person's entry into Argentina, every effort will be made to resettle refugees entering the country in the shortest possible time. Although this time period cannot be specifically determined, it is estimated to take an average 45 days. Entry for refugees with need for physical protection, as well as urgent cases, will be given priority.

7. Emergency/Urgent Cases

As previously indicated, the MOU provides for the possibility that UNHCR could ask CONARE to consider acceptance of cases with urgent need of legal and physical protection, solely on the basis of existing documentation. Considering the urgency of these cases, a decision must be made by CONARE within one (1) week.

8. Special Categories/Specific Needs

Although Argentina takes into account cases with special needs submitted by UNHCR, based on the criteria outlined in section 3 (torture victims, women at risk, patients with specific medical needs -- but not those whose standard of resettlement is "medical necessity", since this category is not established in the MOU signed by Argentina -- unaccompanied minors, elderly refugees), before making a decision, the government of Argentina, together with the programme's implementing agency and the UNHCR Regional Office for southern Latin America consider the availability of existing services for each particular case, before making a decision about their resettlement in the country.

It has established a Sub-programme devoted exclusively to women at risk, mainly centralized in the city of Rosario. Unlike the general Resettlement Programme, the Women at Risk Programme provides material assistance for two years. This is based on the consideration that these women need more time to achieve personal development and employment in the country of resettlement.

Notwithstanding the contributions made by the national and local governments in the way of access to health, education and documentary materials, the Norwegian Government supports implementation of the Women at Risk Programme in our country.

No sub-quota is stipulated for this programme, but its beneficiaries form part of Argentina's annual quota.

9. Medical Requirements

No specific medical requirement is requested for resettlement in the territory of Argentina.

10. Orientation

Beginning in 2009, the programme began implementing a cultural orientation session for refugees in the first country of asylum, before they depart for Argentina. The cultural orientation session lasts a day and a half, and is organized by the programme's implementing agency, HIAS.

The cultural orientation session takes the form of participatory and entertaining workshops for adults, adolescents and children and has the following objectives:

- Work with beneficiaries on specific aspects of their integration into Argentine society;
- Reflect with them and begin to shape what will become, upon their arrival in Argentina, their Integration Plan;
- Review aspects of daily life in Argentina that favor greater understanding of the integration process;
- Recollect positive experiences of families in countries of asylum, which can be replicated in Argentina in order to enhance their integration;

- Promote better and more thorough preparation of families and of each family member for their new destination;
- Promote the formation of social networks among the resettled families to enhance their integration.

11. Travel

Travel arrangements, beneficiaries' moving expenses and travel coordination are UNHCR's responsibility or may be financed through international cooperation and/or individuals and institutions that support the resettlement programme. Pre-travel formalities, reservations and ticketing are coordinated between UNHCR and International Organization for Migration (IOM) in the first country of asylum.

Meanwhile, the National Directorate of Migration (DNM) provided resettled refugees with a special procedure for entering the country by which they enter the country with the status of temporary residents with entry permits issued by the DNM under the terms and immigration classification stipulated in Article 23, paragraph k) of Act No. 25871 (DNM Provision No. 45144/2005).

To this end, the Argentine Consulates in the country of first asylum issue a visa that affirms the above. Note that the visa issued by the Consulate is not an extra requirement, but a means to facilitate and speed up immigration procedures and documentation, permitting refugees to enter the Republic of Argentina as temporary residents.

12. Situation on Arrival and Paths for Obtaining Citizenship

12.1 Situation facing immigrants upon arrival

As reported previously, under Provision 45.144/05 of the National Immigration Department, foreigners entering Argentina under the resettlement programme, are admitted into the country as temporary residents. That is, they enter the country as legal residents, with authorization to perform paid work.

12.2 Documentation issued

Once in the country, refugees are provided, also through a streamlined procedure, with the National Identity Card for foreigners issued by the National Registry of Persons, under the Ministry of the Interior.

All the procedures that refugees carry out to legalize their immigration status and obtain documentation are free of charge.

12.3 Requirements, costs and deadlines for obtaining citizenship

After two years of residence in the country under temporary resident status, refugees may apply to the National Immigration Directorate for permanent residence, or opt for Argentine citizenship. The latter requires applying to Federal Court and presenting certain documents such as certification of lack of a criminal record, documents establishing residence in the country, and proof of a livelihood through employment contracts, certificates of current work, paycheck stubs or tax receipts in the case of self-employed persons.

As for children born after arrival in the country, note that Argentina follows the *jus soli*, so that children born in the country are Argentine citizens.

13. Settlement in the Country and Community Services

13.1 Services and actors

The resettlement of refugees in Argentina is a task performed jointly by the government, UNHCR and the implementing agency of the programme in Argentina, which is the Hebrew Immigrant Aid Society (HIAS).

As previously mentioned, CONARE has the authority to call on various government agencies, whether national, provincial or municipal, to include resettled refugees in public assistance policies and programs across jurisdictions.

13.2 Reception

CONARE's Executive Secretariat provides the Entry Control Bureau of the National Immigration Directorate with advance information of the refugees' arrival. The programme provides transportation from the international airport. In all cases, families are met at the airport by one or more members of the local team and accompanied to their place of accommodation. In cases of families who move to destinations other than the port of arrival, local Programme teams also receive them with precise arrangements as appropriate.

In each resettlement city, refugees are accompanied to the home they will occupy. In the days following their arrival, refugees begin the process of acquiring national documentation in each city.

Immediately upon arrival refugees receive a sum of money to cover the transportation and food needs of the family, which will continue for a period of twelve months.

13.3 Orientation

During selection missions in the field, the programme offers group information sessions regarding the country of resettlement and programme conditions. It also conducts private individual interviews with each family so they can continue to obtain information and guidance needed to make responsible decisions.

The guidance includes practical information about daily life in the resettlement site, culture and customs in our country. Resettled refugees are also provided with information on health services, education, employment, housing and everything related to the integration process.

In each of the resettlement locations meetings are held where the refugees are informed about the country's recent history, economic geography, aspects of the labor market, education system, labor and tax regimes, among others. These participatory meetings are held within two months of arrival in the country. Further activities, addressing similar issues, are prepared especially for minors.

13.4 Housing

Temporary housing

Upon the resettled refugees' arrival, the programme organizes temporary housing for them. It may be that the Programme already has permanent housing pre-rented, in which case refugees are placed there at the time of arrival. Temporary homes can be hostels or youth shelters, pensions or residential hotels. The time spent in the temporary homes does not usually exceed 3 months from arrival. For accommodation in temporary housing, the programme provides some of the furnishings and artifacts that are then transferred to permanent housing (such as kitchen utensils, bedding, towels, toiletries, household articles, etc.).

From the beginning of their temporary accommodation refugees are encouraged and accompanied in the search for permanent housing.

Permanent housing

The refugee and the Programme team start searching for a rental immediately, so the time spent in temporary locations does not last longer than necessary.

The programme advises and accompanies refugees searching for apartments and negotiating rents, particularly concerning submission of documentation and explanation of contract terms.

The programme provides housing rentals for a period of 12 months, except in special programs for people with specific needs that could require a longer period (such as Women at Risk), usually paid in advance. The contracts are reviewed by the implementing agency prior to closing the deal. The Programme team may find another living arrangement more convenient for the resettled refugees in accordance with the MOU.

The criteria for rental costs for families are pre-approved and agreed upon with the UNHCR. The total rental expense includes the rental fees, common expenses and payment of municipal taxes and services in each locality.

13.5 Health

In Argentina, access to health services is guaranteed to refugees and all foreigners in general, under the same conditions as nationals.

The public health system in Argentina is characterized by an excellent professional staff, who provide services to all who seek attention at health centers on an equal basis, even if they do not possess a National Identity Document. The country also has a private health system that refugees and their families can access through employer-based health insurance.

Legislation also provides for integral maternal and infant health coverage for the mother and her baby until the child's first birthday, further assuring free medication, vaccinations and regular checkups.

Resettled refugees are informed about the functioning of health services once they enter the country.

The Programme advises families of the importance of going to hospitals for their first medical check-ups as soon as possible, and staff accompanies them on their first visits. The programme also supports and advises refugee families regarding special attention provided to minors in regard to vaccinations, vision, clinical and nutritional check-ups. Women are similarly advised with respect to gynecological care and birth control.

Medical tests that refugees may require are conducted in public health centers, except in urgent or highly complex cases, and when they are accompanied by medical certificates that specify the need and are pre-approved by the programme. There are no restrictions in the country preventing refugees from accessing health practices and studies of medium and high complexity, as well as undergoing surgery in public hospitals, free of charge. The programme can cover any exceptional medical need not covered by public services.

The professional health teams have contact with professional networks in the different residential areas, which will enable easier access to public health facilities and follow-up and supervision of cases.

Medication: In some cases, the public health system covers the provision of free and/or low-cost generic medication, which the refugees and their families can access, in the same way as nationals. The programme may provide medicines that are not provided by public health services, and only in cases where a prescription is given. The programme does not cover over-the-counter medications, which families have to pay for out of pocket.

Mental health

The implementing agency staff includes mental health professionals that support and advise refugees throughout the duration of the programme. This assistance is not clinical, nor is it intended to replace professional care in the public mental health services. The counseling provided by the programme is geared to supporting and guiding refugees' integration into the country, paying particular attention to the traumatic experiences that they faced as they were repeatedly uprooted, and how these events impact on the processes they must deal with. Programme professionals seek to identify and reflect with them to allow them to regain their dignity and ownership of a new way of life.

Where the team deems it necessary, they will make referrals to public mental health services, with which they work together to monitor and supervise cases. They will also give guidance to refugees who make an explicit request for such assistance.

13.6 Language instruction

Up until now, only Spanish-speaking refugees have been resettled, thus there has been no need for instruction in that language.

If it is necessary, refugees will be included in language classes to permit their integration in Argentina. Existing links and programs will be made available to refugees, and new networks will be established with public/private agencies that address specific needs for intensive linguistic and cultural support and training, as may be required.

13.7 Education

In our country, all foreigners are ensured access to public education at all levels -- primary, secondary and university -- under the same conditions as nationals. The programme pays particular attention to the inclusion of children and adolescents at all levels in the education system. To this effect, and to the extent that the Programme has detailed information and school records, it will make appropriate inquiries at schools in different cities.

The programme has established a mechanism for children to be incorporated at the intermediate level. It will work jointly with the National Office for Validation of Degrees to review certificates supplied by refugees in order to obtain their validation by local authorities. In cases where refugees do not have detailed documentation, the Validation Office will provide interested parties with the opportunity to take a level evaluation test, which will place the child at the appropriate academic level.

Similarly, the Programme will provide assistance to families seeking to matriculate children in the early grades of public schools, day-care centers and kindergarten. Depending on the season they arrive, families may have access to recreational activities through municipal or provincial summer camps.

Throughout these proceedings, the professional teams in cities accompany and provide guidance for the refugees to choose facilities meet with school authorities and register their children for school. Similar procedures are followed for young adults who want to continue or begin their higher education.

Adults who have not completed their formal educational training are encouraged to do so through municipal and provincial adult education programs.

The Programme also assists with temporary hiring of tutors to help children reach their appropriate grade levels.

It works with relevant public agencies for the validation of basic, vocational and college degrees.

The Programme helps with the purchase of school supplies and clothing. The programme maintains a contact with the education authorities to monitor and improve these practices.

13.8 Vocational training and employment

In coordination with public and private, domestic and municipal organizations and workers' associations, the programme provides guidance for enrolling in training and occupational retraining courses related to the interests and needs of refugees, men and women, as well as young adults. The courses are usually of short duration and require no further preparation for admission.

For its part, the implementing agency has developed job placement strategies with AMIA (Israeli-Argentine Mutual Association) and MANPOWER (agreement between UNHCR and MANPOWER). Both organizations are national in scope. Additionally, the implementing agency teams work to promote employment opportunities with provincial, municipal and private organizations in the cities where refugees reside. HIAS has a Programme Friends Network that collaborates in job placement for refugees. The efforts of UNHCR's implementing agency are complemented, supplemented and coordinated with the efforts of the governmental team responsible for the Programme in each locality.

The professional staff of the Programme, through its initial orientation sessions, along with others previously identified, is responsible for providing accurate information and guidance about the local labor market and recommendations for job searches and employment contracts.

Training

All adults and young people of working age can apply for Programme financial support to enroll in training courses to optimize their employment potential or obtain certification of their skills. On the basis of interests and needs identified in adults, the professional team will provide information and guidance regarding public or union courses that are available.

In some cases, the training includes the purchase of necessary tools with a view to future income-generating employment.

Business ventures

Interested parties are offered guidance regarding public and private programs on small-scale enterprises. The Programme also allows for each family to request support for starting at least one business to supplement its income.

13.9 Financial assistance

With regard to financial assistance to refugees, the main objective of the Programme is to promote refugees' active collaboration and shared responsibility for integration into their new country, laying a solid foundation to make this possible.

The programme aims to develop a resettlement process in which each individual and each family can manage their own lives and achieve their autonomy in joint cooperation with other refugees and the host society.

Currently, the Resettlement Programme provides support for a pre-established period from the time of arrival of families in the country. This support includes:

- Subsistence for a maximum of 12 months, except in special programs for people with specific needs (such as Women at Risk) that may allow a longer period of assistance;
- Where there are no other possibilities (for example, access to public housing or rent subsidized by funds other than the UNHCR Programme), rental of a dwelling by the Programme during the year of Programme duration, except in special programs for people with specific needs, in which case a longer period may be considered. It is noteworthy that, according to the MOU, the programme staff will seek to facilitate access of refugees to public housing programs;
- Assistance for the purchase of medication that the Argentine government does not distribute free of charge, and in cases where they are prescribed by the professionals concerned;
- Assistance for the purchase of school supplies;
- Assistance for the purchase of school and/or winter clothes in cases where this is deemed necessary;
- Assistance for enrolling in training programs to enhance employability in the cities where refugees are resettled;
- Assist in processing documentation;
- Assistance with transportation for job searches.

The Programme will manage and distribute these funds in different resettlement sites according to established criteria and subject to a needs assessment. An administrative accounting organization carries out these functions so the funds can be received in a timely manner by the local coordinators and through them, the families. Although the process is administrative, professional teams inform and guide families for better utilization of resources.

13.10 Additional support for refugees with special needs

As was previously noted, the Programme provides additional support for refugees with special needs, among them – and only by way of example – it's worth mentioning the Subprogram for Women at Risk, which provides assistance for a period of no less than 24 months.

13.11 Mechanisms for sharing information with service providers

CONARE believes it essential to maintain a stable channel for sharing information among different bodies involved in the Solidarity Resettlement Programme in Argentina in order to optimize resources and provide everything necessary for local integration of resettled refugees. Also, fluid and prompt communication provides better and timelier information for dealing with the various issues relating to the programme.

Immediate contact via email is used to report news and pressing issues, while regular meetings are held between various Programme stakeholders.

14. Refugee Family Reunification

The principle of Family Unity is covered in basic international human rights legislation, which enjoys constitutional status in Argentina, as well as in the General Law for the Recognition and Protection of Refugees and Immigration Law in effect in the country.

In particular, Article 6 of Law 26,165 states that "To determine the extent of the right referred to in the preceding article, recognition of refugee status applies by extension, to the refugee's spouse or person with whom the refugee was bound by reason of affection and cohabitation, ancestors, descendants and economically dependent collateral relatives in the first degree. The competent authorities will resolve applications in each case, taking into account the existing law, the needs cited by applicants and the cultural values of their countries of origin. The rejection of a request based on the principle of family unity cannot rest on a lack of legal recognition for the relationship invoked. In no case will asylum be granted by extension to any person who has incurred any of the grounds for exclusion covered by the present law."

In this context, Argentina has facilitated family reunification in its territory of members of a household, even when for a family member who has not been included a priori in the forms submitted by UNHCR. These cases of family reunification are not part of the annual quota of resettlement.

In this regard, all professionals in the programme are trained to guide and advise refugees in terms of application procedures for family reunification.

Family members who enter the country on a visa can do so as residents, which they can obtain from Argentina's diplomatic missions in the country in which they reside, following authorization requested by the refugee from the National Immigration Directorate in Argentina. They can also enter as tourists. In either case, once in the country they apply for derived refugee status and CONARE analyzes and resolves the application according to the law. If appropriate, the family member is included in the programme with all its benefits.

Requests for support from the UNHCR for the transfer are handled through the implementing agency. UNHCR will review requests based on pre-established criteria.

15. References, Resources

National Refugees Commission (CONARE). <http://www.migraciones.gov.ar/conare>

COUNTRY
CHAPTER

AUL

AUSTRALIA

BY THE GOVERNMENT OF AUSTRALIA



Australia 2016 Overview

Resettlement programme since: 1977	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2015-2016: programme year runs from 1 July -30 June

Admission targets for UNHCR submissions:	6,000 places
Total Resettlement Admission Target:	11,000 places

Sub-quota features:

Designated sub-quota/ acceptance for:	2015-2016 Description, additional comments:
Emergency resettlement procedures	Emergency Rescue Category- a visa subclass under the Refugee Category.
Medical cases	No specific quota- each humanitarian application assessed on a case-by-case basis including those with medical conditions.
Women-at-risk cases	Annual allocation of 1,200 places within the Refugee category.
Unaccompanied children	No specific allocation-assessed case-by-case.
Family Reunion (within programme)	Provisions for family reunification are met under the Special Humanitarian Programme (SHP). In addition, provision for immediate family of refugee category entrants to be granted visas under the refugee category.
Other	<ul style="list-style-type: none"> An additional 12,000 Humanitarian places have been made available for people displaced by conflict in Syria and Iraq, delivered over multiple programme years. Up to 500 places within the 2015-2016 Humanitarian Programme have been set aside for the Community Proposal Pilot (CPP), designed to draw on the goodwill of the Australian community through community sponsorship arrangements to defray the costs to Government of settling humanitarian entrants.

1. Resettlement Policy

1.1 Description of Australia's resettlement policy

Australia is committed to sharing responsibility with other countries for protecting and finding orderly resolutions for refugees and others in humanitarian need. Australia supports the United Nations High Commissioner for Refugees (UNHCR) as the international body responsible for this process, and UNHCR's three durable solutions of voluntary repatriation, local integration and resettlement. Australia contributes to these three durable solutions in a number of ways including through the Humanitarian Programme which provides resettlement places to those displaced as a result of humanitarian situations. Australia also works in partnership with refugee hosting countries and international organisations through the use of development assistance, capacity building initiatives and support for displaced persons.

The Humanitarian Programme has two components:

- The **offshore** (resettlement) component offers resettlement for people outside Australia who cannot be repatriated or locally integrated and are in need of humanitarian assistance.
- The **onshore** (asylum or protection) component offers protection to people in Australia who meet the refugee definition as set out in the 1951 Convention relating to the Status of Refugees.

Around 840,000 refugees and others of humanitarian concern have been settled in Australia since the end of World War II.

* These are approximate planning levels.

1.2 Ministries and Departments responsible for resettlement policy

The **Humanitarian Programme** is administered by the **Department of Immigration and Border Protection (DIBP)**. Certain elements of visa processing are undertaken by other government agencies. Security assessments, for example, are undertaken by the relevant security checking agency.

1.3 Process for deciding the annual resettlement quota and its composition

Australia's Humanitarian Programme follows the financial year 1 July to 30 June. Each year, the Australian Government decides the size and regional composition of the programme, taking into consideration: advice from UNHCR on global resettlement needs and priorities; Australia's capacity to provide comprehensive settlement support services; and the evolving humanitarian situations including changes to the global need for resettlement.

The Government also has a comprehensive consultation process with peak refugee and humanitarian bodies, state, territory and local governments, other Australian Government departments, and the general public to inform decisions about the size and composition of the programme.

In 2015-16, the Programme will continue to focus on providing assistance to priority situations in the Middle East, Africa and Asia regions.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

The national legislative framework for defining refugee status for asylum-seekers (the onshore component) and the criteria for accepting refugees and other humanitarian entrants (under Australia's offshore resettlement programme) is underpinned by the **Migration Act 1958** and the **1994 Migration Regulations**.

The **offshore** component of the Humanitarian Programme reflects Australia's commitment to the system of international protection. The offshore refugee resettlement programme goes beyond Australia's international obligations and reflects the desire of Australians to assist those in humanitarian need.

The offshore component has two categories. The **Refugee category** is for people who are subject to persecution in their home country and who are in need of resettlement. The majority of applicants who are considered under this category are identified by UNHCR and referred by UNHCR to Australia. The Refugee category includes the following visa sub classes: Refugee, In-country Special Humanitarian, Emergency Rescue and Woman at Risk.

The **Special Humanitarian Programme (SHP)** is for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer, who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organization that is based in Australia, must support applications for entry under the SHP. Whilst SHP applicants are not referred by UNHCR, they may be registered with them and be otherwise a priority for resettlement in their own right.

People applying under the **Community Proposal Pilot (CPP)** may be granted a visa under the Refugee or SHP category. Their application must be proposed by an Approved Proposing Organisation (APO), who are well-established community organisations in Australia that have entered into a Deed of Agreement with the Department.

Both the Refugee category and the SHP provide for the grant of permanent residence visas, and each provides the same access to future citizenship. It should be noted that there are some differences in government-funded settlement support between the categories, and for people granted visas under the CPP (see section 13).

The **onshore** (or protection) component of the Humanitarian Programme enables people seeking asylum in Australia to have their claims for protection assessed. Asylum-seekers in

possession of a valid entry visa upon arrival in Australia who are found to be in need of protection under the Refugee Convention and who meet health and character requirements are granted a permanent Protection visa. Asylum-seekers who arrive in Australia without a valid visa, and are found to be in need of international protection, may be offered temporary protection.

3. Criteria for Resettlement

As well as meeting the threshold criteria of persecution or substantial discrimination described above, applicants for resettlement to Australia must satisfy the decision-maker that there are compelling reasons for giving special consideration to granting them a visa. This includes balancing the following factors:

- the degree of persecution or discrimination the applicants are subject to in their home country (such as individual discrimination or other physical harm);
- the extent of an applicant's connection to Australia;
- whether there is any other suitable country, other than Australia, able to provide for the applicant's settlement and protection from persecution; and
- Australia's resettlement capacity.

All applicants for humanitarian visas must meet prescribed legislative criteria which include public interest criteria intended to safeguard the Australian community's health, access to health services, safety and national security. In some circumstances health requirements may be waived (see section 11).

Applications may be refused on character grounds where there is evidence of criminal conduct on the applicant's part or the applicant represents a security threat or danger to the Australian community.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

Decisions on the size, composition and regional focus of the Humanitarian Programme are made by the Australian Government each year. This decision takes into account UNHCR's assessment of global resettlement needs, the views of individuals and organizations in Australia, and Australia's capacity to assist.

In 2015-16, Australia will resettle a minimum of 11,000 people under its offshore Humanitarian Programme, comprising a minimum of 6,000 places for the Refugee category and 5,000 places in the SHP category. In 2015-16, the Government set aside 1,200 Refugee category places for refugee women and their dependents under the Woman at Risk provisions. The current priority regions in the offshore programme include the Middle East, Asia (including South West Asia) and Africa.

4.2 Processing priorities

Priority populations for the offshore component of the Humanitarian Programme are emergency rescue cases, woman at risk, cases referred by UNHCR and applications under the Community Proposal Pilot. Australia established specific provisions within the Refugee category in 1989 for women at risk in recognition of the priority given by UNHCR to vulnerable women and children. Around 16,500 Woman at Risk visas have been granted over that time.

Australia continues to give priority to some protracted populations, including through multi-year resettlement commitments.

5. Submission and Processing via Dossier Selection

Australia does **not** process applications for resettlement by dossier selection.

6. Submissions and Processing via In Country Selection

6.1 Case Documentation

Refugees

Refugee applications must be made on the prescribed form (form 842 *Application for an Offshore Humanitarian Visa*), available from Australian overseas missions and from the DIBP Internet site at www.border.gov.au.

Special Humanitarian Programme (SHP)

In addition to form 842 (*Application for an Offshore Humanitarian Visa*) applications for an SHP visa must be proposed by an Australian citizen or permanent resident, an eligible New Zealand citizen or an organisation operating in Australia in accordance with form 681 (*Refugee and Special Humanitarian Proposal*).

Community Proposal Pilot (CPP)

In addition to form 842 (*Application for an Offshore Humanitarian Visa*) applications must be proposed by an Approved Proposing Organisation (APO) in accordance with form 1417 (*Proposal for refugee and special humanitarian entrants by Approved Proposing Organisation*).

Supporting documents required for an offshore humanitarian visa

Australian Government officers in overseas missions who process humanitarian applications assess each application on a case-by-case basis taking into consideration the specific circumstances of each application. Applicants are expected to provide as much documentation as possible at the time of application to assist in identity verification.

- 1) Eight (8) recent passport size photographs of each person included in form 841 must accompany the application, with the full name of the person written on the back of each photograph.
- 2) Evidence of the identity of each person included in the application (e.g. certified* copies of birth certificates, marriage certificates, passport, national identity card etc.), if available.
- 3) Certified* copies of previous marriage/divorce papers, or death certificates (if applicable).
- 4) Certified* copies of child custody papers (if applicable).
- 5) Certified* copies of adoption papers or a written statement which explains the circumstances of any adopted child included in the application (if applicable).
- 6) Evidence of registration with any international organisation dealing with refugees (e.g. UNHCR), if applicable.
- 7) Certified* copies of travel documents and/or identity cards held by any person included in this application (if available). A statement explaining why you have no travel/identity documents.
- 8) Certified* copies of any visas/residence permits held by any person included in this application (if available).
- 9) A detailed written statement (in English), clearly explaining the reasons why you left the country you fear returning to.
- 10) Certified* copies of any discharge papers (if available).

**Outside Australia, copies of documents must be certified by a person who is the equivalent of a Justice of the Peace or Commissioner for Declarations in the country where the documents are being certified.*

There is no application or processing fee for humanitarian applications, unless applicants are applying under the Community Proposal Pilot. Eight passport-sized photographs of the applicant and immediate family members must be included and submitted with the application.

Personal documents, such as birth, marriage and death certificates and educational documentation if available, should also be provided at any time before their application is decided.

6.2 Routing of Submissions

Refugee applications are received and processed in a variety of ways either directly from applicants or by referral from UNHCR or NGOs. This will depend on the local arrangements in place. Under Australian immigration law, the application form is required in addition to the UNHCR documentation.

Refugee applications must be lodged outside Australia at an Australian diplomatic or trade mission (Please see section 7 for processes relating to Emergency/Urgent Cases).

Processing of refugee applications takes place at designated Australian missions around the world.

For the **SHP and CPP applications lodged in Australia**, initial processing is done in Australia at an Offshore Humanitarian Processing Centre (OHPC). The application is either refused for not meeting the criteria or forwarded to the relevant overseas post for further consideration, interview and decision.

SHP applications must be lodged in Australia, along with the proposal form. Information is available from the DIBP Internet site at

<https://www.border.gov.au/Trav/Refu/Offs/Proposing-an-applicant>

6.3 Decision-making process

Applications are considered on a case-by-case basis against the criteria set down in the *Migration Regulations 1994*. Those applicants who appear to satisfy threshold requirements are interviewed to explore their claims and to verify family composition. Unsuccessful applicants receive a letter that indicates the criteria that were not met.

6.4 Recourse processing

There is no provision for merits review of decisions to refuse offshore Refugee and Humanitarian visa applications. Refused applicants may, however, reapply at any time.

6.5 Processing times

Processing times and visa grant times vary from region to region. In 2014-15 the average processing time for refugee visas from application registration to the granting of a visa was 62.7 weeks and the average processing time for Special Humanitarian Programme visas was 64.9 weeks.

Emergency Rescue cases referred by UNHCR are given greatest processing priority (see below).

7. Emergency Cases/Urgent Cases

The **Emergency Rescue visa** is a visa subclass of the Refugee and Humanitarian visa class. It is used for applicants who are subject to persecution in their home country (whether living there or elsewhere), have urgent and compelling reasons to travel to Australia and face an immediate threat to their life or personal security. Only a small number of Emergency Rescue cases are granted each year by Australia. All requests to Australia for Emergency Rescue visas must be referred through UNHCR's Regional Office in Canberra.

Emergency Rescue cases are given highest processing priority of all applications for resettlement. The Department aims to decide whether to accept an application within two days of receiving the Resettlement Registration Form (RRF) from UNHCR. Once an application is accepted, the Department aims to evacuate the successful applicant within three days of the

decision to accept, pending health, character and national security checks. The speed with which health checks can be undertaken will vary depending where the applicant is located.

All applicants for permanent entry, including Emergency Rescue visa applicants, must meet the health, character and national security requirements before visa grant. Due to the urgency of these applications, a flexible approach may be required in arranging health checks and the procedures will vary according to the circumstances of each case. This will be determined by the Department in consultation with the UNHCR office responsible for the cases.

8. Special Categories/Special Needs

8.1 Refugees with Medical Needs

There are no special provisions for the resettlement of refugees with medical needs. The Humanitarian Programme does not exclude anyone automatically on the basis of a medical condition (apart from active tuberculosis). However, every applicant must also meet legislated health requirements relating to public safety and undue cost, unless a decision is made to waive them (see section 9).

8.2 Survivors of Violence and Torture

Australia continues to consider survivors of violence and torture referred by UNHCR for resettlement. Specialized counseling and medical services and English classes for survivors of torture and trauma are among the settlement services available to Humanitarian Programme entrants (see section 13).

8.3 Woman at Risk

The Woman-at-Risk programme, a sub-category of the Refugee category is for female applicants who are subject to persecution or registered as being of concern to UNHCR. They must also be living outside their home country; not have the protection of a male relative; and be in danger of victimisation, harassment or serious abuse because of their gender. In 2015, the Australian Government agreed to an allocation of 1,200 Refugee category places annually for the Woman-at-Risk programme. More than 16 500 woman at risk and their dependants have been resettled under these provisions since the inception of this visa category in 1989.

8.4 Children

Unaccompanied children applying under the Humanitarian Programme for entry to Australia are required to meet the same criteria as other applicants, including the criterion that permanent settlement in Australia is the most appropriate durable solution. Decision-makers must be satisfied that the grant of the visa to the child would not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the child.

Unaccompanied children without relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Border Protection under the provisions of the *Immigration (Guardianship of Children) Act 1946*. State Government welfare agencies are responsible for their care and case management. Assistance is available until the child reaches 18 years of age, becomes an Australian citizen or otherwise ceases to be an unaccompanied child.

8.5 Elderly

There are no special provisions for the resettlement of elderly refugees. They are assessed on the basis of their claims and if they meet the criteria they may be granted a visa for resettlement.

9. Medical Requirements

9.1 Screening procedures

Applicants for resettlement, like all applicants for permanent visas, must meet health criteria. Australian visa applicants undergo health testing by Australian approved doctors in various locations. The health criteria require applicants to be free from active tuberculosis and any disease or condition that is a risk to public health and safety. Some applicants (those with active tuberculosis, for example) must undergo specialist treatment before their visa is granted. Permanent visa applicants over 15 years of age, and in some circumstances under 15, are required to undergo an HIV test.

Medical examinations and x-rays are conducted by qualified doctors and radiologists from the overseas panel doctor network approved by the Department of Immigration and Border Protection. The Australian Government meets the cost of health assessment of applicants for Refugee and SHP category visas unless the applicant is applying under the Community Proposal Pilot.

9.2 Health criteria and exclusion factors

Applicants may not meet health criteria if they have a medical condition that is likely to result in either significant costs that are considered 'undue' to health care or community services, and/or prejudice access to health care or community services in short supply by Australian nationals.

However, a waiver of the health requirement can be exercised in certain circumstances.

On 1 July 2012 the health waiver process was streamlined for offshore refugee and humanitarian visa applicants who fail to meet the health requirement due to cost. Under the current arrangements, no costs are considered 'undue', enabling a health waiver to be exercised more efficiently.

Where an applicant fails to meet the health requirement due to the need to access services in short supply, 'prejudice to access', a full assessment on a case-by-case basis continues to occur prior to a decision being made if a health waiver is to be exercised.

9.3 Recourse and waivers

All applicants for an offshore Refugee and Humanitarian visa must be considered for a waiver of the health requirement if they fail to meet the health requirement on the basis of cost or prejudice to access.

If after taking into account all relevant factors, the processing officer is satisfied that granting a visa would not be likely to result in 'undue' costs or prejudice to access by Australian citizens or permanent residents to medical and support services, a health waiver may be exercised.

As no costs are currently considered 'undue', a waiver is able to be exercised more efficiently where an applicant fails to meet the health requirement on cost grounds only.

Where an applicant fails to meet the health requirement due to prejudice to access, either with or without significant cost, a full assessment is undertaken. In considering whether the granting of a humanitarian visa would be likely to result in 'undue' prejudice to access to services in short supply, a number of factors are considered, including the circumstances of the applicant.

In particular, the following factors are given significant weight:

- Whether the applicant is likely to be able to mitigate the prejudice to access;
- The applicant's family links to Australia;
- The whereabouts of any close family members not included in their application;
- Whether the case has been referred by UNHCR; and
- Whether the applicant is in a particularly vulnerable situation (for example, women at

risk or survivors of torture and trauma).

'Health waiver' provisions only apply after an applicant has met all other criteria for the visa, has undertaken the required health examinations and failed to meet the health requirement.

9.4 Departure Health Check (DHC) and treatment

DHC is a health check undertaken within 72 hours of departure for refugee and humanitarian visa holders, primarily to ensure that they are healthy enough to undertake the long flights to Australia ('fit to fly'). DHC is not mandatory, but it is strongly encouraged. It is undertaken in addition to mandatory health checks completed prior to the granting of a visa (See 9.1–9.3). Depending on the location of the visa holder, standard DHC activities may involve:

- A physical examination
- Tuberculosis (TB) evaluation for people with a history of TB (may require chest x-ray)
- Malaria and parasites testing and treatment
- Measles, mumps and rubella (MMR) immunisations for people aged between nine months and 54 years except for pregnant visa holders and those who present acceptable evidence of previous immunisation
- Other treatment as may be requested by DIBP, such as Polio vaccination

DHC protects the health of refugees by:

- Ensuring they are 'fit to fly' or if not, then provide/refer for necessary treatment enabling fitness to fly;
- Providing appropriate latest health information needed during travel; and
- Providing recommendation of referrals to healthcare services they may need upon arrival in Australia.

DHC also contributes to maintaining the high level of public health enjoyed by the Australian community.

If the visa holder is found 'fit to fly' at the DHC, travel to Australia is undertaken as planned. If any problems are identified through the DHC, the visa holder may be assisted in a number of ways:

- Delayed travel and immediate treatment until they are 'fit to fly;'
- Provision of a medical escort to accompany them and tend to their health needs while in transit;
- Recommended follow up treatment arranged for them once they arrive in Australia.

If travel is delayed in order to complete the required medical treatment, new travel arrangements will be made. DIBP will cover any costs associated with required medical treatment (for non-sponsored cases only).

In some cases, for refugee and humanitarian visa holders with special health needs that cannot be substantially improved with treatment, a medical escort may be provided to accompany them during their travel to Australia. The medical escort will stay with the visa holder until a hand over to on shore health professional for medical follow-up has been completed in Australia. As part of settlement services, the Department of Social Services (DSS) will make the necessary arrangements to meet the health needs of new arrivals in Australia.

10. Orientation (pre-departure)

The Australian Cultural Orientation (AUSCO) programme is provided to Refugee and Special Humanitarian Programme (SHP) visa holders who are preparing to travel to Australia. It was introduced in 2003 and is provided in Africa, South Asia, South East Asia, the Middle East and other areas as required. AUSCO is designed to provide an initial introduction to important

aspects of Australian life. It represents the beginning of the settlement process and aims to prepare participants for travel and to provide them with necessary information to enhance their settlement prospects and create realistic expectations for life in Australia.

The programme is voluntary. It is available to all humanitarian entrants over five years of age. Courses are tailored for delivery to five separate groups - adults, children, pre-literate, youth and combined classes.

AUSCO is delivered over a period of up to five days to ensure that topics are covered in sufficient detail. Topics include: an overview of Australia including its government, geography and climate; cultural adjustment; travel to Australia and settling in, health care; education; finding employment; housing; transport; Australian law and money management.

The Department of Social Services (DSS) regularly reviews the AUSCO curriculum to ensure it meets the needs of clients in each location. In 2016, DSS is implementing a revised AUSCO curriculum with enhanced messaging around English, education and employment, women's status and their participation in Australian society, family safety and the management of client expectations about life in Australia.

The International Organization for Migration (IOM) currently delivers the courses on behalf of DSS.

On arrival in Australia, humanitarian entrants have access to settlement services. This assistance helps link entrants to the local services they need in the initial stages of settlement (see 13. Domestic Settlement and Community Services).

11. Travel

All applicants who obtain a Refugee visa to Australia have their travel costs paid for by the Australian Government.

For entrants who hold a Special Humanitarian Programme visa the proposer or the applicant must pay for their travel to Australia. Assistance may be available under the International Organization for Migration's (IOM) refugee travel loan fund known as No-Interest Loan Scheme (NILS).

See: IOM Australia – No Interest Loan Scheme http://www.iomaustralia.org/projects_nils.htm

For entrants granted visas under the Community Proposal Pilot, the applicant or their family must pay for their travel to Australia. CPP entrants are unable to access assistance under the IOM Refugee Travel Loan Fund.

Since September 2015, the Department has ceased issuing the Document for Travel to Australia (DFTTA) and has transitioned to an International Civil Aviation Organisation compliant Machine Readable Travel Document, the Australian Migration Status (AMS) ImmiCard.

Refugee and Special Humanitarian Visa holders are issued ImmiCards offshore prior to departure to facilitate their travel to Australia and Commencement of Identity in the community.

ImmiCards assist the card holder to prove their visa status and enrol for government services.

Individuals who have been previously issued a DFTTA are eligible to apply online for an ImmiCard.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Refugee and humanitarian entrants to Australia have permanent residency upon arrival in Australia.

12.2 Documentation issued, including travel documents

Persons granted a Refugee and Humanitarian visa, intending to undertake temporary international travel after they arrive in Australia (prior to being granted Australian citizenship) and who do not possess or are unable to obtain a passport issued by their country of origin, will need to obtain a travel document from the Department of Foreign Affairs and Trade.

Some persons issued with a Refugee and Humanitarian visa, on establishing proof of identity, can apply for a Convention Travel Document (CTD), also known as a *Titre de Voyage*.

Other humanitarian entrants may apply for a Certificate of Identity (COI) under the following circumstances; if there is a serious threat to the applicant's wellbeing if they were to approach their own government for a passport, the applicant's country of origin is newly created or the government, or a travel document is not recognised by Australia (e.g. Somalia).

12.3 Documents issued to children born after arrival but before naturalization of their parents

A child born in Australia, where either parent is an Australian citizen or a permanent resident at time of birth automatically becomes an Australian citizen.

12.4 Details on the requirements, costs and timelines for citizenship

Refugee and humanitarian entrants, who are 18 years and over and have lived in Australia for 4 years may apply for citizenship. Information about eligibility for Australian Citizenship can be found at www.citizenship.gov.au.

13. Domestic Settlement and Community Services

Government assistance is designed to help new arrivals who are most in need to settle into their local community and establish new lives in Australia. Humanitarian entrants are the highest priority for government-funded settlement services because of their special needs and circumstances.

Most skilled migrants and family migrants will undertake their own research about settling in Australia and will generally be able to settle into the community without needing a high level of specialised support. They will generally use mainstream services provided by governments, community organisations and the private sector to address their settlement needs. Some may need additional assistance due to low English proficiency.

13.1 Actors

The Department of Social Services (DSS) is the federal government agency with responsibility for settlement services. The Department of Education and Training has responsibility for foundation skills programmes, including the Adult Migrant English Program (AMEP). Federal, state and local government agencies, non-government organisations and community groups are all involved in the delivery and provision of services. Volunteers also work with service providers to support entrants and assist them to settle into the local community.

13.2 Humanitarian Settlement Services (HSS)

The Humanitarian Settlement Service (HSS) programme provides intensive settlement support through a coordinated case management approach to newly-arrived humanitarian clients on arrival and throughout their initial settlement period. The HSS is a national programme, delivered by 16 service providers across 23 contract regions.

Key features of the HSS programme include:

- A flexible client-centred approach, focusing on individual settlement needs
- Focus on the particular needs of young people
- A comprehensive onshore orientation programme which builds on the messages delivered through the offshore cultural orientation programme, AUSCO, and delivers competency-based outcomes to clients

- Flexible and innovative approaches for the provision of accommodation services

13.3 Assistance offered by Government funded settlement services

The Australian Government provides services which are designed and administered in ways which provide humanitarian entrants with the assistance they need to start building a life in Australia. These services provide initial, intensive settlement assistance for humanitarian entrants for up to 12 months after arrival. Further assistance, beyond the initial settlement support, is provided for some cases.

Humanitarian entrant needs are assessed and addressed through a case management approach. The services focus on assisting entrants to gain access to mainstream services. Humanitarian entrants can access the following services under the HSS based on need:

Case coordination, information and referrals

This includes a case management plan based on an initial needs assessment, information about, and referral to, other service providers and mainstream agencies, including torture and trauma counselling services.

This includes meeting eligible entrants on arrival, taking them to accommodation, providing initial orientation and meeting any emergency needs for medical attention or clothing and footwear.

Accommodation services

These services help entrants to find appropriate and affordable long term accommodation and provide basic household goods to establish their own home in Australia.

13.4 Assistance to SHP entrants and proposers

Proposers generally provide SHP entrants with settlement support. However, in some cases, a proposer's ability to support their SHP entrant may be limited and the service provider may decide to provide some settlement services or in some cases the full suite of HSS to the entrant.

13.5 Assistance to entrants under the Community Proposal Pilot (CPP)

Applications under the CPP must be proposed by an Approved Proposing Organisation (APO). APOs are well-established community organisations in Australia that have entered into a Deed of Agreement with the Department to propose visa applicants for Refugee and Humanitarian visas in the CPP.

Entrants under the CPP are not eligible for HSS services. APOs work either independently, or with the assistance of Australian family members or community organisations, to propose the applicant, ensure all costs associated with the application are paid (including travel to Australia, and provide the required settlement services and support to humanitarian entrants in the CPP.

13.6 Location

Most new arrivals to Australia will choose their settlement location independently. Skilled migrants generally settle where they can take advantage of employment opportunities, and family stream entrants usually settle near their family members.

The settlement location of humanitarian entrants is determined by a number of factors, particularly whether or not the entrant has family or friends (known as 'links') already living in Australia. All SHP entrants are proposed by a link in Australia. These entrants generally settle near their proposers as they provide settlement assistance and valuable social support. About 40 per cent of refugee entrants have links in Australia. The department endeavours to identify the location of these links before refugees travel to Australia so that they can be settled near the link.

For the entrants without any links (known as ‘unlinked’ refugees), the department considers a range of factors when deciding on a suitable settlement location. These include the specific needs of the entrant, such as health requirements, the capacity of the receiving location to address those needs and the community’s ability to provide a welcoming and supportive environment.

13.7 Other settlement services

Complex Case Support

The Complex Case Support (CCS) programme delivers specialised and intensive case management services to eligible humanitarian entrants with exceptional needs which extend beyond the scope of other settlement services. The programme is available to humanitarian entrants in their first five years in Australia. Client needs can include significant mental and physical health conditions, crisis events after arrival and low life skills that present significant barriers to successful settlement. This programme has been operating since October 2008, assisting a small proportion of humanitarian entrants (less than 3 per cent of the annual humanitarian programme intake) who require intensive support to build a new life in Australia and participate effectively in community life.

Settlement Services grants

Settlement Services grants build on the foundation services provided by Humanitarian Settlement Services, by assisting humanitarian entrants and eligible migrants in their first five years in Australia to become self-reliant and participate equitably in society. Settlement Service grants focus on fostering social participation, economic well-being, independence, personal well-being and community connectedness.

Settlement Services grant providers play a key role in facilitating pathways to employment readiness, education and learning English. Providers are encouraged to partner with employers, vocational education and training providers and other education institutions, as well as support access to other key government services such as the Adult Migrant English Program, the *Skills for Education and Employment* programme and employment service providers (*jobactive* services). Specific focus is given to building capability and resilience amongst young humanitarian entrants and other eligible migrants to stay engaged in education and make successful transitions into employment.

There are four Service Types under Settlement Services including:

1. **Casework, coordination and referral**, which includes;
 - Individual casework to develop personal capacity and independence.
 - Culturally and linguistically sensitive group information sessions that provide information about life in Australia, for example banking practices and financial management, employment issues, health education, housing assistance, police and the law, and family safety.
 - Employment workshops and other forums to better understand the workplace and market, skills development, networking and mentoring, volunteering, work experience and establishing a commercial enterprise.
 - Referral to mainstream services and other relevant service providers.
2. **Community coordination and development**, which includes;
 - Advocacy of refugee/migrant communities to strengthen understanding and community relationships with service providers and government agencies (such as the police, schools, real estate agents).
 - Opportunities for people to access sport and increase engagement with the broader community.
 - Settlement support groups to develop social support networks, reduce isolation and promote participation.

- Driver education and road safety workshops.
- 3. Youth settlement services**, which includes;
- Conducting youth summits/forums/camps which provide a safe environment to discuss issues such as family relations, self-esteem, health and safety, education and future aspirations. These build social support networks, self-confidence and independence, and enhance knowledge and the ability to navigate and access mainstream services.
 - After-school programmes (such as homework groups) to enhance participation in the classroom and school community.
 - Parent information sessions to assist children and their parents/guardians to better understand the requirements of the school system.
 - Advocacy of refugee/migrant youth to assist young refugees to settle and strengthen understanding with service providers and community relationships.
- 4. Ethno-cultural support**, which includes;
- Providing social support to newly arrived clients to enable them to connect with and integrate into their own communities through, for example, culturally and/or religious specific institutions and women/men/youth groups.
 - Mentoring and supporting members of newly arrived communities to establish their own support associations and build capacity to successfully operate and meet governance requirements.
 - Providing leadership training to members of newly arrived communities to enable them to effectively advocate on behalf of their community and assist community members.

Settlement Services grants also fund settlement peak bodies that provide advice on policy and programme development, advocacy, and share information and best practice across the sector.

13.8 Translating and Interpreting Service

DSS provides the **Free Interpreting Service**, through the Translating and Interpreting Service (TIS National), to eligible non-English speakers communicating with certain service providers, such as general practitioners, approved medical specialists and pharmacies.

DSS also provides eligible Australians with a **Free Translating Service** for the translation of key personal documents into English. The service is generally available within the first two years of arriving to settle permanently in Australia and is designed to assist clients achieve positive settlement outcomes in the areas of employment, education and community participation.

TIS National provides an important safety-net to people who face language barriers when participating in the community. TIS National offers immediate phone, pre-booked phone and on-site interpreting services 24 hours a day, every day of the year for non-English speakers and English speakers who need to communicate with them. TIS National provides priority lines for emergency services and medical practitioners. TIS National services are available on a free or user-pays basis, depending on circumstances, for both the public and private sectors.

13.9 Language training and Education

Language training

The Adult Migrant English Program (AMEP) is designed to help newly arrived migrants and humanitarian entrants learn foundation English language skills.

English language skills are essential for newly arrived migrants to secure employment, access further education and training and better connect with the Australian community. AMEP provides, eligible migrants and humanitarian entrants with up to 510 hours of English language tuition in their first five years of settlement in Australia. Humanitarian entrants who have had

limited formal schooling, or who have had difficult pre-migration experiences such as torture or trauma, may be able to access additional English tuition with the Special Preparatory Program (SPP). SPP is a sub-programme of AMEP. Further information about AMEP can be found at <https://www.education.gov.au/adult-migrant-english-program-0> .

Education

Humanitarian Programme entrants have access to the same educational services as Australian permanent residents in general. Schooling is compulsory in Australia until the age of 15 years and free primary and secondary education is available.

13.10 English language training for employment

The AMEP sub-programme, Settlement Language Pathways to Employment and Training (SLEPT) aims to assist clients learn English while gaining familiarity with Australian workplace language, culture and practices. The SLPET programme provides up to 200 hours of vocation specific English language tuition including up to 80 hours of work experience.

13.11 Employment

Jobactive is the Australian Government's employment services which assists eligible job seekers to get a job, to learn new skills and develop a career path. Humanitarian Programme entrants are eligible for jobactive and Disability Employment Services.

14. Family Reunification of Refugees

The holder of a permanent humanitarian visa (including some holders of permanent Protection visas*) in Australia can propose declared, **immediate family members** for entry to Australia through the offshore Humanitarian programme. This is commonly referred to as the 'split family' provision. Immediate family members may include the visa holder's spouse or de facto partner (including same sex partner), dependent children or, if the visa holder is under 18 of years, parent.

Other family members such as parents and siblings can also be proposed under the SHP.

**People granted permanent Protection visas in Australia who arrived as "Illegal Maritime Arrivals" (IMAs) or after 13 August 2012 are legislatively barred from proposing any family members under the offshore Humanitarian Programme, including their 'split family'.*

A **dependent child** means the child or step child of the person (except a child who is engaged to be married or has a spouse or de facto partner) who is less than 18 years of age; or, is more than 18 and dependant on that person or is incapacitated for work due to loss of bodily or mental functions.

De facto partners are recognised as those in de facto relationships as defined under SEC 5CB(2) of the Act:

- (a) they have a mutual commitment to a shared life to the exclusion of all others; and
- (b) the relationship between them is genuine and continuing; and
- (c) they:
 - (i) live together; or
 - (ii) do not live separately and apart on a permanent basis; and
- (d) they are not related by family (see subsection (4)).

The processing of applications in the SHP is governed by a set of priorities. Highest priority under the SHP is given to the immediate ('split') family of people who were themselves resettled through the offshore Humanitarian visa. The next priorities are for other family members, e.g. siblings, parents, proposed by relatives who were resettled under the offshore Humanitarian Programme, followed by people proposed by community organisations. Lowest priority in processing is for any person proposed by a family member who was granted a Permanent Protection visa, regardless of the degree of their relationship (this includes 'split'

family). As indicated above, some people who arrived as IMAs are ineligible to propose family members under the SHP.

14.1 Eligibility of family members of persons granted asylum

While permanent Protection visa holders are able to propose family members under the SHP, as indicated at 14.1, such applications are accorded lowest priority in processing. A permanent Protection visa holder who arrived in Australia as an IMA on or after 13 August 2012 is ineligible to propose a family member under the SHP.

14.2 Criteria for family reunification of immediate family members

Holders and former holders of permanent Humanitarian Programme visas may, within five years of the grant of their visa, propose immediate family members for resettlement (as outlined above) Applications are processed based on a priority order with lowest priority for people proposed by a permanent Protection visa holder.

Where the split family proposer was granted a Refugee category visa, the family members applying for entry to Australia will be granted the same kind of visa as their proposer, e.g. a Refugee category visa.

14.3 Verification of relationships

To qualify for family reunification under 'split family' provisions, immediate family members must have been declared by their proposer in their application before the grant of the proposer's visa and the relationship verified by documentation if available.

14.4 Allocations for family reunification

There is no separate allocation in the Humanitarian Programme for family reunification under the 'split family' provisions. Applications are processed according to the priorities set by the Australian Government.

14.5 Routing of applications

Routing of applications for family reunification is as for other applications for resettlement. See Section 6: Submission and processing of refugees via In-Country Selection Missions.

14.6 Processing procedures, decision-making and processing times

Processing and decision-making in family reunification cases are as for other applications for resettlement (see Section 6 Submissions and Processing of Refugees via In-Country Selection Missions). However, 'split family' applicants proposed by relatives in Australia who were resettled under the offshore Programme do not need to meet the criteria of being subject to persecution or substantial discrimination in their home country. All other SHP applicants must meet all four compelling reasons factors as outlined at Section 3.

Processing times and visa grant times vary from region to region. As there are no separate allocations for split family members, processing times will reflect those outlined at Section 6.5.

14.7 Travel Assistance and settlement support on arrival

The same arrangements for travel apply to immediate ('split') family as for other applications processed in the offshore Humanitarian Programme. People granted an SHP visa must meet their travel expenses and people granted Refugee category visas have their travel expenses paid for by the Australian government.

On arrival in Australia, the proposer is generally expected to assist in the settlement of the family members, however, settlement services are available for family members of refugees and to those SHP visa holders who are assessed to be in need of special assistance with settlement.

CHAPTER

BEL

BELGIUM

BY THE GOVERNMENT OF BELGIUM



Belgium 2014 Overview:Resettlement programme since: **2013** | Selection Missions: **Yes** | Dossier Submissions: **No****Resettlement Admission Targets for 2016:**

Admission targets for UNHCR submissions:	550
Total Resettlement Admission Target:	550

Resettlement Admission Targets for 2017:

Admission targets for UNHCR submissions:	550
Total Resettlement Admission Target:	550

Regional Allocations for 2016:

Africa:	50
Asia:	
MENA:	500
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	There is no quota for dossier selection, but Belgium will look for ways to adapt its programme to make it more suitable for dossier/emergency resettlement.
Medical cases	
Women-at-risk cases	
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy**1.1 Description of Belgium's resettlement policy**

In December 2011, the Belgian Government decided to develop a structural resettlement programme (Government Declaration). This decision was based on pilot experiences through different ad hoc resettlement operations (Iraq, Libya) and the development of the Joint European Resettlement Scheme. The size of the quota is decided by the Government (State Secretary for Asylum and Migration). The quota for 2014 was established at 100. Due to the Syrian refugee crisis, the Government announced in November 2014 its decision to double the resettlement quota for 2015 from 150 to 300. In the framework of the Council Conclusions of 20 July 2015 and the EU Resettlement Scheme, Belgium pledged to resettle 550 refugees in 2016 and 550 refugees in 2017.

The selection process is managed by the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). In 2014, all the resettled refugees were selected during selection missions. In 2015, 276 refugees were resettled to Belgium after two selection missions in Beirut, Lebanon for Syrian refugees and one selection mission in Musinga, Burundi for Congolese refugees. Travel and medical arrangements, pre-

departure cultural orientation, initial reception and transition to mainstream and specific integration services are managed by the Federal Agency for the Reception of Asylum-Seekers (FEDASIL). Transportation in the country of asylum, medical arrangements, and organization of the transfer to Belgium are delegated to the International Organization for Migration (IOM). Resettled refugees stay for a period of six to seven weeks in a reception centre, after which they move to individual housing. Resettled refugees are offered specific individual support for a period of a minimum of 12 months through local Social Welfare Centres. Additional support is provided by the NGOs Caritas and Convivial for up to 24 months, including special attention for particularly vulnerable cases.

1.2 Ministries or Departments responsible for resettlement policy

The two main operational authorities, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and FEDASIL, fall under the State Secretariat for Asylum and Migration. The Immigration Office, competent for issuing the travel documents for refugees who do not possess such documents, and visas, also falls under the State Secretariat for Asylum and Migration.

1.3 Process for deciding the annual resettlement quota and its composition, including the timelines for the process

The size of the quota is decided by the Government (State Secretary for Asylum and Migration). CGRS; the asylum authority in Belgium, and FEDASIL make a proposal on the allocation of the quota based on the UNHCR projected global resettlement needs, the EU priorities in the Joint European Resettlement Scheme and national considerations. The final decision belongs to the State Secretary for Asylum and Migration. To optimize the national strategic use of resettlement, coherence with the Belgian Foreign Affairs and Development cooperation policy is sought. The timing of the decision process follows publication of UNHCR Projected Global Resettlement Needs document, European thematic and geographic priorities and ERF/AMF pledging exercises, and Belgian budget cycles.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

Refugee status is granted on the basis of the 1951 Convention Relating to the Status of Refugees (1951 Convention). The asylum procedure and the competencies of asylum institutions are governed by the Aliens Act of 15 December 1980 (Law on the entry, residence, settlement and removal of aliens). The Aliens Act also includes provisions for subsidiary protection (i.e. complementary protection). The status of subsidiary protection is granted if an asylum applicant does not meet the criteria of the Refugee Convention but when there is a real risk of serious harm if returned to his country of origin.

There are no specific provisions on resettlement in Belgian legislation (aliens act, reception, social integration, etc.). Resettlement can be handled within the existing legislation.

2.2 Distinction, if any, between refugee status criteria for asylum-seekers, and that for resettled refugees

Resettled Refugees are granted refugee status immediately after arrival in Belgium. There is no difference between refugee status criteria for asylum-seekers, and that for resettled refugees.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

In order to be eligible for resettlement to Belgium, a person must meet the refugee criteria as defined in Belgian Aliens Law. Cases for resettlement are assessed in exactly the same way as regular asylum-seekers in Belgium. The candidate must be able to articulate an individual need for protection in relation to his/her country of origin. There are no supplementary criteria for the selection. In accordance with the principle of family unity, resettlement is, as a rule, offered to all core family members (spouses and children under 18) in a case.

Belgium does not have any other humanitarian immigration programmes.

3.2 Admissibility criteria

All cases submitted for resettlement are screened and cleared by the Security of the State. Public order threats are also taken into account when deciding on the eligibility for resettlement.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocation including sub-quotas

The State Secretary for Asylum and Migration, after a proposal on the allocation of the quota is made from CGRS and FEDASIL, determines the resettlement allocation. Refer to section 1.3 above for more details.

4.2 Processing priorities

The focus is on protracted refugee situations. Absorption capacities (including integration facilities, housing for large families, specific services e.g. for unaccompanied children, etc.) are taken into account when setting the allocation of the quota.

4.3 Non-UNHCR allocations, including role of referral organisations

Belgium only accepts UNHCR submissions. No places are foreseen for non-UNHCR submissions.

5. Submissions and Processing via Dossier Selection

5.1 Dossier submission policies

In 2013, 20 places were reserved for dossier selection, more precisely for 20 vulnerable refugees, belonging to the subcategories Women-at-risk and/or Survivors of Violence and Torture. For 2014, 2015 and 2016 there has been no quota foreseen for dossier selection, although dossier selection on ad-hoc basis and for a limited number of cases is possible

5.2 Case documentation

As there is no possibility for a personal interview, the Resettlement Registration Form (RRF) for a dossier submission needs to be as comprehensive as possible. Full and exact personal data including full data on family composition are of vital importance. A full examination of the applicant's refugee claim, including a thorough assessment of the present fear needs to be done in each case. The possible application of article 1F of the Geneva Convention is to be examined by UNHCR. The declaration should include and indicate activities e.g. involvement in armed struggle, previous convictions and military background.

For reception/integration purposes, data on language knowledge, qualifications, educational background, working experience and medical and other needs are essential, as are possible family links in Belgium which may influence settlement considerations.

Copies of all identity and all other pieces of evidence should be added to the RRF or, when this would not be possible, a list of documents available should be included in the RRF. If the CGRS considers the RRF to be incomplete, additional information will be asked.

If a case has been submitted to another resettlement country earlier to the submission to Belgium, this information should be included in the RRF and the CGRS will in most cases consult this state to learn more about the reasoning for the refusal.

5.3 Decision-Making Process

All refugee resettlement submissions are considered by the CGRS in accordance with existing guidelines and policy. An applicant must meet the criteria in the Geneva Convention to be eligible for resettlement in Belgium. The RRF will be assessed in detail by a caseworker specialized in the region of origin of the applicant. The caseworker will draft a decision and this will be discussed with a supervisor and/or with the Commissioner-general or one of his deputies.

The refugee status cannot be granted outside the Belgian territory. As a consequence, the decision to authorize travel to Belgium will be taken by the State Secretary for Asylum and Migration. This decision will be taken based on the proposal for selection by the CGRS and if a decision is made to follow this advice, instruction will be given to the Immigration Office to issue travel documents (for refugees who do not possess such documents), and a visa, which will be prepared by the Ministry of Foreign Affairs.

After arrival, the resettled refugee will need to lodge an asylum application at the Immigration Office, although this is a pure formality: there will be no more interviews on the substance and a full investigation will not be carried out. Within days after arrival, refugee status will be granted, and within weeks, the refugee certificate will be handed to the resettled refugee.

If a case is rejected based on the analysis of the RRF, the reasons for rejection will be communicated to UNHCR.

5.4 Recourse Processing

Cases dismissed by the CGRS and the State Secretary for Migration and asylum are not subject to appeal.

5.5 Processing Times

The processing time (i.e. time from submission to the communication of the decision to UNHCR) is not set, but amounted to around 25 days for the cases accepted in 2013. Time from submission to arrival can vary depending on various factors. For a part of the dossiers in 2013, it was around 40 days.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

In 2014, the CGRS organized one selection mission for the selection of around 75 Syrian refugees from Turkey. Another selection mission was organized to Burundi for the selection of Congolese refugees for the rest of the quota for 2014 at the beginning of 2015, combined with part of the 2015 quota⁸⁸ Congolese refugees were selected and traveled to Belgium in November 2015. Also in 2015, Belgium organized two selection missions to Beirut, Lebanon. The criteria for in-country selections are outlined in Section 3. In 2016, at least three selection missions will be organized: two to Turkey and one to Lebanon for the selection of Syrian refugees.

6.2 Preparations and Case Documentation

In-country selection mission are discussed in detail with UNHCR. To facilitate preparations the CGRS uses the *Pre-Mission Questionnaire for Resettlement Interview Missions* supplied by UNHCR.

The Ministry of Foreign Affairs and the Belgian embassy are involved to arrange logistical and other support, such as accommodation, transport, security, meetings, etc. Steering Groups, in which all operational partners (CGRS, FEDASIL, Foreign Affairs, Immigration Department, UNHCR, IOM, and Cabinet of the State Secretary) are represented, are organized to prepare selection missions. During these meetings, all operational aspects are discussed, such as timelines, risks, dossier flow, travel, etc.

The delegation for a selection mission consists, as a rule, of a mission leader, a policy officer from the International Department, and two or three caseworkers who are specialized in the region.

All documentation, i.e. RRF and all possible supplementary documentation, should be provided by UNHCR and made available at least one month before the planned date of the mission. All cases submitted are screened by the CGRS and will be interviewed. To ensure that the quota will be filled, the CGRS can ask for more cases than will be selected. This will vary depending on the conditions of each mission, keeping in mind a balance between the risk of not being able to select sufficient cases and the inconvenience to be obliged to refuse cases only because the quota has been reached.

Based on the number of RRFs and the profiles submitted, an interview plan will be prepared and sent to UNHCR.

6.3 Decision Making Process

Interviews are carried out on an individual basis with the aim to verify and supplement the information provided in the RRF. No decisions are made during the selection mission. After return to Belgium, the caseworker will draft a decision and this will be discussed with a supervisor and/or with the Commissioner-general or one of his deputies. For more detail concerning the decision making process, see section 5.3.

In line with the selection process for dossier cases, the grounds for rejection are given to UNHCR in writing and in some cases also orally.

6.4 Processing Time

The length of time needed for in-country selections depends on the number and profile of persons to be interviewed. After the selection mission, the results will be communicated to UNHCR as soon as possible.

In 2015, the result of the selection mission was communicated to UNHCR around 1.5 months after the end of the mission.

7. Emergency Cases/Urgent Cases

7.1 Policies for receiving emergency and/or urgent case submissions

Belgium does not have a specific quota for emergency or urgent cases.

8. Special Categories/Special Needs

8.1 Sub-quotas dedicated to specific needs cases

There are no specific sub-quotas.

9. Medical Requirements

9.1 Screening procedures, including costs

Health assessments are carried out by IOM following a written agreement and ad hoc budget concluded with FEDASIL.

The costs are covered by the allocated budget and may include transportation of the refugees from the camp to the medical facility and back, compensation of the medical staff, medical tests (i.e.: sputum smears) and any treatment needed to ensure that refugees are able to travel to Belgium.

9.2 Health criteria and exclusion factors

The sole purpose of the assessments is to ensure that the refugees are physically capable of being transferred to Belgium without any risk to themselves or to public health. Consequently, the medical management protocol developed by FEDASIL only aims at performing a superficial examination allowing the detection and treatment of acute diseases and decompensated chronic diseases that might prevent a refugee from being transferred. All other pathologies will be managed by the medical staff of the reception centre upon arrival. Shortly before departure (max. four days), a “fit-to-fly” examination is performed so as to confirm the capacity of each refugee to travel.

No pathology constitutes an exclusion factor, only a delaying factor at worst. A refugee who suffers from a disease that causes a risk to him/herself or to the public health during the travel will be treated until it is determined that he/she can travel to Belgium safely.

9.3 Pre-departure treatment, including costs

The treatment of acute diseases and decompensated chronic diseases that could prevent a refugee from being transferred to Belgium is provided by IOM. Costs are covered by the budget allocated to IOM. Depending on the results of the health assessment, FEDASIL can require additional examinations and treatment if needed to ensure the transfer of a refugee.

9.4 Pre-departure examination procedures, if any

Shortly before departure (max. four days), a “fit-to-fly” examination is performed so as to confirm the capacity of each refugee to travel. If one refugee is declared not being fit to travel, he/she will receive the necessary treatment and will be transferred as soon as there is no more risk to him/herself or to public health.

10. Orientation (pre-departure)

9.1 Pre-departure orientation sessions including eligibility and provider

AA three day pre-departure cultural orientation is provided to the refugees whose selection for resettlement in Belgium is definitely confirmed by the State Secretary for Asylum and Migration. FEDASIL organizes this training in close cooperation with UNHCR and IOM which assists with all logistical issues (premises, transportation, interpreters, baby-sitter, various material, etc.).

FEDASIL staff is in charge of providing the cultural orientation. Usually, the delegation is composed of staff members working in the reception centres where the refugees will be

hosted initially and one staff from the headquarters in charge of the coordination of the mission.

The programme is based on a curriculum developed by FEDASIL and covers different themes: housing, employment, education and vocational training, healthcare, family reunification, cost of life, etc. Playful and participative activities are mixed with more “classical” methods such as Power Point presentations and short films

An IOM trainer provides some parts of the training (pre-embarkation which focuses on travel-related aspects, cultural shock and cultural adaptation, norms and values).

In 2015, the cultural orientation training could not be provided to the Congolese caseload due to the difficult context in Burundi. The refugees received an informative brochure through IOM.

9.2 Duration, location and funding of sessions

The training usually lasts three days. Depending on UNHCR’s advice, available premises and transportation possibilities, the training can take place either in the refugee camp or in another adequate location (transit centre, hotel, conference centre, etc.). The funding of the training is covered by FEDASIL.

9.3 Any other pre-departure preparation courses offered

All refugees selected for resettlement in Belgium (including refugees selected “on dossier” who do not benefit from a pre-departure cultural orientation training) receive an informative brochure about resettlement in Belgium translated in their language. This document includes a timeline, some explanations on the travel to Belgium, on the first weeks in Belgium (initial reception phase), on the transfer to private housing, on Belgium in general (geography, climate, languages, etc.) and on the family reunification procedure. For dossier cases, the brochure is generally handed over by IOM prior to departure.

11. Travel

11.1 Travel booking procedures

Following a written agreement concluded with FEDASIL, IOM is in charge of booking the flight tickets for the refugees and helps with the delivery of travel documents. IOM staff accompanies the refugees through immigration and customs procedures at the airport and assist them with embarkation. Assistance is also provided with the transit phase in case no direct travel is possible.

In some cases, IOM provides an escort to the most vulnerable refugees (i.e.: single mother with several children). There is also a possibility of medical escort if needed and in agreement with or at the request of FEDASIL.

11.2 Payment

Payment of the flight tickets is covered by the budget allocated to IOM. Travel documents are delivered by the Belgian representatives for free. If additional costs have to be made (e.g. ID pictures), they can be covered by the IOM budget.

11.3 Travel documents issued

The required travel documents are issued by the Belgian representatives abroad on the instructions of the State Secretariat for Asylum and Migration. They consist of a laissez-passer and a visa. Sometimes, a transit visa waiver is needed to go through a transit country.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival and process for regularization of status

There is no specific legal framework for resettlement in Belgium. As stated in section 5.3, according to Belgian Aliens law, refugee status cannot be granted outside the Belgian territory. As a consequence, the decision to authorize travel to Belgium is taken by the State Secretary for Asylum and Migration. This decision is based on the proposal for selection by the CGRS, and if a decision is taken to follow this advice, instruction is given to the Immigration Office to issue travel documents (for refugees who do not possess such documents), and a visa, which will be prepared by the Ministry of Foreign Affairs. After arrival, the resettled refugee will need to lodge an asylum application, although this is a pure formality: there will be no interview on the substance and no full investigation will be carried out.

12.2 Documentation issued, including travel documents

Within days after arrival refugee status will be granted, and within weeks, the refugee certificate will be given to the resettled refugee. If the refugee possesses a passport from his/her country of origin, he/she will have to turn it over to the CGRS. In addition, the refugee will also receive a birth and identity certificate. The resettled refugee has the same rights as a regular asylum-seeker that has been granted refugee status. If a resettled refugee wants to travel abroad, he/she needs to apply for a travel document (a "blue" passport).

12.3 Documents issued to children born after arrival, but before naturalization of their parents

Children born after arrival but before acquisition of the citizenship of their parents are not automatically granted refugee status. A request has to be submitted to the CGRS if both parents are refugees in Belgium or an asylum application needs to be lodged with the Immigration Office if only one of the parents has been granted refugee status in Belgium.

12.4 Details on the requirements, costs and timelines for citizenship

Belgian citizenship can be obtained by a person **above 18** years of age who has resided legally in Belgium for **five years** and who knows **one of the three national languages** and

- who can prove his/her social integration AND economic participation *or*
- who is married to a Belgian citizen or is the parent of a Belgian child aged under 18 AND who can prove his/her social integration *or*
- who cannot work due to a disability or is retired.

The citizenship declaration can also be made by a person **above 18** who has resided legally in Belgium for **ten years** and who knows **one of the three national languages** and who can prove his/her social participation in the Belgian community.

The cost of this procedure is 150€.

The conditions described above are the basic criteria necessary to acquire the Belgian citizenship. The exhaustive conditions can be found in the updated version of the Belgian Nationality Code.

13. Domestic Settlement and Community Services

13.1 Overview of services, including providers and length of eligibility

FEDASIL the Federal Agency for the Reception of Asylum-Seekers, is in charge of the pre-departure cultural orientation, the transfer, the initial reception, the monitoring of the integration process and the overall coordination of all involved actors/partners.

The **initial reception phase** is ensured by **FEDASIL**: the refugees are hosted in a federal reception centre for a duration of six to seven weeks. The objectives include: special needs identification (also based on previously received information – RRF and IOM medical files), administrative steps (opening of social rights), basic integration courses, liaison with integration actors.

The provision of adequate **housing and social support for a duration of minimum 12 months** is delegated to voluntary public centres for social assistance (“**CPAS/OCMWs**”) which are competent at the municipality level. An agreement is signed between the voluntary CPAS/OCMW and FEDASIL. Since 2013, 68 voluntary CPAS/OCMWs have been selected to provide housing and intensive social support to the resettled refugees. When there is a lack of housing offered by voluntary CPAS/OCMW’s, the refugees are temporarily transferred to a private housing of the FEDASIL network at the local level (which is also managed by the local CPAS/OCMW).

Two **NGOs** selected by FEDASIL (Caritas and Convivial) assist the CPAS/OCMWs by bringing **additional support** to the refugees’ integration process for a period of up to 24 months depending on the specific needs of each refugee. They can also play a role in emergency resettlement (e.g. if no voluntary OCMW / CPAS could be found in due time).

All of these resettlement operational partners also refer the refugees to existing specific services such as the civic integration programme in Flanders, the literacy and language training structures in Wallonia, the regional employment agencies, vocational training organizations, psychological counselling services, etc.

13.2 Reception

FEDASIL is responsible for the initial reception of the refugees. During the first six to seven weeks after their arrival in Belgium the refugees are hosted in one of the four federal reception centres for asylum-seekers that are also specialized in the reception of resettled refugees. Two centres are located in Flanders and two in Wallonia.

During this period, refugees benefit from an orientation programme delivered in the centre, specialized social and medical services and, if necessary, language courses delivered by volunteers (if available).

Secondly, the refugees are transferred to private housing in the municipalities.

13.3 Orientation

Upon arrival in the reception centre, the FEDASIL staff provides basic integration modules (shopping in the supermarket, using the Euro, the healthcare system, the education system, cooking, using the public transportation, etc.). Basic language courses are also delivered, depending on the availability of volunteers.

In Flanders, the civic integration programme provides additional orientation courses (see below). However, in 2016, due to the increase of beneficiaries, the civic integration services might not systematically be able to provide their programme during the stay in the reception centre. The refugees will however follow these courses later since they are mandatory.

After the reception centre phase, the voluntary CPAS/OCMWs and the partner-NGOs are responsible for the orientation of the resettled refugees. In the framework of a convention concluded with FEDASIL, these actors provide tailor-made assistance which aims at fostering the empowerment and the autonomy of the resettled refugees. The main services provided are:

- help with moving and installation into the municipality (transportation, furniture, “welcome-kit”, etc.)
- individual assistance including home visits, particularly intensive in the beginning
- help with all administrative formalities (access to all social rights and benefits,

- opening of bank account, access to healthcare, etc.)
- networking activities
- specific support for vulnerable cases
- assistance with the reunification procedure where applicable
- monitoring of the integration process and reporting to FEDASIL

The refugees have also access to the mainstream social services available to all newcomers in Belgium. Belgian integration policy for newcomers is a community/regional competence. Consequently, the rules differ depending on whether the refugees are resettled in the Flemish Region, in the Walloon Region or in the Brussels-Capital Region. (More information is in the 2012 EMN Annual policy report on Asylum and Migration in Belgium).

In Flanders, refugees have to enter a primary civic integration programme called the “*inburgering programma*”. This mandatory programme contains individual programme counselling, a social orientation course, a basic Dutch as a second language course and a professional orientation component.

In Wallonia, the refugees can receive language courses as well as orientation courses and socio-professional guidance from a lot of different organizations (public, private or associative). The refugees will be invited by the municipality to an appointment at the regional integration centre. There are eight regional integration centres in Wallonia from which the refugees can receive assistance. These centres are currently in the process of implementing the new “Reception Disposal for Newcomers” which will eventually include mandatory social orientation and language courses. In the Brussels-Capital Region, depending on the language that the refugees know/want to learn (Dutch or French), they can either join the “*inburgering programma*” provided by “Bon” (and thus receive the same services as the ones provided in Flanders, although not compulsory) or, like in Wallonia, they can access a multitude of support services (language courses, literacy, professional guidance, vocational trainings, etc.) organized by associations, public or private organizations. The two first “reception offices for newcomers” were created at the beginning of 2016 in Brussels. They are the francophone counterpart of “Bon” and will provide direct support and referral services.

The CPAS/OCMW and the regional integration actors also refer the refugees to a wide range of services/associations, depending on their individual needs.

13.4 Housing

After the initial reception phase in centres, the refugees are transferred to a private home in a municipality. Two options currently coexist:

- 1) Municipalities can be involved on a voluntary basis. The voluntary CPAS/OCMWs are then responsible for seeking adequate housing and for making it available (reservation, furnishing, preparation of a “welcome kit”, etc.) for the refugees in due time and for at least 12 months.

The refugees have the right to move from the place that is initially allocated to them. In this case however, they lose the benefit of the assistance of the voluntary CPAS/OCMW which has found a home for them and which engaged in assuring a specific social guidance for 12 months. Only the additional support provided by the NGOs will continue to be provided as, unlike CPAS/OCMWs, they are not geographically anchored.

- 2) If there is a lack of voluntary CPAS/OCMW’s, the refugees receive temporary private housing from the FEDASIL reception network at the local level (usually destined to

the reception of asylum seekers). They are entitled to an initial two months stay that can be extended upon request from the CPAS/OCMW to FEDASIL.

In both cases, the refugees receive support from the CPAS/OCMW and the NGO's to find durable housing.

13.5 Health

Similarly to what is done for asylum-seekers, chest X-rays are carried out for all refugees at the Immigration Office upon arrival.

Moreover, a complete medical screening of all the refugees is carried out in the reception centre a few days after their arrival. For the duration of their stay in the centre, the refugees have access to the medical services provided in the centre.

When they move to their private house, the local public centre for social assistance (CPAS/OCMWs) makes a subscription to a mutual health insurance for the family so they can access healthcare under the same conditions as Belgian citizens.

13.6 Language Training

Shortly after their arrival in the reception centre, the adult refugees resettled in Flanders have to take a language test to assess their level. This test will determine their level for the "basic Dutch as a second language course" of the "*inburgering programma*": depending on their results, the beneficiaries will receive from 90 to 600 teaching periods. The language component of the programme starts when the refugees are settled in their private home. While in the reception centre, volunteers provide very basic Dutch lessons.

The Walloon integration programme for newcomers currently being developed, the language training of the newcomers who are illiterate and/or who need to learn French are provided by a multitude of recognized/licensed service providers (either local integration initiatives, organizations recognized by the public authorities or public services themselves). While in the reception centre, the refugees can receive introductory French lessons.

In the Brussels-Capital Region, depending on the language that the refugees know/want to learn (Dutch or French), they can either benefit from the Dutch classes included in the "*inburgering programma*" or they can choose amongst many initiatives specialized in adult literacy and French teaching for newcomers.

13.7 Education

Depending on their level, refugee children are either integrated to a class in the regular school system (corresponding to their age level or lower) or they join, in first instance, a transitional class ("*welcome class*") to catch up with the children of their age. Besides extra-curricular activities, the school system is regarded as the main civic integration mean for children.

13.8 Employment and employment-related training

Persons who receive refugee status in Belgium have the right to work. Resettled refugees have access to the public employment services as any other Belgian citizen and they can receive additional support regarding their socio-professional integration pathway from specific services.

The Flemish civic integration programme for newcomers ("*inburgering*") includes a career orientation component. Depending on the educational and professional background of the refugee, he/she will be assisted in finding a job or starting a business or he/she will rather be advised to further his/her education. The staff of the *inburgering programma* collaborates with the Flemish public employment services.

In the Walloon Region and in Brussels, various actors (public/associative) recognized by the public authorities provide socio-professional integration support to which resettled refugees have access. These schemes and services help them assess their skills and address their needs accordingly.

13.9 Financial assistance

The persons who receive refugee status in Belgium are entitled to social integration revenue/welfare benefits as any Belgian citizen with insufficient means of subsistence who does not have any other means to support him/herself. This revenue is a temporary solution that allows its beneficiaries to live a decent life until their socio-economic situation improves. The local CPAS/OCMW is responsible for conducting the social survey and providing the appropriate social assistance, including the social integration revenue.

13.10 Supplemental supports for refugees with specific needs

Refugees with specific needs will be redirected towards appropriate services accordingly. The NGOs involved in the programme have an expertise in specialized services which resettled refugees can benefit from. They can for instance refer them to psychological services for foreigners, tracing services, associations that help with family reunification, etc.

13.11 Mechanisms to share information with service providers; including details on expected populations, specific cases, and integration issues

Different channels are used to share information with the involved service providers:

Resettlement Stakeholders' Meetings (RSM) are organized by CGRS and FEDASIL: their aim is to inform all actors involved in the field (national, regional and local actors, CPAS/OCMWs and NGOs, associations, international experts, etc.) on the programme, to share expertise with all of them and to exchange on specific themes. International experts can be invited to these meetings to enrich the discussions.

Website: a website dedicated to the resettlement programme has been developed where a variety of information about the programme can be found: caseload profile, latest news, practical information for municipalities, etc. (see www.resettlement.be).

Information Sessions are organized especially for the municipalities' CPAS/OCMWs to inform them about resettlement, the caseload and country profiles, the modalities of participation in the programme, etc.

Operational meetings are organized regularly (every four to five months) by FEDASIL and gather staff from the reception centres, social workers of the CPAS/OCMWs, and the staff from the partner NGOs. These actors also exchange on specific cases regularly. The involved CPAS/OCMWs and NGOs send regular feedback about the cases to FEDASIL to prepare the operational meetings.

An interdepartmental steering group gathering institutional actors (CGRS, FEDASIL, Immigration Office, Foreign Affairs, policy level, UNHCR and IOM) regularly meets to plan and follow up the successive resettlement operations.

14. Family Reunification of Refugees

14.1 National definition of family

In Belgium the term "spouse" refers to two people joined by the institution of civil marriage. In Belgium civil marriage and legally registered partnerships may take place between people of the opposite sex and, since the adoption of the law of 13 February 2003, between people of the same sex.

A foreigner with unlimited residence permit in Belgium **is entitled to be joined** by:

- **their spouse or registered partner** (legally registered partnership) if both

persons are above the age of 21 (or above 18 if the marriage/partnership was prior to arrival in Belgium or if the registered partners have cohabited for at least one year prior to arrival in Belgium). (N.B.: only one spouse of a polygamous marriage can join her husband in Belgium)

- **their children or those of the spouse or the registered partner** if they are under the age of 18 and are single
- **their disabled adult children or those of the spouse or the registered partner** if he/she is unable to support him/herself and is single
- **their mother or father** if the refugee is an unaccompanied child .

Other family members can also apply for a residence permit in Belgium. In that case, as it is not a right, the Immigration Office can either accept or refuse the reunification.

14.2 Legislation regarding family reunification & eligibility

Article 10 of the Aliens Act of 15 December 1980 (Law on the entry, residence, settlement and removal of aliens) govern the family reunification policy for third country nationals with an unlimited residence permit in Belgium.

Resettled refugees and persons who were granted asylum have the same right to family reunification as they all have an unlimited residence permit in Belgium. They can be joined by the above-mentioned family members **without delay** (contrary to other foreigners who have a residence permit in Belgium who must wait 12 months after the permit delivery before an application for reunification can be submitted).

14.3 Details on whether family reunification cases are counted within the resettlement quotas

The family members who join a resettled refugee through the family reunification process are not counted within the Belgian resettlement quota.

14.4 Routing of submissions

The applications have to be submitted at the responsible Belgian Embassy or Consulate of the country of origin or residence and are then forwarded to the Immigration Office in Belgium. If the applicant is already legally staying in Belgium under other conditions, he/she can, in some limited cases, apply at the municipal administration of the place of stay.

14.5 Case documentation

The application file must contain several documents such as a valid passport, a birth certificate, a marriage certificate (or proof of the registered partnership **and** of the stable and long-term aspects of the relationship), a recent medical certificate written by a doctor appointed by the Embassy/Consulate, the copy of the residence permit of the family member to be joined, etc.

All of the official documents have to be translated (in French, Dutch, English or German) and will have to be legalized (authentication of signature and quality of issuer) by both the issuing authorities and the Belgian authorities. Then, their validity will be addressed by the Belgian authorities.

Only if there is an impossibility to provide the required documents, "other valid proof" can be provided. The authorities will assess their validity. Interviews of the applicant and of the refugee to be joined can be done, as well as "any investigation deemed necessary" and "complementary analysis".

Normally, the person to be joined in Belgium has to prove that he/she has stable sufficient revenue to support the family, that he/she benefits from a mutual insurance and that he/she has an adequate housing for the family members. However, these criteria are not

**COUNTRY
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BRA

BRAZIL

BY THE GOVERNMENT OF BRAZIL



Brazil 2012 Overview

Resettlement programme since: 2002	Selection Missions: Yes	Dossier Submissions: Exceptionally
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Resettlement Admission Targets for 2013:

Admission targets for UNHCR submissions :	58
Total Resettlement Admission Target:	58

Regional Allocations for 2013:

Africa	
Asia and Pacific:	
Middle East and North Africa	
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2013 Description, additional comments:
Emergency resettlement procedures	Yes
Medical cases	
Women at risk cases	Yes
Unaccompanied children	
Family Reunion (within programme)	Yes
Other	Priority: Legal and Physical Protection Needs

1. Resettlement Policy

1.1 Description of the country's resettlement policy

The Federative Republic of Brazil understands resettlement as a protection tool and durable solution, aiming at allowing refugees to integrate into Brazilian society and to achieve self-sufficiency as fast as possible.

1.2 Ministries and Departments responsible for resettlement policy

The Brazilian Resettlement Programme relies on a tripartite structure that involves Government, civil society and UNHCR in specific roles in accordance with the Macro Agreement for the Resettlement of Refugees in Brazil, signed in 1999. Authorities are mainly responsible for the provision of documentation and public services for refugees, both at national and local levels. With the exception of access to political rights, refugees benefit from equal conditions to nationals, accessing the same public policies available to Brazilians through an extensive network of different governmental offices.

The **National Committee for the Refugees (Comitê Nacional para os Refugiados - CONARE)**, presided by the Ministry of Justice, and composed by other 5 governmental bodies, the civil society and UNHCR, coordinates the actions needed to secure the efficacy of protection, assistance and local integration of refugees.

NGOs engage in direct assistance and local integration, through projects funded by UNHCR, which submits resettlement cases.

The Programme prioritizes the reception of refugees in need of physical and legal protection and women at risk cases.

1.3 Process for deciding the annual resettlement quota and its composition

There is no formal procedure or timeframe to determine the annual quota. In practical terms, the annual target is decided in coordination among CONARE, UNHCR and NGOs based on the existing protection needs and availability of financial resources.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

The Brazilian Refugee Act (Lei 9.474/97) defines refugees according to 1951 Convention and the Cartagena Declaration criteria.

Specifically, the Act states that shall be recognized as refugee in Brazil every person who: (I) due to well-founded fear of persecution for reasons of race, religion, nationality, membership of a social group, or political opinion, is outside the country of his/her nationality and is unable or unwilling to avail him/herself of the protection of that country; (II) not having a nationality and being outside the country of his/her former habitual residence, is unable or unwilling to return to it due to the reasons previously described; (III) due to grave and generalized violation of human rights, is obliged to flee their country of nationality to seek refuge in another country.

2.2 Refugee status criteria -asylum-seekers and resettled refugees

The Brazilian Refugee Act creates a sole legal status for refugees in the country, treating equally refugees who were recognized through RSD procedures and those resettled to Brazil.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

To qualify for resettlement in Brazil, the refugee must be recognized pursuant to the 1951 Convention and its 1967 Protocol, as well as to the Brazilian Refugee Act; be submitted for resettlement by the UNHCR; and belong to one of these categories as established by the Macro Agreement for the Resettlement of Refugees in Brazil:

- (I) Legal and Physical Protection Needs;
- (II) Survivors of Violence and Torture, if specific medical attention is available in Brazil;
- (III) Women at Risk;
- (IV) Refugees without Local Integration Prospects;
- (V) Refugees with strong links with other refugees already in Brazil, unaccompanied minors or medical cases.

3.2 Admissibility criteria

Each submission is subject to individual consideration and therefore a refugee may be denied to resettle to Brazil because of past criminal activity.

4. Resettlement Allocations/Processing Priorities

The Brazilian Resettlement Programme does not allocate sub-quotas or establishes internal processing priorities for cases submitted to resettlement under normal submission priority. There is no provision for non-UNHCR referrals.

5. Submission and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies

Brazil gives preference to submissions processed via in-country selection missions, but it may exceptionally admit dossier submissions.

5.2. Case documentation

The dossier of the case shall include a duly filled-in UNHCR Resettlement Registration Form (RRF) and its summary in Portuguese, submitted by UNHCR. All available relevant documentation should be annexed.

Following reception, the case is presented to CONARE members, who will decide on the basis of the information contained in the dossier.

5.3 Processing times and decision making

In case the data is sufficient and reliable, a decision must be taken at the next CONARE's plenary meeting, which is held every 30 days; otherwise more details can be requested from UNHCR or other appropriate source.

5.4 Recourses, appeals

Refusals may be subject to a review, to be requested by UNHCR based on additional information presented to CONARE.

6. Submissions and Processing via In Country Selection

6.1 Selection Mission Policies

Selection missions are tripartite and composed of representatives from CONARE, NGOs and the UNHCR country office in Brazil.

6.2. Case documentation and routing of submissions

The dossier of the cases, including RRF and relevant documentation, are expected to be shared by UNHCR with the delegation 30 days prior to the mission for pre-screening.

6.3 Processing times and decision making

During the mission, refugees are interviewed individually or along his/her relatives included in the submission, according to the delegation's consideration.

Decisions are usually taken by CONARE's members at its next plenary meeting, by majority rule and based on the dossier and the in-country delegation's assessments.

UNHCR is in charge of communicating decisions to refugees and travel arrangements, in coordination with the International Organization for Migration (IOM).

6.5 Recourses and appeals

Again, refusals may be reviewed following a request by UNHCR on the basis of additional information presented to CONARE.

7. Emergency Cases/Urgent Cases

Emergency/urgent cases may access fast track procedures for resettlement in Brazil.

Fast track submissions shall be presented in Portuguese by UNHCR to CONARE's Secretariat, with justification for the urgency of the claim and all available relevant documentation.

Following reception, the case is electronically forwarded to CONARE members, who will make a decision within 72 hours. Fast track approvals must be unanimous. Decisions are immediately communicated to UNHCR, which will inform refugees and prepare approved cases for travel.

Refusals may be subject to a review, to be requested by UNHCR based on additional information it will provide to CONARE at its plenary meeting.

8. Special Categories/Special Needs

The Brazilian Resettlement Programme does not allocate specific sub-quotas to cases falling outside the categories established by the Macro Agreement for the Resettlement of Refugees in Brazil.

9. Medical Requirements

There are no medical requirements for resettlement in Brazil, although refugees' general health information will be considered in the decision process in order to better assess integration prospects in the country.

10. Orientation (pre-departure)

Refugees submitted to resettlement in Brazil are shown a video by UNHCR describing the main features of life in Brazil and of the resettlement programme. The refugees also receive information from the tripartite delegation during their selection interview, in the context of discussing integration prospects in Brazil.

Further orientation is provided by NGOs after arrival in the country.

11. Travel

Pre-arrival travel arrangements are conducted by UNHCR, in coordination with the International Organization for Migration (IOM).

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Upon arrival, resettled refugees receive documentation granting them refugee status in Brazil. Refugees are entitled to obtain ID cards (RNE, or the *Registro Nacional para Estrangeiros*), work permit (CTPS, or the *Carteira de Trabalho e Previdência Social*) and an individual's taxpayer registry (CPF, or *Cadastro de Pessoas Físicas*) from the responsible government offices. It is mandatory for refugees in Brazil to obtain an authorization from CONARE to travel abroad, and CONARE must approve the issuance of a Travel Document. Refugees travelling abroad without authorization from CONARE may risk losing their legal status as refugees in Brazil.

12.2 Process for regularization of status and citizenship, including requirements and timeframes

National law entitles refugees to obtain permanent residency after living 4 years in Brazil. Acquisition of nationality is possible after 4 years of permanent residency in the country.

12.3 Documents issued to children born after arrival but before naturalization of their parents

Children born in Brazil, excluded those of persons serving a foreign government, are automatically granted Brazilian citizenship, which is attested by a birth certificate issued out of registration by parents.

13. Domestic Settlement and Community Services

13.1 Overview of services and providers

Reception services are provided by NGOs, in the context of their role within the tripartite structure of resettlement in Brazil. In the pre-arrival phase, NGOs identify reception communities, considering cultural aspects and available public services, and prepare housing facilities.

The resettlement programme, funded by UNHCR and designed to last up to 12 months, supplies refugees' housing needs, by paying their rents, and offers financial assistance aimed at covering refugee's basic expenses. Following the arrival, NGOs engage in particular and overall orientation, referral to language and employment-related training, as well as guidance concerning access to labour market.

13.2 Supplemental supports for refugees with special needs

Refugees with specific needs receive a special attention, according to programme availability of funds. Brazilian Government, which is responsible for the provision of documentation and the respect of refugees' rights in equal conditions as nationals, follows this initial settlement closely and intervenes when any official action is necessary.

14. Family Reunification of Refugees

14.1 Legislation regarding rights and restrictions to family reunification

Brazilian refugee law allows the extension of refugee status to family members of recognized refugees, whether their recognition came through resettlement or RSD procedures. In both cases, eligible family members are:

- (I) spouses;
- (II) single children under 21 years-old, or older if unable to provide their own support, according to a medical statement in view of physical and mental criteria;
- (III) parents and grandparents;
- (IV) siblings, grandchildren, great-grandchildren, nephews and nieces, if they are single, under 21 years-old and of dead/missing/detained parents, or older if they are unable to provide their own support, according to a medical statement in view of physical and mental criteria.

14.2 Family Reunification documentation and processing times

Family reunifications are not related to resettlement quotas. The law requires family members to be in Brazilian territory before any reunification procedures are launched. Subject to availability of funds, UNHCR may provide travel assistance.

Recognized refugees may apply for reunification with eligible family members by filling a specific form at a Federal Police Station and delivering relevant documents proving family ties. Family members are requested to attend the application, in order to receive documentation admitting temporary stay and work in Brazil while the case is analyzed. Following, the Federal Police remits all pertinent files to CONARE's Secretariat, which will prepare the case to be discussed by CONARE's members at a plenary meeting. It is estimated that duly documented family reunification cases take around 4 months to be decided.

14.3 Status on arrival and entitlements of family members

As refugee status is extended from the relative who was already a refugee in Brazil, reunited family members acquire the same rights and obligations. Refugees applying for family reunification are expected to be able to support their relatives as they integrate in Brazil.

Similarly, foreigners with permanent residency in Brazil may apply for family reunification, according to specific regulations.

15. References/Resources

- Macro Agreement for the Resettlement of Refugees in Brazil
- Brazilian Refugee Act (Lei 9.474/97)
- CONARE's website: www.mj.gov.br/conare

**COUNTRY
CHAPTER**

CAN

CANADA

BY THE GOVERNMENT OF CANADA



Canada 2014 Overview:

Resettlement programme since: 1978	Selection Missions: Yes	Dossier Submissions: Case-by-case basis only
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Resettlement Admission Targets for 2014:

Admission targets for UNHCR submissions:	7,575
Total Resettlement Admission Target:	13,900

Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions:	To be confirmed
Total Resettlement Admission Target:	To be confirmed

Regional Allocations (UNHCR submissions):

2014:		2015:	
Africa:	3,070	Africa:	To be confirmed
Asia:	990	Asia:	
MENA: (includes Jordan, Israel, Lebanon, Syria, Egypt)	1,450	MENA: (includes Jordan, Israel, Lebanon, Syria, Egypt)	
Europe: (includes Turkey)	1,715	Europe: (includes Turkey)	
Americas:	350	Americas:	

Sub-quota features:

Designated sub-quota/ acceptance for:	2014 Description, additional comments:
Emergency resettlement procedures	Canada is able to take up to 100 urgent protection program (UNHCR equivalent emergency) cases annually.
Medical cases	No limit, but standard of no more than 5% of cases to be medical cases from largest groups. (Bhutanese, Iraqis, Horn of Africa.)
Women-at-risk cases	No specific allocation
Unaccompanied children	Canada generally does not accept unaccompanied children. Exceptions may be made when there is extended family in Canada.
Family Reunion (within programme)	No quota. Canada's one year window provision allows reunion of separated nuclear members without a new submission, provided they apply within one year of the date of arrival of the principal applicant, and were identified as a family member prior to the principal applicant's departure for Canada. Under the Private Sponsorship of Refugees (PSR) program, sponsors identify the refugee(s) they would like to sponsor. This program has a strong family-link component.
Other, please specify	Canada has three resettlement streams: 1) Government-Assisted Refugees (GARS) are typically UNHCR-referred refugees that receive income support from the Government for their first year in Canada. 2) Privately Sponsored Refugees (PSRs) are refugees and persons in refugee-like situations identified and supported in Canada for up to a year by organizations and private individuals. 3) Blended Visa Office-Referral Refugees (BVORs) are UNHCR-referred refugees that are matched with a private sponsor organization. Income support comes partially from the Government, partially from the private sponsor.

1. Resettlement Policy

1.1 Description of Canada's resettlement policy

Canada's resettlement program is administered by the **Department of Citizenship and Immigration Canada (CIC)**. Canada has a long history of providing humanitarian assistance to people fleeing persecution in their homeland or displaced by conflicts.

The objectives of Canada's refugee program are to save lives, offer protection to the displaced and persecuted, meet Canada's international legal obligations with respect to refugees, and respond to international crises by providing assistance to those in need of resettlement.

With the implementation of the **Immigration and Refugee Protection Act** in 2002, Canada has placed emphasis on the following principles for refugee resettlement:

- A shift toward protection rather than ability to successfully establish
- Long term, multi-year planning
- Group processing where possible to increase efficiencies where common group resettlement needs are present
- Rapid family reunification
- Accelerated processing of urgent and vulnerable protection cases
- Balancing inclusiveness with effective management through a closer relationship with partners

Within its overall immigration plan, Canada resettles Convention refugees, members of the Humanitarian-protected Persons Abroad Class (HPC) and persons who are admitted under public policy considerations due to the compelling nature of their particular situation. These latter two groups are, respectively, persons who are not Convention refugees but who are in refugee-like situations or who represent vulnerable groups within their own country or a third country and who require protection through resettlement. Through its **government-assisted refugees program**, Canada allocates a target each year for the resettlement of Convention refugees who are eligible to receive financial assistance from the government of Canada. For government-assisted refugees, Canada has shifted to an approach which focuses on multiyear commitments to refugee populations, thereby enabling better forward planning for specific refugee populations.

In addition, Canada has the **private sponsorship of refugees program**, which enables organizations and private individuals to submit undertakings for refugees and persons in refugee-like situations (members of the HPC) for consideration for resettlement. Upon approval, the sponsor is responsible for providing financial assistance for a limited period of time and assisting the refugee with integrating in Canada.

Another stream, called the **blended visa office-referred refugee stream** was introduced in 2013. Under this stream, Convention refugees, referred by the UNHCR are matched with a private sponsor organization. These refugees receive some financial assistance from the government of Canada and some from the private sponsor.

A number of resettlement spaces are also set aside for **persons who may be admitted under public policy considerations** and who may receive financial assistance from the government.

1.2 Ministries or Departments responsible for resettlement policy

The Department of Citizenship and Immigration Canada (CIC) and Québec's Ministère de l'Immigration, de la Diversité et de l'Inclusion.

1.3 Process for deciding the annual resettlement quota and its composition, including the timelines for the process

An annual resettlement range is established by the Minister of Citizenship, Immigration and Multiculturalism following consultations with provincial governments. The Minister submits the proposed resettlement level in a report to Parliament in November of each year. Operational targets are set in accordance with levels. Visa offices receive their initial target allocations in December for the coming year. Targets are then shared with resettlement partners, including the UNHCR.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

The Immigration and Refugee Protection Act (2002) and its related Regulations.

2.2 Distinction, if any, between refugee status criteria for asylum-seekers, and that for resettled refugees

Asylum seekers in Canada may make a claim based on the provisions of the Refugee Convention, the fear of facing torture or the risk to life, or risk of cruel and unusual treatment or punishment. On the other hand, refugee applicants abroad must meet either the criteria of the Convention Refugee or of the Humanitarian-Protected Persons Abroad Class.

i) Ability to Establish

Refugee applicants abroad must show potential to become self-sufficient and to successfully establish in Canada within a 3 to 5 years time frame. Asylum seekers in Canada do not have to meet this requirement.

ii) Previous Refugee Claim

Asylum seekers in Canada will be deemed **ineligible** if:

- a) They came directly from a “safe third country” defined as a country designated by the Immigration and Refugee Protection Regulations, other than a country of the claimant’s nationality or former habitual residence¹; or
- b) They made a previous refugee claim in Canada which was determined to be ineligible, or was rejected, withdrawn, or declared abandoned by the Immigration and Refugee Board of Canada.

These restrictions do not exist for refugee claimants abroad.

iii) Durable Solution

Refugee applicants abroad must prove that they have no reasonable prospect, within a reasonable period, of a durable solution in a country other than Canada. This forward-looking assessment of a possible durable solution does not exist for asylum seekers in Canada.

iv) Determination of Refugee Claim

Claims of refugee applicants abroad are determined by CIC visa officers overseas (administrative process). On the other hand, claims of asylum seekers in Canada are adjudicated by the **Immigration and Refugee Board of Canada** (quasi-judicial process).

¹ The only country that has been designated to date as a “safe third country” is the United States of America.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

Canada will only consider an applicant for resettlement as a Convention Refugee if s/he is referred by:

- UNHCR
- Another (designated) "Referral Organization"
- A Private Sponsor (i.e. already has an approved private sponsorship)

An applicant must meet the criteria of the 1951 UN Convention or meet the criteria of the Humanitarian-protected Persons Abroad Class (HPC). In addition, the applicant must have no reasonable prospect, within a reasonable period, of a durable solution in a country other than Canada.

Normally, applicants must show potential to become self-sufficient and successfully establish in Canada within a 3 to 5 year time frame. Factors such as education, presence of a support network (family or sponsor) in Canada, work experience and qualifications, ability to learn to speak English or French and other personal suitability factors such as resourcefulness will be taken into account by visa officers. However, these criteria do not apply to refugees determined by a visa officer to fall within the categories "urgent need of protection" or "vulnerable" (see section 7).

3.2 Admissibility criteria

For a refugee to be accepted by Canada he/she must pass:

- **A medical examination** - Successful applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety. However, unlike applicants for other immigration categories, refugee applicants are not refused on grounds of medical inadmissibility due to excessive demand on Canada's healthcare system;²
- **Criminal screening** - Refugees are not required to submit police certificates from their country of origin;
- **Security screening** - Canada will not accept any person who participated in criminal activity, criminal organizations, or violation of human or international rights. For example, combatants who have participated in war crimes or crimes against humanity, senior officials, including former or serving senior military officials from certain regimes or individuals who belong to organizations that engage in acts of espionage, subversion against a democratic government or institution, subversion by force of any government or acts of terrorism, are inadmissible under the Immigration and Refugee Protection Act. For more information, please contact a Canadian visa office.

3.3 Other humanitarian immigration programmes

Either upon request of the foreign national or on the Minister's own initiative, the Immigration and Refugee Protection Act gives the Minister of Citizenship and Immigration the authority to apply judgment and flexibility in cases that do not meet the requirements of the Act, but which are justified by humanitarian and compassionate considerations or public policy. In the case of applications submitted abroad, the Minister's authority is discretionary. He/she has no obligation to consider an application on humanitarian and compassionate grounds.

² Note, however, that in order to give the various CIC missions advance notice on cases with additional medical needs, CIC requests that the referral from the UNHCR include the complete medical/health details of the person(s) referred.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocation including sub-quotas

An annual resettlement target is established by the Minister of Citizenship and Immigration following consultations with stakeholders. In 2014, the refugee resettlement admissions range is 11,800 to 14,200, with a range of 6,900 to 7,200 for government-assisted refugees and 400 to 500 for blended visa-office referred refugees. The annual operational targets, which are set within this range, are then allocated among visa offices on the basis of established multiyear commitments and resettlement needs, combined with existing inventory and available processing resources.

Visa offices that identify refugees in need of resettlement but which do not have sufficient space in their target can make a request to CIC for additional places. Should CIC approve the request, there will not be an increase in the overall target. Rather, CIC would reallocate places from one visa mission to another in order to accommodate the request. Resettlement needs and visa office targets are monitored continuously throughout the year and adjustments are made to each visa office targets on a quarterly basis, or incrementally as required.

The target number refers to individuals, not cases, and operates on the calendar year. Refugees must arrive in Canada and be granted permanent residence to be counted toward the annual target. Processing can be carried over into the next calendar year for refugees not able to travel the same year in which processing begins.

4.2 Processing Priorities: urgent and vulnerable cases

See section 7

4.3 Non-UNHCR allocations, including role of referral organisations

In addition to establishing the number of government-assisted refugees to take in a calendar year, a range is established for the number of persons expected to be resettled under the Private Sponsorship of Refugees program (see section 8.6). For 2014, the range established for privately sponsored refugees is 4,500 to 6,500 individuals.

Through the Private Sponsorship of Refugees Program, the Government of Canada encourages Canadian public involvement in the resettlement from abroad of Convention refugees and members of the Humanitarian Protected Persons Class. Through this program, NGOs, churches, communities, organizations and groups of individuals agree to sponsor refugees by entering into an agreement with the Department of Citizenship and Immigration.

Sponsoring groups commit to providing the sponsored refugee and his or her immediate family members with basic assistance in the form of accommodation, clothing, food and settlement assistance normally for one year from the refugee's date of arrival in Canada. The sponsoring group also assists the refugee to find employment and become self supporting within the period of the sponsorship agreement. Private sponsors may identify a refugee they wish to assist or may ask that a Canadian visa office refer an appropriate case to them. When a sponsor agrees to assist an individual or family referred by the visa office, the government provides up to six months financial support.

5. Submission and Processing via Dossier Selection

Canada does not accept refugee applications on a dossier basis. Interviews are required in most cases. In addition to verifying the identity and eligibility of refugee applicants, interviews are used to elicit detailed family composition and background information, as well as answer statutory questions and give authorizations that are not included in the UNHCR Resettlement Registration Form (RRF).

In emergency cases where an urgent protection need has been identified, or in other cases that are fully documented and in locations that cannot be accessed by a visa officer, the interview requirement may be waived.

An applicant who is refused abroad can seek leave for judicial review of the decision before the Federal Court of Canada.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Applicants will normally be interviewed by a visa officer who will determine whether the applicant meets Canadian eligibility and admissibility criteria (see sections 3.1 and 3.2). Medical examinations are requested if a refugee has been accepted and must be carried out prior to issuance of an immigrant visa. Criminality and security screening also takes place at this time. The final decision to accept or reject an applicant will be made by the visa officer based on the results of the interview, medical examination, and criminality and security checks. If an applicant is refused he/she will be informed of the negative decision and a letter outlining the reasons for the refusal will be sent to the applicant. The visa office will also advise the UNHCR of the decisions made on the cases referred by the UNHCR.

6.2 Case Documentation

The following documents should be included with a submission to Canada:

- UNHCR Resettlement Registration Form (RRF), **ensuring all sections are completed** (to be sent electronically where possible);
- other relevant documentation (e.g. birth, marriage, divorce, death certificates, ID cards, school and employment documents, medical certificates, etc. if available); and
- covering letter explaining why the refugee requires resettlement and whether he or she is at risk or falls into an urgent category (“urgent” in UNHCR terminology is the equivalent of “vulnerable” in CIC terminology).

For emergency cases (“emergency” in UNHCR terminology is the equivalent of “urgent” in CIC terminology), reasons for requesting urgent processing should be clearly stated (see section 7).

6.3 Routing of Submissions

Canada has a decentralized system in which cases are submitted and processed in the field. Submissions should be made directly to the responsible Canadian visa office. For more information on Canadian visa offices and their areas of responsibility, please consult the following website: www.cic.gc.ca.

6.4 Processing Times

Processing times vary among visa offices depending on such factors as communications and travel infrastructure, caseload at the visa office in refugee and other business lines, location of refugee populations, incidence of medical problems and processing resources available. In the event of an urgent/emergency case, the Canadian visa office should be clearly advised at the time of submission so that processing may be expedited.

For processing times at each of CIC missions, please visit:

<http://www.cic.gc.ca/english/information/times/perm-other.asp>

6.5 Recourses/Appeals

In the case of a refusal where the UNHCR requests reconsideration, the Immigration Program Manager at the responsible visa office should be contacted. There is no formal appeal system at the visa office. There is only the possibility of leave for judicial review of

the decision at the Federal Court of Canada. If there are compelling reasons to believe that Canadian resettlement policy has not been interpreted properly, further advice can be requested from UNHCR Branch Office in Ottawa.

6.6 Other details: Immigrant Loans and Contributions

In the case of refugees who cannot afford to pay for their own immigration medical examination (see Section 9) or travel to Canada, an immigrant loan may be authorized to cover these costs.

Where necessary, transportation to the interview with the visa officer may also be included on the loan.

A refugee must demonstrate the need for, and the potential to repay the loan. Refugees are required to begin repaying the loan (in monthly instalments) shortly following arrival in Canada. Under certain circumstances, loan repayment may be deferred for up to two years. CIC may cover the cost in cases where refugees with special needs are unlikely to ever be able to repay the loan.

An arrangement is in place between CIC and IOM to manage the loan process. IOM covers the costs put on the loan up front and is reimbursed by CIC.

7. Emergency Cases/Urgent Cases

7.1 Policies and procedures for receiving referrals for emergency / urgent / vulnerable submissions & routing of submissions

Urgent Cases (“Emergency Cases” in UNHCR Terminology)

Canada’s Urgent Protection Program (UPP) is intended to respond to emergency requests from UNHCR to provide urgent protection to persons who qualify for resettlement (“emergency” in UNHCR terminology closely equates to CIC’s “urgent.”). These persons must be in need of urgent protection through resettlement due to immediate threats to their life, liberty or physical safety. Medical emergencies do not qualify for the Urgent Protection Program.

UNHCR emergency cases are to be submitted directly to the visa office that covers the area where the refugee resides, with a copy of the referral going to the UNHCR office in Canada which immediately informs CIC Headquarters. The visa office will then inform the UNHCR within 24 hours whether the visa office can respond to the emergency request.

In urgent protection cases, Canada’s preference whenever possible is to complete processing to permanent resident visa issuance so that refugees may become permanent residents on arrival in Canada. This process requires completion of expedited medical examinations and background checks. Canada aims to process UPP cases from submission to departure within 5 days. However, in many cases it is not logistically feasible to meet the 5 day guideline and, for this reason, visa offices maintain close contact with UNHCR on UPP cases.

When it is not possible to complete all requirements overseas, a visa office may issue a Temporary Resident Permit instead. The Temporary Resident Permit document allows a refugee to travel to Canada before all the statutory (medical, security, and criminality) checks have been completed. The refugee will undergo or complete medical and background checks in Canada. The refugee can apply for permanent residence once the necessary requirements are met.

Vulnerable Cases (“Urgent Cases” in UNHCR terminology)

Canadian visa officers may determine a refugee to be vulnerable, meaning the person has a greater need of protection than other applicants because of particular circumstances that give rise to a heightened risk to his/her physical safety or well being (“urgent” in UNHCR terminology is the most closely associated to CIC’s “vulnerable” category). The vulnerability

may result from circumstances such as lack of protection normally provided by a family or a medical condition. If the UNHCR flags a case as “urgent”, the visa office will give consideration to whether processing can be expedited due to the applicant’s vulnerability. If cases are assessed as vulnerable they will be prioritized before regular refugee cases and will be eligible for expeditious processing (from one to four months).

7.2 Case documentation for emergency/urgent/vulnerable cases

Urgent (“emergency” in UNHCR terminology) protection and vulnerable (“urgent” in UNHCR terminology) cases should be submitted directly to the Immigration Program Manager at the relevant Canadian visa office with supporting documentation as described in Section 6. An explanation as to why UNHCR believes the case to be an emergency or urgent one should be included with the submission.

Both refugees admitted under the Urgent Protection Program and those determined by a visa officer to be vulnerable are not required to demonstrate an ability to successfully establish in Canada.

8. Special Categories/Special Needs

8.1 Refugees with Medical Needs

Refugee cases involving special medical needs should, where possible, be flagged for the responsible Canadian visa office. This includes situations where a dependent of the principal applicant has a medical condition. If the medical condition presents a danger to public health or safety, an applicant may fail Canada’s medical examination.

In Canada, provincial governments are responsible for health care and social services. Some health conditions may require frequent or costly medical treatment. Depending on the circumstances of the case, refugees with medical conditions may need to be destined to particular areas where the required medical services are available. As a result, processing times for such cases may be lengthy. Other medical conditions may require substantial support from other persons. Thus, when recommending refugee cases with medical conditions it is worth considering the presence of accompanying or other family in Canada able to assist the refugee. It is recommended that UNHCR consult with the responsible Canadian visa office if there are questions regarding referral of a specific case.

8.2 Survivors of Violence and Torture

Persons who are survivors of violence and torture and who may need additional assistance establishing in Canada may be considered vulnerable or urgent cases, depending on the circumstances of each case (See section 7). Such cases may be processed under the Joint Assistance Sponsorship Program (please refer to section 8.7 for details). Treatment for such cases is available in a number of Canadian cities. Cases should be submitted directly to the visa office with any need for follow-up treatment noted in the submission.

8.3 Women at Risk

The aim of the Canadian Women-at-Risk program is to provide protection and assistance to refugee women who are in critical situations or in need of special attention. The program recognizes that refugee women in these circumstances require additional assistance to establish successfully in Canada.

To be eligible for this program, women-at-risk must be Convention refugees or members of the Humanitarian-protected Persons Abroad Class. Canada defines women-at-risk as women without the normal protection of a family who find themselves in precarious situations and who are in a place where local authorities cannot ensure their safety. This definition also includes women who experience significant difficulties such as harassment by local authorities or by members of their own communities.

Urgent need of protection cases (“emergency” in UNHCR terminology) and vulnerable cases (“urgent” in UNHCR terminology) within this program are given priority. The ability to establish criteria will not be applied (see section 7). In other words, women-at-risk may be accepted despite having limited settlement prospects.

Not all women-at-risk face immediate danger. They can also be living in unstable conditions and resettlement in a third country offers the only solution. In this case, the ability to successfully establish will be assessed by Canadian visa officers on a 'sliding scale'; that is, the greater the need for protection the less weight will be placed on establishment considerations.

Routing of Submissions

All women-at-risk cases should be submitted directly to the responsible Canadian visa office. If the person is determined to be “vulnerable”, she would be eligible for expedited processing, in accordance with section 7 above. Please complete the UNHCR RRF and Social Assessment forms. Urgent cases should be clearly marked and accompanied with an outline of the reasons for urgency.

8.4 Children

If an unaccompanied minor abroad has family in Canada, he/she could be eligible for consideration as a government assisted refugee, under the one year window of opportunity (see section 14), can be privately sponsored or be sponsored under Canada’s Family Class program.

If an unaccompanied minor abroad has extended family in Canada, the visa office refers the case to a Matching Centre at CIC headquarters in Ottawa. The Matching Centre will coordinate with the appropriate local CIC office to contact the minor’s relatives in Canada to determine their willingness and ability to provide support and act as guardians for the minor.

If an unaccompanied minor abroad has no family in Canada willing to act as the minor’s guardian, the current policy is to not accept them for resettlement.

8.5 Elderly

Elderly refugees with immediate family in Canada can be considered for resettlement in order to reunite families that have been separated. Canada’s policy is to keep families together. Therefore, if an elderly refugee is dependent on another refugee that is being referred to Canada for resettlement, he or she may be considered under the resettlement program. Elderly refugees with extended family in Canada will be examined sympathetically and can also be considered for resettlement.

Elderly refugees without close family ties in Canada and who are not accompanied by family members can be considered for resettlement when there are compelling protection needs. Such cases would likely require additional settlement assistance and may be eligible for a Joint Assistance Sponsorship (JAS – see section 8.7).

8.6 Private Sponsorship

The Government of Canada encourages involvement of the Canadian public in the resettlement from abroad of Convention refugees and members of the Humanitarian Protected Persons Abroad Class. In some cases, these persons would not otherwise meet the eligibility requirements without the added support a private sponsor provides.

Under this category, NGOs, churches, community organizations and individuals agree to privately sponsor refugees. The sponsorship of refugees by Canadian citizens and permanent residents allows for the admission of refugees in addition to the number whose admission is financially assisted by the federal government. Sponsoring groups commit to provide the sponsored refugee with basic assistance in the form of accommodation, clothing, food and settlement assistance normally for one year after the refugee’s arrival in

Canada. The sponsorship period may be up to thirty-six months in exceptional circumstances. The sponsoring group also assists the refugee to find employment and become self supporting within the period of the sponsorship agreement. Private sponsors may identify a refugee they wish to assist or may ask that a Canadian visa office refer an appropriate case to them.

Criteria

Eligibility and admissibility criteria described in Section 2 apply to privately sponsored refugees.

8.7 Joint Assistance Sponsorship (JAS)

This program is intended for Convention refugees selected as GARs with special needs, meaning that the person has greater need for settlement assistance than other resettled refugees. Those selected for joint assistance sponsorship include refugees whose personal circumstances may include a large number of family members, trauma from violence or torture, medical disabilities or the effects of systemic discrimination.

A Joint Assistance Sponsorship allows the Government and a private sponsorship group to share the responsibilities of sponsorship for refugees who are in need of assistance over and above that which is provided through either Government assistance or private sponsorship alone. The Canadian Government assumes financial responsibility while the group is committed to ensure the refugee's integration. The period of sponsorship may be typically extended for two years and up to three years for exceptional cases such as separated minors up to three years.

Eligibility and admissibility criteria are applicable. There is, however, some flexibility on the ability to successfully establish criteria because of the additional support available to the refugees. In exceptional situations, transportation and medical costs may be covered by CIC as opposed to a loan. . In-Canada JAS determination is also possible should the need for greater settlement assistance be identified after arrival in Canada.

JAS cases are not the same as those considered under the blended visa office referred refugee stream; the latter are persons who are in need of the normal amount of settlement supports whereas JAS cases are by their very nature, refugees with higher than normal needs.

9. Medical Requirements

Canada does not admit applicants who suffer from a medical condition which is likely to be a danger to public health or safety. If applicants are diagnosed with a condition which would be a danger to public health (active tuberculosis or syphilis), they receive treatment. When further tests indicate they no longer pose a danger, their cases can be approved for visa issuance and travel to Canada. Refugee applicants are not refused based on medical inadmissibility due to excessive demand on Canada's health system.

All immigrants to Canada, including refugees, must pass a medical examination, which is provided by a local physician ("Immigration Medical Examiner") authorised by the Canadian Government. Refugee applicants will be made aware of any medical conditions found during the immigration medical examination by Medical Examiners and are advised to seek medical attention. Refugee applicants who test positive for HIV receive post-test counseling for their condition. A Canadian physician employed by Citizenship and Immigration Canada then assesses the results of the medical examination.

In the case of refugees and members of the Humanitarian-Protected Persons Abroad class who do not have money to pay for a medical examination, a loan may be issued under the provisions of the Immigration Loan Program. This program is available to both government-assisted and privately sponsored refugees. In countries where the International Organization for Migration (IOM) is arranging travel for the refugees, IOM may also arrange

and prepay medical examinations. Canada later reimburses IOM for the cost incurred on behalf of refugees resettled to Canada. IOM absorbs the examination costs of unsuccessful refugee applicants.

10. Orientation (pre-departure)

The Canadian Orientation Abroad (COA) program provides visa-ready refugees bound for Canada with orientation prior to their departure. COA sessions consist of 3-5 days of pre-departure training. COA covers topics such as introduction to Canada, the settling-in period, employment, rights and responsibilities, geography and climate, finding a place to live, living in a multicultural society, the cost of living, family life, education, communication systems and adaptation to Canada. COA emphasizes the importance of arriving to Canada with realistic expectations. The Government of Canada has contracted with the International Organization for Migration (IOM) to deliver the COA. Participation is voluntary and free of charge.

11. Travel

11.1 Travel booking procedures

Arrangements for travel to Canada are generally made by the International Organization for Migration (IOM) in co-ordination with the visa office. IOM also remains in close communication with the Matching Centre at CIC headquarters in Canada, which arranges destinations for refugees based on available settlement services, presence of relatives or members of the same community, etc.

11.2 Payment

Loans from the Government of Canada are available to Government-Assisted Refugees and to Privately Sponsored Refugees in order to cover the cost of travel to Canada. Individuals identified as special needs refugees (disabled, women at risk, etc.) may be eligible for contributions to cover their travel costs. The visa office must request authorisation from the Matching Centre at CIC Headquarters for a travel contribution.

11.3 Travel documents issued

All foreign nationals travelling to Canada are issued a permanent resident visa in the form of a generic counterfoil coded for immigration (IM-1). In the case of refugees who are stateless, or cannot obtain passports from their countries of nationality on which the visa can be affixed, a single Journey Document for Resettlement to Canada (IMM 5485) can be issued by the visa office. It serves as travel identification and can only be used for the first trip to Canada for entry as a Permanent Resident.

12. Status on Arrival and the Path to Citizenship

Except for those who are issued a Temporary Resident Permit, all refugees processed overseas are granted permanent residence status upon arrival in Canada. Those who arrive with Temporary Resident Permits may apply for permanent residence once medical and background checks are passed.

Currently, Canadian citizenship may be granted to permanent residents who meet certain requirements, including:

- has resided in Canada for 1095 days during the four years prior to applying;
- has an adequate knowledge of English or French;
- has an adequate knowledge of Canada and the responsibilities and privileges of citizenship; and,
- is not under a removal order or prohibited due to security or other reasons.

On June 19, 2014, Bill C-24 - the *Strengthening Canadian Citizenship Act* (SCCA) - reforming the *Citizenship Act*, received Royal Assent. New requirements for a grant (coming into effect in 2015, date still to be determined), will be:

- the person is a PR with no unfulfilled conditions under the *Immigration and Refugee Protection Act*
- has been physically present in Canada for 1460 days during the six years prior to applying and has been physically present in Canada for at least 183 days during each of four of calendar year within this 6 year;
- has met any applicable requirements to file a return of income in four years out of six;
- intend to reside in Canada;
- if under 65 at date of application, has an adequate knowledge of English or French;
- if under 65 at date of application, has an adequate knowledge of Canada and the responsibilities and privileges of citizenship; and,
- is not under a removal order or prohibited due to security or other reasons.

Since February 6, 2014, the Citizenship Application fees are \$300 for an adult applicant and the current process takes from 25-35 months. With the changes to the *Citizenship Act* adopted in 2014, it is expected that the average processing will be brought down to less than a year by 2015–2016.

With the exception of children born to foreign diplomats, children born in Canada (before or after naturalization of their parents) are issued Canadian birth certificates and are Canadian citizens.

13. Domestic Settlement and Community Services

13.1 Overview of services, including providers and length of eligibility

Canada's settlement programs for newcomers help immigrants and refugees become participating and contributing members of Canadian society, and promote an acceptance of newcomers by Canadians.

A key element in Canada's strategy for integration of newcomers is a differentiation between the immigration stream and the refugee stream, thus creating two programming areas. Although the objectives of successful integration and permanent settlement are the same for immigrants and refugees, the special needs of refugees are recognized and efforts are made to meet these needs. Canada has the benefit of many years of experience resettling refugees from all parts of the world and offers settlement services to meet the diverse needs of these newcomers to Canada.

In Canada, settlement services are not delivered directly by the federal government. Rather, the department of Citizenship and Immigration Canada funds eligible individuals, non-profit organizations, agencies serving immigrants, community groups, businesses, provincial and municipal governments, and educational institutions (together, called Service Provider Organizations or SPOs) to provide essential services. Many SPOs have individuals on staff from the refugee's country of origin who are able to speak the refugee's language and share the refugee's culture.

The Resettlement Assistance Program (RAP) offers income support (see section 13.9) administered directly by CIC and a range of immediate essential services provided by SPOs.

Under Private Sponsorship (section 8.6) and Joint-Assistance Sponsorship (section 8.7), settlement services are provided by sponsors rather than SPOs funded by CIC.

13.2 Reception

Upon arrival at a port of entry, refugees in transit are assisted with landing procedures (Permanent Residence processing), and inland transportation. Arrangements are also made for overnight accommodation and meals, if required. Arrangements are normally made for refugees who need additional reception assistance to be greeted at their final destination. Refugees who arrive in Canada between mid-October and mid-April are provided with any necessary winter clothing.

13.3 Orientation

Orientation materials have been developed to facilitate newcomers' understanding of the Canadian way of life and society. Both written and audio-visual materials are being used overseas in cultural orientation sessions and in local offices and immigrant serving agencies across Canada.

After arrival in Canada, refugees receive orientation to assist with settlement into their new community. Topics such as renting accommodation, shopping, telephones, food and cooking, public local transportation and safety are covered. Refugees also receive a **Needs Assessment**, whereby service providers help newcomers to understand their settlement needs and develop an informed strategy to achieve their settlement objectives and facilitate integration into Canada.

Referral to Mandatory Federal / Provincial Programs and Settlement Programs

Refugees are assisted with applications for medical insurance, social insurance numbers, permanent resident cards and child tax benefits and with transfer and translation of employment records. They are also referred to language training and other settlement program and broader based community services.

13.4 Housing

Temporary accommodation is provided to government-assisted refugees until permanent housing is secured. In some cases, this accommodation is provided commercially from hotels and motels. In other cases, accommodation is provided from organizations that have reception house services.

13.5 Health

Refugees are eligible for provincial health coverage no later than 90 days after arrival in the province in which they intend to reside. The federal government provides essential and emergency health care coverage to refugees in need of assistance as an interim measure pending eligibility for provincial health benefits.

13.6 Language Training

Acquisition of language skills in English or French is crucial for integration into Canadian society. Therefore, instruction in one of Canada's two official languages is available to adult immigrants and refugees through federally and some provincially funded programs. Refugees who are permanent residents are eligible for free language classes funded by the government. For more information on federally-funded language training offerings, please visit <http://www.cic.gc.ca/english/newcomers/live/language.asp>.

To begin language classes funded by the *federal government*, a newcomer must first get an assessment. To find the address and contact information for an assessment centre, please consult <http://www.cic.gc.ca/english/newcomers/map/services.asp> or call the CIC call centre at 1-888-242-2100. To find information about language training programs funded by *provincial governments*, please consult the website of the province/territory of settlement/residence.

As for children, they generally develop their language skills through regular attendance at school, with supplementary instruction as required.

13.7 Education

Elementary and secondary schools fall under provincial jurisdiction. All across Canada, immigrant and refugee children, once they are Permanent Residents, are required to attend provincially -funded public schools. Post-secondary education is not free in Canada, but neither is it restricted to the affluent. There are various scholarships and university student loan programs available. Entrance to colleges and universities is based on a person's educational abilities, as demonstrated through high-school grades, and sometimes through equivalent work and/or voluntary experience.

13.8 Employment and Employment-Related Training

Refugees who are Permanent Residents may seek employment immediately after arriving in Canada.

During the needs assessment exercise (see section 13.3), settlement workers assess the resettled refugees' skills, language knowledge, credentials and provide them with relevant labour market information and referral to the services explained below.

Federal employment and training programs are administered by **Employment and Social Development Canada (ESDC)**, with significant participation from provincial and territorial governments. While many of ESDC's programs are available only to clients who are eligible for Employment Insurance (EI), all residents of Canada, including newly arrived immigrants and refugees, have access to the National Employment Service, which includes labour market information, the Electronic Labour Exchange, and the National Job Bank.

Furthermore, all unemployed Canadians have access to the services offered through community organizations that have been contracted under the **Employment Assistance Services (EAS)** support measure. Through the local planning process, local Human Resource Centers of Canada will work with provinces, other federal departments, and other partners to identify gaps in service, collaborate on alternative means of serving immigrants and refugees, and encourage the community to share in providing support to those individuals who are not eligible for employment benefits.

Immigrant focused employment-related services funded by the Government of Canada and delivered by provincial governments and Service Provider Organisations include assistance in obtaining required equivalences of foreign credentials and/or trade documents, job finding clubs which hold sessions on job search techniques, including résumé writing, interview skills and use of the telephone. There are also complementary programs funded by Provinces and Territories.

There are also activities in Canada to connect refugees with local support and social networks, to provide opportunities for labour market integration and cross-cultural interaction, as well as to encourage informal practice of language skills. Examples include:

- Opportunities to learn about Canadian ways of life;
- Mentoring to connect refugees with local support networks, mainstream organizations, and employment-related networks and opportunities;
- Conversation circles to support language learning; and
- Job placements and internship to provide the "Canadian experience" sought by Canadian employers.

For more information on work in Canada, please consult the following link: www.workingincanada.gc.ca

13.9 Financial Assistance

The largest part of the **RAP** is restricted to Convention refugees resettled following a UNHCR referral (including those matched with a private sponsor in the blended visa office referred stream). Some funding however is available to certain persons who are admitted to Canada under public policy established by the Minister and who are provided assistance

for humanitarian reasons. The RAP offers income support that is comparable to social assistance offered by the provinces and a range of other immediate essential services. *Privately-sponsored refugees* receive financial and integration assistance from their sponsor (See S.8.6). The goal of these programs is to support refugees in their efforts to become self-sufficient as quickly as possible.

RAP's financial assistance for the basic needs of life (food, clothing, shelter) is available for up to 12 months after arrival, or until the refugee becomes self-supporting, whichever comes first. Assistance may be extended for an additional 12 months for special needs cases processed as a Joint Assistance Sponsorship (JAS) (See S.8.7). In addition, a one-time financial assistance is provided to GARs to assist with initial costs such as furniture, clothing and household items.

13.10 Supplemental support for refugees with specific needs

The specific needs of GARs are considered when CIC's Matching Centre determines a final destination within Canada. Whenever possible, survivors of torture or women-at-risk, for example, are placed in centers with related available support. High needs GARs may have access to financial assistance to pay for travel and/or medical exam costs associated with resettlement to Canada. In addition, GARs with special dietary requirements due to a health condition may be eligible for an additional allowance as part of their RAP monthly income assistance.

Life skills support for high-needs refugees

RAP funds the provision of intensive and short-term life skills help/enhanced orientation to high needs GARs after arrival and once they have moved into their new community. Life skills workers provide culturally appropriate help with basic life skills in the refugee's own language. Help may also be provided for using appliances, budgeting, Canadian cultural orientation and other needs.

13.11 Mechanisms to share information with service providers; including details on expected populations, specific cases and integration issues

CIC's Matching Centre at National Headquarters in Ottawa ensures critical information (e.g. refugee needs, arrival itineraries, etc.) is provided to CIC's in-Canada delivery network to ensure an efficient and nationally coordinated refugee resettlement movement. When available, cultural profiles of expected populations are also shared.

In addition, Form IMM5544 "The Supplemental Medical and Resettlement Form" is filled out by Immigration Medical Examiners and is used to identify health-related issues early. It is used by all Canadian visa missions. Form IMM5544 is not shared with in-Canada service providers or sponsors due to privacy restrictions however any relevant information it contains with respect to immediate settlement needs is shared.

13.12 Other Services

Interpretation and Translation

Interpreters are available to assist refugees in their day-to-day activities and in accessing services prior to their becoming functional in English or French. Translation services are available for documentation relating to employment, health, education and legal matters.

Para-Professional Counselling

Non-therapeutic services (identifying needs, determining how to meet those needs and helping the newcomer get help) are available to refugees having difficulties adjusting to life in Canada.

14. Family Reunification of Refugees

14.1 Definition of family within the Canadian resettlement program context

For the purpose of refugee resettlement and refugee asylum, Family members are spouses, common-law partners, dependent children, dependent children of the spouse or common-law partner, and dependent children of the principal applicant's or the spouse's or common-law partner's dependent children.

In addition, administrative guidelines allow the inclusion of individuals who do not meet the legal definition of family member, but who are emotionally or economically dependent on the family unit. These individuals are de facto dependants. It is important to note that even when a relationship of dependency is established, de facto dependants must meet the definition of refugee in their own right.

An example of a de facto dependant would be an elderly relative who has always lived with the family. Canadian visa officers are asked to use their discretion and make every effort to keep refugee families together at the time of selection.

14.2 Legislation regarding family reunification & eligibility

One of the objectives of the *Immigration and Refugee Protection Act* is to keep families together and, where not possible, reunite them in Canada as quickly as possible. In order to facilitate the expeditious reunification of families, the Refugee and Humanitarian Resettlement Program allows for the concurrent processing of refugee families if members of the same family are located in separate countries.

At times, however, a family member's whereabouts are not known or conditions in the country of origin will prohibit the application of family members from being processed concurrently with that of the principal applicant. In these cases, the "one-year window" (OYW) regulations allow separated family members to derive the principal applicant's (PA) refugee status and to apply without the need of a family class sponsorship (another category in Canadian immigration law -see S. 14.7). Individuals, who make a successful claim in Canada and are recognized as a "Protected Person" in Canada, also benefit from concurrent processing of family members' applications overseas.

Eligibility

Resettled Refugees chosen overseas: For separated family members to qualify for one-year window processing, the principal applicant must have identified family members on his/her application for permanent residence (IMM0008) prior to departure for Canada. In addition, the family members must subsequently submit their own application for permanent residence at a visa office within one year from the date the principal applicant arrives in Canada. It is therefore very important that all immediate family members be identified on the principal applicant's application even if their present location is unknown or they are thought to be deceased. As a result, visa officers abroad counsel refugees at the interview to list all their dependants on their IMM 0008, including those who are accompanying, non-accompanying, missing (whereabouts unknown), or thought to be deceased.

Persons granted asylum in Canada: To qualify, the principal applicant must identify family members on his/her Permanent Residence application submitted in Canada. The family members who are not accompanying the principal applicant but who are included on the principal applicant's application for Permanent Residence may submit an application for Permanent Residence at a visa office within one year from the date the principal applicant becomes a Permanent Resident of Canada. It is therefore very important that all immediate family members be identified on the principal applicant's application even if their present location is unknown.

De facto dependants of refugees do not qualify under the OYW. However, they may qualify as refugees in their own right, or may be sponsored under the Private Sponsorship of Refugees Program.

14.3 Details on whether family reunification cases are counted within the resettlement quotas

When One-Year Window cases are processed overseas, they are counted towards the GAR or PSR target for that mission in the year they were processed, depending on which category the principal applicant was resettled under.

14.4 Routing of submissions/Case Documentation

Upon receipt of the "Request to process following family members under the One-Year Window of Opportunity Provisions" [IMM 5571] from the principal applicant (PA), the local CIC office screens the identified family members for eligibility and, if necessary, sends any queries to the visa office which issued the Principal Applicant's permanent residence visa.

Where family members are found not to meet eligibility criteria, the local CIC Office sends a letter to the Principal Applicant explaining why particular family members listed on the request form were found to be ineligible and advising them that applications for permanent residence in Canada cannot be submitted for these individuals under the one-year window program.

Where family members are found to meet eligibility criteria, the local CIC Office sends a letter to the principal applicant indicating that their family members have been found to be eligible for OYW and instructing them to send copies of the application for permanent residence directly to their eligible family members abroad. The Principal Applicant is reminded to instruct their family members to ensure that the completed application is submitted to the appropriate visa office within the one-year window period. This period starts on the day of arrival of the principal applicant in Canada.

14.5 Processing times

Processing times for applications vary greatly among visa offices depending on their geographic location, caseload inventory, medical and health issues prevalent among particular refugee populations, processing capacity, and communication infrastructure. In the event of an urgent protection case, the Canadian visa office should be informed at the time the application is submitted so that processing may be expedited. The following link provides information on general processing time for UNHCR referred cases: <http://www.cic.gc.ca/english/information/times/perm/ref-government.asp>

14.6 Entitlements for family members including travel assistance, status on arrival, and support on arrival

Financial Assistance

In the case of **government-assisted refugees**, family members of the Principal Applicant are not automatically eligible for financial assistance under the Resettlement Assistance Program (RAP). Rather, an eligibility assessment based on the total family income will be undertaken by the local CIC office upon the family member's arrival in Canada. **Blended visa office-referred refugees** receive these same entitlements for a six month period, except for start-up costs.

In the case of **privately-sponsored refugees**, the visa offices abroad are instructed to ensure that any family members identified on the Principal Applicant's application have also been included in the sponsoring group's undertaking. If the sponsoring group refuses to add the non-accompanying family members to the undertaking and does not find another sponsoring group for the family members, then the sponsorship application is likely to be refused.

Status on Arrival

Status on arrival is the same as that of the Principal Applicant (see S.13).

Travel

Travel arrangements are the same as those for the Principal Applicant (see S.12).

14.7 Other immigration channels available for family reunification

Under the **Family Class category**, a Canadian citizen or a permanent resident of Canada (including resettled refugees) can sponsor their spouse, common-law partner, conjugal partner, dependent child (including adopted child) or other eligible relative (such as a parent or grandparent) to become a permanent resident.

If the resettled refugee sponsors a relative to come to Canada as a permanent resident under the Family Class, he/she would be responsible for supporting that relative financially when the relative arrives. As a sponsor, the person must make sure that their spouse or relative does not need to seek financial assistance from the government.

The process to sponsor family members begins when a citizen or permanent resident in Canada applies to be a sponsor.

The processing times for this category will depend on the region and the relationship to the sponsor. For example, parents generally have different, and usually longer, processing times than spouses.

After the family member has had his/her eligibility interview, the relevant visa office will conduct the required admissibility checks. Once eligibility and admissibility assessments are complete and finalized, the family member travels to Canada and obtains the status of Permanent Resident upon arrival in Canada.

For more information on the family class, please consult the following link: <http://www.cic.gc.ca/english/immigrate/sponsor/index.asp>

15. References/Resources

The following documents may be obtained through Canadian Visa Offices or by visiting the CIC website www.cic.gc.ca :

- Manual on Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes (OP 5)
- In-Canada Processing of Convention Refugees Abroad and Members of the Humanitarian Protected Persons Abroad Classes (IP3)
- Immigration and Refugee Board Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution

Websites

Citizenship and Immigration Canada: www.cic.gc.ca

Immigration and Refugee Board: www.irb.gc.ca

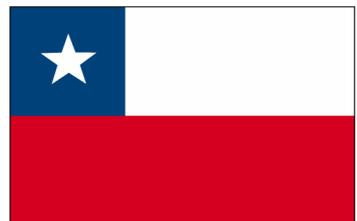
Ministre de l'Immigration, de la Diversité et de l'Inclusion (Québec): www.midi.gouv.gc.ca

**COUNTRY
CHAPTER**

CHL

CHILE

BY THE GOVERNMENT OF CHILE



1. Resettlement Policy

THE GOVERNMENT OF THE REPUBLIC OF CHILE, within the framework of adherence to the respect for human rights and fundamental freedoms, as well as respect for international agreements concerning the protection and assistance to refugees, and, in order to strengthen international solidarity in the search for durable solutions, has agreed with UNHCR to establish a refugee resettlement programme in Chile. The resettlement programme's primary objective is to allow refugees to integrate into the Chilean society and enable them to attain self-sufficiency as soon as possible. Resettled refugees are expected to contribute in a positive way within the local society.

The Government of Chile is responsible for the reception and facilitating the integration of resettled refugees in co-operation with UNHCR and non-governmental organisations. Refugee resettlement is under the auspices of the Ministry of Foreign Affairs and the Ministry of the Interior, the latter providing the overall co-ordination and oversight of the national resettlement programme. Direct services are provided by an NGO through a sub-agreement with UNHCR.

2. Criteria for Refugee Status Eligibility and Asylum

To qualify for resettlement in Chile the refugees must meet the criteria contained in the 1951 Convention/1967 Protocol relating to the Status of Refugees. Moreover they must be unable to return to their country of origin or to remain safely in their country of asylum.

3. Resettlement Criteria

Refugees eligible for resettlement in Chile are refugees recognised under UNHCR's mandate who fall into one of the following categories:

Legal or physical protection needs, when the refugee meets one of these conditions:

- immediate or long-term threat of forced repatriation or expulsion
- threat of arbitrary arrest, detention or imprisonment
- threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable

Refugees victims of violence and /or torture

Refugee victims of violence and /or torture who require special medical attention will be considered, subject to the availability of appropriate medical services.

Women at Risk

Women facing serious physical and /or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc) lacking the traditional protection of their families or communities.

Refugees without local integration prospects in the first country of asylum

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement. In these cases, attention needs to be given to lack of legal instruments to ensure these basic rights. Field offices must ensure that detailed information is provided in the RRF regarding the refugees' own attempts to successfully integrate into the country of asylum and the barriers encountered.

Refugees with special needs

Refugees with other special needs, such as unaccompanied minors, elderly persons or medical cases will be considered with priority given to refugees who have ties in Chile.

4. Resettlement Allocations

The Ministry of the Interior and the Ministry of Foreign Relations establish an annual resettlement target in consultation with UNHCR. There are no sub-allocations by region at this time.

5. Admissibility for Resettlement

No special constraints on admissibility are given

6. Submissions and Processing via Dossier Selection

The Government of Chile undertakes resettlement processing of refugee cases via Dossiers selection, when the number of the cases submitted out of the same country of asylum is less than ten dossiers. The Resettlement Registration Forms are submitted to the government of Chile by UNHCR Argentina, through UNHCR Headquarters.

The dossiers are referred to the Foreigners' Department (within the Ministry of the Interior) who reviews the cases in close consultation with the UNHCR Regional Office and the Resettlement NGO, and a formal decision by the Ministry of the Interior is normally made within 8 weeks. Should the Ministry decide that additional information on the individual cases is required, they will notify UNHCR. Field Offices in the Countries of Asylum will then provide the required information, through Headquarters, within the earliest delay.

When a resettlement request is rejected by the Chilean authorities, UNHCR may ask for a reconsideration of the case on the basis of any additional/complementary information provided by the refugee.

7. Submissions and Processing via In-Country Selection

The Government of Chile undertakes in-country selection of refugees for resettlement in Chile when the number of dossiers submitted out of one country of asylum exceeds ten cases.

Selection missions are composed of one delegate from the Foreigners' Department and one NGO representative. The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The recommendations of the selection delegation are submitted to the Ministry of the Interior who informs UNHCR of its decisions within a maximum period of 8 weeks and issues necessary travel documents to accepted refugees. Selection missions are also aimed at providing initial counselling to refugees in order to ensure, to the extent possible, that refugees are making an informed decision regarding their resettlement in Chile.

8. Emergency Cases

No accelerated procedures for the processing of emergency cases are yet in place.

9. Special Categories

The Government of Chile considers the case of refugees with special needs submitted by UNHCR under established categories (Medical Needs, Victims of Torture, Women-at-Risk, Unaccompanied minors, Elderly refugees). However, if these refugees require a specific treatment in Chile, the Chilean government will consider the availability of services in Chile before making a decision.

10. Family Reunification of Refugees

The Government of Chile acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. The principle of family unity is provided in the Universal Declaration of Human Rights. Based on this ground, the Chilean Government agrees to facilitate in its territory the reunification of members of the same refugee family with priority to the members of the nuclear family. The criteria and the procedures are those contained in the Resettlement Handbook, in compliance with the practice established in the country.

The family reunification of a refugee with his nuclear family takes place within the overall resettlement quota. This provision includes:

- Spouses, including common-law spouses with proof of relationship (e.g. birth certificates of joint offspring);
- Children, biological or adopted, under 21-years-old or economically dependant regardless of their age; and
- Elderly parents who are economically dependent.

The family reunification of other members of the refugee' family (siblings, grandparents, grandchildren, great grandchildren or nephews, or not self-sufficient adults) is dealt with under the general provisions of the immigration law.

11. Medical Requirements

Shortly after arrival in Chile, all refugees will receive a medical check-up. The cost for the medical check-up, as well as for any treatment of pre-existent diseases, will be covered by UNHCR and co-ordinated by the resettlement NGO.

12. Travel

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel will be under the responsibility of UNHCR or of any sponsor.

13. Status on Arrival

All individual refugees, including family members, accepted for resettlement in Chile are granted refugee status according to the 1951 Convention and subsequently issued temporary legal residence. With this document, the refugees can obtain national identity cards, which allow them to work legally and earn an income in Chile. It takes approximately 2 weeks in order to process these documents, but even during this period refugees are not prohibited from working as temporary work authorisations are available until they receive the Identity Cards. Refugees must renew their temporary residence after two years or apply for permanent residence. Refugees who become permanent residents are eligible to apply for citizenship after 5 years of residence in Chile.

14. Domestic Settlement and Community Services

14.1 Actors

UNHCR has a tripartite agreement with the Chilean Government and a non-governmental organisation in Chile for the resettlement and integration of refugees. The following governmental ministries are involved in the resettlement of refugees in Chile: the Ministry of Health, the Ministry of Education, the Ministry of Housing, the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of the Interior.

The Vicaria de Pastoral Social, a local NGO of the Archdiocese in Santiago, is the primary provider of reception and integration services to refugees in the area of Santiago.

An interministerial commission has been established with representation of all the ministries mentioned above and the Vicaría de Pastoral Social in order to facilitate access of refugees to public programmes and services, convened by the Ministry of the Interior.

Non-governmental organisations, churches, communities and individuals are authorised to sponsor refugees for resettlement in Chile, in agreement with the Ministry of the Interior. The sponsor shall take up the responsibility of travel arrangements, installation and integration of resettled refugees and of the dependants. If recommended by the Selection Committee, UNHCR may provide some support to the sponsor with travel or installation costs.

14.2 Orientation

The Government of Chile provides initial group orientation sessions to refugees in the country of asylum, in case of an In-Country selection mission. Further orientation sessions are provided by the Vicaria de Pastoral Social, in groups and individually, upon arrival in Chile. Orientation issues include life in Chile, practical information on daily living, Chilean culture and values, access to health and education programmes, work culture and other information that helps the refugee in his or her integration. The NGO provides translator services when required to ease communication with refugees.

14.3 Reception

Upon arrival, refugees are received at the airport by the Vicaria de Social Pastoral, who arrange for temporary housing and provide welcome orientation. Refugees are temporarily accommodated in a reception-house with private bedrooms, semi-private bathrooms and communal kitchen. During this period, housing expenses are paid directly by Vicaria Social de Pastoral and a monthly subsistence allowance is provided to cover food, transportation, basic hygiene and other incidentals. This phase lasts approximately 12 weeks in order to allow the refugee time to find suitable employment.

14.4 Housing

During the initial period, refugees are assisted by Vicaria Social de Pastoral to find permanent housing through agreements with the Ministry of Housing. Upon relocation to independent housing, refugees are offered a one-time grant to purchase basic furniture and supplies to set up their household. Refugees are eligible for monthly financial assistance to cover rent, food, transportation and basic hygiene for up to six months.

14.5 Health

Refugees receive a medical check-up during their initial stay at their temporary domicile. Dental care will also be available to refugees. Vicaria Social De Pastoral in co-operation with the Ministry of Health arranges any special medical treatment required by refugees during the first year. In the longer period, refugees are entitled to public health services with the same benefits as national citizens. Chile also has extensive private health care services available through private health insurance offered by many employers.

14.6 Language Training

Intensive Spanish language courses are provided for adult refugees during the reception phase through arrangements made by the Vicaria Social de Pastoral. Additional language training is available through arrangements with other educational institutions.

14.7 Education

The government of Chile provides resettled refugees with the same benefits as national citizens concerning primary, secondary and tertiary education. Furthermore, the Ministry of Education facilitates administrative assistance as necessary for equivalence and validation purposes in accordance with national legislation.

University education is private in Chile. Enrolment in university courses is limited due to costs and entry requirements. Technical degrees, which require an average of 5 semesters, do not have the same rigid requirements for enrolment, but are also private.

Validation of post-secondary degrees and professional titles can be a long process, which also depends upon ability of the refugee to provide the necessary documentation, such as notarised diploma, transcripts, course descriptions, etc. The University of Chile is the institution responsible for reviewing the documents and accreditation of degrees and titles.

14.8 Vocational Training

The Training and Employment Service under the Ministry of Labour (SENCE) provide vocational training. This agency is responsible for technical training programmes throughout the country and the re-training of the labour force for new jobs. The programmes are varied and also include courses for particular groups such as youth, women, etc. In addition, there are courses available through private institutions recognised by the State as qualified training programmes. Training courses in general are short in duration and do not require previous experience, which allows individuals to be trained in new areas of the labour market.

14.9 Employment

The refugees receive counselling and basic orientation on employment, including work customs and practices as well as basic work environment. Through agreements with public and non-profit entities, the Vicaria Social de Pastoral is developing a network of services and opportunities for the integration of refugees. Arrangements are in place with the Ministry of Labour to provide for vocational training and job placement services for refugees.

Micro-Enterprises – An important alternative form of income generation is the creation of new micro-enterprises which often allow the refugees to take advantage of the skills, education and previous work experience that they bring with them to Chile. Micro-enterprise grants are available through the resettlement NGO, who also provides technical assistance, project evaluation and mentoring. Refugees must submit a project proposal to the Resettlement NGO and grants will be awarded based on the viability of the project and the experience/ skills of the refugee.

While the initial reception period takes place in Santiago, the nation's capital, depending on the refugee's work experience and area of expertise, he or she may wish to consider employment offers in other cities or towns in Chile. In such cases, the Resettlement NGO is available to assist the refugee in relocation.

14.10 Other assistance

Where required, refugees are entitled to the following assistance, on a case-by-case basis:

- additional medical treatment, prescriptions and/or mental health services
- school uniforms and text-books
- cost of translations and renewal of immigration documents
- translation of diploma and certificates
- cost of interpreter services

15. Reference Material

-  Framework Agreement for the Resettlement of refugees in Chile, between the Government of the Republic of Chile and UNHCR
-  Law Decree No. 1094 of 1975 amended by Law No. 19476 of 14/10/96 (enacted on 21/10/96)
-  Supreme Decree No. 597 of 1984) include some provisions aimed at establishing basic rules for the treatment of refugees.
-  Supreme Decree No. 2518 of 23/10/97 enacted on 10/02/98, amended the previous decree and regulated the functioning and composition of the Recognition Commission.

**COUNTRY
CHAPTER**

CZE

THE CZECH REPUBLIC

**BY THE GOVERNMENT OF THE CZECH
REPUBLIC**



Czech Republic 2015 Overview:

Resettlement programme since: 2005	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions :	70
Total resettlement admission target ¹ :	70

Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions	200
Total resettlement admission target	200

Regional Allocations for 2015 and 2016:

Africa	
Asia and the Pacific	
Middle East and North Africa	70 (2015) 200 (2016)
Europe	
Americas	

Sub-quota features:

Designated sub-quota/ acceptance for:	Description, additional comments:
Emergency resettlement procedures	On UNHCR request
Medical cases	Yes
Women-at-risk cases	Yes
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy**1.1 Description of the Czech Republic's resettlement policy**

The Czech Republic started its annual resettlement programme in 2008 by resettling 43 Burmese refugees from Malaysia. In 2010 and 2012, another two groups of 39 and 25 Burmese refugees residing in Thailand and Malaysia respectively were resettled to the Czech Republic.

Since 2005 the Czech Republic has also participated in a number of emergency resettlement programmes and has resettled over 70 refugees for humanitarian reasons or

¹ Although the target was 70 persons, the Czech Republic was only able to resettle 20 persons in 2015.

emergency situations. Another three emergency cases were resettled under fast-track procedures.

In 2015 the Czech Republic initiated resettlement programme targeting Syrian refugee families in Jordan with severely ill children. Moreover, in July 2015 the Czech Republic joined the European Resettlement Scheme by pledging to resettle 400 refugees by July 2017. In the context of the EU-Turkey agreement from March 2016, the Czech Republic will now focus on resettlement of Syrian nationals from Turkey to the Czech Republic in support of 1:1 scheme of the EU-Turkey agreement.

1.2 Ministries or Departments responsible for resettlement policy

The responsible administrative body is the Department for Asylum and Migration Policy within the Ministry of the Interior of the Czech Republic.

1.3 Process for deciding the annual resettlement quota and its composition

The annual quota for the resettlement programme is based on the current situation and on a needs analysis. The Minister of the Interior makes a decision on the implementation of each resettlement action in the context of an annual plan following the approval by the Czech Government. This decision stipulates the size of the future resettled group, the region of origin and an approximate timeframe for implementation.

The Minister decides on the basis of materials prepared by the intra-agency working group for resettlement composed of representatives of the Ministry of the Interior, the Ministry of Foreign Affairs and other relevant governmental actors.

All annual resettlement programmes are managed in close cooperation with UNHCR, IOM and other civil society actors.

The cooperation between the Czech Republic and UNHCR on resettlement of refugees is governed by a bilateral international agreement which entered into force on 10 April 2010.

Since the Czech Republic has joined the European Resettlement Scheme in July 2015, the annual quota, the specific target group as well as the timeframe for the implementation is aligned with the implementation of the Scheme.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

The national legal instrument, which defines the criteria for granting refugee status, is Act No. 325/1999 Collection of Laws on Asylum (Asylum Act, latest amendment entered into force on 3 December 2015). Article 12 of the Asylum Act states:

Refugee status shall be granted to an alien if it is established in the procedure on granting of international protection that the alien

- a) Is persecuted for exercising political rights and freedoms, or
- b) Has a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion in the country of which he/she is a citizen or, in case of a stateless person, in the country of his/her last permanent residence.

If the criteria for granting refugee status under Section 12 of the Asylum Act have not been met, granting asylum for humanitarian reasons under Article 14 or for the purposes of family reunification pursuant to Article 13 of the Asylum Act might be considered.

2.2 Refugee status criteria for asylum-seekers and resettled refugees

An alien who applies for international protection will be granted asylum or subsidiary protection if he/she meets the criteria laid down in Section 12, 13, 14, 14 a or 14 b of the

Asylum Act. Under Section 90 of the Asylum Act, asylum can be granted without the previous proceedings to an alien recognized as a refugee under the mandate of UNHCR. However, this has to be done with respect to the principle of just burden sharing amongst contracting parties of the UN Convention Relating to the Status of Refugees.

Refugees accepted for resettlement following submission of UNHCR are granted asylum under the criteria defined in Section 12 of the Asylum Act. Upon arrival in the Czech Republic, they have to ask for international protection in accordance with Section 90 of the Asylum Act. Individuals, who have been referred for resettlement to the Czech Republic by another organization than UNHCR, are eligible for asylum in the Czech Republic under Section 12, 13 or 14 of the Asylum Act.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

The eligibility criteria for resettlement and for the Czech National Resettlement Programme Strategy correspond with the criteria upon which refugee status is granted in the Czech Republic. They are based on the Asylum Act of the Czech Republic, on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and relate to persons with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Eligibility criteria for resettlement of a particular person or family could also be based on other specific humanitarian factors according to Article 14 of the Czech Asylum Act, such as seriously ill persons, children, women at risk and other cases, in which “humanitarian asylum status” is granted.

3.2 Admissibility criteria

In addition to these eligibility criteria, other criteria are also taken into consideration in order to give resettlement a strategic effect in broader migration and foreign policy of the Czech Republic: priorities of humanitarian aid policy, migration policy priorities, foreign policy priorities etc. Integration aspects are also taken into consideration, such as the willingness of the refugee in question to be resettled to the Czech Republic and the willingness to integrate into the Czech society.

Exclusion factors, which would lead to the non-admission of a case submitted for resettlement consideration, are mainly based on Article 1F of the 1951 Geneva Refugee Convention. Additionally, resettlement of an individual to the Czech Republic must not present a threat to public health or public order and must not harm the Czech Republic's national and international interests. All refugees considered for resettlement must pass national security checks.

4. Resettlement Allocations/Processing Priorities

The resettlement allocations are established annually and based on the actual reception capabilities of the Czech Republic or in relation to commitments of the Czech Republic within the European Resettlement Scheme. The Czech Republic does not apply any special sub-quotas.

5. Submission and Processing via Dossier Selection

5.1 Dossier submission policies

The Czech Republic allows for selection of candidates for resettlement on a dossier basis, especially for cases submitted by UNHCR under urgent or emergency priority.

5.2 Case documentation and processing times

In such cases the decision to accept refugees is made directly on the basis of documents provided by UNHCR (the resettlement file, health reports etc.) and the response is issued as soon as possible and after the security screening is finalised.

Once this decision is taken, the UNHCR office in the Czech Republic is informed and coordinates all the following communication with the UNHCR office in the country of asylum of the refugee. The transport is also usually organized as soon as possible.

5.3 Recourses, appeals

The Czech Resettlement Programme does not provide for the possibility to appeal against a decision of the Minister of the Interior to reject a resettlement application. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of the Interior to reassess the previously rejected case.

6. Submissions and Processing via In-Country Selection

6.1 Selection mission policies

As stated above, the selection procedure of refugees eligible for resettlement is established in the National Resettlement Programme Strategy and is based on a "dossier basis" method, as well as on "in-country selection missions". These missions are conducted by the Department of Asylum and Migration Policy within the MoI, which is the responsible administrative body for resettlement.

6.2 Case Documentation and processing

Within selection missions all those refugees who have been submitted for resettlement consideration are interviewed. During this interview and based on information received from UNHCR, information relevant to the granting of asylum in the Czech Republic, namely grounds for granting asylum according to the 1951 Geneva Refugee Convention, Czech Asylum Act and other humanitarian reasons, is carefully reviewed.

Furthermore, information concerning the refugees' family members and family composition is also collected during the interview. In addition to the above, other relevant information concerning the refugees' social background, such as the level of education, work experiences, health, social or other skills and their expectations, which are considered important to facilitate the post-arrival integration phase in the Czech Republic, is collected during in-country selection interviews.

Part of the selection mission is also a cultural-orientation programme. Its role is not only to deliver to the refugees some basic facts about the Czech Republic, but also to explain the scope of assistance they can expect after arrival, in order to create realistic expectations, which are a key element of a successful integration. This pre-arrival orientation also helps to prepare for the living conditions in the Czech Republic from the perspective of long-term integration prospects.

6.3 Processing times

A decision on resettlement is taken by the Minister or Deputy Minister of the Interior based on the outcomes of the selection mission.

Once the decision is taken, the UNHCR Office in the Czech Republic is informed and coordinates any further communication with the UNHCR Office in the refugees' current country of asylum. Transport from the current asylum country to the Czech Republic is organized usually directly by the state or in cooperation with IOM as soon after the selection mission as possible.

6.4 Recourses, appeals

As in the case of dossier based decisions, there are no possibilities to make an appeal or other recourse against a decision not to accept a refugee for resettlement into the Czech Republic. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of the Interior to reassess the previously rejected case.

7. Emergency Cases/Urgent Cases

7.1 Policies for receiving emergency and/or urgent case submissions

The Czech Republic receives annually a number of submissions in respect of refugees who need to depart from their countries of first asylum on an urgent basis.

7.2 Case documentation for emergency cases

As mentioned above, in these cases the Czech Republic would make a decision on a "dossier basis," by reviewing all the documentation submitted by UNHCR in respect of the case without the need for a personal interview with the concerned refugee. In such case, the Embassy or Consulate of the Czech Republic located in the refugee's country of asylum is generally involved in the arrangements of the refugee's departure for resettlement.

7.3 Processing times for emergency cases

In terms of processing times, the decision to accept such case is made as soon as possible. The decision is taken by the Ministry of the Interior of the Czech Republic. Once this decision is taken, the UNHCR office in the Czech Republic (and/ or IOM) is informed and coordinates all the following communication with the UNHCR office in the country of residence of the refugee. The transport is organized as soon as possible.

7.4 Recourse, appeal

There is no possibility to make an appeal or other recourse against a decision not to accept a refugee for resettlement into the Czech Republic. However, if new facts relevant for the assessment of a resettlement claim have been ascertained, UNHCR can request the Ministry of the Interior to reassess the previously rejected case.

8. Special Categories/Special Needs

The Czech Republic does not have any particular sub-quota dedicated to cases which present specific needs.

9. Medical Requirements

The Czech Republic directly arranges pre-departure basic healthchecks and treatments, including tuberculosis tests, to ensure that all refugees are fit to travel to the Czech Republic.

There is no specific admissibility criteria linked to the health status of the refugees.

10. Orientation (pre-departure)

A cultural-orientation programme is a part of the selection mission. Its role is not only to deliver basic facts about the Czech Republic to the refugees, but also to explain the scope of assistance they can expect after arrival in order to create realistic expectations, which are a key element of a successful integration. This pre-arrival orientation also helps to prepare for the living conditions in the Czech Republic from the perspective of long-term integration prospects.

11. Travel

All travel arrangements are coordinated between the Ministry of the Interior of the Czech Republic, the respective Czech consulates abroad, UNHCR and in selected cases IOM. Once all necessary proceedings concerning the refugee status, health and travel documents are completed, the Czech Consulate sur place issues a visa for the Czech Republic in the travel document of the refugee. In case the refugee does not possess a valid travel document, the Consulate assists with issuing adequate substitute (i.e. ID document for the purpose of travelling, ICRC Travel Documents).

All costs concerning the travel from the country of asylum to the Czech Republic are covered by the allocated resettlement programme budget of the Czech Republic. The logistics of the travel are organized and managed directly by the state or in cooperation with IOM and in close cooperation with the Czech Consulate in the country of asylum.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

After arrival to the Czech Republic and without any delay, all resettled refugees need to formally apply for international protection in the Czech Republic and the asylum status is generally granted within three to four weeks. In the interim, the resettled refugees have a status of asylum-seekers.

Once refugee status is obtained, all resettled refugees have the same rights, obligations and documentation as any other refugee granted asylum in the Czech Republic through the standard asylum procedure.

Under Section 90 of the Asylum Act, asylum can be granted without the previous proceedings to an alien recognized as a refugee under the UNHCR mandate. However, this has to be done with respect to the principle of just burden sharing amongst contracting parties of the UN Convention Relating to the Status of Refugees. Should a person have been resettled without UNHCR mandate refugee status, refugee status will be granted based on the standard asylum procedure as described in Section 12, 13 or 14 of the Asylum Act.

All resettled refugees are provided with the right to reside permanently in the Czech Republic for the duration of the validity of the decision on granting asylum. They have the same rights and obligations (with the exception of the right to vote) as citizens of the Czech Republic.

12.2 Documentation issued, including travel documents

In addition, all resettled refugees are provided with a residence permit, which also serves as an identity card. Upon request, a travel document can be issued to the refugees, which in accordance with the 1951 Geneva Refugee Convention allows the refugee to freely travel outside the territory of the Czech Republic while being under the protection of the Czech Republic.

12.3 Requirements for citizenship

A refugee can apply for citizenship of the Czech Republic after five years of permanent residence. There are some additional requirements, such as clearance of any criminal record and a certain level of knowledge of the Czech language. When citizenship is granted, refugee status is automatically ceased. From this moment the resettled refugees have all the rights of a citizen, including the right to vote.

In case of children born to resettled refugees in the Czech Republic, their parents can apply for a residence permit based on family reunification or they can also apply for asylum based on the standard asylum procedure.

13. Domestic Settlement and Community Services

13.1 Overview of services

Following the initial period of approximately six months in an Integration Asylum Centre in the Czech Republic, refugees move to host municipalities, which offer them with rental contracts in apartments owned by municipalities. Prior to moving to those municipalities several coordination meetings are held with representatives of the Ministry of the Interior, the municipalities, NGOs, schools and other civil society actors to prepare further integration of the resettled refugees on local level.

13.2 Reception

Right after their arrival to the Czech Republic the resettled refugees are accommodated in one of the Integration Asylum Centers for a period of approximately six months. During this period, resettled refugees attend intensive courses of the Czech language (400hrs) and sociocultural adaptation course, which aim to help the refugees to adapt to a new situation.

13.3 Orientation

This course focuses on issues relating to the day to day life in the Czech Republic, for example health care, education, shopping, finance, employment, cultural and social habits and so on. During this period all children attend local primary/secondary schools. Social and health insurance, similar to that provided to Czech citizens, is covered by specifically allocated funds. During this period, cooperation between the Integration Asylum Centre and non-governmental organizations is set up to support the integration process of the resettled refugees.

13.4 Housing

Resettled refugees fall under the national State Integration Programme, which has been developed to support the integration process of refugees. It is this programme that provides refugees with housing in municipally-owned apartments across the Czech Republic. Municipalities, on voluntary basis, offer rental contracts to refugees and are eligible for donations from the Czech government for infrastructure development and financial support to furnish these apartments. Refugees sign standard municipal lease agreements, usually for one year with an automatic extension for up to five years. Also, social assistance for a period of six months is covered under this National State Integration Programme. After this period, an additional six months of social assistance can be provided by local NGOs.

13.5 Health

Refugees have mandatory health insurance similar in coverage and conditions as that provided to Czech citizens.

13.6 Language Training

Intensive language courses of the Czech language are provided during the six months stay in the Integration Asylum Centre. These courses cover 400 hours of language training. Nevertheless, the language barrier is one of the most problematic parts of the refugees' integration process.

13.7 Education

Shortly after arrival in the Czech Republic, all children (under 18 years of age) start attending primary or secondary schools. The integration of these children has so far proven to be very effective and efficient.

13.8 Employment-Related Training

Employment-related training based on the individual needs is closely connected to the refugee's knowledge of the Czech language.

13.9 Employment

The Czech Republic considers employment, in addition to housing, education and knowledge of the Czech language, as the key factor to ensure successful integration of the resettled refugee into the Czech society. During the first phase of a new life in the Czech Republic (first one to two years), the possibilities to find higher-profile employment are very low, often due to the limited knowledge of the Czech language, low level of education and/or professional training of the resettled refugees. Most of the resettled refugees start working in positions relating to community services with fixed term contracts, which are offered to them by the municipalities in which they reside.

13.10 Financial Assistance

Resettled refugees have the same rights and obligations as citizens when it comes to a social welfare and financial assistance, including in the case of unemployment. However, in cooperation with the municipalities, resettled refugees are eligible for special social assistance aiming to help with better and faster integration on local level for a period of one year.

13.11 Supplemental support for refugees with specific needs

Refugees with specific needs, in particular refugees with disabilities, are provided with all necessary health care and support just like Czech citizens. Local NGOs, civil society (churches, social clubs, etc.), as well as local municipalities, play a vital role in providing this kind of supplementary support.

13.12 Mechanisms to share information with service providers; including details on expected populations, specific cases and integration issues

The Czech resettlement programme continuously works and communicates with all relevant actors, such as the Ministry of the Interior, municipalities, NGOs, UNHCR, schools, churches, local civil society, etc.

14. Family Reunification of Refugees

14.1 Legislation regarding rights and restrictions to family reunification

There are no specific mechanisms under the National Resettlement Programme Strategy concerning family reunification of resettled refugees after their arrival to the Czech Republic. Standard family reunification provisions applicable to refugees who have been granted refugee status in the Czech Republic via its standard asylum procedure also apply to resettled refugees.

The conditions for family reunification are stipulated in the Czech Alien Act (Act No. 326/1999 Coll. on the Residence of Foreign Nationals in the Territory of the Czech Republic). According to the Act, foreigners may apply through the local Embassy either for temporary or permanent residence permit. In the case of family members of resettled refugees (as well as of recognised refugees in general) many procedural requirements are lifted and the procedure is therefore swifter (the family members are mainly requested to present their travel documents and proof of family ties).

The family members of resettled (and recognised refugees) can also arrive to the Czech Republic and apply for asylum on the basis of family reunification as defined in the Asylum Act. In case neither of the above mentioned options is feasible, the Ministry may consider, with the assistance of UNHCR, to reunite the family through resettlement channels.

It is necessary to stress that according to the relevant legislation, only direct relatives qualify for family reunification, namely husband/wife (including same-sex persons in registered partnerships), parents of minors and children under 18 years of age. Elderly parents (over the age of 65) could also be considered as close relatives.

14.2 Case Documentation and processing

Resettlement procedures and mechanisms are not used for processing of family reunification. For example, UNHCR Resettlement Registration Forms (RRFs) are not used and cooperation with UNHCR is only of subsidiary nature. The Agreement on Resettlement states that the Czech Government is responsible to facilitate the process of family reunion for resettled refugees while UNHCR is expected to cooperate with the Government in processing asylum claims in this respect.

In regard to the actual procedure for family reunification, a family member of a refugee may apply at the Czech consulate in the applicant's country of residence for a long-term residence permit for the purposes of family reunification within three months from the date refugee status was granted to his/her family member in the Czech Republic. The only requirement for submitting the application is the possession of a travel document, a passport photo and proof of relationship with the person granted refugee status in the Czech Republic.

14.3 Status of family members on arrival

In case of a positive decision, the family member will be granted with a long-term residence permit after arrival, with the possibility to apply for a permanent residence permit after five years of residence in the Czech Republic. The family member can also apply for asylum on the basis of his/her family reunification with the refugee. Family members enjoy the same rights and obligations as any other refugee in the Czech Republic.

14.4 Entitlements for family members

The Czech Republic does not provide the family members within the family reunification process with any specific pre-departure or post-departure assistance. However, when family members of resettled refugees (as well as of recognised refugees in general) apply for temporary or permanent residence permit on the basis of family reunification, many procedural requirements are lifted and the procedure is therefore swifter (the family members are mainly requested to present their travel documents and proof of family ties).

15. References/Resources

<http://www.unhcr.cz/dokumenty/dohoda-o-presidlovani-do-CR.pdf>

<http://www.unhcr.cz/dokumenty/national-resettlement-programme-concept.pdf>

<http://www.unhcr.cz/dokumenty/resettlement-of-burmese-refugees.pdf>

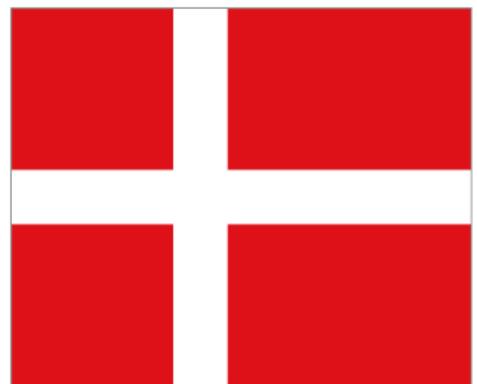
<http://www.mvcr.cz/mvcren/article/asylum-migration-integration-asylum.aspx>

**COUNTRY
CHAPTER**

DEN

DENMARK

BY THE GOVERNMENT OF DENMARK



Denmark 2015 Overview

Resettlement programme since: 1979	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions :	500
Total Resettlement Admission Target:	1000

Regional Allocations for 2014:

MENA (Lebanon):	250 (Syria)
Africa (Uganda):	115 (DR Congo)

Sub-quota features:

Designated sub-quota/acceptance for:	2015 Description, additional comments:
Emergency resettlement procedures	80 places are allocated to the emergency and urgent priority on a dossier basis. May also be selected following an in-country selection mission.
Medical cases	30 medical places per year -Twenty or More program (TOM) – by dossier or selection missions
Women-at-risk cases	No specific category for this group, but many cases accepted as such
Unaccompanied children	Same as above.
Family Reunion (within programme)	35 family members of a person accepted under the TOM program.

1. Resettlement Policy

1.1 Description of Denmark's resettlement policy

Denmark has for many years contributed to finding durable solutions for refugees around the world. Since 1979, Denmark has, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), offered refugees resettlement to Denmark. Every year, the Danish parliament approves funding for the Danish resettlement quota within the annual budget. For many years the funding has covered an annual allocation of 500 resettlement places for refugees.

As of July 2005, Denmark started operating a flexible quota programme lasting three years and consisting of 1,500 places. The present period started 1 January 2014 and will run until 31 December 2016.

1.2 Ministries or Departments responsible for resettlement policy, and process for deciding the annual resettlement quota

Following recommendations from the **Danish Immigration Service**, the **Minister of Refugee** decides, at the beginning of each calendar year, on the overall allocation of the approximately 500 resettlement places within four different categories. The Minister also decides to which countries the 3 annual in-country selection missions will take place, cf. section 8 (6) of the Aliens Act, which reads as follows: *The Minister of Justice decides the overall distribution of the aliens to be issued with a residence permit under subsections (1) to (3).*

The Danish Immigration Service bases its recommendations on UNHCR's Projected Global Resettlement Needs report presented before the Annual Tripartite Consultations on Resettlement (ATCR) in June/July of each year, on bilateral consultations with UNHCR and on feedback from Danish municipalities about their experiences.

The resettlement quota is divided into four categories: a geographical category (primarily refugees offered resettlement following in-country selection missions); an emergency and urgent category (refugees, who are in an immediate risk of *refoulement* to their country of origin and/or who risk assaults in their country of stay); a medical category under the Twenty-or-More (TOM) programme (refugees with special medical needs); and a fourth category for families who are accepted on a dossier basis together with a person accepted as a medical case under the Twenty-or-More programme.

Every year, approximately 30 places are allocated to the Twenty-or-More programme, approximately 80 places are allocated to the emergency and urgent category on a dossier basis, while the number of places allocated to different geographical areas and for family members to a person accepted under the Twenty-or-More programme may vary and can be changed upon request from UNHCR should the needs arise during the calendar year. Such changes must, however, be submitted to the Danish Immigration Service and receive final approval by the Minister of Justice.

As a main rule, the majority of refugees accepted for resettlement in Denmark will be selected during in-country selection missions. UNHCR Headquarters and UNHCR's Regional Offices may in addition submit emergency and urgent cases as well as Twenty-or-More cases on a dossier basis during the calendar year.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

Section 7 of the **Danish Aliens Act** provides the legal basis for refugee status eligibility in Denmark.

7 (1): *Upon application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951).*

7 (2): *Upon application, a residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin. An application as referred to in the first sentence hereof is also considered an application for a residence permit under subsection (1).*

Refugee status criteria are the same for asylum-seekers and resettled refugees. Further, there is also a possibility of offering resettlement to persons who would otherwise be able to obtain a residence permit in Denmark, upon application, such as e.g. persons with humanitarian needs or unaccompanied minors. Please see below, section 8 (3) and 8 (4) of the Danish Aliens Act for additional criteria.

2.2 Distinction, if any, between refugee status criteria for asylum-seekers, and that for resettled refugees

Refugee status criteria are the same for asylum-seekers and resettled refugees. Further, there is also a possibility of offering resettlement to persons who would otherwise be able to obtain a residence permit in Denmark, upon application, such as e.g. persons with humanitarian needs or unaccompanied minors. Please see below, section 8 (3) and 8 (4) of the Danish Aliens Act for additional criteria.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

Section 8 of the **Danish Aliens Act** provides the legal basis for the Danish resettlement programme. It is a precondition that resettlement to Denmark takes place based on an arrangement with UNHCR or a similar international organisation. To qualify for resettlement to Denmark, the person must meet either the criteria of section 8 (1), (2) or (3):

Section 8 (1):

Upon application, a residence permit will be issued to an alien who arrives in Denmark under an agreement made with the United Nations High Commissioner for Refugees or similar international agreement, and who falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951), cf. section 7 (1).

Section 8 (2):

In addition to the cases mentioned in subsection (1), a residence permit will be issued, upon application, to an alien who arrives in Denmark under an agreement as mentioned in subsection (1), and who risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin, cf. section 7 (2).

Section 8 (3):

In addition to the cases mentioned in subsections (1) and (2), a residence permit will be issued, upon application, to an alien who arrives in Denmark under an agreement as mentioned in subsection (1), and who presumably has satisfied the fundamental conditions for obtaining a residence permit under one of the provisions of the Aliens Act, if he had entered Denmark as an asylum-seeker.

To qualify for resettlement under section 8 (3), one of the following conditions must be fulfilled:

- The person must find him- or herself in a situation where essential considerations of a humanitarian nature make it appropriate to grant him or her a residence permit, or
- The person has for a longer period of time not been able to return to his or her country of origin, even though he/she no longer risks persecution, and there is no prospect for him or her to return to the country of origin, or
- The person is an unaccompanied child, i.e. he/she is staying in the country of first asylum without his or her parents, whose place of residence is unknown and/or he/she is without any other caretakers replacing the parents – and the unaccompanied child will be placed in an emergency situation upon continued stay in the country of first asylum or upon return to the country of origin, or
- The person has essential qualifications which make it appropriate to grant the him/her a residence permit, including if he/she can obtain employment within a professional field of particularly qualified labour, or
- The person has close family ties in Denmark, which would normally allow the person to apply for family reunification; or
- Other exceptional reasons make it appropriate to issue a residence permit.

When assessing submissions for resettlement, Denmark, furthermore, focuses on the subsidiary criterion, cf. section 8 (4) of the Danish Aliens Act.

Section 8 (4):

At the selection of foreigners granted a residence permit under subsection 1-3, emphasis should be placed on the extent to which resettlement in Denmark is likely to involve a lasting improvement in the person's life situation. The assessment should be based on the alien's needs and expectations in conjunction with the terms and conditions which Denmark can offer. There is also emphasis on public health considerations, unless exceptional reasons make it inappropriate.

The guiding principle is how to ensure the best use of the Danish society's capacity to accept quota refugees.

Examples of areas where Denmark generally has good opportunities of helping resettled refugees to get a good and independent life in Denmark are:

- Sexual minorities
- Families with children
- Adults with educational needs
- Women at risk with children
- Human rights defenders

There can be no exhaustive list of groups or persons to whom resettlement in Denmark is likely to involve a lasting improvement of their life situation, especially since the Danish society's resources may change over time.

The subsidiary criterion shall, however, be disregarded in emergency and urgent cases as well as in medical cases under the Twenty-or-More programme (now thirty places).

3.2 Exclusion Factors

All refugees who are under consideration for resettlement in Denmark undergo a security investigation by the Danish Security Intelligence Service. Some nationalities also undergo a security investigation by the Danish Defense Intelligence Service.

Pursuant to section 10 (1) of the Danish Aliens Act, an alien cannot be granted a residence permit under section 8, if the alien fulfils the following:

- 1) The alien must be deemed a danger to national security;
- 2) The alien must be deemed a serious threat to the public order, safety or health;
or
- 3) The alien is deemed to fall within Article 1 F of the Convention relating to the Status of Refugees.

Furthermore, under section 10 (2), an alien cannot, unless particular reasons make it appropriate, be granted a residence permit under section 8, if:

- (i) + (ii) the alien has been convicted abroad of an offence or there are serious reasons for assuming that the alien has committed an offence abroad, that could lead to expulsion, if the case had been heard in Denmark, that is if:
- The alien has been sentenced to minimum four years' imprisonment (in relation to an offence that would have resulted in a punishment of this duration), or
 - For several criminal counts has been sentenced to a minimum of two years' imprisonment (in relation to an offence that would have resulted in a punishment of this duration).

Furthermore, under section 8 (5) all aliens who are under consideration for a residence permit under section 8 (1) to (3) must participate in a health examination:

Section 8 (5):

Unless particular reasons make it inappropriate, it must be made a condition for a residence permit under subsections (1) to (3) that the alien assists in a special health examination and consents to the health information being passed on to the Danish Immigration Service and to the local council of the municipality to which the alien is allocated, and signs a declaration concerning the conditions for resettlement in Denmark.

In general, IOM performs the medical examinations in-country on behalf of the Danish authorities.

In emergency and urgent cases, exceptional circumstances can make it inappropriate to expect the person to participate in the health examination or to sign the declaration on the conditions for resettlement in Denmark.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocation including sub-quotas

The resettlement quota of an annual 500 resettlement places is divided into four categories: 30 places are allocated to the Twenty-or-More programme, approximately 80 places are allocated to the emergency and urgent category on a dossier basis, while the number of places allocated to different geographical areas (refugees offered resettlement following in-country selection missions) and for family members to a person accepted under the Twenty-or-More programme may vary and can be changed upon request from UNHCR should the needs arise during the calendar year.

Non-UNHCR allocations do not exist in Denmark at the moment.

5. Submission and Processing via Dossier Selection

The Resettlement Service at UNHCR Headquarters may submit emergency and urgent cases as well as medical cases (under the Twenty-or-More programme) on a dossier basis. After clearance with UNHCR Headquarters and prior agreement with the Danish Immigration Service, other UNHCR regional or in-country offices may submit urgent cases directly to the Danish Immigration Service.

Normal priority cases cannot be considered on a dossier basis.

5.1 Case Documentation

The documentation required for dossier submissions is the Resettlement Registration Form (RRF) and any available medical files and/or other relevant information about the country of origin and the country of residence. The documentation should include an account of why the case is presented as urgent.

Any copies of identity documents available must also be submitted with the case as attachments with an explanation regarding what kind of documents they are. A carefully completed RRF with exact bio data and family details is of utmost importance in order to enable the Danish authorities to move quickly in processing the case.

Also of utmost importance is a detailed account of the political activities in which the refugee has been engaged in his/her country of origin, and/or any other circumstances that may be relevant for understanding the reasons for flight. Detailed chronological information about whereabouts and activities in the country of asylum is also important for the Danish authorities to process the case quickly. The possible application of article 1 F of the 1951 Convention is of particular concern. A specific and detailed paragraph in the RRF or a separate declaration done by UNHCR dealing with the possible application of article 1 F of the 1951 Convention is therefore mandatory in all submissions.

It is a requirement by Denmark that children who are 18 years of age or older, as well as Principal Applicant's (PRA's) relatives who are 18 years of age or older, with the exemption of PRA's spouse, are submitted on separate RRFs.

Updated, detailed and readable medical documentation indicating diagnosis, medical prognosis and needed treatment should be available in all cases submitted within the Twenty-or-More category.

In general, all submitted cases where the PRA or included family members have known medical needs or problems should include medical documentation.

In all cases, as much information as possible regarding language qualifications, educational background, working experience, family situation, network, age, and motivation should be included in order to enable the receiving Danish municipality to prepare for a successful welcome.

Refugees submitted for resettlement in Denmark should be made aware beforehand that medical documentation and personal biodata, with the exemption of details of the refugee claim, will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Danish Security Intelligence Service and the Danish Defence Intelligence Service and possibly the Ministry of Refugee, Integration and Immigration Affairs and the Ministry of Foreign Affairs. Information will not be passed to the authorities of the country of origin. Where necessary, UNHCR will be requested to inform the refugees accordingly.

5.2 Routing of Submissions

An emergency or urgent case presented on a dossier basis should be forwarded directly to the Danish Immigration Service by e-mail to resettlement@us.dk.

Upon reception, each applicant will be registered with a Personal ID number and a case number.

A submitted case will be categorized within one of the quota categories and an immediate case screening will take place.

After assessing the case, including submission to the Danish Intelligence Services, the person will be asked through UNHCR to sign a declaration regarding the conditions for resettlement in Denmark. After receiving the signed declaration, the Danish Immigration Service will make a final decision. UNHCR's Resettlement Service, and possibly the relevant in-country UNHCR office which has submitted the case, will be informed of the decision.

The relevant Danish in-country representation is at the same time informed about positive decisions and authorized to issue travel documentation and entry permits and IOM is also informed for travel purposes.

5.3 Processing Times

Average processing time is normally a few months, and less for emergency cases.

5.4 Recourse

There is no recourse against a negative decision, but a case which was not accepted may be resubmitted if there is new and relevant information.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

The majority of refugees resettled to Denmark are selected following an in-country selection mission. As mentioned under section 1, the Minister of Justice decides at the

beginning of each calendar year upon the countries in which the 3 annual selection missions shall be carried out.

The Resettlement Service at UNHCR Headquarters, UNHCR Regional Offices or UNHCR in-country offices may, according to internal UNHCR guidelines and prior agreement with the Danish Immigration Service, submit cases for resettlement in connection with the in-country selection missions.

6.2 Case Documentation

The documentation required for submissions in connection with an in-country selection mission is the Resettlement Registration Form (RRF) and any available medical files and/or other relevant information about the country of origin and the country of residence.

A carefully completed RRF with exact bio data and family details is of utmost importance as well as a full and detailed account of the political activities in which the refugee has been engaged in his/her country of origin and/or any other circumstances that may be relevant for understanding the reasons for flight. The possible application of article 1 F of the 1951 Convention is of particular concern. A specific and detailed paragraph in the RRF or a separate declaration done by UNHCR dealing with the possible application of article 1 F of the 1951 Convention is, therefore, mandatory in all submissions.

It is a requirement by Denmark that children who are 18 years of age or older, as well as Principal Applicant's (PRA's) relatives who are 18 years of age or older, with the exemption of PRA's spouse, are considered separately for resettlement. Denmark will require separate RRFs for such family members.

Updated, detailed and readable medical documentation indicating diagnosis, medical prognosis and needed treatment is required for all cases submitted within the Twenty-or-More category.

In general, all submitted cases where PRA or included family members have known medical needs or problems should include medical documentation.

In all cases, as much information as possible regarding language qualifications, educational background, working experience, family situation, network, age and motivation should be included in order to enable the receiving Danish municipality to prepare for a successful welcome, and in order for the interviewing delegation to assess the integration potential of the refugees.

Refugees submitted for resettlement in Denmark should be made aware beforehand by UNHCR that medical documentation and personal bio data, with the exemption of details of the resettlement claim, will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Danish Security Intelligence Service and the Danish Defence Intelligence Service and possibly the Ministry of Justice and the Ministry of Foreign Affairs. Information will not be passed to the authorities of the country of origin.

6.3 Routing of Submissions

UNHCR Regional Offices or UNHCR in-country offices submit cases for resettlement in connection with the in-country selection missions directly to the Danish Immigration Service by e-mail to resettlement@us.dk.

The RRFs should be submitted well in advance of the missions, i.e. three to four weeks before the departure of the delegation. After an initial screening of the submitted cases prior to the departure of the delegation, the Danish Immigration Service may inform UNHCR that certain cases cannot be accepted for resettlement and UNHCR will be requested to cancel the interview dates for those individuals.

The Danish Immigration Service undertakes the selection missions. Staff members from the Danish Refugee Council (DRC), a Danish NGO, participate in the in-country selection

missions. Also, social workers from the receiving municipalities may participate in the selection missions. The Danish delegation undertaking the in-country selection missions will therefore consist of delegation members from the Danish Immigration Service as well as the Danish Refugee Council and possibly the receiving municipalities.

Interview teams consisting of staff members from the Danish Immigration Service and the Danish Refugee Council will interview the persons in question. All adult children will be interviewed separately from their parents. The Danish Immigration Service usually requests the assistance of UNHCR with regards to the provision of interpreters and to all logistical arrangements.

The decision-making body is the Danish Immigration Service. Indications as to who may be accepted will usually be given at the end of the mission. The final decision on whether to offer resettlement or not is made by the Danish Immigration Service upon return to Denmark.

6.4 Processing Times

Processing will normally take approximately three months following the return of the delegation to Denmark. This includes time for IOM to carry out health assessments and for the Danish Immigration Service and the Ministry of Justice to plan and conduct a pre-departure cultural orientation course, please see section 10.

6.5 Recourses/Appeals

There is no recourse against a negative decision, but a rejected case may be resubmitted if there is new and relevant information.

7. Emergency Cases/Urgent Cases

Please see section 3 and 5.

8. Special Categories/Special Needs

Persons with physical illnesses or disabilities and who are in need of special or long-term treatment are considered by Denmark under the Twenty-or-More category. A Danish health consultant may review such cases in order to assess whether proper treatment is available in Denmark and whether the overall situation of the person concerned is likely to improve if resettled to Denmark.

Persons with only minor medical needs are accepted under the normal geographical categories of their nationality.

9. Medical Requirements

Please see section 3.

Individual pre-departure treatment will only be covered by Denmark after approval by the Danish Immigration Service. After the refugees' arrival in Denmark, expenses will be covered by the Danish authorities.

10. Orientation (pre-departure)

After each in-country selection mission, the Danish Immigration Service and the Ministry of Justice conduct a pre-departure cultural orientation and Danish language training programme before the departure to Denmark. Staff members from the receiving municipalities in Denmark may also participate in such a training programme.

The pre-departure cultural orientation and Danish language training programme consists of ten lessons in Danish language and ten lessons in Danish cultural orientation provided over a period of five days.

11. Travel

The Danish government covers all expenses connected with travel to Denmark including possible medical escorts. Pre-departure expenses are normally not covered.

The Danish Immigration Service prepares the travel arrangements in close cooperation with IOM. Upon arrival in Denmark, representatives from the Danish Immigration Service and the receiving municipality in Denmark meet the resettled refugees at the airport.

All refugees travelling will be issued laissez-passer by the relevant Danish in-country representation.

12. Status on Arrival and the Path to Citizenship

Refugees accepted for resettlement under the Danish resettlement quota may either be granted convention status according to section 8 (1) of the Danish Aliens Act; protection status according to section 8 (2); or other status according to section 8 (3). If granted convention status, the resettled refugee may, upon application and payment, be issued a convention travel document. If granted protection status or other status, the resettled refugee may be issued an alien passport, for which the fee is the same as for convention travel documents.

Refugees accepted for resettlement in Denmark are granted temporary residence and a work permit. They have the right to take up employment in Denmark immediately upon their arrival in the country.

The resettled refugee is issued a temporary residence permit valid for five years. After five years of stay in Denmark, the resettled refugee may apply for a permanent residence permit. In order to get a permanent residence permit you must, among other criteria, have passed a Danish Test and be self-supporting. If the resettled person does not meet the criteria for a permanent residence permit, the Danish Immigration Service may choose to grant the person in question a new temporary residence permit instead of a permanent residence permit. Residence permits can always be revoked if they have been obtained on a false basis.

For refugees who have stayed legally in Denmark for eight years, easier terms may apply when applying for a permanent residence permit.

For all applications regarding residence permits, the Danish Immigration Service assesses whether the cessation clauses are applicable. This may be the case if the refugee has returned to his/her country of origin or if the conditions in the country of origin have changed substantially in accordance with article 1 c of the 1951 Convention. The Danish Immigration Service will examine such cases individually to assess whether there may be reasons of a humanitarian nature that speak in favour of prolonging the residence permit.

Resettled refugees convicted of serious crimes committed in Denmark may be expelled by court. When the prison sentence has been served, the Danish Immigration Service and possibly the Refugee Appeals Board will examine whether the 1951 Refugee Convention or Article 3 of the European Convention on Human Rights prohibits deportation to the country of origin.

Foreigners applying for Danish citizenship will have to satisfy certain conditions before citizenship is granted. Such conditions are, among others, the number of years holding a Danish residence permit and residence in Denmark (the principal rule is nine years, but only eight years are required for refugees), age, renunciation of present nationality, general conduct, overdue public debts, Danish language skills and knowledge of Danish society, culture and history.

13. Domestic Settlement and Community Services

13.1 Overview of services, including providers and length of eligibility

According to the Danish Integration Act, the Ministry of Children, Gender Equality, Integration and Social Affairs has the principal responsibility for the reception and integration of foreign citizens. Actual integration is carried out by the local municipalities in Denmark.

The municipalities offer a three-year mandatory integration programme on behalf of the government, financed by governmental funds. The integration programme consists of Danish language training as well as lessons in Danish culture and history. Furthermore, the social workers from the municipalities provide assistance upon arrival in Denmark with housing as well as assistance with an individual contract of action for finding employment in Denmark.

The **Danish Refugee Council**, the **Danish Red Cross**, the **United Churches Integration Service** and other organisations offer various activities across the country in order to promote the integration of newcomers into the local communities. It is voluntary for the newly arrived refugees to participate in such activities. The activities are carried out by volunteers and are set up in order to create a dialogue, understanding and tolerance between newly arrived refugees and the rest of the population.

13.2 Reception

Upon arrival in Denmark, representatives from the Danish Immigration Service and the receiving municipality in Denmark meet the resettled refugees at the airport.

13.3 Orientation and Financial Assistance

Refugees resettled to Denmark are offered to participate in a three-year integration programme, whose main objective is to ensure integration of newcomers into Danish society.

The integration programme consists of 37 hours of activities per week and include Danish cultural orientation, Danish language lessons and employment related training.

The municipality shall, together with the person in question, prepare an individual plan of action based on an assessment of the person's particular skills and qualifications in order to facilitate the person's access to the Danish labour market or, if relevant, to education.

The main objective of the programme is to enable the person to get an understanding of the fundamental values and norms of Danish society and to ensure that the person, within a relatively short period of time, will be able to support him or herself through a job. This means that the resettled refugee is expected to find work or complete an education aimed at getting a job.

The scope and content of the integration program's parts will be decided in an integration contract by the municipality and the alien part together. The Integration contract runs until the alien get a permanent residence permit.

In addition, refugees and their family members are offered medical screening. The purpose of the medical screenings is to expose severe health problems at an early stage so adequate health treatment or social measures can be activated as early as possible preventing health problems from becoming a barrier for successful integration of the migrant and his family. The medical screenings are carried out by family doctors.

During the integration programme and until employment is found and the refugees can provide for themselves and their families, refugees resettled to Denmark are, subject to certain conditions, entitled to income support from the Danish social services.

Refugees resettled to Denmark who, without reason, do not participate in the integration programme, may have their income support reduced.

13.4 Housing

Housing for refugees is based on an allocation scheme according to which the number of refugees to be received by each municipality must be agreed upon among the local authorities. Alternatively, if they fail to agree, the number will be fixed by the Danish Immigration Service.

When a residence permit is granted to a refugee, the immigration authorities decide in which municipality the relevant refugee is to take up his or her abode. The decision must take into account the personal situation and needs of the refugee in question, including education needs and employment chances.

As soon as possible after the responsibility for a refugee has passed to the local authority, the local authority must assign housing to the refugee. The local authorities cannot assign housing in deprived neighbourhoods.

Once allocated to a municipality, the refugee can choose freely to take up residence elsewhere within the same municipality. A refugee is also free to settle in a different municipality. But in order for the refugee to continue his or her integration programme in the new municipality, this municipality must accept responsibility for the integration programme. If the new municipality refuses to assume responsibility for the integration programme and the refugee decides to move nonetheless, this may have consequences for the refugee's access to cash allowance. However, under certain circumstances the new municipality is obliged to assume responsibility for the continuation of the integration programme, e.g. if the refugee has been offered employment in the new municipality and no reasonable transportation facilities exist from the municipality of residence to the municipality of employment.

13.5 Health

All persons registered as residing in Denmark have access to the public health care.

Public health care is financed through the taxes in Denmark. This means that insured persons do not pay directly to a public health care insurance system and that patients are treated either free of charge or must pay only partially for the treatment. The latter is relevant only for certain health care services e.g. dental treatment.

Once arrived, the resettled refugee will receive a Health Insurance Card from the municipality. The card must be shown when accessing the public health care as proof of one's entitlement to health care.

The public health care includes such services as, for example, hospitals and maternity care, visits at general practitioners, visits at a wide range of medical specialists (following referral from a GP), district nurses as well as medicine, vaccinations and preventive health care.

13.6 Language Training

All children residing in Denmark have access to the public Danish school system, which is free of charge. Children who cannot speak sufficient Danish when they start school may be placed in special reception classes before they proceed to a regular class. After moving to a regular class they may continue to receive special language lessons if necessary.

Danish language classes are part of the mandatory introduction programme for adults. See 13.3.

13.7 Education and Employment-Related Training

There are no restrictions on resettled refugees' access to the Danish adult education system. In order to promote educational opportunities and job prospects, special courses may even be designed in order to meet their needs.

Some courses are of short duration and aimed at finding actual work, whereas others are aimed at preparing the person for further education. In order to access certain types of higher education, however, sufficient knowledge of Danish is required.

Resettled refugees who have been accepted by an educational institution are entitled to the same student grants as Danish citizens. In addition, they may apply for special help under the Social Assistance Act, which contains a special clause providing financial assistance during educational and vocational training for persons who find it difficult to manage for health or social reasons. This clause can be applied to resettled refugees who have educational or employment problems for linguistic or cultural reasons.

If the resettled refugee has completed an education abroad, it may be relevant to establish whether his/her qualifications are recognised in Denmark, or whether he/she needs supplementary training to be able to use the education in Denmark. It is therefore highly useful for the resettled refugee to bring along documentation of his/her qualifications if possible.

Upon arrival in Denmark, the **Danish Agency for International Education**, an institution under the Danish Ministry of Education, may upon application assess how the educational credits earned abroad compare with Danish academic and labour market standards. Such an assessment is free of charge. However, the service does not include translation of documents.

13.8 Employment

See 13.3.

14. Family Reunification of Refugees

Family reunification is outside the resettlement quota.

14.1 Definition of family

Refugees in Denmark may under certain circumstances be granted family reunification with their spouse or permanent partner (same sex relationships) and unmarried children. As a general rule, reunification with children requires that the child is under 15 years of age but may, under some circumstances, also be given to children aged between 15 and 18.

Exceptions for persons between 15 and 18 years of age are made in cases in which refusing to grant a residence permit would put Denmark in violation of its international obligations. In a specific case, the Family Reunification Department will assess three main issues: 1) whether the person has started his/her own family, 2) whether the person has been part of the household up to the departure of the refugee in Denmark and 3) provision within the family. Other issues such as e.g. how long time it is since the person and the refugee have been living together will also be assessed.

Family reunification cannot normally be granted to children aged 18 years and older or to parents or siblings.

14.2 Submission

An application for family reunification can be submitted at a Danish diplomatic mission (embassy or consulate general) or by post to The Danish Immigration Service. The spouse living in Denmark can also submit the application to The Danish Immigration Service on behalf of the applicant.

14.3 Rules and regulations

If the family member in Denmark holds a residence permit on the grounds of asylum or Protected Status, the Danish Immigration Service will make a renewed assessment on whether he/she is still in risk of persecution in his/her country of origin.

If he/she still risks persecution in his/her country of origin, The Danish Immigration Service will make an exemption from the usual requirements for family reunification.

Requirements for family reunification with a spouse who is still in risk of persecution:

- The marriage must be valid both according to the rules of the country in which the marriage was contracted and according to Danish law; this means, among other things, that both parties to the marriage were present at the marriage ceremony;
- Both parties must have entered into the marriage contract of their own free will;
- If the parties are not married prior to entry into the country but can document that they have lived together at a common address for at least one and a half years, the fiancé(e)/permanent partner may join the resettled person in Denmark;
- The marriage or the co-habitation may not have been entered into with the sole purpose of obtaining a residence permit for the spouse or the co-habitation partner for Denmark, and
- The applicant should normally hold a valid passport.

Some of the most important requirements for family reunification with a child under the age of 15 years are:

- The child must not have established a family of its own; for example, the child must not be married;
- The resettled person must have joint or full custody of the child;
- The child must live together with the resettled refugee following their entry into Denmark;
- If the resettled refugee applies for family reunification more than two years after being resettled to Denmark the child may in some circumstance only be granted the right to family reunification if the child has or has the possibility of acquiring sufficient ties to Denmark to be able to integrate successfully.

Requirements for family reunification with children between the age of 15 and 18 years:

- Children between the age of 15 and 18 years can only be granted the right to family reunification if refusing to grant a residence permit would put Denmark in violation of its international obligations, e.g. where a rejection of the application is in contravention of the right to respect for family life as set out in Article 8 in the European Convention on Human Rights.

The Family Reunification Department will assess several main issues such as:

- Whether the child has started his/her own family;
- Whether the child has been part of the resettled refugee's household up to the departure of the resettled refugee in Denmark or when the child was last part of the household;
- The contact between the child and the resettled refugee;

- The time period between the refugees resettlement in Denmark and the application for family reunification;
- Provision within the family.

If the Danish Immigration Service finds that the person living in Denmark is **no longer** in risk of persecution, the applicant must meet additional requirements to the above mentioned.

Rules on family reunification may change and we therefore always refer to our homepage www.newtodenmark.dk for updated information.

14.4 Processing times

The processing time for family reunification with spouses is maximum five months from the time The Danish Immigration Service has received all of the requisite documentation from the applicant and the spouse.

The processing time for family reunification with children is maximum seven months from the time The Danish Immigration Service has received all of the requisite documentation from the applicant and the parent(s) in Denmark.

If The Danish Immigration Service grants a residence permit, the applicant will be issued an entry visa, and must enter Denmark within 6 months.

The residence permit for a family reunified spouse or permanent partner will be valid for two years, and should then be extended. The applicant can apply for a permanent residence permit when he/she has been residing legally in Denmark for at least five years.

The residence permit for a family reunified child will be valid for the same period as the residence permit of the refugee, however it cannot be valid beyond the child's 18 years. The child must apply for extension of its residence permit after the end of the validity period. The child can apply for a permanent residence permit when it reaches the age of 18 and has been residing legally in Denmark for at least five years.

14.5 Entitlements

The applicant can apply for financial travel assistance at the Danish Refugee Counsel.

If issued a residence permit, the applicant has the right to free medical care in Denmark.

The applicant can apply for public financial assistance at the local municipality. The applicant won't automatically be entitled to public assistance in Denmark.

15. References/Resources

For further information see: www.newtodenmark.dk.

**COUNTRY
CHAPTER**

FIN

FINLAND

BY THE GOVERNMENT OF FINLAND



Finland Overview

Resettlement Programme since: 1985	Selection Missions: Yes	Dossier Submissions: 100 urgent/emergency
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Resettlement Admission Targets for 2014:

Admission Targets for UNHCR Submissions :	1050
Total Resettlement Admission Target:	1050

Regional Allocations for 2014:

Africa	150
Asia and Pacific:	
Middle East and North Africa	800
Europe:	
Americas:	

Sub-quota Features:

Designated Sub-quota/Acceptance for:	2014 Description, Additional Comments:
Emergency resettlement procedures	100 dossier places for urgent/emergency cases
Medical cases	No specific number of places, but approximately 10-15% of the annual quota
Women-at-risk cases	
Unaccompanied children	
Family reunion (within the programme)	

1. Resettlement Policy

1.1 Description of Finland's Resettlement Policy

The Finnish Government has received refugees proposed by UNHCR since 1979. The annual resettlement programme was established in 1985. Since 2001 the refugee quota (the annual resettlement programme), has been 750 individuals. In 2013, the Government made a decision to increase the quota by additional 300 persons for the year 2014.

The **Finnish Aliens Act** (entered into force on 1 May 2004) defines the refugee quota as well as the requirements and procedures for admitting aliens to Finland under the quota.

The **Minister of the Interior** decides on the allocation of the refugee quota after consultation with the **Ministry of Foreign Affairs and the Ministry of Employment and the Economy**. **Parliament** makes the final decision on the annual quota and the resources for admitting resettled refugees to Finland when the State budget is approved.

The **Finnish Immigration Service** is the operational authority implementing the decision on the annual resettlement programme/the refugee quota. The Finnish Immigration Service carries out selection missions, decides on the cases submitted and makes travel arrangements for the individuals accepted for resettlement. At local level, municipalities are responsible for the reception and integration of quota refugees.

The first **Act on the Integration of Immigrants and Reception of Asylum Seekers** entered into force in 1999. The renewed Act on the Promotion of Immigrant Integration entered into force on 1 September 2011. The new Act entails increases to governmental compensations for municipalities which receive refugees. The reason for this is to encourage more

municipalities to receive, or resettle, refugees. During 2010–2014, additional funding from the European Refugee Fund has also been allocated to increase the compensation to municipalities. The largest refugee groups admitted to Finland since 2001 have been Iraqis, Afghans, Congolese, Myanmarese, Iranians and Syrians. Building larger communities of a particular nationality at local level is considered beneficial, which is why Finland still wishes to find continuity in its resettlement activities.

In Finland, the State plays an active role in encouraging immigrants, including refugees, to integrate in their new home country. Integration is implemented through individual integration plans for immigrants and integration programmes for resettling municipalities. The refugees are entitled to an integration plan for the first three years, in special cases up to five years, during which they acquire knowledge and skills needed in Finnish society. Finland also provides the refugees in the resettlement programme with a cultural orientation training course already prior to their arrival in Finland.

Finland emphasises the need of strategic resettlement schemes and programmes. At the moment, Finland participates in the strategic resettlement project in Iran (Afghan refugees) in cooperation with a number of other resettlement countries. Finland also stresses the need to implement the Joint EU Resettlement Scheme — including the need to get more EU states to participate in the global resettlement work in cooperation with UNHCR.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

Under the Aliens Act (301/2004), an alien residing in the country is granted asylum if the requirements laid down in section 87 of the Aliens Act are met. The wording of this section is virtually identical to the definition in the 1951 Convention, omitting the territorial and temporal limitations. An alien residing in Finland is granted asylum if, owing to well-founded fear of persecution for reasons of ethnic origin, religion, nationality, membership of a particular social group or political opinion, he or she resides outside his or her country of origin or habitual residence and if, owing to such fear, he or she is unwilling to avail him or herself of the protection of the said country.

Under section 106 of the Aliens Act, refugee status is also granted to an alien who has been admitted to Finland for resettlement under the refugee quota on the basis of refugee status. Refugees admitted to Finland under the refugee quota based on the UNHCR proposal are all granted Convention status. For this reason, Finland expects those that are proposed by UNHCR to have a strong need of protection against the country of origin. With regards to people other than those whom UNHCR has proposed, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them Convention/refugee status. Furthermore, under section 106 of the Aliens Act, refugee status is granted to family members of aliens who have been granted refugee status, if these family members have been issued with a residence permit on the basis of family ties and if they are considered as refugees (see section 14 of this chapter).

3. Criteria for Resettlement

3.1 Refugee Resettlement Eligibility Criteria

The requirements for admitting aliens for resettlement under the refugee quota are laid down in section 92 of the Aliens Act.

The first requirement is the alien's need for international protection with regard to his or her home country. The same factors in determining the need for international protection should be taken into account as within the asylum procedure.

The second requirement is the alien's need for resettlement with regard to the country where he or she is residing. The need for resettlement is apparent if the person is threatened with return to his or her country of origin or with arbitrary arrest or imprisonment in the first country of asylum. Survivors of violence and torture and people in need of resettlement for medical

reasons are also persons in need of resettlement. Women, particularly single women and single parents, often find themselves in a more vulnerable position than other alien groups in the country of asylum owing to the lack of social and ethnic networks.

When considering resettlement, attention is also paid to the need for reunification of families and to the special needs of children, adolescents and elderly refugees. Resettlement may also be considered for refugees who are not in need of resettlement for reasons of immediate protection but who find it difficult to establish themselves in their country of asylum in a manner appropriate to their cultural, social, religious or educational background. In such cases, a further requirement for resettlement is, however, that there are places available in the quota that are not needed for those in need of immediate resettlement.

The third requirement is that the requirements for admitting and integrating the refugee into the country have been assessed.

The fourth requirement is that there are no obstacles to issuing a residence permit under section 36 of the Aliens Act. Under the said section, a residence permit may be refused if the alien is considered a danger to public order, security or health or to Finland's international relations.

4. Resettlement Allocations/Processing Priorities

Under section 91 of the Aliens Act, the Ministry of Interior, in cooperation with the Ministry for Foreign Affairs and the Ministry of Employment and the Economy, prepares a proposal on the territorial and/or refugee group allocation of the refugee quota. UNHCR's proposal to Finland and the discussion conducted with UNHCR form the basis for the preparations.

The decision on the allocation of the refugee quota is made at ministerial level. A ministerial group adopts the principles guiding the filling of the quota, and the minister responsible for migration the specific allocation of the annual quota. The decision identifies the groups of refugees eligible for resettlement and states the areas from where refugees are to be admitted to Finland and the number of refugees to be admitted from each area.

Parliament makes the final decision on the annual refugee quota and the resources for admitting resettled refugees to Finland when the State budget is approved.

5. Submission and Processing via Dossier Selection

As an exception to the normal procedure, in emergency and urgent cases aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 100 persons of the total annual quota. See section 7 on emergency cases. Dossier selection in other than emergency and urgent cases is possible but has traditionally not been used.

6. Submissions and Processing via In-country Selection

6.1 Preparations

The procedure is initiated on the basis of documents submitted by UNHCR. Officials of the Finnish Immigration Service and the security authorities, as well as integration experts, make a pre-selection in Finland. Already at this stage, comprehensive and reliable information relating to the need for resettlement, information on all family members and on the refugee's integration potential should be available.

Selection missions are prepared and carried out in close cooperation with UNHCR. Finland prefers that all UNHCR's submissions should consist of 20% more refugees than the coming intake in order to ensure sufficient scope for selection and to avoid no-shows. All documentation, i.e. Resettlement Registration Forms (RRFs) and all possible supplementary documentation, should be provided by UNHCR and made available at least one month before the planned date of departure from Finland of the selection mission.

6.2 Case Documentation

UNHCR sends all documentation (RRFs) to the Finnish Immigration Service, which forwards copies of the documents to the security authorities and integration experts. Officials of these bodies review the documentation. When necessary, health care services are consulted on medical needs and possibilities of treatment with regard to persons with medical needs and persons with disabilities.

6.3 Decision-making Process

During selection missions, applicants are interviewed by officials of the Finnish Immigration Service, integration experts usually from municipalities and administrative districts, and, if necessary, officials of the security authorities. After selection interviews, the members of the selection mission prepare a tentative list of those who will probably be admitted to Finland. At the end of the selection mission, the list is given to the competent UNHCR field office.

After obtaining a statement from the security authorities, the Finnish Immigration Service makes a decision on the issue of a residence permit to an alien to be admitted to Finland under the refugee quota. UNHCR, the Ministry of the Interior and the Finnish diplomatic mission concerned are informed of the decision.

A decision on the issue of a residence permit to an alien to be admitted to Finland under the refugee quota may not be appealed. As a rule, a case that has been rejected once will not be re-examined. Re-examination will only be possible if new, significant information on the refugee's background or circumstances can be presented or if considerable deterioration has taken place regarding his or her health.

6.5 Processing Time

The Finnish Immigration Service normally decides on quota cases within two months after the selection mission.

7. Emergency Cases/Urgent Cases

In emergency and urgent cases, refugees can be admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 100 persons of the total annual quota.

UNHCR sends emergency resettlement submissions to the Finnish Immigration Service. When it is a question of a medical emergency case, the Finnish Immigration Service consults, if necessary, with a physician to establish the treatment possibilities in Finland, and resettles the refugee in a municipality that can offer the necessary treatment.

The Finnish Immigration Service, as in all cases, decides on the issue of a residence permit to an alien to be admitted to Finland under the refugee quota. It may request a statement from the security authorities. A copy of the decision is sent to UNHCR and to the Finnish diplomatic mission concerned. Travelling arrangements are made in cooperation with IOM.

Decisions on emergency cases are normally made within 5 working days and urgent cases as quickly as possible.

8. Special Categories/Special Needs

Finland has no separate quotas for special categories but they are included in the normal refugee quota. Finland can also admit unaccompanied minors and women in need of special protection (women at risk). Quota refugees who fall under the special categories are given appropriate support during integration.

When the refugees already residing in Finland appeal for their relatives to be accepted on some special grounds, the relatives are always advised to contact the respective UNHCR office in the country of their residence and ask if their case could be submitted to Finland by UNHCR. Finland does not ask for these cases but the submission should always come from UNHCR.

Refugees with Medical Needs

It is essential to obtain as accurate and up-to-date medical statements as possible in order to be able to estimate whether these cases can be treated in Finland within reasonable time limits while taking account of the best interest of the refugee.

Survivors of Violence and Torture

The UNHCR RRFs should be as explicit as possible in describing the mental health needs of the refugee arising from experiences of violence or torture in order to make the preparations for his/her referral to appropriate services as early as possible.

The municipal mental health care services are at the disposal of the refugees, and the SOS Crisis Centre and the Centre for Torture Survivors in Finland, together with the regional and local mental health care officials, provide special services that are accessible to the refugees. The health care system provides the medical treatment and rehabilitation needed in case of physical traumas caused by violence and torture.

Women at Risk

Single women and single mothers are resettled in municipalities where they already have possible connections, or they are placed in other municipalities where they can get support from other women. Women's possibilities to participate in integration training and to acquire language skills are supported by organising suitable day care for their children.

There are also special on-going projects at municipal and regional levels to improve the integration possibilities and support for women-at-risk cases.

Children

As a rule, the children resettled in Finland have entered the country either with their parents or with other relatives. Under the refugee quota, Finland has received only a few minors without accompanying parents.

At the initial stage of their resettlement, unaccompanied minors have been placed in family community homes.

Elderly

Most of the elderly arriving in Finland under the refugee quota come to the country as part of larger family units, a fact that makes it easier for them to adapt to the new environment. However, their language skills often remain insufficient for active contacts with society outside their families. The elderly refugees are not entitled to receive a pension immediately after their arrival since the pension is dependent on the period of stay in the country. However, they can receive integration allowance or the corresponding social assistance from the municipalities that receive them. Integration measures adapted to the needs of elderly persons are organised by municipalities and NGOs.

9. Medical Requirements

The information about the health status of refugees and the specific health care services they need should be as up-to-date as possible in order to facilitate the processing of their cases and the preparation of their reception at municipal level. No general medical control is necessary prior to admittance.

10. Orientation (pre-departure)

Since 2001, Finland has been arranging three-day cultural orientation courses for the refugees who have been accepted in Finland before their departure. Currently, the Finnish Immigration Service, together with its implementing partner, is arranging three-day comprehensive pre-departure cultural orientation courses in most locations that Finland resettles refugees from. Finland is sending a training team consisting of professional teachers, interpreters and a course coordinator to these locations. All the refugees accepted for resettlement in Finland are invited to participate in the course. During the orientation course, refugees receive basic information on Finland, its society and culture, and they are provided with intensive language lessons in the Finnish language. They also receive information on how to prepare themselves before moving to Finland, what to do before the travel, what happens during the travel and after arriving at the receiving municipalities in Finland. They also receive information on the various services, employment and study opportunities, health and social services, the daily life in the municipality where they are going to live and lots of other useful practical information. In addition, the Finnish Immigration Service is preparing a website aimed at refugees, providing orientation information in several languages.

11. Travel

Once the Finnish Immigration Service has decided on the residence permits, it informs UNHCR and the respective Finnish diplomatic mission of the municipalities in which the refugees are resettled and the timetable in which the municipalities are prepared to receive them. IOM makes the practical travel arrangements and invoices later for the flights. IOM Helsinki is asked to book the flights to the final destination of the refugees. The Finnish Red Cross receives the refugees at the airport and is informed of the timetables by IOM. Finland introduced biometric residence permit cards at the beginning of 2012. The respective Finnish diplomatic missions hand over the residence permit cards.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration Status on Arrival

Refugees as defined by UNHCR who are admitted to Finland under the refugee quota are granted refugee status.

A family member of a refugee is normally issued the same status. However, if the situation of a family member is not comparable to the situation of the refugee (he or she may, for example, have another nationality), refugee status may not be granted. An alien admitted to Finland under the refugee quota may be issued with a permanent residence permit after four years of arrival in Finland.

12.2 Changes in Status and Requirements for Citizenship

Changes in residence permits are possible in situations specified in the Aliens Act, if the ground for residence changes.

For refugees, citizenship may be granted on application after four years' residence in the country.

According to section 108 of the Aliens Act, the refugee status can be cancelled, if:

- 1) the applicant has, when applying for international protection, knowingly given false information which has affected the outcome of the decision;
- 2) the applicant has, when applying for international protection, concealed a fact that would have affected the outcome of the decision; or

- 3) the applicant should have been refused asylum under section 87(2-4)¹ or a residence permit under section 88(2)² of the Aliens Act.

The provisions on the application of the cessation clause are laid down in section 107 of the Aliens Act. Refugee status will be withdrawn, if the person:

- 1) voluntarily re-avails him or herself of the protection of the country of his or her nationality;
- 2) having lost his or her nationality, voluntarily re-acquires it;
- 3) acquires a new nationality and is able to enjoy the protection of the country of his or her new nationality; or
- 4) voluntarily re-establishes him or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or evidently no longer stands in need of protection as the circumstances which caused him or her to be a refugee no longer exist.

The Finnish Immigration Service makes decisions on the cessation of refugee status. In those very rare cases where it has been stated that refugee status has ceased, the person concerned has been allowed to stay in Finland with a different residence permit, because of the existing ties to Finland. Under the Aliens Act, it is possible to deport, for example, an alien who is found to be guilty of a serious crime and whose refugee status has ceased. Cases like this are rare. All cases are examined and decided individually, and all the details that have appeared in a case are weighed in their entirety.

13. Domestic Settlement and Community Services

13.1 Actors

In collaboration with the regional administration, the Ministry of Employment and the Economy settles the selected refugees in the municipalities that have made a reception decision. Various government branches collaborate at municipal level in organising the practical reception, and various voluntary organisations serving both nationals and immigrants take part in the initial reception in the municipalities. The state-run local employment and economic development offices play an important role in the provision of resettlement services.

¹ According to section 87(2-4) of the Aliens Act:

- (2) Asylum is not granted to aliens if they have committed, or if there are reasonable grounds to suspect that they have committed:
 - 1) a crime against peace, war crime or crime against humanity as defined by international agreements concerning such crimes;
 - 2) a serious non-political crime outside Finland before entering Finland as refugees; or
 - 3) an act which violates the aims and principles of the United Nations.
- (3) Asylum is not granted to persons who are eligible for protection or help from bodies or offices of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR). Once such protection or help has ceased without final regulation of the status of the person in accordance with the valid resolutions adopted by the United Nations General Assembly, the person is entitled to refugee status. If the person has voluntarily relinquished the protection mentioned above by leaving the safe area for reasons other than those related to a need for protection, his or her right of residence is examined under this Act.
- (4) Aliens are refused asylum if the competent authorities in the country where they have settled have granted them the rights and obligations attached to the citizenship of this country.

² According to section 88(2) of the Aliens Act:

- (2) An alien is not issued with a residence permit on the basis of subsidiary protection if there are reasonable grounds to suspect that he or she has committed:
 - 1) a crime against peace, war crime or crime against humanity as defined by international agreements concerning such crimes;
 - 2) an aggravated crime; or
 - 3) an act which violates the aims and principles of the United Nations.

13.2 Housing

In the municipalities, refugees settle directly in the dwellings assigned to them, normally rented apartments in apartment buildings. Large family units are housed in various apartments in one building or in individual houses.

13.3 Health

Refugees can use the regular health care services. The regular municipal health and mental health care services are at the disposal of the refugees, and the SOS Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them.

13.4 Reception

On his/her arrival in Finland, the refugee will be directly settled in the municipality. The refugee will undergo an entrance interview whereby his/her integration potential and individual needs will also be discussed. Together with the authorities, the refugee will elaborate on his/her personal integration plans.

These plans take into account the situation of the refugee concerned and his/her individual and family needs. This is particularly important for refugees representing special categories, such as women at risk or the elderly.

The refugee's social and health situation as well as the respective reception requirements will be reviewed on that occasion too.

13.5 Integration Plan

The purpose of the Act on the Promotion of Immigrant Integration is to promote equal opportunities for immigrants, including refugees. Each immigrant draws up an individual integration plan in collaboration with the authorities of the resettling municipality. The plan is usually prepared by the employment and economic development office in cooperation with the municipal authorities. Immigrants are encouraged and supported by various measures to integrate into their new home country. The integration plan period is at the most 3 years, but can in special cases be up to 5 years. During this time, immigrants have the opportunity to study Finnish or Swedish, to complement their professional skills and to acquire the types of knowledge and skills needed in Finland. While the immigrant carries out the integration plan and does not receive a salary, the subsistence is guaranteed by means of an integration allowance, which is equivalent to either subsistence allowance or unemployment allowance.

Language Training

For adults, integration training includes acquiring the language and other skills needed for further employment. There are special literacy courses for persons in need of literacy education.

Children of school age, i.e. 7–16-year-olds, are provided with preparatory instruction in a group of their own. The aim is for children to first learn the language and school attendance according to the Finnish system, after which they can switch to ordinary classes corresponding to their level. The language training in the first year gives the refugees the language skills needed in everyday life.

Education and Vocational Training

The refugees are entitled to integration training, which includes language and civic skill studies, as well as vocational guidance and employment training. The individual integration plan takes particular account of the education and vocational training that the refugee has acquired in his/her homeland and of the need for supplementary training in order to find work in Finland. Refugees often have to study in order to acquire a new profession.

The opportunities to study are very good in Finland, but studying requires good language skills, and that is why the language studies at the initial stage are of great importance.

After the immigration training, refugees have the opportunity to receive vocational training suited to their personal abilities. There is a clear need for long-term vocational training organised especially for immigrants.

Employment

The general employment situation in Finland is fairly good. However, the unemployment rate of foreign nationals has steadily been approximately threefold compared to the whole population, i.e. around 25%. However, many innovative projects, e.g. through the European Refugee Fund and the European Social Fund, have been initiated to promote employment.

14. Family Reunification of Refugees

14.1 Policy concerning Family Reunification of Refugees

Under section 114 of the Aliens Act (301/2004), a residence permit is issued on the basis of a family tie to a family member of a refugee who is residing in Finland or who has been issued with a residence permit to move to Finland, unless there are reasons relating to public order, security or public health that prevent this. Issuing a residence permit does not require that the alien have secure means of support if the family was formed before the sponsor entered Finland. In cases where issues relating to public order, security or public health come up, a decision on a residence permit is made taking account of all the relevant circumstances relating to the matter.

Under section 115 of the Aliens Act (301/2004), a residence permit is issued to other relatives of a refugee, if refusing a residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the relative is fully dependent on the sponsor living in Finland. If the applicant is considered a danger to public order, security or health or Finland's international relations, an overall consideration is carried out as provided in section 114(2) of the Aliens Act (301/2004). Issuing a residence permit does not require that the alien have secure means of support.

14.2 Criteria for Family Reunification

Under the Finnish Aliens Act (301/2004), the following persons are eligible for family reunification in Finland:

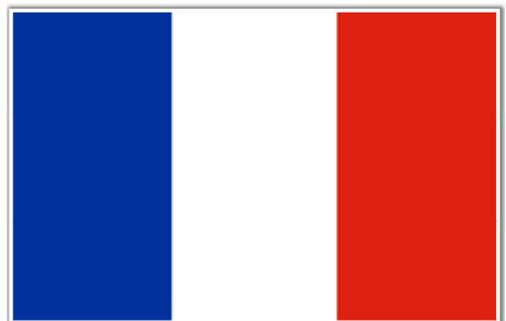
- Spouses;
- Unmarried couples who have cohabited within the same household for at least two years (or have a child in their joint custody –or there is some other weighty reason for it) and live in a marriage-like relationship;
- Same-sex couples if the partnership is nationally registered;
- Same-sex couples who have cohabited within the same household for at least two years and live in a marriage-like relationship (or have a child in their joint custody or if there is some other weighty reason for it);
- Unmarried children under 18 years of age (when guardianship is established);
- Unmarried foster children under 18 years of age who can submit evidence that their parents or guardians are deceased or missing and that present guardianship was established before the arrival of the sponsor in Finland;
- Guardians of a minor who is residing in Finland;
- Other relatives (than above mentioned family members) may also be eligible for family reunification if the sponsor already residing in Finland is a refugee. This requires, however, that refusing a residence permit would be unreasonable because the persons concerned intend to resume their close family life in Finland or because the relative is fully dependent on the sponsor living in Finland.

**COUNTRY
CHAPTER**

FRA

FRANCE

BY THE GOVERNMENT OF FRANCE



France Overview

Resettlement programme since: **2008** Selection Missions: **Yes** Dossier Submissions: **Yes**

Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions :	100 dossier submissions, unspecified number of persons
Total Resettlement Admission Target	100 dossier submissions each year under the 2008 act agreement and additional places through an ad hoc humanitarian admission programme for up to 500 Syrian refugees

Regional Allocations for 2015 (not applicable):

Africa	n/a
Asia	n/a
Middle East and North Africa	500 (Syrians)
Americas	n/a
Europe	n/a
Not geographically allocated	Remaining places

Sub-quota features:

Designated sub-quota/acceptance for:	Description, additional comments:
Emergency resettlement procedures	No specific sub-quota
Medical cases	No specific sub-quota
Women-at-risk cases	No specific sub-quota
Unaccompanied children	No specific sub-quota
Family Reunion (within programme)	Outside of resettlement programme

1. Resettlement Policy

1.1 Description of France's resettlement policy

France has a strong commitment to resettlement which has seen significant increase in recent years.

Following the framework agreement signed between UNHCR and France in 2008, France committed itself to consider 100 dossier submissions each year under the mandate of UNHCR. France's priority is to accept and facilitate the resettlement of the principal claimant

and family members who cannot return to their country of origin and who are not able to integrate in their first country of asylum.

At the end of 2013, a new programme was set up, in close collaboration with UNHCR, to welcome 500 vulnerable Syrian refugees in 2014. This programme has been implemented partly through the annual resettlement quota and partly through an additional ad hoc humanitarian admission programme (HAP) for refugees who are not under UNHCR mandate.

In 2014, 300 Syrian nationals arrived to France under this new programme, which was renewed in 2015. An additional 643 Syrians arrived in 2015 (of which 561 were admitted under the HAP).

In 2015, 766 refugees of various nationalities were welcomed to France under resettlement or humanitarian admission, including the Syrians mentioned above.

In addition to this national programme, in 2015, France committed to welcome 2,375 refugees under the July 2015 European conclusions. The first selection mission was implemented at the end of 2015 in Lebanon and Jordan and the first Syrian refugees welcomed under this scheme arrived in 2016. They will continue to arrive until 2017.

In addition, as part of the EU Turkey agreement in March 2016, France committed to resettle up to 6,000 Syrians refugees out of Turkey.

Finally, France took additional national commitments to resettle an additional 2,000 Syrian refugees out of Lebanon in 2016/2017.

In total, France has committed to resettle around 10,000 refugees between 2016 and 2017.

1.2 Ministries and Departments responsible for resettlement policy

The Directorate-General for Foreign Nationals (Directorate of Asylum) is in charge of the resettlement programme (both at the policy and operational level), and is accountable to the Ministry of Interior.

1.3 Process for deciding the annual resettlement quota and its composition

As noted above, France committed itself to review a hundred cases per year within the framework of the 2008 agreement with UNHCR. Additional resettlement/HAP places are decided each year by the Government.

2. Criteria for Recognition of Refugee Status Eligibility Asylum

2.1 National legislation defining refugee status eligibility

The code of the Entry and Stay of Foreigners and Asylum Law provides two types of protection.

Refugee status is accorded to any person persecuted as a result of his/her actions in favour of freedom and to any person falling under UNHCR's mandate under Articles 6 and 7 of its statute as adopted by the General Assembly of the United Nations on December 14th, 1950 or who meets the definition under Article 1 of the Geneva Convention relating to the Status of Refugees of July 28th 1951.

The benefit of subsidiary protection is meanwhile granted to any person who does not fulfil the conditions for refugee status, but who establishes that he/she faces a serious threat in his/her country of origin (death penalty, torture, inhumane or degrading treatment, generalized violence resulting from an internal or international armed conflict).

2.2 Distinction if any between refugee status criteria for asylum-seekers, and that for resettled refugees

As refugees recognized under the 1951 Geneva Convention, and under UNHCR's mandate, resettled individuals automatically and quickly obtain the transfer of their status by the French

Office for the Protection of Refugees and Stateless Persons (OFPRA). For people welcomed under the HAP, since they were not already recognized by UNHCR, their status will depend on the status determination done by OFPRA during the selection mission and will be either granted refugee status or subsidiary protection.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

All refugees who meet the definition of Article 1 of the 1951 Geneva Convention are eligible for resettlement. Cases should be submitted by UNHCR.

3.2 Admissibility Criteria

The absence of threats to security and public order is carefully reviewed. Specialized security services are systematically consulted during the review of the case.

3.3 Other humanitarian immigration programmes

In addition to resettlement, France has a longstanding tradition of welcoming individuals who face danger in their own country due to political or humanitarian crisis. France has a dedicated programme to grant long term visas to those who seek asylum in France. This visa scheme has recently benefitted Syrians as well as more recently, Iraqis from religious minorities who are persecuted due to their religion. Between 2013 and 2015, France has issued this specific visa to over 2,900 Syrians and Syrian-based Palestinians and more than 2,000 visas to Iraqis.

Finally, France has a strong commitment to the new European Union relocation programme adopted in September 2015 and is committed to relocate up to 30,000 refugees.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

Aside from the current population of Syrian nationals, France did not set priorities for UNHCR based on specific categories of persons nor specific geographical locations.

However, France establishes national forecasts each year for specific categories (vulnerable women, unaccompanied children, medical cases, victims of violence, and urgent need for legal or physical protection) for which EU funding can be obtained.

4.2 Processing priorities

Most of the 100 cases are submitted by UNHCR Headquarters in Geneva, although, since 2013, cases may also be submitted directly by two UNHCR Hub offices (Nairobi and Beirut). Most cases submitted for the Humanitarian Admission Programme are submitted directly by Beirut.

5. Submission and Processing via Dossier Selection

5.1 Dossier (RRF) submission policies, case documentation, decision-making and processing times

UNHCR submits one hundred cases to France each year. Each case may include several family members in addition to the principal applicant, (usually spouse and children, but some cases may include the principal applicant's parents or grandchildren, nieces / nephews, etc.) in the application submitted for resettlement.

The Resettlement Registration Form (RRF) is usually sent with a letter of introduction and relevant supporting documents such as: medical record, full copies of children's birth certificates, copies of divorce decrees, of death certificates, etc., Best Interest Determination (BID) reports related to the situation of the children included in the application, and consent of the parent (not included in the application) to the relocation of the child with the principal applicant.

Applications are processed in chronological order by date of receipt, unless an emergency is reported. The general information of each file is stored in statistical tables in order to accurately track the stages of the file processing.

As part of the review process, each dossier is summarized in French.

After consultation with the security services to ensure that candidates for resettlement are not known in the context of terrorism and not subject to a national arrest warrant, the case and the summary are submitted to the geographical divisions of the Ministry of Foreign Affairs for an opinion ("sensitive" cases also require the opinion of OFPRA). Once the opinions are collected, the case is then reviewed collectively by officers-in-charge of the Department of asylum and protection (in the Asylum Directorate), who decide whether or not to grant resettlement to the applicant.

In the event of a refusal, UNHCR is immediately notified by mail.

In the event of an agreement, the Asylum Directorate immediately informs UNHCR of its decision in principle. However, the travel procedure for applicants occurs later on, depending on the availability of accommodation provided to this end. To launch the arrival procedure, instruction to issue a visa is sent by the Asylum Directorate to the relevant French Consulate. Instruction is also given to International Organization for Migration (IOM) to proceed with the adequate travel arrangements.

5.2 Recourses, appeals

There is no appeal procedure.

6. Submissions and Processing via In Country Selection

As part of the HAP programme, France has carried out selection missions in Egypt, Lebanon and Jordan since 2014.

All cases have to be submitted by UNHCR prior to the selection mission. The cases submitted through the HAP are persons who are registered with UNHCR but have not yet been recognized under the mandate of UNHCR.

The Asylum Directorate of the French Ministry of Interior and the French embassy are involved to arrange logistical and other organizational matters with the support of IOM. OFPRA, the determining agency as well as the Ministry of Interior is in charge of the selection mission.

The delegation for a selection mission consists, as a rule, of a mission leader, caseworkers who are specialized in the region from OFPRA, as well as officers from the Ministry of Interior.

7. Emergency Cases/Urgent Cases

France does not have a quota for emergency cases. Urgent cases are given priority, regardless of the chronological order of receipt, and follow exactly the procedure as described above. The refusal decision or the agreement is sent to the UNHCR in Geneva as soon as possible. In the event of an agreement, the Asylum Directorate strives to quickly find suitable accommodation, in collaboration with the OFII.

8. Special Categories/Special Needs

8.1 Sub-quotas dedicated to specific needs cases

France does not set quotas for cases involving people with specific needs, however, particular attention is given to applications related to such individuals.

9. Medical Requirements

9.1 Screening procedures

Applications submitted by UNHCR as medical cases, or cases not submitted as such but related to individuals with health problems, are consistently forwarded for advice to the OFII's doctor in order to assess care needs.

9.2 Health criteria and exclusion factors

France does not set preconditions of eligibility related to the candidates' state of health.

9.3 Pre-departure examination procedures

A medical examination is carried out before departure to ensure that individuals whose resettlement has been accepted can travel safely. This examination is conducted by the IOM.

10. Pre-departure orientation

Pre-departure information is distributed by IOM in the form of a brochure. Cultural information sessions are organized by IOM for trips involving at least ten individuals.

11. Travel

11.1 Travel booking procedures

The formalities to book plane tickets and issue travel documents are fulfilled by IOM. Costs are paid by OFII, partly covered through European Funding (AMIF). The formalities to issue travel documents (consular laissez-passer and long-stay visas) are done by the French consular section of the country of first asylum with the assistance of IOM and UNHCR when necessary. The French consular authorities are informed of the priority nature of these claims.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

The status depends on whether the case has been accepted through dossier or selection mission, though both arrive through a long term visa for asylum.

For the dossier cases, resettled refugees have to complete administrative procedures at the prefecture of their place of residence to obtain a first temporary residence permit for a period of a month, the time to submit their application to OFPRA to obtain the transfer of their refugee status. While waiting for their refugee status to be transferred, which is usually done in a short period of time after arrival, their temporary permit is renewed as long as necessary to obtain asylum protection and to ensure that they have access to social benefits. Nevertheless, they are not authorized to work before granted protection. Once the status has been transferred, they are entitled to a ten year residency card.

For cases selected during a selection mission, refugee or subsidiary protection status is granted as soon as the person arrives to France. Upon arrival, they have to immediately apply to prefectures for the residency card that is valid for ten years (for those granted refugee status) and one year renewable card (for those granted subsidiary protection).

12.2 Documentation issued, including travel documents

In addition to the residency card, if the individual wants to travel, they may request from the prefecture a refugee travel document with a validity period of two years, allowing them to travel in all countries with the exception of their country of origin.

12.3 Documents issued to children born after arrival but before naturalization of their parents

Children, whether born before or after their parents arrived in France, do not need to have a stay permit before their age of majority. However, a refugee travel document may be issued to them in the same way as to their parents.

12.4 Process for regularization of status and citizenship, including requirements and time frames

French nationality may be acquired by resettled refugees as soon as they have recognized refugee status in France. Though, it requires that certain conditions are met: the individual must have not been convicted in court, must demonstrate a good knowledge of the French language, history, culture and society, and must adhere to the fundamental principles and values of the French Republic.

Children born in France obtain citizenship by right when they are 18 years of age if they have five years of residence in France since the age of 11. They can get it in advance from the age of 13 if they have lived at least five years in France since the age of 8.

13. Domestic Settlement and Community Services

13.1 Overview of Services for Resettled Refugees

Upon arrival in France, resettled refugees are greeted by an IOM officer who escorts them to the meeting point with an OFII officer. Then they are then either directed to specific reception and accommodation schemes dedicated to resettled refugees, mainly managed by nongovernmental organizations financed by the Government and EU funding, or directly to their own fully furnished rental home, where the lease will be signed by them as soon as they receive the social benefits.

In both cases, they are supported in their administrative steps for the prefecture and OFPRA and receive social assistance for health and education, as well as financial assistance for food. All their medical and hospital expenses are covered by the French social welfare system under the same conditions as French citizens. Education is free and compulsory for children from 6 to 16 years of age.

Upon the transfer of refugee status, a reception and integration contract (CI) is concluded by OFII with the resettled refugee. This contract plans a civic training on French institutions and values of the Republic as well as language training sanctioned by a diploma. A skills assessment is also made to prepare the resettled refugee for his/her job search.

Access to employment is a key step of the integration process of resettled refugees. The resettled refugee is accompanied throughout the process by an agent of the public employment service, "Pôle Emploi". During his/her job search, the resettled refugee receives a minimum income.

14. Family Reunification of Refugees

Family reunification may be requested for the refugee's spouse and children. The stay is granted by right to the following members of the family of the resettled refugee:

- The spouse when the marriage took place prior to the agreement to resettlement or, failing this, when it took place at least one year previously, subject to actual cohabitation by the spouses;
- Children under the age of 19

15. References/Resources

COUNTRY
CHAPTER

GER

GERMANY

BY THE GOVERNMENT OF GERMANY



Germany Overview:

Resettlement programme since: 2012, previously ad hoc	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions:	800
Total Resettlement Admission Target:	800

Resettlement Admission Targets for 2017:

Admission targets for UNHCR submissions:	up to 14,300
Total Resettlement Admission Target:	up to 14,300

Regional Allocations for 2016:

Africa:	
Asia:	
MENA:	800
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	
Medical cases	Yes, specific quota: 5 %
Women-at-risk cases	Yes, no specific quota
Unaccompanied children	Yes, no specific quota
Family Reunion (within programme)	
Other, please specify	Existing family or other ties in Germany

1. Resettlement Policy**1.1 Description of Germany's resettlement policy**

Following the decision of the Conference of the Ministers of the Interior of the Federal States (*Innenministerkonferenz*) in December 2011, Germany took part in a resettlement programme during the years 2012 to 2014 and resettled 300 persons per year (UNHCR submissions). The number increased in 2015 with 500 persons resettled annually. According to the EU council decision from 20th July 2015, Germany will resettle 1,600 persons in 2016 and 2017 combined; potentially 800 each year.

Expecting further need for resettlement to arise under the 1:1 scheme, Germany agreed to transfer the commitments under the existing relocation decisions, notably all of the currently unallocated 13,500 German places (out of 54,000 in the EU in total), to the 1:1 scheme. This would be in line with the Commission's existing policy of considering resettlement and humanitarian admission to be equivalent to relocation, as all are concrete

expressions of solidarity with other Member States or third countries experiencing a mass influx of migrants. Germany expects to transfer up to 13,500 places. Admission under this scheme will start when all of the 1,600 resettlement places are occupied. If this happens during 2016, the admission of the 13,500 persons will commence in 2016, otherwise it will begin at a later point.

1.2 Ministries or Departments responsible for resettlement policy

The Federal Ministry of the Interior, the Federal Office for Migration and Refugees (BAMF) and the Federal Foreign Office are responsible for implementing the resettlement programme.

The interior ministries of the federal states and the local authorities (foreigners' authorities and social welfare authorities) are responsible for looking after the resettled persons once they arrive in Germany.

1.3 Process for deciding the annual resettlement quota and its composition, including the timelines for the process

At the appropriate time, and in consultation with the federal states, the Federal Government will decide to what extent the programme will be continued beyond 2016.

The Federal Ministry of the Interior selects the resettlement regions in close consultation with the Federal Foreign Office and with input from the federal states.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

Resettlement is currently conducted on the basis of Section 23 (4) **Residence Act** which states that the Federal government, in consultation with the governments of the individual states, can instruct the Refugee office to admit to Germany certain groups of foreigners who are granted temporary or permanent residence permits upon arrival.

So far, admission of foreigners for resettlement in Germany is based on a recommendation from UNHCR. Given that the criteria based on which UNHCR grants mandate refugee status may be wider than those of the 1951 Convention relating to the Status of Refugees, persons recommended by UNHCR can nevertheless be admitted to Germany. However, their residence permit is not based on refugee status. During the selection procedure other factors, such as the presence of family links in Germany, cultural and educational background, language skills, etc., may be taken into account, depending on the wording of the admission order of the federal government to decide in favour of admission to Germany.

2.2 Distinction, if any, between refugee status criteria for asylum-seekers, and that for resettled refugees

German national legislation distinguishes between various types of protection offered to persons in need of international protection. Section 3 (1) **Asylum Procedures Act** and Section 60 (1) **Residence Act** defines a refugee as prescribed for in Article 1 of the 1951 Convention relating to the Status of Refugees.

Persons who apply for asylum in Germany are issued a residence permit pursuant to Section 25 (1) of the Residence Act if their application for asylum is granted, or pursuant to Section 25 (2) of the Residence Act if they are granted Convention refugee status.

Pursuant to Sections 23 (4), 25 (1) and 25 (2) of the Residence Act, all these temporary residence permits (*Aufenthaltserlaubnis*) authorize the permit holder to pursue paid employment. These permits are regularly issued in conjunction with the exemption from the requirement to be able to support oneself. Temporary residence permits may be renewed,

and after seven years holders of permits pursuant to Section 23 (4) of the Residence Act may be granted a permanent residence permit (*Niederlassungserlaubnis*), under Section 26 (4) of the Residence Act.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

The criteria for selecting persons to be admitted are based on the Admission Directive issued by the Federal Ministry of the Interior in consultation with the federal states.

The following provisions were added to the Admission Directive for the 2016 resettlement programme:

As far as possible, the following selection criteria should be considered:

- a. preservation of family unity;
- b. family or other ties in Germany conducive to integration;
- c. ability to become integrated (indicators: level of school and occupational training; work experience; language skills; religious affiliation; young age);
- d. need for protection.

3.2 Admissibility criteria

Persons are not to be admitted under the following circumstances:

- a. if they have been convicted of crimes regarded in Germany as intentional offences;
- b. if there is evidence indicating that persons are or have been associated with criminal or terrorist organizations, or that they otherwise are or have been engaged in or support or have supported activities opposed to the idea of international understanding or peaceful co-existence.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocation including sub-quotas

Persons admitted under the resettlement programme are allocated to the federal states depending on the states' population and budget situation, reflected in the so-called *Königstein Key*. As far as possible, regional ties of the persons admitted (e.g., family links) are taken into account.

4.2 Non-UNHCR allocations, including role of referral organisations

Other than the resettlement programme described here, Germany currently has no other defined procedures for admitting groups of persons from third countries without UNHCR participation.

5. Submissions and Processing via Dossier Selection

So far, Germany does not select refugees solely on a dossier basis and therefore does not accept pure dossier submissions.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Germany has, for the time being, opted for a combined procedure including a pre-selection of cases on the basis of UNHCR-resettlement dossiers and admission interviews carried out locally, if circumstances allow.

6.2 Case Documentation and Routing of Submissions

UNHCR sends the resettlement dossiers in electronic form to the Federal Office for Migration and Refugees in Nuernberg/ Germany (BAMF). The BAMF creates a file and assigns a reference number for each case.

Which case to invite for an interview is decided on the basis of the dossiers and if the circumstances allow, persons considered for admission are interviewed locally.

The interviews are carried out by selection teams deployed by the BAMF. The interviews serve to verify information provided in the dossiers, to double check and if necessary update personal data, to assess school and occupational qualifications and to determine personal needs. The data is as far as possible collected in electronic form. Interviews are conducted as soon as possible after the dossier is received, depending on how much time is needed to organize them.

On the basis of the interviews an additional security check is conducted with the assistance of the Foreign Office. The BAMF takes the final decision on the admission of each individual case.

6.3 Processing Times

The processing time for resettlement decisions is not defined by law – however, past experience revealed (e.g., from the admission of the 2,500 Iraqi nationals in 2009/10 and the 300 persons admitted from Tunisia and Turkey in 2012) that decisions have been taken rather quickly, within less than four weeks after reception of the submission on average, and the timeframe between submission and departure usually did not exceed six months.

6.4 Recourses/Appeals

According to Section 23 (4) Residence Act which forms the basis for the admission decision and the residence title of persons admitted under the resettlement programme, negative decisions can be appealed directly at the responsible German administrative court.

7. Emergency Cases/Urgent Cases

Germany has no specific mechanism for receiving emergency cases. However, in exceptional cases, emergency cases could be admitted outside the resettlement programme on the basis of provisions allowing for the intake of individuals for humanitarian grounds.

8. Special Categories/Special Needs

Depending on available reception capacities in the German federal states, cases with specific needs can be submitted as part of the general quota. Germany accepts submissions of survivors of violence and/or torture, medical cases, women and girls at risk, children and adolescents at risk, and unaccompanied children. HIV/AIDS cases are not counted as a specific needs category. The programme is still evolving. So far Germany has no specific sub-quotas except a 5 per cent quota for severe cases in need of medical treatment.

9. Medical Requirements

Following a successful interview, a physical examination is conducted to find out whether the person in question poses any threat to public health and to determine the need for medical treatment after arrival in Germany.

The extent of health screening is determined in advance (as a rule, it includes tests for TB and HIV as well as an overall health check). The person's ability to travel is checked no

more than 48 hours before departure. The German Government covers all costs related to the departure.

10. Orientation (pre-departure)

Persons who have been accepted for admission to Germany receive initial cultural orientation before leaving the country of first refuge, similar to the pre-integration measures funded by the Federal Office for Migration and Refugees in Nürnberg/ Germany (BAMF) in selected countries for persons migrating to join family members already in Germany. The orientation courses last up to 20 hours. If possible, help is provided to acquire basic German language skills.

11. Travel

11.1 Travel booking procedures

Travel may be by charter or scheduled flight. Group departures are usually preferred. The International Organization for Migration (IOM) is entrusted with organizing the transfer to Germany. The Federal Office for Migration and Refugees in Nuernberg/ Germany (BAMF) informs IOM who is authorized to depart; IOM then books the flights and provides the BAMF with the travel details. If possible, BAMF staff accompanies the flights. If necessary, a medical doctor should also accompany the flight.

11.2 Payment

The German Government covers all costs related to the travel.

11.3 Travel documents issued

Persons are allowed entry to Germany with a valid, recognized passport and following the formal approval for their admission which is issued by the Federal Office for Migration and Refugees (BAMF). If the passport presented is not recognized by the German authorities, but the refugee has other documents to verify his or her identity, then an exception can be made to the passport obligation under Section 3 (2) of the Residence Act.

If the refugee is unable to present any passport but can otherwise verify his or her identity (including for example a UNHCR refugee certificate or registration document), the German diplomatic representation abroad issues a travel document for foreigners pursuant to Sections 5 and 7 of the Ordinance Governing Residence. The approval for admission and the exception from the passport obligation are valid for six months from the date of issuance and expire if the refugee does not enter Germany within this time frame. The travel document for foreigners is issued by the diplomatic representation with a maximum validity of one month pursuant to Section 8 (2), first sentence of the Ordinance Governing Residence..

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Resettled refugees receive a temporary residence permit pursuant to Section 23 (4) Residence Act which so far has been issued for three years and can be extended consecutively. Equal to refugees recognized in the German asylum/ refugee status determination procedure following spontaneous arrival in Germany, resettled refugees are entitled to gainful employment, participation in language and integration classes as well as to social benefits similar to German nationals. However, as long as resettled refugees receive social welfare to maintain themselves, their residence is restricted to the district where they were assigned to live.

12.2 Documentation issued, including travel documents

Resettled refugees are not normally issued Convention Travel Documents. In case they do not possess or cannot reasonably be expected to obtain a valid and recognized national passport from their country of origin, they can be issued a German travel document for foreigners according to Section 5, 7 of the Ordinance Governing Residence. (Refugees recognized in the German asylum/ refugee status determination procedure are issued a Convention Travel Document upon request.)

12.3 Process for regularization of status, including requirements and timeframes

Whereas refugees recognized in the German asylum procedure must be granted a permanent residence permit after an initial period of three years (unless the Federal Office for Migration and Refugees has in the meantime declared the cessation of the initial refugee recognition), resettled refugees can apply for permanent residence after a period of seven years. Following transformation of recent EU legislation (Directive 2011/51/EU) this period will be shortened to five years. The permanent residence will be granted if the refugee can maintain him/herself without social assistance and has a basic command of the German language.

12.4 Documents issued to children born after arrival but before naturalization of their parents

Children born in Germany to foreign parents are issued a residence permit pursuant to Section 33 of the Residence Act.

12.5 Requirements, costs and timelines for citizenship

The requirements for acquiring German citizenship through naturalization are laid out in Section 10 of the Nationality Act. Naturalization typically requires eight years of legal and habitual residence in Germany. However, depending on the successful completion of integration programmes, it is possible to become naturalized already after six or seven years.

13. Domestic Settlement and Community Services

13.1 Overview of services, including providers and length of eligibility

The local authorities / NGOs are mainly involved in the post-arrival process. Local authorities take over responsibility from the federal government after arrival in Germany. The refugees are offered inter alia migration advising services, migration services for young people, integration courses. Persons admitted are eligible for the entire system of government-sponsored integration services. Existing measures, in particular the migration advising/youth migration services, integration courses and job-related language courses (ESF-BAMF courses), already enable the promotion of integration based on individual circumstances and needs.

14. Family Reunification of Refugees

14.1 Definition of family within the German resettlement program context

Immigration to join resettled refugees is based on the general provisions governing family reunification with foreigners living in Germany according to Sections 27 et seqq. of the Residence Act. There is no special regime for family reunification with resettled refugees. Family members are defined as all persons whose personal ties to the foreigner in Germany fall under the protection of Article 6 of the Basic Law (Constitution), for example spouses and all relatives by blood or marriage.

Foreigners with a residence permit can reunify in Germany with their nuclear family including: spouses and same sex partners (according to the national law on same sex partners), minor children, a parent with custody over a minor and also other family members if there is an extraordinary vulnerability according to 36 paragraph 2 of the Residence Act. In case of polygamous marriages, only one spouse is allowed to join her husband in Germany. The minimum age of both spouses has to be 18 years.

Spouses need to prove basic German language skills prior to entry (Deutsch A1: 300 words active, 600 words passive). Children as of 16 years also need to prove German language skills (Deutsch C1) or a positive prognosis for integration based on previous education or living situation. Generally, the family member in Germany needs to have sufficient living space and sufficient income to support the rest of the family (families can though be exempted from the latter requirement. In the case of family reunification of resettled refugees, the German States have been requested by the national administration to examine generously and to foresee exceptions to the above argued with the existence of specific or unusual circumstances.

14.2 Legislation regarding family reunification & eligibility

Family reunification with holders of temporary residence permits under Section 23 (2) Residence Act (resettled refugees) is possible; see Section 29 (1) no. 1 in conjunction with Section 29 (3) Residence Act. Family reunification with persons granted asylum or refugee status is possible and based on Section 29 (2), Section 32 (1) no. 1 and Section 36 (1) Residence Act.

14.3 Details on whether family reunification cases are counted within the resettlement quotas

Cases of family reunification are not counted within the German resettlement quota of 500 persons annually.

15. References/Resources

The following websites could be consulted:

www.bmi.bund.de

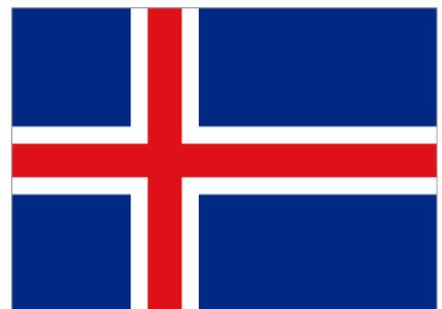
www.bamf.de

COUNTRY
CHAPTER

ICE

ICELAND

BY THE GOVERNMENT OF ICELAND



Iceland 2016 Overview

Resettlement programme since: 1996	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions:	90 persons
Total Resettlement Admission Target:	90 persons

Regional Allocations for 2016:

Africa	
Asia and Pacific:	
Middle East and North Africa	90
Europe:	

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	
Medical cases	
Women-at-risk cases	
Unaccompanied children	
Family Reunion (within programme)	
Other	

1. Resettlement Policy

Iceland has received groups of refugees for resettlement since 1956. Between 1956 and 2016 a total of 597 refugees have been resettled in the country as quota refugees. The **Icelandic Refugee Committee** was established in 1996 by the Government of Iceland and since then the State has overseen the reception of refugees annually or every second year as a part of the UNHCR Resettlement Programme. In 2007 the Ministry of Foreign Affairs and the Ministry of Social Affairs announced the establishment of an annual quota of 25 to 30 refugees. The quota for 2008 was 29 individuals. Due to the financial crisis in Iceland in 2008, the quota for resettled refugees was reduced and in the year 2010 two families (six persons) were accepted as resettled refugees. The Icelandic Government announced in 2015 that they would increase the number of refugees to be resettled substantially due to an increase of refugees in the world. During 2015-2016, Iceland has approved to resettle around 90 persons from Syria. The first group arrived on the 19th of January 2016 and the second group on the 6th of April, in total 48 persons have arrived at the time of the revision of this chapter.

The Icelandic Refugee Committee is the consultative body on quota refugees. The **Ministry of Welfare** (former Ministry of Social Affairs), through the Icelandic Refugee Committee, is responsible for the selection, admission and integration of refugees in Iceland while working in close co-operation with other ministries concerned. The Icelandic Refugee Committee is comprised of members from the Ministry of the Interior, the Ministry of Welfare, the Ministry of Foreign Affairs and the Red Cross of Iceland.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

Refugees eligible for resettlement in Iceland are recognised as refugees according to the 1951 Convention and the 1967 Protocol relating to the Statute of Refugees as well as regional instruments, and for security reasons cannot remain in their first country of asylum or return to their country of origin. Article 44 of the Icelandic Act on Foreigners also defines a refugee as a person who is not a refugee under the definition of the convention if there is reason to believe that this person will suffer the death penalty, undergo torture or other inhuman or degrading treatment or punishment should that person be sent back to their home country. The same applies to stateless persons.

There is no distinction made between the Refugee Status criteria for asylum-seekers and resettled refugees.

3. Criteria for Resettlement

Refugees eligible for resettlement in Iceland are refugees recognized under UNHCR's mandate and are described by the Act on Foreigners in Iceland. Cases should be submitted by UNHCR. The same criterion applies for asylum-seekers. Iceland resettles protection cases and has in recent years focused on particular vulnerable groups such as women at risk and medical needs.

Resettlement places are offered to all family members in a case that is submitted by UNHCR that are included in the core family, that is to say spouses and their children less than 18 years of age.

All cases that are submitted to Iceland are evaluated by the refugee committee and the Directorate of Immigration. There are no integration criteria or any assessments regarding medical needs.

4. Resettlement Allocations/Processing Priorities

The Government of Iceland decides the allocation of the quota in close consultation with the Ministry of Welfare (former Ministry of Social Affairs and Social Security). The **Icelandic Refugee Committee**, uniting representatives from the Ministry of Welfare, the Ministry of the Interior, the Ministry of Foreign Affairs as well as the Icelandic Red Cross, makes a proposal on the basis of the UNHCR assessment of overall resettlement needs. The Icelandic Refugee Council meets on average once per month, and decides upon the allocation of sub-quotas by region and category in co-operation with local authorities.

5. Submission and Processing via Dossier Selection

The processing of refugees in Iceland is mainly carried out through In-Country Selection; however in 2010-2016 the selection process has been via dossier selection. The selection of candidates was made through refugee status determination on the basis of the Resettlement Registration Forms (RRFs) submitted by the UNHCR to the Icelandic Refugee Committee. The Icelandic Refugee Committee notified UNHCR of its decisions as soon as the Icelandic Government approved the Committee's suggestions.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

The destination of the annual interview mission is decided by the Government of Iceland according to recommendations from the Refugee Committee in close consultation with UNHCR.

6.2 Preparations

Since 2010 UNHCR has sent the Icelandic Refugee Committee RRFs regarding individuals and families recommended by the respective UNHCR office. The numbers of cases that are sent are higher than the ones that will finally be offered asylum in Iceland. The committee studies all the cases thoroughly and has in some cases interviewed the ones that are likely to be offered asylum in Iceland. The interviews are most often conducted via computer with the assistance of UNHCR and sometimes the local Icelandic embassy.

Before 2010 a selection team from Iceland went to the country of asylum to work on the selection delegation and met with all the families that UNHCR referred. After those interviews a decision was made regarding the ones who were offered asylum.

6.3 Case Documentation

The identities of refugees are investigated by the Directorate of Immigration and if there are any problems with documents they are identified. The refugees receive cultural orientation from the International Organization for Migration (IOM) before travelling to Iceland, this includes information about rights and duties, the resettlement programme, Icelandic society and culture, climate and geography. The cultural orientation also covers information regarding challenges the refugees will inevitably meet.

6.4 Decision Making Process

Before a decision is reached, all the cases are interviewed by the refugee committee via video conference. It is stressed that all family members participate in the interview, even the youngest ones. The main objective of the interview is to assess the individual's or the family's present situation and how they feel about moving to Iceland. The committee usually does not ask about the past or the information already documented by UNHCR; the focus is on the present and future. A decision is finally taken based upon the overall evaluation of the need for asylum as well as on prospects for successful integration.

The Refugee committee informs the Minister of Social affairs and Housing of its recommendation. The Ministry of Welfare notifies UNHCR headquarters and the UNHCR field office of its decision by sending a list with the names of every individual that is offered the right to settle in Iceland as soon as possible after return of the delegation to Iceland. Travel arrangements are prepared by IOM according to a contract.

6.5 Processing Time

Every effort is made to process the entry visas as fast as possible so that the period between the decision of the Icelandic authorities and the arrival of the refugees in Iceland is as short as possible. Average time is three months.

7. Emergency Cases/Urgent Cases

No accelerated procedures for the processing of emergency cases are yet in place.

8. Special Categories/Special Needs

Since the year 2005 Iceland has focused on Women at Risk in its resettlement programme. In 2016 Iceland has been focusing on Syrian refugees. Iceland has also accepted medical cases and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) refugees.

9. Medical Requirements

No specific medical check ups are required before departure under the Icelandic programme. Upon arrival in Iceland the quota refugees receive a health examination and necessary medical care. The quota refugees are offered psychological assistance.

10. Orientation (pre-departure)

Refugees who are offered resettlement in Iceland are offered a two and a half day Cultural orientation session about resettling in a new country, living in Iceland and its culture, as well as information concerning their rights and duties in Iceland. They also receive information packages containing general information.

11. Travel

Travel is arranged by IOM in close co-operation with UNHCR. Cost of travel is paid by the Icelandic Government.

12. Status on Arrival and the Path to Citizenship

Refugees accepted for resettlement in Iceland are granted refugee status according to the 1951 Convention and Icelandic Act on Foreigners nr. 96/2002. The refugees are subsequently granted residence and work permits. As soon as the quota refugees have arrived in Iceland they receive refugee status. The process takes less than four weeks. The Directorate of Immigration, municipality and the Red Cross in Iceland assist the refugees filling in the necessary forms. Refugees receive travel documents from the Icelandic state. The refugee will receive a permit to stay in Iceland for four years and can then apply for a permanent residence permit.

To receive a permanent residence permit refugees must attend 240 hours of lessons in Icelandic for foreigners, which is paid for by the Government of Iceland. A refugee who meets the conditions of the refugee definition according to the 1951 Convention relating to the Status of Refugees must have been domiciled in Iceland as a refugee for five years to be able to apply for citizenship and have attended 250 Icelandic lessons. The cost of citizenship application for adults is 15.000 ISK. Furthermore there is an Icelandic test that the applicant will have to pass. The Directorate of Immigration may grant Icelandic citizenship to a child born in Iceland that has demonstrably not acquired other citizenship at birth and has not yet acquired Icelandic citizenship or the right to acquire it when the application is made. The child shall have been domiciled and been a resident in Iceland for at least three years from birth.

13. Domestic Settlement and Community Services

13.1 Actors

The reception and integration of refugees is co-ordinated by the **Ministry of Welfare** in co-operation with the **Icelandic Red Cross** and the **municipality** where the refugees will be resettled. A Steering Group with a member from the ministry, the local Red Cross, and the municipality is established in each resettlement programme and is responsible at the local level. There is also a consulting committee where the ministry, the Red Cross and the local authorities each have one representative. The resettlement programme is for one year where comprehensive support from the local authorities is provided including social services, special support for children at the elementary and kindergarten level and children with special needs are offered necessary services. There is a close cooperation between the social services, the school system and the local health care centres.

Support families are an essential feature of the Icelandic integration programme for resettled refugees. The support families scheme is based on the initiative of individual citizens who

volunteer with the Icelandic Red Cross to assist a refugee to integrate into their respective local communities. Support families undergo specific training before being formally assigned to a refugee, including a psychological aid course and a full briefing on the refugee's cultural background.

13.2 Reception

Newly resettled refugees are met at the airport by representatives of the Ministry of Welfare, as well as the local authorities and Icelandic Red Cross which join them in the last part of their journey from the airport to their new homes.

13.3 Social service

The Social Service office in each of the municipalities receiving resettled refugees provides them with a case worker that amongst other things, assist the person in taking an active part in the labour market or to seek further education.

13.4 Housing

Upon arrival, refugees are provided with furnished apartment, with all necessary appliances and clothing. The Red Cross is responsible for furnishing the apartments. Basic food for the first few days is also provided.

13.5 Health

Upon arrival in Iceland, all refugees undergo a medical check-up. Medical and dental care is provided as required, free of charge, during the first six months of residence in Iceland. After six months, refugees have the same access to the health system as Icelandic citizens. Psychological assistance is provided for a longer time free of charge.

13.6 Language Training, Employment-Related Training

Language training is provided during the first year of residence. The municipality provides cultural orientation as well as employment training or support applying for further education.

Refugees are expected to attend Icelandic language classes. In case of smaller groups the refugees will go to open classes, but for larger groups there have been private classes for the groups.

13.7 Education

Iceland has a ten-year compulsory education for children from the age of 6 to 16 years. Younger children under, from approximately 18-24 months of age, attend kindergarten.

13.8 Financial Assistance

The refugees will receive financial assistance to cover their living expenses according to a standard fixed by the Social Services of the municipality that they are residents in. The refugees will also receive other benefits such as child allowance, special rent benefits and financial assistance for leisure activities for children, transport, and school meals.

14. Family Reunification of Refugees

The Government of Iceland acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. Cases of family reunification are dealt with under the provisions of the Act on Foreigners, on a case-by-case basis. Reunification of families is not counted within the resettlement quota and there is no special programme for submission of cases for family reunification.

According to the Act on Foreigners, refugees have a right to reunite with their close family members as defined in the Act on Foreigners, (i.e. the spouse, cohabiting partner or registered partner, and the children of the person concerned who are under the age of 18), if the family ties already existed when refugee status was provided.

Family members of a person who has been granted refugee status in Iceland can apply for family reunification directly to The Directorate of Immigration in Iceland. In cases when children apply for family reunification in Iceland, as their parents have received refugee status and for some reason the children have not been included in the application, it is necessary to provide documents which support that the parent has full custody of the child or shared custody and the other parent permits that the child migrates in Iceland. In the cases when there is a family reunification of resettled refugee in Iceland the government pays 75 per cent of the travel cost.

No distinction is made between resettled refugees and persons who have been granted asylum.

15. References/Resources

Survey and statistics on resettlement program, Ministry of Welfare:

<http://eng.velferddarraduneyti.is/information/refugees>

Icelandic Nationality Act:

<http://eng.innanrikisraduneyti.is/laws-and-regulations/english/citizenship/nr/6297>

Act on Foreigners:

<http://www.althingi.is/lagas/139a/2002096.html>

Criteria rules of the Refugee Council in Iceland:

<http://www.velferddarraduneyti.is/malaflokkar/flottafolk/mottaka/nr/4548>

**COUNTRY
CHAPTER**

IRE

IRELAND

BY THE GOVERNMENT OF IRELAND



Ireland Overview

Resettlement programme since: 1999	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions:	200
Total Resettlement Admission Target:	200
Total admitted and resettled in 2015:	176

Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions:	357
Total Resettlement Admission Target:	357
Total admitted as of 24 April 2016 :	100

Regional Allocations for 2015:

Regional Allocations for 2016:

Africa		Africa	
Asia and Pacific:		Asia and Pacific:	
Middle East and North Africa	176	Middle East and North Africa	357
Europe:		Europe:	
Americas:		Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	N/A
Medical cases	4 cases
Women-at-risk cases	No specified – consider as referred by UNHCR
Unaccompanied children	Not accepted
Family Reunion (within programme)	Ireland does not have a family reunification programme within the resettlement programme. Family reunion is dealt with separately. At the time of interview and selection every effort is made to select complete families (parents and children and grandparents, great grand parents whether or not they are submitted as a separate case). Where this is not possible, applications for family reunion are considered under Section 18 of the Refugee Act 1996 (as amended), and are not counted under the resettlement quota.
Other	EU Regional Relocation Protection Programme from EU

1. Resettlement Policy

1.1 Description of Ireland's resettlement policy

Provision for participation in the UNHCR led resettlement programme was made in section 24 of the 1996 Refugee Act, as amended.

1.2 Ministries and Departments responsible for resettlement policy

The **Department of Justice and Equality**, (in consultation with other relevant Government Departments) has responsibility for resettlement policy.

1.3 Process for deciding the annual resettlement quota and its composition

The annual quota is determined by Government. Decisions regarding the country of origin/country of first asylum are made by the Minister for **Justice and Equality** in consultation with the **Department of Foreign Affairs and Trade** and the UNHCR.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

Persons admitted into Ireland under the resettlement programme are not granted refugee status within the meaning of the 1951 Geneva Convention relating to the status of refugees. They are granted the status of “**programme refugee**” under section 24 of the Refugee Act, as amended.

Section 24 of the **Refugee Act 1996**, as amended, states that:

(1) “a '**programme refugee** means a person to whom leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons has been given by the Government and whose name is entered in a register established and maintained by the Minister for Foreign Affairs, *whether or not such a person is a refugee within the meaning of the definition of “refugee” in section 2.*”

Persons that do not satisfy the Article 1F of the Geneva Convention are not accepted for resettlement. Programme refugees do not have to satisfy the Geneva Convention criteria.

2.2 Distinction between refugee status criteria for asylum-seekers, and that for resettled refugees

An asylum seeker must satisfy the 1951 Convention criteria as set out in Section 2 of the Refugee Act 1996, as amended.

Section 2 states that “a refugee” means a persons who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it, but *does not include a person who –*

- (a) Is receiving protection or assistance from organs or agencies of the United Nations (other than the High Commissioner);
- (b) Is recognized by the competent authorities of the country in which he or she has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;
- (c) There are serious grounds for considering that he or she:
 - i) Has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

- ii) Has committed a serious non-political crime outside the State prior to his or her arrival in the State; or
- iii) Has been guilty of acts contrary to the purposes and principles of the United Nations.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

(Please see Section 2 of the Refugee Act 1996 as amended in the previous Section):

- (a) Does the applicant require resettlement? Have all other options been explored including repatriation and local integration?
- (b) Applicants for resettlement must meet the definition of a “**programme refugee**” as defined in Section 24 of the Refugee Act 1996 but do not have to satisfy the Geneva Convention requirements. (See 2.1 above.)
- (c) Priority is given to cases with legal or physical protection needs.
- (d) Ireland requires a "balanced" caseload. This may include persons with disabilities, women and children at risk, special needs cases but must also include community leaders and, where possible, spiritual leaders.
- (e) Having satisfied a) and b) above, other issues may influence the decision to accept a case for resettlement:
 - i) Medical cases must be referred to the Health Service Executive to confirm that the health matter can be effectively treated in a timely manner;
 - ii) Persons with special educational needs must be referred to the Education Authorities to ensure that appropriate provision can be made in a timely manner;
 - iii) While integration potential is not a primary consideration, the applicant and family members must indicate a willingness to participate in their own resettlement and integration and must accept that Irish Law takes precedence over religious or cultural practices;
 - iv) Ireland does not accept unaccompanied children or unaccompanied elders.
- (f) The following will cause a case to be rejected:
 - i) Exclusion by reference to Article 1F of the Geneva Convention;
 - ii) A threat to public order, public health or national security;
 - iii) Serious concerns regarding an applicant’s declared identity or that of his/her family members or their stated relationship;
 - iv) Serious concerns or discrepancies in the applicants’ claim;
 - v) Serious concerns that the applicant has not been truthful during the interview.

3.2 Admissibility criteria

- (a) Applicants must possess a valid travel document; Applicants are required to travel on their own passports where they are valid, current and available. Applicants who are not in possession of valid passports may apply to the Irish Government for a travel document. Processing usually takes six to eight weeks. Alternatively, an applicant may use a travel document issued by the Government of the country of asylum or the International Committee of the Red Cross.
- (b) Resettled refugees who are holders of Irish Travel Documents do not require a visa to enter Ireland. Holders of all other types of travel documents, including valid passports from their country of origin, must have a valid entry visa unless there are existing reciprocal arrangements. Applications for Irish Entry visas must be submitted online.

Entry visas are issued by the appropriate Irish Embassy or Consulate in the region.

3.3 Other humanitarian immigration programmes

In exceptional circumstances, the Irish Government may enter into bilateral arrangements with other Governments or with the European Commission for resettlement purposes.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

The 2015 and 2016 quotas are dedicated to the admission of Syrian and Iraqi refugees from the MENA region.

The quota provides for the inclusion of all nuclear family members in the initial application (i.e. spouse, dependent children under 18 years of age, dependent unmarried children over 18 years of age and dependent parents/ grandparents providing they have been residing with and dependent on the applicant).

4.2 Processing priorities

Ireland accepts refugees identified as having priority for resettlement by UNHCR while taking account of national considerations.

4.3. Non-UNHCR allocations

In exceptional circumstances, Ireland may accept cases following bilateral consultations with other governments.

5. Submission and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies

Generally, caseloads of less than 50 persons (four – five families) are selected by an examination of the Resettlement Registration Forms (RRFs). The long form RRF is required for all caseloads of up to 50 persons where a Selection Mission may not be carried out. Short form RRF's may be submitted, as agreed, for the processing of cases displaced by the Syrian conflict.

All RRFs should be submitted to the Resettlement Unit, Office for the Promotion of Migrant Integration, Department of Justice and Equality and copied to the Department of Foreign Affairs and Trade. Contact details will be provided for each of the above at the time the beginning of each selection period. The Department of Foreign Affairs should not receive MAFs

Each RRF is examined to ensure that Ireland can offer a durable solution to the applicant. Applications are submitted to other Government Departments or service providers as considered appropriate, e.g. cases with serious medical issues are referred to the Health Service Executive and cases with special educational needs are referred to the Department of Education and Skills for consideration.

5.2. Case documentation

Ireland prefers the long form of the RRF. Taking account of the exceptional nature of the situation in the Middle Eastern region, special arrangements have been put in place to accept the short form RRF for the Syrian caseload in cases where a selection mission will take place. The long form is still required for all dossier based decisions.

Details of all of the nuclear family members that require resettlement should be included in the initial application, including nuclear family members separated at time of flight and with whom the family wish to be reunited. Family reunification post resettlement is very limited and is processed under Section 18 of the Refugee Act 1996, as amended. Family

reunification after resettlement is not considered part of the resettlement quota programme. Details of all other family members should be included in Section 3. This may be required later where an application for family reunification is submitted.

Care should be taken to ensure that there are no gaps or conflicts with regard to the "refugee claim".

RRFs for medical cases, and other cases with medical conditions, should include a recently completed (within the last two months) Medical Assessment Form (MAF). Scanned copies of the x-rays and scans should be sent along with the RRF. When making a surgical/medical referral, the medical practitioner should identify whether surgery or a medical intervention will improve the person's life from a medical/ surgical point of view and if it is the most appropriate option. Applicants, who are seeking resettlement for medical purposes, should be counselled by the medical practitioner if there is no possibility of improving their quality of life by a medical or surgical intervention. Such cases should not be submitted under medical priority.

The RRF should be signed by the applicant and all persons 16 years or over. The exclusion clause (Article 1f) should be considered for all persons 16 years or over included in the application.

When completing the RRF, every effort should be made to confirm with the primary applicant that names are in the correct order and spelled correctly. The RRF should include information on how identity is certified. Where conflicts in information arise, this conflict must be explained. The details provided are entered on the official register of programme refugees and will be the form of the name used in Ireland.

The RRF should include the current medical status of the applicant and all family members. Applicants are requested to provide vaccination records for children.

5.3 Routing of Submissions

Dossiers should be submitted to the Resettlement Unit, Office for the Promotion of Migrant Integration, Department of Justice and Equality and copied to the Department of Foreign Affairs and Trade. Contact details will be provided when the caseload is being considered.

UNHCR is advised once a decision has been made, and the International Organisation for Migration (IOM), through its Dublin Office, is requested to carry out health screening, secure travel documents and visas and to make the necessary travel arrangements. A minimum of four weeks' notice of departure is requested.

5.4 Processing times

From reception to decision:

- Normally, decisions on cases are available within three to four months.
- Decisions can be taken on urgent medical cases in approximately four weeks.

In exceptional circumstances, where additional information is required by either the medical professionals or by the case processing team, these periods may be extended. For example, out of date Medical Assessment Forms (MAFs), conflicting information or gaps in the claimant's story may result in delays in decision making.

From decision to departure:

In general, once a decision is indicated, the transfer of the refugees may take place without delay, pending appropriate pre-departure health screening and treatment when required, procurement of travel documents, entry and exit visas and travel arrangements. This is agreed between the various actors at the time.

Four weeks prior notice of transfer is required by the Irish authorities.

5.5 Recourses, appeals

Not applicable.

6. Submissions and Processing via In Country Selection

6.1 Selection Mission Policies

Three months in advance of a selection mission, an RRF must be submitted for each applicant referred for resettlement. (A short form RRF will be accepted for the Syrian caseload only).

Selection mission locations are decided in consultation with the UNHCR.

The size of the interview team will depend on the number of persons to be interviewed. Every effort is made to keep the period of the selection mission as short as possible (usually 10 days to 2 weeks). If the number of persons being interviewed is large then two teams may travel to conduct interviews. A team consists of three persons from the Resettlement team and up to two persons from the *Gárda Síochána* (the Irish Police Force).

UNHCR/IOM are requested for support with regard to

- Acquiring appropriate in-country permission/camp permission as appropriate;
- Organizing interview venues - including equipment such as photocopier/electricity;
- Organizing interpretation staff;
- Transferring refugees to the interview venue where appropriate;
- Assisting with the organization of transport for the interview team to an interview location/camp;
- Organizing lunches and beverages for staff and interviewees as appropriate; and
- Depending on the location, accommodation may be required.

Costs for all of the above are covered by the Irish Government.

The Interview teams meet with UNHCR and IOM for pre and post-interview briefings.

6.2. Case documentation and routing of submissions

In all medical cases and cases being considered on a dossier basis, the long form RRF should be submitted, including MAFs where medical cases are included. At time of interview, medical cases will not be accepted for interview unless the extent of the medical issue or disability has previously been flagged in the RRF. RRFs should be submitted for consideration as per Section 5.

6.3 Processing times and procedures

Selection Missions

Three months processing time is required between the submissions of RRFs to carrying out the Mission.

The Irish Government's resettlement programme covers the transfer costs of family members included in Section 2 of the RRF i.e. the nuclear family.

A brief introduction is provided to the applicants and their families prior the interviews taking place. This is designed to inform the applicant of the interview process, reduce stress and to allow for Q & A.

All members of the family being resettled must attend the interview.

Persons 14 years and over are interviewed separately initially - short interview. A parent or guardian must attend the interview.

All persons listed on a single application must also present for interview together. It generally takes two to two and a half hours.

All persons attending for interview must have an official form of identity (family booklet, id card, passport, driving licence) and should provide copies of their documentation to the interview team (identity documents; even if they are expired, health, education certificates, evidence of trade or skill and children's vaccinations records).

The interview process provides an opportunity:

- To check information provided in the dossier and to make necessary corrections;
- To ascertain the full extent of a family, their status and location;
- To hear the applicant's story and that of the family;
- To ensure that all persons present agree to resettlement;
- To impart information on the resettlement process - including rights and responsibilities and to manage expectations;
- To gather information which may not be available on the RRF;
- To gather information that may assist service providers to prepare for their arrival;
- To consider whether, in the opinion of the interviewers, there is a threat to public health, public order or national security.

6.4 Decisions

Applicants who, in the opinion of the interview team, are found not to be credible are not accepted for resettlement.

Preliminary recommendations are made at the time of the interview. But the final decisions are taken following a review of documentation.

Each case is further examined on return to the Head Office. Special needs and medical cases are referred to various Government Departments/agencies for consideration. Some cases may be referred for security clearance. In due course, a submission is prepared seeking Ministerial approval.

6.5 Information sessions during selection missions

At the end of the Interview process, the Resettlement Team presents a series of information sessions over a period of two days to the refugees that were interviewed. These sessions include general information about the resettlement process, Ireland's lifestyle and culture, information on the rights and entitlements of resettled refugees in regard to access to health, education, income, employment, freedom of movement etc. Some sessions will include the whole family while others will be presented to men, women and teenagers separately. Time is allowed in each case for questions and answers.

7. Emergency Cases/Urgent Cases

Ireland does not accept emergency cases.

With regard to urgent cases, provision is included for urgent medical cases.

The long form RRF should be submitted to the Resettlement Unit of the Department of Justice and Equality and copied to the Department of Foreign Affairs and Trade. Contact details will be provided for each of the above at the time the caseload is being considered.

Processing time for urgent cases is generally four to six weeks from receipt of RRF to decision. This may be extended if the MAF is out of date or where there are gaps in information which cause a request for additional information.

Generally transfer can occur within four weeks of a decision. Delays may occur where exit visas or travel documents are required. Entry visas can be arranged without undue delay.

For Case documentation and routing of RRFs please see Section 5.

8. Special Categories/Special Needs

Ireland accepts a balanced caseload that may include persons with special needs, women and children at risk and urgent medical cases but should also include community leaders and, where possible, a spiritual leader.

There is one procedure for submission of RRFs for all cases - as set out in Section 5.

9. Medical Requirements

9.1 Screening procedures and health criteria

The Irish Health Service Executive (HSE) specifies on an annual basis the extent and type of medical screening required.

Each applicant should carry with them their full medical history, and in particular, full details of all of their children's vaccinations

Persons with a medical condition should travel with one month's medication.

Medical reports, x-rays, a list of current medication, and relevant information on current status of treatment should be carried by the patient (or his/her guardian). This should be presented to the Doctor on arrival.

In addition, information about any significant cultural or religious issues that need to be considered by a treating physician, past/current mental health issues and treatments should be provide.

IOM is requested to carry out screening tests in accordance with a list provided by the HSE for all caseloads. Any medical issues e.g. Polio or T.B. that could cause a threat to public health must be treated before departure. Supervised treatment is preferred. IOM must issue a fitness to travel certificate before transfer.

The following is a list of the types of screening generally requested, but all of these tests are not required in all cases:

Adults:

- 1) Hepatitis B
- 2) Hepatitis C
- 3) Full Blood Count
- 4) Tuberculosis (TB)
- 5) Malaria (only where malaria is an issue)
- 6) Varicella Zoster
- 7) Mumps
- 8) Sexually Transmitted Disease
- 9) Rubella (females of child-bearing ago only)

Children:

- 1) Full Blood Count
- 2) Tuberculosis (TB) (Not required for those under 15). Where chest X-rays are taken an AP should be sufficient unless the examining physician feels a lateral is required to further investigate an anomaly/lesion seen on the AP view.
- 3) Malaria (only where malaria is an issue)
- 4) Varicella Zoster
- 5) Mumps
- 6) Rubella (females of child-bearing age only)

Full test results should be sent to the Resettlement Unit, Office for the Promotion of the Migrant Integration, Department of Justice and Equality as soon as possible to be issued to the treating physician in due course. Where a Doctor feels that the information can be shared only with another Doctor, then the treating Doctor should request direct contact and this will be provided. Other tests specific to a region may be requested from time to time.

Procedure

- RRFs with associated and up to date (within two months) MAFs are submitted by UNHCR to the Departments of Justice and Equality. Contact details will be provided at the time the caseload is being considered;
- CD's, (where available) or scanned copies of chest X-rays and scans should be sent to the Department of Justice and Equality along with the MAF;
- The Health Service Executive and/or the Department of Education and Skills are consulted;
- For medical cases, a treating Consultant and receiving hospital is nominated;
- UNHCR & IOM are advised of the outcome and where a positive decision exists IOM is requested to make immediate transfer arrangements;
- In consultation with UNHCR, IOM completes the appropriate health screening and pre-embarkation "Fitness to Travel" assessments and flight arrangements;
- IOM notifies the Resettlement Unit of the arrival details.

Reasonable costs for screening and treatment must be agreed in advance and are covered by the Irish Government.

10. Orientation (pre-departure)

Pre-departure orientation is carried out only when a selection mission takes place. On the two days following the interviews, the interview team presents a series of sessions on life and culture in Ireland to all refugees interviewed for resettlement. The objective is to allay any fears that the applicant or family members may have, to allow the applicant and family members to make an informed decision as to whether they wish to come to Ireland for resettlement and what that involves for them.

The presentations cover issues such as the resettlement process, when a decision can be expected, lifestyle and culture, rights and responsibilities, management of unrealistic expectations, the education system, access to health services, housing, income, employment, their expectations and ours. Some of the sessions are delivered to the whole group. Others are presented to men, women and teenage children separately.

Each session allows for a question and answer period.

The group is given a broad outline of the decision making process, timescale for decision making and possible timescale for transfer. Being invited to attend the orientation talk is not an indication of selection for resettlement.

While assistance may be required to arrange a venue and services for the orientation presentation, all costs are covered by the Irish Government.

11. Travel

IOM makes the necessary arrangements for movement and transfer of refugees selected for resettlement in Ireland. This includes transport, transit visas, and entry visas, in-transit support and assistance, medical escorts, flight arrangements, fitness to travel examinations etc. from point of departure to port of arrival.

In general, UNHCR organises exit visas.

Costs of travel and transfer are covered by the Irish Government as agreed in advance of each movement between the Department of Foreign Affairs and Trade and IOM.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

The status of a person admitted under the Resettlement programme is "**programme refugee**" as provided for in Section 24 of the Refugee Act 1996, as amended. Programme refugees have, in general, the same rights and entitlements as a person granted refugee Status under the Geneva Convention.

12.2 Documentation issued, including travel documents

Programme refugees must apply for a Garda (Police) National Immigration Bureau (GNIB) Registration Certificate on arrival. Assistance is provided with this process.

12.3 Process for regularization of status, including requirements and timeframes

Subject to the usual immigration and travel document processing procedures, a programme refugee may apply for a travel document identifying the holder thereof as a programme refugee.

12.4 Documents issued to children born after arrival but before naturalization of their parents

Children born in Ireland to a programme refugee are Irish citizens from birth. Having an Irish born child does not confer any additional rights on parents who are programme refugees.

12.5 Details on the requirements, costs and timelines for citizenship

Programme refugees may apply for Irish Citizenship after three years of continuous residency in the State.

13. Domestic Settlement and Community Services

13.1 Reception and Orientation:

A member of the resettlement team generally meets the refugees at the airport.

Resettled refugees are placed in a reception centre for a period of 8 - 12 weeks post arrival where they participate in a cultural orientation and language training programme to prepare for independent living in the community. This allows the new arrivals the opportunity to adjust to their new environment before moving to their new home. Due to housing

shortages and pressures on services in large cities, refugees are generally resettled in rural towns or small cities.

The national resettlement team works very closely with the receiving community for approximately nine months prior to resettlement in the community to ensure that the local community is prepared to receive the group and is aware of any special needs.

Extensive support is put in place at a local level to assist the refugees to settle into their new community. This includes initiatives such as English Language training for up to one year, childcare to facilitate the parents participation in the classes, access for children up to the age of 18 years to mainstream education, a resettlement support worker is generally employed at a local level to ensure that the newly arrived refugees are accessing services and to mentor them towards independent living in the community. The Resettlement Support Worker organises community activities, bringing the new and host community together, after schools programmes for children, builds links with sporting clubs and existing clubs for adults and supports families to keep appointments in the early days post arrival.

The Local Authority acts as coordinator at a local level, identifying and bringing together all of the appropriate local actors. **An Inter-agency Resettlement Steering Group** is set up, drawn from mainstream service providers. The Resettlement Steering Group identifies a local implementing partner to work directly both with the new arrivals and the service providers to ensure that services are provided in an appropriate and timely manner. The Resettlement Support Worker mentioned above, generally works for the implementing partner. The national resettlement team continues to provide support and guidance for as long as it is required.

Language and cultural orientation training is provided for all adults during the first year post resettlement. This period may be extended in exceptional circumstances. Children are integrated into age appropriate classes in local mainstream schools at both primary and post primary level. English language classroom supports are provided. Access to third level education is on the same basis as for Irish citizens.

Funding may also be sought from the Asylum and Migration Fund to support resettlement activities.

14. Family Reunification of Refugees

14.1. Definition of a family

The definition of family is set out in Section 18 of the Refugee Act 1996 as amended. See extracts below.

(3) (a) ...if, after consideration of a report of the Commissioner submitted to the Minister under *subsection (2)*, the Minister is satisfied that the person the subject of the application is a member of the family of the refugee, the Minister shall grant permission in writing to the person to enter and reside in the State and the person shall be entitled to the rights and privileges specified in *section 3* for such period as the refugee is entitled to remain in the State.

In *paragraph (a)*, “**member of the family**”, in relation to a refugee, means—

- (i) In case the refugee is married, his or her spouse (provided that the marriage is subsisting on the date of the refugee's application pursuant to subsection (1));
- (ii) In case the refugee is, on the date of his or her application pursuant to subsection (1), under the age of 18 years and is not married, his or her parents; or
- (iii) A child of the refugee who, on the date of the refugee's application pursuant to subsection (1), is under the age of 18 years and is not married.

(4) (a) The Minister may, at his or her discretion, grant permission to a dependent member of the family of a refugee to enter and reside in the State and such member shall be entitled to the rights and privileges specified in section 3 for such period as the refugee is entitled to remain in the State.

(b) In paragraph (a), "**dependent member of the family**", in relation to a refugee, means any grandparent, parent, brother, sister, child, grandchild, ward or guardian of the refugee who is dependent on the refugee or is suffering from a mental or physical disability to such extent that it is not reasonable for him or her to maintain himself or herself fully.

From a resettlement point of view, the definition of "**nuclear family member**" is slightly broader in so far as unmarried children over 18 years of age may also be included for resettlement purposes. The nuclear family is defined as the spouse, dependent children under 18 years of age, dependent unmarried children over 18 years of age and dependent parents/ grandparents providing they have been residing with the applicant. It is recommended that the nuclear family, as defined above, particularly children under 18 years and **unmarried children over 18 years, are included in the primary application**, even when the dependents are not currently resident with the applicant (having been separated due to conflict or circumstances beyond their control) and where it is known that the family wish to be reunited in the short term post resettlement. Where the family member is included in the primary application, they are included in the quota and the costs of transfer are covered by the Irish Government.

14.2 Routing of applications

It is expected that a very low level of family reunification applications for additional family members will be lodged. Applications for family reunification for additional family members should be submitted by the programme refugee to the Irish Naturalisation and Immigration Service (INIS). Applications are examined under Section 18 of the Refugee Act 1996 (as amended). Where cases are approved, the costs of transfer are the responsibility of the applicant.

14.3 Status of family members on arrival

Persons admitted under family reunification arrangements have, in general, the same rights and responsibilities as the applicant. Persons admitted under family reunification arrangements do not themselves have family reunification rights.

In exceptional circumstances, where a family becomes separated, and the separated family member is included in Section 2 of the initial RRF (i.e. is a member of the nuclear family, separated at the time the application was submitted), their status on arrival will be "**programme refugee**," their costs of travel will be covered by the Department of Foreign Affairs and the receiving family will receive support from the resettlement team or from a local support group on arrival.

Where a refugee applies for the admission of an extended family member under family reunification arrangements, the applicant refugee (the person living in Ireland) is expected to be in a position to support the family member on arrival. Any other family member, other than as described in paragraph 2 above, admitted under family reunification are not considered to be programme refugees.

15. References/Resources

Refugee Act 1996- www.irishstatutebook.ie/1996/en/act/pub/0017/

Office for the Promotion of Migrant Integration (OPMI) - <http://www.integration.ie>

Web site gives full details on the Irish resettlement programme and integration activities at a national and local level.

Irish Naturalisation and Immigration Service (INIS) - www.inis.gov.ie

**COUNTRY
CHAPTER**

NET

NETHERLANDS

**BY THE GOVERNMENT OF THE
NETHERLANDS**



Netherlands Overview

Resettlement programme since: 1983	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2016

Admission targets for UNHCR submissions:	500
Total Resettlement Admission Target:	500

Regional Allocations for 2016

Africa	
Asia and Pacific:	
Middle East and North Africa	500
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	No maximum
Medical cases	Maximum 30 persons
Women at risk cases	No maximum
Unaccompanied children	No maximum
Family Reunion (within programme)	(no UNHCR referrals)
Other, please specify	

1. Resettlement Policy

For more than 30 years refugees have been resettled in the Netherlands. In 1986, following a request from UNHCR and discussions in the Dutch Lower House of Parliament, it was decided to handle an annual quota of 500 resettled refugees with effect from 1 January 1987. To date, this figure has remained unchanged.

In 1999, the Government of the Netherlands decided to discontinue the standard practice of selecting groups of refugees in the country of asylum. Until 2004, the intention was to fill the quota of 500 resettled refugees per year with resettlement requests submitted in writing by UNHCR Geneva, with assessment and selection taking place in the Netherlands (assessment on paper). However, it appeared to be difficult to fill the quota merely via dossier selection. In 2004 the Government decided to introduce a new policy that entered into force on 1 January 2005. This new policy allows for approximately 4 selection missions per year to countries of asylum, as well as the submission of individual cases directly by UNHCR Headquarters in Geneva.

According to the current Dutch resettlement policy, the preferred durable solution for refugees is to return to their country of origin on a voluntary basis. If return is not possible, local integration is the second preferred durable solution. Only if both these durable solutions are not accessible or available in a reasonable timeframe, UNHCR can submit refugees for resettlement in the Netherlands. Resettlement should always be considered within the context of all three durable solutions. The Government of the Netherlands attaches importance to the strategic use of resettlement.

1.2 Ministry and Department responsible for resettlement policy

Within the Government of the Netherlands, the **Ministry of Security and Justice** is responsible for resettlement policy. The Ministry of Security and Justice also coordinates the contact between the Government of the Netherlands and UNHCR.

Operational issues are handled by the **Dutch Immigration and Naturalization Service (IND)**, which operates under the authority of the Ministry of Security and Justice. The **Netherlands Agency for the Reception of Asylum Seekers (COA)** is responsible for the orientation and reception of resettled persons.

1.3 Process for deciding the annual resettlement quota and its composition

The Dutch resettlement quota is established for a four-year period by the Government. The quota applies to refugees individually submitted by UNHCR either in connection with selection missions or on a dossier basis. The Netherlands reserves the right to assess all aspects of resettlement, including the determination of refugee status, on the basis of its national policies.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

Asylum in the Netherlands is granted on the basis of the **2000 Aliens Act. Article 29** identifies grounds for admittance:

- (a) 1951 Convention;
- (b) European Convention on Human Rights;
- (c) Family reunification;
- (d) Extended family reunification
- (e) Family reunification with a minor as mentioned in article 2f, of Directive 2003/86/EG of the European Parliament and the Council.

In a policy context, the above criteria are expanded upon as follows:

- (a) This is applicable for individuals who have personal indications that they are persecuted because of one of the grounds of the 1951 Convention, including human rights advocates and pro-democracy campaigners who dared to stand up for human rights and whose role in society in their homeland has put them in danger. However, special attention is paid to the exclusion grounds laid down in article 1F.
- (b) The principle of "non-refoulement" of article 3 of the European Convention on Human Rights is especially respected.
- (c) This is only applicable for the reunion of a nuclear family member at the same moment or within three months upon arrival in the Netherlands of the first member of the nuclear family. Upon arrival in the Netherlands, the family member is granted so-called derived asylum status if he or she possesses the same nationality as the head of the family. The granting of derived asylum status is based on the principle of family unity, as laid down in Recommendation IV of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, which adopted the text of the 1951 Convention relating to the Status of Refugees.
- (f) This is only applicable for the reunion of an adult member of the nuclear family of the same nationality within three months upon arrival in the Netherlands.

(a), (b), The assessment of whether return is possible according to Dutch law is always individual but in accordance with the Dutch country-based asylum criteria and the Dutch country of origin information. Because the country-based criteria and the Dutch country of origin information are updated regularly, we are unable to provide details in this Country Chapter. For further details Resettlement Officers are referred to the UNCHR Dutch Liaison Officer and/or to UNHCR Regional Office in Brussels.

There are no specific arrangements in law for people who are resettled in the Netherlands. Every asylum-seeker who meets one of the criteria of article 29 of the Aliens Act can receive a temporary residence permit for asylum. After five years, the holder of a temporary residence permit can apply for a permanent residence permit. If the circumstances in the country of origin and in the personal situation have not changed, a permanent residence permit can be granted.

If the situation in a country has improved significantly and the improvement is durable and the resettled refugee had a temporary residence permit, the cessation clause of the 1951 Refugee Convention is applicable and according to European law must be used. A full reassessment will take place before it is decided whether a withdrawal of the status will be conducted or that another status will be considered on a different ground.

3. Criteria for Resettlement

3.1 Refugee Resettlement Eligibility Criteria

In principle, refugee resettlement eligibility criteria correspond with the above criteria of article 29 of the 2000 Aliens Act.

In **medical cases** the Netherlands uses the following criteria:

- the cases must fit in the medical category as laid down by UNHCR;
- the required medical treatment is not available in the country of asylum and non-treatment may eventually lead to serious physical or mental damage. The fact that medical treatment is not accessible in countries of asylum is not an argument for granting a permit, unless access is prohibited on grounds mentioned in the 1951 Convention (e.g. because of religion, race or nationality);
- the condition of the submitted persons should be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement.

3.2 Admissibility Criteria

Furthermore, the willingness and ability to integrate into Dutch society also plays a role in selecting refugees for resettlement. A submission by UNHCR can be rejected if there are indications from behaviour that this person will not integrate into Dutch society.

Persons will not be considered for resettlement:

- if they meet exclusion grounds laid down in article 1, notably 1F, of the Geneva Convention. If one member of a nuclear family meets the exclusion criteria of article 1F, present or not, the other members of this nuclear family are also excluded, unless it is evident that the person involved is not present and will not seek future family reunification;
- if they have a criminal background and/or pose a threat to public order in the Netherlands;
- if they can return to their country of origin according to an individual assessment based on the Dutch asylum criteria and country of origin information, or when there are prospects for local integration in the country of asylum.

On the basis of the 2000 Aliens Act an application for asylum can only be lodged in the Netherlands. Refugees must fill in an application form upon arrival in the Netherlands before a positive decision can be given and a temporary residence permit can be granted. This is a mere formality.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

From 2016 until 2019 the Dutch quota is 2,000 individuals. To allow greater flexibility during this four-year period, the Netherlands is prepared to consider requests by UNHCR to accept more than 500 resettled refugees in a particular year, which will have to be compensated for in the next fiscal year. The fiscal year runs from 1 January until 31 December.

For the years 2016 through 2019, there is a sub-quota of 30 cases per year for medical submissions of refugees who fulfil the criteria mentioned under section 3. Medical cases are only to be submitted during selection missions. Furthermore, family reunification that takes place within three months after the moment of arrival or upon the date the residence permit is granted will also be accepted under the quota. Refugees will mainly be selected for resettlement in the country of asylum via in-country selection. However, the quota includes those refugees that are individually referred by or through UNHCR.

5. Submission and Processing via Dossier Selection

5.1 Dossier submission policies and case documentation

Although the majority of cases are selected through the missions, the quota is also filled with individual resettlement requests submitted in writing (RRF) by UNHCR Headquarters, with assessment and selection taking place in the Netherlands on the basis of the file. Field offices should refer cases for submission to the Netherlands through UNHCR Headquarters, except for the Hubs in Nairobi and Beirut due to a pilot. All other submissions must therefore take place, for the time being, through UNHCR Headquarters.

UNHCR is invited to submit the following individual resettlement requests:

- asylum cases from **countries of asylum which are not visited** by any mission;
- **emergency (medical) cases***; and
- cases with a **higher profile in the field of human rights** and pro-democracy movements. (Strictly speaking, these may not always be high profile cases as defined by UNHCR. Submissions might for example include people with an academic background who have played an active role in the strengthening of democratic institutions and/or civil society in their country.)

* Please keep in mind that the Netherlands prefers to assess medical cases only during missions, as these cases are very difficult to assess without conducting a medical examination face-to-face with the patient in question; however, **urgent medical individual cases can be submitted on a dossier basis**. Please keep in mind in these instances that:

- a) the dossier information should preferably be clear, complete, up-to-date and undisputable so that a rapid decision can be made;
- b) acute life threatening medical emergencies are preferred to be treated in the region of the applicant and not far away; and
- c) medical information in the Medical Assessment Form (MAF) form should contain contact details (email address and/or telephone/fax number) of the doctor who filled in the MAF form and of the doctor who is currently providing medical care to the patient, in order to facilitate complementary questions about the current health status.

In order to make further inquiries the Netherlands will appreciate if the RRF is based on the latest information and is completed with the telephone number and/or email address of the handling Resettlement Officer of the UNHCR Field Office. In a situation where the IND contacts the Field Officer, the IND will keep UNHCR Headquarters informed.

5.2 Decision-making

The decision regarding individual resettlement requests will be communicated to UNHCR Headquarters. The decision is not subject to appeal.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

As per 1 January 2005 it has become standard practice to fill the main part of the quota by means of missions to countries of asylum. An average of 4 selection missions per year is foreseen. The destinations of the selection missions are determined in co-operation with UNHCR. The Netherlands is also willing to resettle from the UNHCR Emergency Transit Centre in Timisoara, Romania. For each selection mission, the delegation is composed of representatives of the **Immigration and Naturalization Service (IND)**, including a medical doctor and the Netherlands Agency for the Reception of Asylum-Seekers (COA). The IND is authorised to decide on individual submissions; if need be, the Ministry of Foreign Affairs (MFA) advises the IND. The IND decides after having received the advice of the MFA, the medical doctor and COA, on the submissions by UNHCR. The decision is not subject to appeal. At the end of a mission, the head of the delegation reports the results to the local UNHCR representative. UNHCR will communicate the decisions to the refugees concerned.

The delegation's medical doctor checks every person interviewed during the mission. The results of the examination do not influence the decision on the selection. The examination is only for the benefit of the refugee in order to receive adequate care upon arrival in the Netherlands, to see whether measures in regard to the flight conditions are necessary, and to determine if a medical case (a.k.a. TOM) is at hand.

6.2 Documentation, priorities and decision-making process

The selection interviews are prepared in the office of the IND on the basis of the RRFs. In each case information about the refugee's family is welcome.

The Netherlands urges UNHCR to include in the submissions, as much as is possible, high profile cases for each selection mission in order to reach a good balance in each selected group. The IND will ask for these cases in the pre-mission questionnaire. Human rights is one of the pillars of the Government's foreign policy. Protection via the 1951 Convention is a valuable instrument in protecting those who are outside their country because they dared to stand up for human rights and whose role in society in their country of origin has put them in danger. Those among them who are under protection of UNHCR and who meet the criteria for resettlement are very welcome in the Netherlands. It is foreseen that these resettlement candidates can play a key role among the more vulnerable members of a resettled group, helping them to find their way in the Netherlands.

UNHCR is therefore encouraged to include as many refugees as possible with a high profile for submission to the Netherlands. Strictly speaking, these may not always be high profile cases as defined by UNHCR. Submissions might for example include (besides journalists and leaders of political movements) persons with an academic background who have played an active role in the strengthening of democratic institutions and/or civil society in their country of origin, resulting in their justified fear for return.

The Netherlands wishes to underline that vulnerable cases are still welcome for submission to the Netherlands. UNHCR is encouraged to submit a well balanced caseload consisting of both categories A and C of the Dutch Aliens Act as referred to above under section 2.

7. Emergency Cases/Urgent Cases

The Netherlands has no special routing of submissions for emergency and/or urgent cases. These cases follow the regular procedure as outlined under section 5. The processing time will be as short as possible.

A medical emergency case (immediately life threatening conditions that should be treated within 4 weeks) is forwarded for advice to the medical unit of the IND. If the UNHCR dossier information is sufficient (see also under section 5) to make a conclusive assessment, the medical advisor can handle the case in a one week period. The advice is sent back to the IND, that decides on the case based upon the refugee claim and both medical and non-medical arguments.

8. Special Categories/Special Needs

The Netherlands only applies a sub-quota for medical cases. Please refer to sections 3 and 9 for more details.

9. Medical Requirements

9.1 Screening procedures and treatment

Individuals submitted as Medical Cases are assessed by the medical unit of the IND according to the criteria mentioned under section 3. All other individuals submitted on non-medical grounds undergo a medical check to document their health status.

During the medical check, special attention is paid to heart and lung conditions and to contagious diseases like active pulmonary tuberculosis (TB). According to the outcome of the medical check recommendations for further analysis may be done, in indicated cases, for instance to rule out an active pulmonary TB before travelling to the Netherlands. The same procedure will apply for indicated cases with regard to a (pre-departure) fit-to-fly assessment.

Medical follow-up, treatment or counseling will preferably be conducted in the Netherlands, except in determined cases of an active pulmonary TB and in emergency conditions.

9.2 Health criteria and exclusion factors

There are no exclusion factors concerning particular diseases.

10. Orientation (pre-departure)

Persons accepted for resettlement will be offered three Cultural Orientation (CO) trainings prior to their departure. The CO is provided by the Netherlands Agency for the Reception of Asylum Seekers (COA).

Each training has a duration of 3.5 days and the main goals are to start with Dutch language training and to improve the self-sufficiency of the refugees. COA is in close contact with the Dutch municipalities regarding the offering of suitable housing facilities and further support, both in case of group arrivals and in case of individual arrivals. In cooperation between COA and IOM a CO training programme for individual cases is developed on a project bases

11. Travel

As soon as the refugees have been accepted for resettlement in the Netherlands, travel and housing arrangements are made, in order to transfer them to the Netherlands within six months after the actual decision on resettlement.

Travel agreements are made between COA and IOM the Netherlands and include (if needed) a Pre Medical Departure Check (PMDC). Travel expenses, the costs of visas and, where necessary, laissez-passers, are covered by the Government of the Netherlands.

12. Status on Arrival and the Path to Citizenship

As mentioned above, resettled refugees must fill in an application form for asylum upon arrival in the Netherlands. After arriving in the Netherlands, the refugees will stay no longer than 48 hours in an airport facility for the processing of the application and a medical examination, which consists of a medical screening and a check for TB.

The IND will hand out the positive decisions and the temporary residence permits. Refugees will then be transferred to the municipality that is responsible for their reception.

The temporary residence permit for asylum is valid for 5 years. After 5 years, holders of a temporary residence permit can apply for a permanent residence permit, which is granted provided the circumstances in the country of origin and in the personal situation have not changed. Holders of a temporary residence permit for asylum in the Netherlands have the same access to health care, social security and to the labour market as Dutch citizens. As is the case for all holders of a permit for asylum, refugees may apply for a Convention Travel Document, issued by the Ministry of Foreign Affairs to travel outside the Netherlands.

13. Domestic Settlement and Community Services

13.1 Overview of Services

Refugees are accommodated in houses provided by local authorities. There are no legal restrictions on freedom of movement within the country but the choice for domicile is not up to the asylum seeker: social housing will only be offered in one municipality.

13.2 Employment and language training

Refugees are allowed to work from the day of arrival. In practice, finding employment is difficult without knowledge of the Dutch language. All refugees must follow an introduction course, consisting of Dutch language classes and basic knowledge about the Netherlands. Local authorities will make offers towards the refugees for an introduction programme on which the refugee formally needs to decide. These programs provide Dutch language lessons, focussing on a minimum level of proficiency in the Dutch language (i.e. the level needed for unskilled or semi-skilled jobs), followed by vocational courses or participation in mainstream education. In most cases, local language training institutes provide the linguistic training. Since 2013 refugees have to pay for these courses. Loans will be available and at the moment the refugees pass the formal exam the loan will be turned into a gift. If the refugee does not pass the program the loan needs to be paid back (in terms).

13.3 Education and employment-related training

Education is compulsory for all children up to the age of 16. These children are enrolled in local schools and start school soon after arrival. Educational qualifications obtained by the refugees in their country of origin/asylum are assessed in the light of the standards that apply in the Netherlands. Sometimes a refugee will have to take an additional course or gain some practical work experience in order to have his/her qualifications recognized. This applies not only to refugees but to all foreigners who settle in the Netherlands.

13.4 Financial support

Until refugees find employment, they are entitled to social security allowance. Just like Dutch nationals, refugees have to use this monthly allowance to pay for the rent of the house, medical care, third party insurance, clothing, food, gas, electricity, water, etc. The municipalities will arrange for the obligatory health insurance.

13.5 Health

In principle, all refugees undergo a medical examination within two days after arrival in the Netherlands (see above section 12). During the follow-up phase at the municipal level, refugees are provided with a comprehensive programme of preventive health care which includes health education, an extended immunisation programme and information about mother and child health care.

13.6 Reception and support

Several NGO's play an important role in the reception of refugees in the Netherlands. They advise local authorities and institutions and, perhaps more importantly, recruit and supervise professionals and Dutch volunteers who assist resettled refugees with reception and integration in the Netherlands. The Dutch Refugee Council and the Foundation for Refugee Students are important players. The Dutch Refugee Council, which also provides the Dutch public with information about refugees, receives financial assistance from the Government. In addition, refugees from various countries have organized their own voluntary associations, which hold meetings, publish magazines and provide advice. These associations, some of which are subsidized by the Government, can intercede with the Dutch authorities on the refugees' behalf.

14. Family Reunification of Refugees

14.1 Rights and restrictions to family reunification

Family members of a person who has been granted asylum can apply for family reunification within three months upon arrival in the Netherlands or upon the date the residence permit is granted.

The family members must actually belong to the family unit and this applies only to **spouses and minor children under 18** and the family ties already existed abroad. Family reunification with non-marital partners, parents or adult children is also possible, but only if they are dependants of the person who was granted asylum. It is vital to list these family members in the documentation/files submitted to UNHCR. Relationships need to be proven either with documentary evidence of DNA-examination (children).

In 2008, and as a measure to prevent misuse of the limited places in the quota, it was decided that family reunification within the resettlement programme was limited to family members who were known at the moment of selection. In the case of a so far unmentioned and for the IND unknown family member, family reunion might still be possible if all doubts about the identity and family life are taken away and no indication of fraud is involved. In this situation travel expenses will not be paid by the Government of the Netherlands.

14.2 Other immigration channels available for family reunification

After three months, it is still possible to apply for family reunification but not within the resettlement program. After that period, the regular Dutch criteria for family reunification are applicable. This means that certain income criteria will have to be met. Practice shows that these are difficult to meet for most newly arrived refugees.

For example, to meet the criteria for income the person who was granted asylum must have sufficient and stable means of support, i.e. hold a contract for at least a year and have an income that equals 100% of the standard allowance for social security for married people. Travel expenses will not be paid by the Government of the Netherlands. An application for family reunification must be submitted with an Embassy of the Netherlands or can be introduced by the sponsor with the Immigration and Naturalization Service in the Netherlands.

15. References/Resources

**COUNTRY
CHAPTER**

NZL

NEW ZEALAND

BY THE GOVERNMENT OF NEW ZEALAND



New Zealand Overview

Resettlement programme since: **1987** | Selection Missions: **Yes** | Dossier Submissions: **Yes**

Resettlement Admission Targets for 2014-2015: program year runs from 1 July -30 June

Admission targets for UNHCR submissions: NB, under the family reunification sub-category there is a small number of people who are dependants of resettled refugees included in the quota.	750
Total Resettlement Admission Target:	750

Regional Allocations for 2014-2015:

Africa	75
Asia and Pacific	410
Middle East and North Africa	50
Americas	115
Large-scale refugee crisis places – Syrian refugees	100

Sub-quota features:

Designated sub-quota/acceptance for:	Description, additional comments:
Emergency resettlement procedures	35 places allocated globally. Certain emergency cases may be processed on dossier basis.
Medical cases	Up to 75 places (places counted against the PA and their immediate family members.)
Women-at-risk cases	At least 75 places
Unaccompanied children	-
Family Reunion (within programme)	Up to 300 places (including declared spouse and dependent children of previous quota refugees and UNHCR referred family-linked cases)
Other	Up to 300 persons each year may immigrate under the Refugee Family Support Category. This assists resettled refugees to sponsor family members who would otherwise not qualify under any other NZ immigration policies.

1. Resettlement Policy

1.1 Description of New Zealand's resettlement policy

New Zealand has been accepting refugees for resettlement since the end of the Second World War. In 1987, the Government established a formal annual quota for the resettlement of refugees.

Over time, New Zealand's refugee policy has evolved in response to changing global circumstances and needs. This has resulted in the resettlement of a diverse range of nationalities.

New Zealand's refugee policy reflects the Government's commitment to fulfilling its international humanitarian obligations and responsibilities. Through refugee policy, New Zealand contributes to the global community's efforts to assist refugees in need of resettlement. The **Refugee Quota Branch (RQB)** is the branch of **Immigration New Zealand (INZ)**, which is tasked with operating the Refugee Quota Programme. INZ in turn, sits within the Ministry of Business, Innovation and Employment (MBIE).

1.2 Ministries responsible for resettlement policy

New Zealand's annual resettlement quota is 750 places with a focus on the needs and priorities identified by the UNHCR. The Government aims to ensure that the quota remains targeted to refugees in greatest need of resettlement, while also balancing this with New Zealand's capacity to provide good settlement outcomes to those accepted under the programme. The size, regional allocation and priorities for New Zealand's Refugee Quota Programme are set by the New Zealand Government in three-year cycles. The composition of the refugee quota is agreed to annually by the Minister of Immigration and the Minister of Foreign Affairs.

1.3 Process for deciding the three-year and annual refugee quota

- The UNHCR forwards a submission based on the UNHCR's indications of the Global Resettlement Needs and Priorities to the New Zealand Government to assist in the development of New Zealand's Refugee Quota Programme.
- Following receipt of the submissions outlined above, a paper is drafted for Cabinet agreement to the three-year quota programme. In addition, the Ministers of Immigration and Foreign Affairs agree annually to the quota programme composition which is developed following submissions from the UNHCR and other key stakeholders.
- A summary of the agreed quota composition and selection mission plan for the quota is released to stakeholders in the resettlement sector.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee and protection status eligibility

New Zealand is a party to both the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (Refugee Conventions). New Zealand also has protection obligations under the 1984 Convention Against Torture (Cat) and 1966 Covenant on Civil and Political Rights (ICCPR). The Immigration Act 2009 provides the statutory basis by which New Zealand determines who it has obligations to under the Refugee Conventions, CAT and ICCPR.

Persons in New Zealand who seek asylum as refugees are assessed in accordance with the criteria for refugee status set out in article 1A (2) of the 1951 Refugee Convention. Applicants who are rejected have the right of appeal to the independent Immigration and Protection Tribunal (IPT), which sits within the Ministry of Justice.

2.2 Refugee status criteria: asylum-seekers and resettled refugees

Domestic asylum-seekers are considered quite separately from, and in addition to, the mandated refugees accepted for resettlement to New Zealand under the Refugee Quota Programme. New Zealand does not conduct Refugee Status Determination for mandated cases being considered under the Refugee Quota Programme.

3. Criteria for Resettlement

3.1 Refugee resettlement eligibility criteria

Refugees considered for resettlement under New Zealand's Refugee Quota Programme (except certain applicants who are nuclear or dependent family members of the principal applicant) must be recognised as mandated refugees and referred by UNHCR according to prescribed resettlement guidelines. All submissions for resettlement to New Zealand are referred by UNHCR to the RQB for consideration.

In brief, individual refugees submitted by UNHCR for resettlement to New Zealand must:

- Be recognised as a refugee according to the Refugee Conventions;
- Be submitted for resettlement by UNHCR in accordance with UNHCR resettlement guidelines and priorities;
- Fall within the regional and global priorities of UNHCR;
- Fall within the regional and global priorities of the Government of New Zealand as set out in the agreed three-year Refugee Quota Programme;
- Be assessed as admissible under New Zealand's immigration policy and procedures; and, be otherwise admissible under New Zealand law.

3.2 Admissibility Criteria

The principal consideration in determining admissibility for resettlement to New Zealand has been set out in the above section. Reasons an individual may be inadmissible for resettlement to New Zealand include past criminal activity (i.e. individuals who have committed crimes of moral turpitude, drug trafficking or acts involving persecution or torture) or identity or security grounds (i.e. individuals who have been involved in, or have a close association with a group which has been involved in, terrorist activity, crimes against humanity or who would present a serious security threat to New Zealand society).

When processing and deciding cases under the Refugee Quota Programme, the following factors are considered:

- INZ policy
- Credibility
- Settlement
- Risk, and
- Medical

Credibility – Issues considered include sufficient, plausibility and consistency of information provided.

Settlement – Issues considered include that individuals approved under the Refugee Quota Programme do not present settlement issues which may prove to be unmanageable or an unreasonable drain upon resources.

Risk – Issues considered include whether the potential resettlement of a particular individual or family does not pose a security, health, or character, or international reputation risk to New Zealand. Risks are assessed for each individual over the age of 17 years.

Medical – All refugees under consideration for inclusion in the Refugee Quota Programme are required to undergo medical assessments to identify whether they have certain conditions or treatment needs that are considered inadmissible (see section 9.1).

Refugees provisionally accepted under the Refugee Quota Programme are required to complete health assessments offshore for TB and HIV/AIDS. Those found to be TB positive are not declined for resettlement, but their travel is temporarily delayed while they receive treatment to ensure they are fit to travel.¹ The annual cap for cases with HIV/AIDS is set to 20. If the number of cases with HIV/AIDS which meet all other criteria for resettlement exceeds the cap, they are deferred to the following year.

¹ Usually approximately eight weeks.

3.3 Other humanitarian immigration programmes

In recognition of the fact that it is often difficult for family members of refugees to meet the eligibility requirements of normal immigration policy, the **Refugee Family Support Category (RFSC)** is a specific policy that allows extended family members of refugees in New Zealand to apply for Permanent Residence. The RFSC is limited to 300 places per year. These places are in addition to the 750 places available under the Refugee Quota Programme.

The RFSC aims to support successful resettlement of refugees resident in New Zealand, by providing them with the opportunity to sponsor family members who do not qualify for residence under any other INZ immigration category. The RFSC has a two tier registration system. Priority is given to tier one sponsors. (See section 14 (8) below for further details.)

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

The annual Refugee Quota of 750 places is comprised of the following subcategories:

- Women-at-Risk – a minimum of 75 places
- Medical/Disabled – up to 75 places (including up to 20 places for refugees with HIV/AIDS)
- UNHCR Priority Protection – 450 places (including up to 300 places for family reunification and 35 places for emergency cases)

All subcategories within the Refugee Quota generally include the nuclear and dependent family members (i.e. spouse and dependent children) of the principal applicant, except the up to 20 places reserved for those with HIV/AIDS – nuclear family members for such refugees would be counted in the category identified in the UNHCR Resettlement Registration Form (RRF).

Women-at-Risk Subcategory

The Women-at-Risk subcategory covers refugee women who are without the support of their traditional family protectors or community and are at risk in their country of refuge. These women would usually be outside the normal criteria for acceptance by resettlement countries and are in need of protection from gender-related persecution such as abduction, sexual abuse and exploitation. This subcategory generally includes the nuclear and dependent family members of the principal applicant.

Medical/Disabled Subcategory

The Medical/Disabled subcategory provides for the resettlement of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. Generally, applicants under this category must have a medical condition that cannot be treated in their country of refuge, and resettlement to New Zealand would be life-saving or significantly enhance their medical condition and well-being. In all cases where there is an apparent physical or psychological condition, full medical reports must be provided by UNHCR for assessment by the relevant health authorities in New Zealand. The full disclosure of the condition and its effects are essential for planning purposes. This subcategory generally includes the nuclear and dependent family members of the principal applicant.

The up to 20 places for refugees with HIV/AIDS within the Medical/Disabled subcategory ensures health authorities in New Zealand have time to plan appropriate and necessary treatment and support for those refugees arriving in New Zealand with HIV/AIDS. Those refugees with HIV/AIDS are not excluded, as New Zealand's quota programme is aimed to focus on providing protection to those most in need.

UNHCR Priority Protection Subcategory

UNHCR Priority Protection subcategory applies to refugees requiring urgent legal or physical protection (i.e. refugees who face an immediate life-threatening situation, imminent refoulement, deportation or local security threat including arbitrary arrest, detention or imprisonment, which may result in a violation of their human rights). It may also include refugees for whom the international community has identified a need for resettlement as part of a comprehensive strategy to address a refugee problem. This subcategory, as with all other subcategories within the Refugee Quota Programme, generally includes the nuclear and dependent family members of the principal applicant.

In 2013, the New Zealand Government agreed to include in the quota the allocation annually of up to 50 places to UNHCR-referred refugees who require resettlement from large-scale refugee crisis situations.

Emergency Resettlement

Emergency resettlement submissions from UNHCR are considered under the Priority Protection subcategory. Emergency resettlement cases are given priority over all other refugee resettlement cases. Where possible, the RQB aims to issue its decision and undertake resettlement as soon as possible upon receipt of all the necessary documentation from UNHCR.

The Government of New Zealand offers a limited number of places for emergency resettlement each year. A notional figure of around 35 places is used (including the immediate family of the principal applicant). Emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional priorities have been allocated.

4.2 Processing priorities

Aside from Emergency cases, all cases considered for processing must be in line with the priorities set out in the agreed Refugee Quota Programme.

4.3 Non-UNHCR allocations

Spouses and dependent children of quota refugees may be included under the Refugee Quota Programme without a referral from UNHCR, as long as they were declared during the refugee's initial offshore interview with INZ and they meet New Zealand's immigration policy.

5. Submission and Processing via Dossier Selection

5.1 Dossier submission policies

The RRF is the standard form that initiates consideration of a dossier case by INZ.

5.2 Case documentation

The INZ requires the following documentation in order to consider a dossier resettlement submission:

- An RRF that has been fully and accurately completed by UNHCR;
- A completed and signed Residence Application for Mandated Refugees;
- Completed INZ general interview questions;
- Birth Certificate or identity document or declaration regarding identity if birth certificate or identity document cannot be provided;
- Police clearance certificate for all applicants aged 17 years and over for all countries in which the applicant has lived for 12 months or more or declaration confirming criminal convictions if police clearance certificates cannot be provided;
- Completed medical certificate;

- A declaration signed by the applicant in agreement to participation in the on-arrival six-week reception programme;
- One passport-size photographs of each applicant;
- Where appropriate, medical reports, Best Interests Determinations (BID), custody documentation and special needs assessments by the UNHCR.

5.3 Routing of submissions

All cases, including emergency cases are routed to the INZ via UNHCR Regional Office in Canberra.

5.4 Processing times

The length of time required to process applications varies according to the category of referral, volume of cases involved and factors relating to the country of origin. Providing RRF is complete and the documentation is in order, processing time ought to be approximately six to eight weeks after the applicant's offshore interview by INZ. Actual resettlement to New Zealand may occur sometime thereafter, depending on the urgency of the case, intake schedules and other operational factors. Resettlement usually occurs within 12 months of the applicant's interview with INZ. Emergency resettlement cases are given priority over all other refugee resettlement cases.

5.5 Recourses, appeals

There is no review or appeal process for individuals whose cases have been declined by INZ. However, INZ would be prepared to reconsider a case submission from UNHCR provided additional information was forthcoming in support of the case and reasons were given for requesting reconsideration.

5.6. Any other issues regarding dossier submissions

All refugee resettlement applications are considered in accordance with established New Zealand immigration policy and operational guidelines. In certain cases, INZ may seek advice from other Government departments. Feedback from these sources is taken into consideration in the decision making process.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Selection missions are planned in accordance with the agreed Refugee Quota Programme. The INZ consults with UNHCR on the timing of its selection missions to assist with the preparation of case submissions.

6.2. Case documentation

The INZ requires the following documentation in order to consider a resettlement submission:

- An RRF that has been fully and accurately completed by the UNHCR;
- A completed and signed Residence Application for Mandated Refugees;
- Completed general INZ interview questions;
- Biometric information (fingerprints and photograph);
- Birth Certificate or identity document or declaration regarding identity if birth certificate or identity document cannot be provided;
- Police clearance certificate for all applicants aged 17 years and over for all countries in which the applicant has lived for 12 months or more or declaration confirming criminal convictions if police clearance certificates cannot be provided;

- Completed medical certificate; declaration signed by the applicant in agreement to participation in the on-arrival six-week reception programme;
- One passport-size photographs of each applicant;
- Where appropriate, medical reports, BIDs, custody documentation and special needs assessments by UNHCR.

6.3 Routing of Submissions

All submissions to be interviewed as part of a selection mission must be referred by the UNHCR in accordance with UNHCR resettlement guidelines and priorities. Submissions are forwarded to the RQB via UNHCR Regional Office in Canberra for consideration in the lead-up to a selection mission.

6.4 Processing times

The length of time in processing applications varies according to the category of referral, volume of cases involved and factors relating to the country of origin. Providing the submission is complete and the documentation is in order, processing time ought to be approximately six to eight weeks after the applicant's offshore interview with the INZ. Actual resettlement to New Zealand may occur sometime thereafter, depending on the urgency of the case, intake schedules and other operational factors. Resettlement normally occurs within 12 months of the applicant's interview by the INZ. Emergency resettlement cases are given priority over all other refugee resettlement cases.

6.5 Recourses, appeals

There is no review or appeal process for individuals whose cases have been declined by INZ. However, INZ would be prepared to reconsider a case submission from UNHCR provided additional information was forthcoming in support of the case and reasons were given for requesting reconsideration.

6.6 Other details regarding selection missions

All refugee resettlement applications are considered by INZ in accordance with established New Zealand immigration policy and operational guidelines. In certain cases, INZ may seek advice from other Government departments.

7. Emergency Cases/Urgent Cases

7.1 Policies for receiving emergency and/or urgent cases

Emergency and/or Urgent resettlement submissions from the UNHCR are considered under the Priority Protection subcategory. Emergency and/or Urgent resettlement cases are given priority over all other refugee resettlement cases. The degree of urgency is assessed to determine the response time required. Where possible, INZ aims to issue its decision and undertake resettlement as soon as possible upon receipt of all the necessary documentation from the UNHCR.

A limited number of places are allocated each year within the Refugee Quota for emergency resettlement. Emergency cases are considered for refugees who are facing imminent life threatening situations, where it is assessed the New Zealand may offer immediate protection. A notional figure of around 35 places is used (including the immediate family of the principal applicant). Emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional priorities have been allocated.

7.2 Case documentation for Emergency and/or Urgent cases

Emergency and Urgent submissions from the UNHCR are considered by INZ on a dossier basis. As with all dossier cases, INZ requires the following documentation in order to consider a resettlement submission:

- an RRF that has been fully and accurately completed by the UNHCR;
- a completed and signed Application for Consideration for Residence in New Zealand form;
- completed INZ interview questions;
- a declaration signed by the applicant in agreement to participation in the on-arrival six-week orientation programme;
- two passport-size photographs of each applicant ;
- where appropriate, medical reports, BIDs and special needs assessments by the UNHCR.

7.3 Routing of submissions for Emergency and/or Urgent cases

As with all mandated refugee cases submitted by the UNHCR to New Zealand for consideration, Emergency and/or Urgent resettlement cases should be submitted to the INZ via the UNHCR Regional Office in Canberra.

7.4 Processing times for Emergency cases

INZ advises the UNHCR in Canberra of its decision on cases prioritized as Emergency within 48 hours. The decision may be to reject the case or accept pending health and character checks.

Where IOM is unable to access Emergency cases, INZ requires the assistance of the UNHCR with processing these cases by interviewing the applicant using questions provided by the INZ and facilitating completion by applicants of required immigration forms. The UNHCR may also, where necessary, assist with obtaining exit permits and/or obtaining further information relevant to the case as appropriate.

Where only one accepted Emergency resettlement case is current at a given time, INZ will endeavour to evacuate that case from the country of asylum within three working days, or on the next available flight, after the date when UNHCR is notified that the case is accepted pending health and character checks.

Where more than one accepted Emergency resettlement case is current at a given time, UNHCR will prioritise all such current emergency cases, in consultation with the INZ. The INZ will endeavour to evacuate those cases from the countries of asylum in order of that priority within three working days of the resettlement of the Emergency case immediately preceding it.

7.5 Processing times for Urgent cases

INZ will advise the UNHCR in Canberra of its decision on cases prioritized as Urgent within one week. The decision may be to reject the case or accept pending health and character checks.

Where IOM is unable to access Urgent cases, INZ requires the assistance of the UNHCR with processing these cases by interviewing the applicant with questions provided by the INZ and facilitating completion by applicants of required immigration forms. The UNHCR may also, where necessary, assist with obtaining exit permits and/or obtaining further information relevant to the case as appropriate.

INZ will use its best endeavours to resettle any Urgent cases at latest by inclusion in whichever of the six annual Quota intakes next follows the date of acceptance of that case.

7.6 Special considerations regarding Emergency and/or Urgent cases

The INZ will inform the UNHCR as quickly as possible if issues arise that are likely to prevent a decision being made within the relevant timeframe.

8. Special Categories/Special Needs

New Zealand does not have any further quotas for cases with specific needs, beyond those outlined in section 4 above.

9. Medical Requirements

9.1 Screening procedures

All refugees under consideration for inclusion in the New Zealand refugee quota are required to undergo medical screening to identify whether they have certain conditions or treatment needs that are considered inadmissible as outlined below:

- requires dialysis treatment
- has severe haemophilia
- has a physical, intellectual, cognitive and/or sensory incapacity that requires full-time care, including care in the community
- currently has any form of tuberculosis (TB) and has not completed full treatment, or
- has a history of diagnostic findings or treatment for multiple drug resistant or extensively drug resistant TB, unless cleared by a New Zealand Respiratory or Infectious Diseases specialist.

All costs associated with the medical screening will be covered by the New Zealand Government.

9.2 Health criteria and exclusion factors, recourse and waivers

Anyone identified as having one of the five conditions or treatment needs as listed above in section 9.1 cannot be selected for inclusion in the Refugee Quota Programme unless they are granted an exception on a case-by-case basis by the Minister of Immigration.

9.3 Pre-departure examination and treatment

Refugees provisionally accepted under the Refugee Quota Programme are required to complete health screening offshore for TB and HIV/AIDS. Those found to be TB positive are not declined for resettlement, but their travel is temporarily delayed while they receive treatment to ensure they are fit to travel.² Those refugees with HIV/AIDS are not excluded from being resettled in New Zealand under the Refugee Quota Programme (See Medical/Disabled subcategory at 4.1).

The New Zealand Government covers all costs related to TB and HIV/AIDS screening.

10. Orientation (pre-departure)

10.1 Orientation sessions

A DVD has been developed to provide pre-departure settlement information to those accepted for inclusion under the Refugee Quota Programme. The DVD provides tailored settlement information about living and working in New Zealand to help manage pre-arrival expectations and prepare refugees for resettlement in New Zealand. The DVD is provided to those included in the quota following selection and is also available online at the INZ website.

² Usually approximately eight weeks

10.2 Other pre-departure preparation

Refugees approved for resettlement to New Zealand under the Refugee Quota Programme will be advised of the city they will be resettled in before their departure to New Zealand and provided with basic information about the city in their own language.

11. Travel

11.1 Travel booking procedures

Upon acceptance of a case for resettlement INZ notifies the relevant UNHCR Field Office (copied to UNHCR Canberra).

The Government of New Zealand has a Memorandum of Understanding (MoU) with the International Organization for Migration (IOM), under which the IOM undertakes to make all travel bookings and complete all necessary pre-departure arrangements for refugees travelling as part of New Zealand's Refugee Quota Programme, including pre-flight medical assessments and exit permission formalities. The IOM arranges for travelling refugees to be safely boarded on flights from countries of refuge and assisted with making connecting flights in transit points.

With the agreement of INZ, the IOM may also arrange escorts where required for medical or other reasons. Where possible and necessary, the INZ may send an escort officer to accompany the refugees on their journey to New Zealand. This is usually only possible when sizeable numbers of refugees are travelling from the same country of refuge.

11.2 Payment

The Government of New Zealand pays for the travel of refugees accepted under the Refugee Quota Programme. This includes travel from the country of refuge to New Zealand, medical screening, transit costs, exit permit fees and other associated costs. New Zealand also pays all travel costs to centres within New Zealand where the refugees will settle following the completion of the six week reception programme in Auckland. Quota refugees are not required to repay the costs associated with their travel.

11.3 Travel documents issued

For those quota refugees who do not hold national passports, the INZ issues travel documents (New Zealand Certificates of Identity (COI)) endorsed with permanent residence visas as well as Passport Exemption Letters. The INZ dispatches the COIs, along with Passport Exemption Letters, to either UNHCR or IOM in countries of refuge and liaises with them to ensure that the documents are received in time for all travel arrangements and exit formalities to be completed.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival

Persons accepted for resettlement to New Zealand under the Refugee Quota Programme are granted Permanent Resident status on arrival. As New Zealand Permanent Residents, they are entitled to live in New Zealand permanently and enjoy the rights extended to other New Zealand Permanent Residents and citizens, in terms of access to education, housing, health care, employment and social welfare.

12.2 Documentation issued, including travel documents

Persons accepted for resettlement to New Zealand under the Refugee Quota Programme may use their COI (the document with which they travelled to and entered New Zealand) as a form of ID for two years from their date of entry into New Zealand. Thereafter, until such time as they qualify to apply for citizenship they are required to obtain other forms of identification, which may include a New Zealand Driver's License or Refugee Travel Document.

12.3 Documents issued to children born after arrival but before naturalization of their parents

As resettled quota refugees gain Permanent Resident status upon arrival, any children born after arrival automatically gains New Zealand citizenship.

12.4 Requirements for citizenship

After a qualifying period of five years as Permanent Residents, quota refugees are eligible to apply for New Zealand citizenship.

13. Domestic Settlement and Community Services

13.1 Overview of Services for Resettled Refugees

The reception and integration of resettled refugees is effected through partnerships between Government agencies and Non-Governmental Organisations (NGOs).

The New Zealand Refugee Resettlement Strategy

The New Zealand Refugee Resettlement Strategy (the Strategy) was approved by the New Zealand Government in 2012. The Strategy is a whole-of-government approach to delivering improved refugee resettlement outcomes so that refugees more quickly achieve self-sufficiency, social integration and independence. It is being implemented progressively from 2013/14 and applies in the first instance to quota refugees arriving in New Zealand after 1 July 2013. The Strategy involves changes to the mix of services to be provided to quota refugees. In particular there is a stronger focus on employment-related services as part of a wider government agenda to move people off welfare support and into employment.

The overarching outcome for the Strategy is: *Refugees are participating fully and integrated socially and economically as soon as possible so that they are living independently, undertaking the same responsibilities and exercising the same rights as other New Zealanders and have a strong sense of belonging to their own community and to New Zealand.*

This outcome is supported by the following five integration outcomes:

- *Self-sufficiency*: all working-age refugees are in paid work or are supported by a family member in paid work.
- *Participation*: refugees actively participate in New Zealand life and have a strong sense of belonging to New Zealand.
- *Health and wellbeing*: refugees and their families enjoy healthy, safe and independent lives.
- *Education*: refugees' English language skills enable them to participate in education and achieve qualifications, and support them to participate in daily life.
- *Housing*: refugees live independently of government housing assistance in homes that are safe, secure, healthy and affordable.

Progress in improving these integration outcomes is measured annually against success indicators agreed by the Government.

The implementation of the first phase of the Strategy was completed in 2013/2014 and included a wide range of changes to the mix of services provided to quota refugees prior to their arrival in New Zealand, during the reception programme at the Mangere Refugee Resettlement Centre (the Centre) and in the community. Phase one also included implementation of the governance arrangements agreed by Government and undertaking the baseline measures for the success indicators of the Strategy. Phase two of the implementation of the Strategy started on 1 July 2014 and has a focus on English language support for refugees.

13.2 Reception and Orientation

Reception Programme

Refugees who arrive in New Zealand under the Refugee Quota Programme spend their first six weeks in the country at the Centre, based in Auckland where Government agencies and NGOs work in partnership to implement a variety of programmes (Reception programme).

The six-week reception programme at the Centre aims to build basic social and coping skills required for refugees' new lives in New Zealand and provide information on work and expectations of employment. Implementing the Strategy means the reception programme will have a stronger focus on employment services as part of the preparation for all work-age refugees to finding work. Health and mental health assessments and initial treatment, health promotion, settlement planning including orientation to working and living in New Zealand and an employment assessment, and education, including English language, will also continue to be key focus areas of the reception programme.

Resettlement Communities

On arrival in the resettlement communities orientation to New Zealand continues with a series of community-based workshops, support for daily living and linking to mainstream services and learn-to-drive programmes.

13.3 Housing

Suitable furnished government-subsidised or private housing is located for quota refugees in their resettlement communities prior to the completion of the six-week reception programme at the Centre.

13.4 Physical and Mental Health

Reception Programme

A government-funded medical clinic (including dentistry) operates at the Centre. This provides health screening, initial treatment and referral for all quota refugees. Access to specialised medical services outside the clinic is also facilitated. Comprehensive mental health screening, assessments, initial treatment and rehabilitation is also available.

Resettlement Communities

Government health funding authorities also support refugee-specific mental health counselling services, for survivors of torture and trauma, through non-government agencies in Auckland, Wellington and Christchurch.

13.5 Language Training and education

Reception Programme

English language training is provided and supports the employment focus for working-age refugees. Refugee children are also prepared for their introduction into the New Zealand classroom and national curriculum in the resettlement communities. Refugees aged 13-17 years attend secondary classes where their goals and skills are assessed by bilingual tutors for placement in the education system. Refugees aged 65 or older will receive additional English language support with a focus on conversational English and living independently.

Resettlement Communities

Refugee Education Coordinators are employed by the Ministry of Education to work with refugee families, agencies and schools throughout the country.

Government funding is available to enable schools to develop programmes that best meet the identified needs of students from non-English speaking backgrounds. The Government also provides funding to NGOs to provide English language and support services to adult refugees.

13.6 Employment-related training

Government funded support is provided through for example the Tertiary Education Commission which purchases training opportunities for those disadvantaged in the labour market, including refugees. Such training opportunities can include English language courses as well as vocational and life skills training. Similar vocational training and income generating initiatives that focus on the refugees' traditional skills and occupations are funded by some city councils.

13.7 Employment

New Zealand's onshore reception programme has been redesigned under Phase one of the New Zealand Refugee Resettlement Strategy to provide a stronger focus on employment. This combines the provision of information with activities designed to engage working-age refugees in practical preparations for work. Refugees aged 16 and 17 years may also participate in these sessions where this is appropriate (for instance, for those planning to move to work rather than on to tertiary studies).

13.8 Financial Assistance

For the duration of their six-week reception programme at the Centre, quota refugees receive a weekly allowance. On leaving the Centre, they are eligible to receive an applicable benefit at the same rate as benefits provided to unemployed New Zealanders.

In addition, resettled refugees may be eligible for additional assistance, for instance Accommodation Supplements, to help meet their housing costs.

A special settlement grant for re-establishment costs is also provided to assist with acquiring household items such as white-ware. As with other New Zealand citizens and residents, refugees may be entitled to additional allowances and recoverable grants to assist with finding employment.

13.9 Additional settlement-related information

Settlement Information Services

INZ provides a free, end-to-end information service available for all new migrants and resettled refugees. Information for people new to New Zealand is available through four channels – a website (www.newzealandnow.govt.nz), which includes information about local areas where people settle; through a free phone-line and email enquiry channel provided by the INZ Contact Centre; and for those who wish to talk to someone face-to-face in their local area, the Citizens Advice Bureau in 30 areas around New Zealand are equipped to work with new migrants and refugees who may have questions and issues about settling in New Zealand. Information is also provided in these areas through workshops and seminars, covering topics of interest to newcomers.

Building New Communities

The Office of Ethnic Affairs (OEA) supports refugee resettlement by providing a referral and information service for ethnic communities, and policy advice to government. The OEA also operates Language Line, a telephone interpreting service with 44 languages that is available for key Government departments to use when communicating with speakers of other languages.

Cultural Diversity

The constitutional framework of New Zealand places great importance on respect for peoples' cultural, ethnic, racial and religious differences and their right to participate equally in society. The rights of resettled refugees are protected by New Zealand law, which covers all forms of discrimination and racism and upholds peoples' rights and freedoms of speech, religious belief and political opinion. Specific bodies such as the Human Rights Commission, Office of the Race Relations Conciliator, refugee councils and incorporated

associations also support the rights and interests of resettled refugees. Increasingly, local councils are appointing ethnic community co-ordinators to facilitate understanding of ethnic and racial diversity and to provide assistance and support to ethnic communities on a range of matters.

14. Family Reunification of Refugees

Family reunification is recognised as an important part of New Zealand's refugee policies. However, it is acknowledged that there is a consistently high level of demand for family reunification from resettled refugees that cannot be met through the Refugee Quota Programme alone.

14.1 National definition of family

Under the Refugee Quota Programme, immediate family is defined as 'spouse and dependent children' and these are the only members which may be considered for inclusion in the Refugee Quota Programme without a referral from UNHCR – providing they were declared during the refugee's initial offshore interview with the INZ.

14.2 Legislation regarding rights and restrictions to family reunification

Eligibility of family members of resettled refugees

Resettled quota refugees who declare their spouse and/or children during their initial offshore interview with the INZ can usually sponsor them through the Refugee Quota Programme. Their cases must be considered in line with New Zealand immigration policy.

Resettled quota refugees who have non-immediate family members that they would like included in the Refugee Quota Programme are unable to sponsor them through the Refugee Quota Programme. New Zealand does not advocate or solicit referrals from the UNHCR on behalf of non-immediate family in New Zealand. The final decision with regard to referral for resettlement to New Zealand lies with the UNHCR.

As Permanent Residents of New Zealand resettled quota refugees who wish to sponsor other relatives (parents, fiancés, etc.) to come to New Zealand have several options under other immigration categories. They may apply to sponsor family through the RFSC, or other non-refugee specific categories.

Eligibility of family members of persons granted asylum

Once they have been granted Permanent Resident in New Zealand approved asylum seekers who wish to sponsor relatives (immediate family, parents, fiancés, etc.) to come to New Zealand have several options under a number of immigration categories. They may apply to sponsor family through the RFSC, or other non-refugee specific categories.

Approved asylum seekers may not sponsor family through the Refugee Quota Programme, but their family members may be considered for inclusion in the programme if their cases are referred to New Zealand by UNHCR.

14.3 Family reunification cases and the resettlement quotas

Immediate family of quota refugees (i.e., spouse and dependent children) approved for inclusion in the Refugee Quota Programme are counted within the quota of 750 persons. Family members approved under all other immigration categories are not.

14.4 Routing of submissions

As with all RRFs submitted to New Zealand, UNHCR referrals for cases of non-immediate family members should be routed through the UNHCR Regional Office in Canberra.

14.5 Case documentation

For cases which are referred by UNHCR and being considered for inclusion in the Refugee Quota Programme, INZ requires the following documentation in order to consider a resettlement submission:

- An RRF that has been fully and accurately completed by UNHCR;
- A completed and signed Residence Application for Mandated Refugees;
- Completed INZ general interview questions;
- Biometric information (fingerprints and photograph);
- Birth Certificate or identity document or declaration regarding identity if birth certificate or identity document cannot be provided;
- Police clearance certificate for all applicants aged 17 years and over for all countries in which the applicant has lived for 12 months or more or declaration confirming criminal convictions if police clearance certificates cannot be provided;
- Completed medical certificate;
- A declaration signed by the applicants in agreement to participating in the six week on-arrival reception programme;
- One passport-size photographs of each applicant;
- Where appropriate, medical reports, Best Interests Determinations, custody documentation and special needs assessments by UNHCR.

In cases of immediate family (non-UNHCR referred) being considered for inclusion in the Refugee Quota Programme, INZ requires the following documentation in order to consider a resettlement submission:

- A completed and signed Residence Application for Refugee Quota Family Reunification;
- Completed INZ interview questions;
- Biometric information (fingerprints and photograph);
- Birth Certificate or identity document or declaration regarding identity if birth certificate or identity document cannot be provided;
- Police clearance certificate for all applicants aged 17 years and over for all countries in which the applicant has lived for 12 months or more or declaration confirming criminal convictions if police clearance certificates cannot be provided;
- Completed medical certificate;
- A declaration signed by the applicants in agreement to participation in the six week on-arrival reception programme;
- One passport-size photographs of each applicant;
- Where appropriate, medical reports, evidence of identity and evidence of legal custody.

14.6 Processing times

Each family reunification case is considered individually, and every effort is made to reunite separated family members; however, due to the individual circumstances of each case no generic timeframe can be given.

14.7 Entitlements for family members

Family members approved for resettlement through the Refugee Quota Programme have the same entitlements as other quota refugees i.e., their travel is paid for and they gain Permanent Residence status upon arrival.

Family members approved as Permanent Residents under all other Immigration categories must fund their own travel.

14.8 Other immigration channels available for family reunification

Generally, refugees who have relatives in New Zealand and who do not qualify for resettlement in accordance with the UNHCR resettlement criteria must apply for residence under standard Immigration categories, which include:

- RFSC
- Partnership Category
- Parent Category
- Dependent Child Category

Under each of the categories above, applicants must meet health and character requirements. Applicants or sponsors are responsible for funding the application process and travel.

The New Zealand-resident sponsors of parents must:

- have been a New Zealand resident or citizen for a period of at least three years
- meet financial criteria (income or settlement funds); and
- undertake to ensure that financial support and accommodation is provided for the applicants' first five years as a resident in New Zealand.

Refugee Family Support Category

In recognition of the fact that it is often difficult for family members of refugees to meet the eligibility requirements of normal immigration policy, the RFSC is a specific policy that allows extended family members of refugees in New Zealand to apply for Permanent Residence. The RFSC is limited to 300 places per year.

The RFSC aims to support successful resettlement of refugees resident in New Zealand, by providing them with the opportunity to sponsor family members who do not qualify for residence under any other INZ immigration category. The RFSC has a two tier registration system. Priority is given to tier one sponsors.

Eligibility requirements and restrictions

For resettled refugees to qualify as a tier one sponsor they must have no 'immediate family' (partner, parent, non-dependent child) living lawfully and permanently in New Zealand, or, they must be the 'sole-carer' of a 'dependent relative' in New Zealand; and have no other 'family member' eligible to be sponsored for residence under any other Immigration residence category.

Tier one sponsors may register to sponsor their parents, grandparent, grandchild, uncle, aunt, nephew, niece, adult sibling, or adult child, and their immediate family (spouse and dependent children).

Under Tier two, which is not currently operational, sponsors need not be alone in New Zealand nor prove that they are a sole-carer of a dependent relative. Tier two was opened for a three day period in April 2012 and sufficient registrations were received to fill the available residence places until approximately 2016/2017.

Support provided to family members on arrival

Under the RFSC sponsors/applicants are responsible for funding the application process and travel. They are exempt however, from providing evidence of funds for maintenance and accommodation upon arrival. Instead, sponsors must undertake to ensure that accommodation is provided, if necessary, for the applicants' first 24 months as a resident in New Zealand, and those approved Permanent Resident may, where necessary, apply for financial assistance upon arrival.

15. References/Resources

<http://dol.govt.nz/research/>

Government-funded research related to refugee resettlement in New Zealand.

<http://www.immigration.govt.nz/>

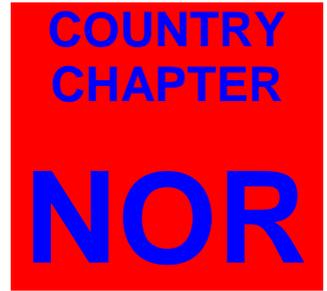
Immigration New Zealand website

<http://www.newzealandnow.govt.nz/>

Immigration New Zealand's guide to living, working & moving to New Zealand

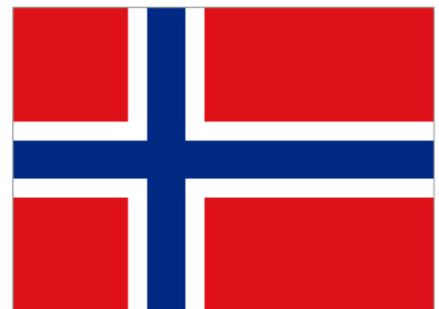
<http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html>

Immigration Act 2009



NORWAY

BY THE GOVERNMENT OF NORWAY



Norway Overview

Resettlement programme since: ad hoc from 1945, refugees since 1970's, annual quota since 1980's	Selection Missions: Yes	Dossier Submissions: Yes - 120 persons
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Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions:	3,120
Non-UNHCR submissions- no specific target- Priority given to UNHCR referrals. Cases referred by the following may also be considered: Ministry of Foreign Affairs; International Criminal Courts with which Norway has witness resettlement agreements; Norwegian PEN , where the applicant will be part of the Cities of Refuge Network; Norwegian NGOs with presence in areas where UNHCR is not represented or does not have a mandate to refer the person for resettlement	
Total Resettlement Admission Target:	3,120

Regional Allocations for 2016:

Africa	0 persons
Asia and Pacific:	0 persons
Middle East and North Africa	2400 persons
Europe:	600 persons
Other (medical, emergency, and unallocated slots)	120 persons

Sub-quota features:

Designated sub-quota/acceptance for:	2016 Description, additional comments:
Emergency resettlement procedures	For 2016 unallocated slots on the emergency quota is limited to 75 places and included in the 120 slots for dossiers-.Mostly dossier basis submissions via HQ, Nairobi and Beirut/Amman HUBs. Includes expedited processing procedures.
Medical cases	60 slots allocated to Syrian refugees and included in the 3000 slots for Middle East and North Africa and Europe (Turkey) unallocated slots, (counting only person with medical need), submissions via HQ, Nairobi and Beirut/Amman HUBs. Most cases accepted on dossier basis.
Unallocated quota	120 unallocated slots, mostly dossier basis submissions via HQ, Nairobi and Beirut/Amman HUBs.
Women at risk cases	Priority always given to Women-at-risk cases if they otherwise meet the criteria.
Unaccompanied children	Maximum of 20 persons can be accepted
Family Reunion (within programme)	No specific quota
Other, (converted places)	Slots are allocated to alternative use, such as funding of UNHCR protection/resettlement staff.

1. Resettlement Policy

1.1 Description of the country's resettlement policy

Norway recognizes and supports resettlement as an important instrument of international protection and as a durable solution to the plight of refugees.

Norway offers resettlement opportunities within annual quotas. The size of the annual quota is set by the Parliament following proposals made by the Ministry of Justice and Public Security.

The Ministry of Justice and Public Security allocates the annual quota taking into account the advice of UNHCR and Norwegian government agencies, notably the Ministry of Foreign Affairs, the **Norwegian Directorate of Immigration**, the Ministry of Children, Equality and Social Inclusion, and the **Directorate of Integration and Diversity**. The Norwegian Directorate of Immigration and the Norwegian Directorate of Integration and Diversity resettle refugees within this quota in close cooperation with UNHCR.

Sub quotas are allocated to specific refugee groups taking into account:

- UNHCR's assessment of resettlement needs;
- Possibilities for multinational efforts to solve refugee situations;
- Possibilities for strategic effects, i.e. solutions or improved premises for refugees who are not offered resettlement;
- Experienced cooperation with UNHCR country offices, including capabilities to submit cases that meet Norwegian resettlement criteria;
- Municipalities' abilities to provide services that address specific needs of refugee groups, and
- Municipalities' evaluation of settlement and integration results.

The resettlement programme operates in close cooperation with UNHCR. Norway gives priority to referrals made by UNHCR.

Norway may also convert a number of quota places in order to release funding for alternative resettlement projects. Norway has shared experience and best practices with emerging resettlement countries through twinning projects. Furthermore, Norway has funded secondments of Norwegian personnel to UNHCR. Other measures that strengthen UNHCR's capacity to submit cases for resettlement can be considered. Norway cooperates and consults with UNHCR before deciding how to make these dispositions.

The resettlement places available on annual quotas may be applied flexibly within three-year periods according to further procedures given by the Ministry of Justice and Public Security. This allows for advance use of quota places from the following year within three-year periods. If annual ceilings are not reached, unused places may be transferred to the following year. The current flexible period runs from 2016 to 2018.

1.2 Ministries and Departments responsible for resettlement policy

The Ministry of Justice and Public Security allocates the quota through consultations with the Ministry of Children, Equality and Social Inclusion and the Ministry of Foreign Affairs, on the basis of information, judgments, and suggestions made by the Norwegian Directorate of Immigration after consultations with the Directorate of Integration and Diversity.

1.3 Process for deciding the annual resettlement quota and its composition, including the timelines for the process

The process leading to the decision of the following year's resettlement quota starts in the spring. The Norwegian Directorate of Immigration and the Directorate of Integration and Diversity share resettlement experiences from the previous year and the first six months of

the current year with the Ministry of Justice and Public Security. This report includes an evaluation of:

- Experienced cooperation with UNHCR country offices, including capabilities to submit cases that meet the Norwegian criteria for recognition of refugee status and the Norwegian resettlement criteria;
- Experiences with settlement and introductory programme for refugee groups;
- A recommendation of whether these groups should be offered continued resettlement;
- A judgment of needs for health services, specifically for medical cases.

The Norwegian Directorate of Immigration and the Directorate of Integration and Diversity invite NGO's to present their views on which refugee groups they think should be offered resettlement. The Norwegian Directorate of Immigration shares a report with the Ministry of Justice and Public Security. Simultaneously, the Norwegian Directorate of Immigration suggests the allocation of next year's quota, after consultations with the Directorate of Integration and Diversity.

The Ministry of Justice and Public Security follows up the reports and suggestions above with consultations with the Ministry of Foreign Affairs, the Ministry of Children, Equality and Social Inclusion and UNHCR. The Ministry of Justice and Public Security shares a preliminary allocation of next year's quota with the Norwegian Directorate of Immigration by the 15th of October. This enables the two directorates to start planning next year's resettlement process. Finally, by the 15th of December, the Parliament decides the state budget, including the total size of next year's quota. The Ministry of Justice and Public Security decides the allocation of the quota. The Norwegian Directorate of Immigration immediately notifies UNHCR.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

2.1 National legislation defining refugee status eligibility

In accordance with the law of 2008 nr 35 concerning the entry of foreign nationals into the Kingdom and their presence in the realm paragraph 28, a foreign national who is in the realm or at the Norwegian border shall upon application be recognized as a refugee if the foreign national:

- a) Has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.¹ Or,
- b) Is at risk of being subjected to the death sentence, torture, or other inhuman or degrading acts or punishment upon return to his/her home country.

Status determination is based on the criteria presented above and in accordance with the Norwegian Directorate of Immigration's asylum-practice regarding the specific country in question.

2.2 Additional criteria

Norway will primarily only accept cases for resettlement where the applicant is in need of international protection as stated above. However, additional criteria are also taken into consideration when assessing resettlement cases, such as for example Norway's participation in broader strategic resettlement programs.

¹ The reader will note that wording from the refugee convention has been incorporated into Norwegian national legislation. This applies to both §§ 28 and 31 of the law of 2008 nr 35 (the Immigration act).

In exceptional circumstances Norway will also accept applicants solely on the basis of strong humanitarian considerations, for example where a refugee has an accompanying family member of a different nationality without protection needs.

3. Criteria for Resettlement

3.1 Refugee Resettlement Eligibility Criteria

Norway gives priority to cases referred by UNHCR. Cases referred by the following agents may also be considered:

- The Ministry of Foreign Affairs;
- International criminal courts with which Norway has witness resettlement agreements;
- Norwegian PEN, where the applicant will be part of the Cities of Refuge Network; or
- Norwegian NGO's with presence in areas where UNHCR is not represented or does not have a mandate to refer the person for resettlement.

3.2 Admissibility Criteria

S/he must meet the criteria in accordance with the law of 2008 nr 35 (the Immigration act) paragraph 28. Relevant points are the refugee's reason for leaving his/her country of origin, possible risks if the refugee returns to his/her country of origin and the security situation in the first country of asylum. UNHCR's evaluation of the refugee claim forms the basis for these considerations.

When assessing the protection needs of cases submitted for resettlement we will primarily only accept cases that would have been granted refugee status if they were to seek asylum from within Norway. They are also subject to the same credibility assessments as applicants seeking protection in Norway.

S/he must be in need of resettlement: Prospects for other durable solutions should be considered in the short term as well as in a longer perspective.

Exclusion: Where the exclusion clauses as incorporated in the law of 2008 nr 35 paragraph 31 apply, resettlement shall, as a rule, not be offered. Exclusion will be considered if there are serious reasons for considering that the foreign national:

- (a) Has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) Has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; or
- (c) Has been guilty of acts contrary to the purposes and principles of the United Nations.

National security: The Norwegian Directorate of Immigration cooperates with the Norwegian Police Security Service. The Norwegian Directorate of Immigration may consult the Norwegian Police Security Service with cases that might raise national security concerns. Norway will not accept persons who may constitute a threat to national security.

If a case concerns fundamental national interests or might affect Norway's foreign relations, the Norwegian Directorate of Immigration has a duty to report to the Ministry of Justice and Public Security.

Behaviour and attitude: Persons of known criminal behavior, excessive behaviour or heavy drug users will, as a rule, not be offered resettlement. Furthermore, people who give explicit support to violent ideologies will not be offered resettlement.

Settlement services: The settlement services' ability to settle quota refugees will be affected by the refugees' needs and individual municipalities might sometimes have trouble offering adequate services for those being resettled. This might therefore have to be taken into account when considering resettlement for individuals with special needs.

Female perspective: Norway gives priority to women above men, especially cases including women and girls at risk. However, we will not give priority to families with minor girls above minor boys. The female perspective does not mean that we will not offer resettlement to men with a strong need for protection. Norway gives priority to men and boys who are vulnerable because of their gender identity, or sexual orientation (LGBTI).

Child perspective: Norway gives priority to cases including families with children under the age of 18.

Integration perspective: Norway gives priority to persons who will make best use of the services for integration in the settling municipality. Cases including women and girls at risk and families with minor children are to be prioritized irrespective of the integration perspective. More specifically, we will take the integration perspective into consideration when the cases in the portfolio are very similar, and when the number of cases exceed available slots on the quota. Persons who express resentment about integrating in the Norwegian society, labor market or participation in the Introduction program may therefore be rejected under this perspective. Moreover, persons with education or work experience relevant for the Norwegian labor market can be given priority.

Other: The ability of individual municipalities to receive refugees with certain profiles, for example unaccompanied minors, medical cases or single refugees, may vary. Therefore the Norwegian Directorate of Immigration will provide UNHCR with specific requests in accordance to the capacities of the municipalities.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations including sub-quotas

The main quota is allocated to a number of refugee situations where selection missions are carried out.

Norway has three other sub-quotas as well: medical cases, emergency cases, and the unallocated sub-quota. (See overview section, sub-section features for further details).

4.2 Processing priorities

Norway applies a strengthened gender focus, and gives priority on the quota for women and girls.

Housing capacities are often limited for single refugees due to lack of a sufficient number of smaller apartments in the municipalities, and because a relatively large number of the asylum seekers coming to Norway are single males. As a consequence, single refugees, particularly males, who have been accepted after seeking asylum in Norway, at times have to wait for prolonged periods in reception centers before settlement.

In order to balance these housing problems with the resettlement priority to women at risk, we can only resettle a limited number of single males.

4.3 Non-UNHCR allocations, and the role of referral organizations

Norway gives priority to UNHCR referrals, and does not have allocated sub-quotas for non-UNHCR referrals. Non-UNHCR referrals are processed under the unallocated quota.

There is a formal limitation to referrals from NGO's. The requirement is that UNHCR is not present in the area or does not have a mandate to refer the case for resettlement. The NGO must have a presence in the area.

Norway may accept cases referred by Norwegian PEN where the applicant will take part in the Cities of Refuge Network. These cases can be accepted independently of whether UNHCR has presence or mandate in the country.

The number of acceptances of NGO referrals cannot exceed 15% of the unallocated sub-quota.

5. Submission and Processing via Dossier Selection

5.1 Dossier submission policies

Norway accepts referrals for resettlement on dossier basis to all our sub quotas. Preferably though, the resettlement candidates are interviewed. Therefore, Norway conducts interviews in a majority of the cases referred under the specific quotas for nationality groups. The interviews are conducted during resettlement missions (see separate section). In practical terms, dossier cases tend therefore to be accepted on the emergency, medical and unallocated quotas.

5.2 Case documentation

The Norwegian Directorate of Immigration requests that all identity documents in the refugees' possession are scanned and included in the referral. To obtain status as a refugee, the identity of persons included in the case has to be documented. However, in the absence of documentation, the identity given by the refugee to UNHCR is deemed to be correct.

The Norwegian Directorate of Immigration needs to be provided with detailed material facts of the case, as well as both inclusion and exclusion evaluations. Medical cases must be supplemented with a typed medical assessment form (MAF).

5.3 Routing of submissions

Submissions should be made directly to the Norwegian Directorate of Immigration at resettlement@udi.no.

5.4 Processing times

From reception of dossier to decision:

The Norwegian Directorate of Immigration makes the decisions in normal or urgent resettlement priority cases within three weeks from referral. For emergency cases the decision is taken within 48 hours. If the case includes foreign policy concerns or issues relating to national security, the case will be subject to political scrutiny and the decision will depend on involvement from the ministerial level of government. UNHCR is informed about all decisions by the Norwegian Directorate of Immigration.

From decision to departure:

All accepted refugees are given an entry visa to Norway valid for six months. Within this time frame (for normal and urgent priority cases), receiving municipalities will decide when they are ready to receive the refugees. Travel requests are sent to IOM based on information given from the receiving municipality in each case. The average time from decision to departure is 3-4 months.

In emergency cases, the Directorate of Integration and Diversity, finds a receiving municipality for the refugees within 48 hours of the decision to accept the case. As soon as the receiving municipality has been identified, the travel request is sent for departure as soon as possible.

5.5 Recourses, appeals

There is no right of appeal regarding the decision to grant or deny entry permit for cases processed under the quota for refugees. However, status determination for quota refugees

July 2011, revised July 2016

may be appealed to the Immigration Appeals Board after the refugee has taken up residence in Norway.

5.6 Other details regarding dossier submissions

The Norwegian Directorate of Immigration notifies UNHCR about the decisions. The Norwegian Foreign Service mission in the country of asylum is informed about accepted cases. Through a copy of the travel request to IOM, the Norwegian Foreign Service mission is instructed to issue emergency travel documents and visas.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Selection missions normally include officers from both the Norwegian Directorate of Immigration and the Directorate of Integration and Diversity. The delegations are led by an officer from the Norwegian Directorate of Immigration. For the selection of Syrian refugees, the Police will also be included in selection missions.

UNHCR submits cases on dossier for consideration prior to the actual mission, for pre-screening purposes. The delegation conducts interviews on the basis of the pre-screening. Some cases might be rejected already during pre-screening, and some cases might be accepted on dossier basis.

The refugees usually undergo three separate interviews, one with an officer from each directorate and one with the Police. The Norwegian Directorate of Immigration will focus on the need for protection and the Police will focus on the verification of identity, while the Directorate of Integration and Diversity will focus on topics such as language skills and education. The interview conducted by the Norwegian Directorate of Immigration is used for assessing the case, while the interview conducted by the Directorate of Integration and Diversity is used to help the municipalities in preparing for the arrival of the refugees.

All decisions are made by the Norwegian Directorate of Immigration after concluding the mission. The Directorate of Integration and Diversity provides advice to the Norwegian Directorate of Immigration regarding the capacity municipalities have for receiving particular caseloads, for instance persons in need of medical care. Receiving capacity in Norway may therefore influence the selection of the individual cases. The final results from the mission are conveyed to UNHCR, who then presents the decisions to the refugees.

When the decisions have been made, the Directorate of Integration and Diversity makes settlement arrangements with Norwegian municipalities for each family unit accepted for resettlement to Norway. The municipalities then prepare practicalities for receiving the refugees. When they are ready, the Norwegian Directorate of Immigration is notified through the Directorate of Integration and Diversity, and the Norwegian Directorate of Immigration issues the travel request to IOM.

6.2 Case documentation

The Norwegian Directorate of Immigration requests that all identity documents in the refugees' possession are listed and are included in the referral, Section 9 of the RRF. To obtain status as refugee, the identity of persons included in the case has to be documented. In the absence of documentation the identity given by the refugee to UNHCR is deemed to be correct. The Norwegian Directorate of Immigration needs to be provided with detailed material facts of the case, as well as both inclusion and exclusion evaluations. Medical cases must be supplemented with a typed medical assessment form (MAF) unless otherwise has been agreed with Norway prior to the submission. The Norwegian Directorate of Immigration furthermore requests all refugees to present identity documents during the interview.

6.3 Routing of submissions

Submissions should be made directly to The Norwegian Directorate of Immigration at resettlement@udi.no.

6.4 Processing times

From reception of cases to selection missions:

The Norwegian Directorate of Immigration requests UNHCR to refer all the cases at least four weeks before the delegation conducting the selection mission departs from Norway. A pre-screening process is initiated, resulting in a list of cases selected for interviews. Some cases might be rejected in the pre-screening phase. The list of cases accepted for interviews is finalized before departure from Norway. The exact dates for exchange of the lists are agreed upon with UNHCR prior to each mission.

From selection mission to decision:

Decisions are finalized and permits are given within three weeks after the selection mission has been completed. Some cases may, however, be pending longer due to the need for further documentation or if there are issues concerning national security and/or foreign policy. If the case includes foreign policy concerns or issues relating to national security, the case will be subject to political scrutiny and the decision will depend on involvement from the ministerial level of government. UNHCR is informed about all decisions by the Norwegian Directorate of Immigration.

From decision to departure:

All accepted cases are given an entry permit to Norway valid for six months. Within this time frame (for normal and urgent priority cases), receiving municipalities will decide when they are ready to receive the refugees. The Norwegian Directorate of Immigration sends travel request to IOM based on information given from the receiving municipality in each case. The average time from decision to departure is 4 months. Given that selected refugees are settled throughout Norway in numerous municipalities and the municipalities decide when they can receive them within the time span of six months, they travel to Norway in smaller groups.

Due to difficulties that may occur with exit arrangements or formalities in the country of asylum, departure is sometimes prolonged. The entry permit may be extended beyond six months under such rare circumstances.

Cases selected through selection missions, may also be processed as emergency cases and according to the emergency procedures for such cases. Although the case has not been flagged as an emergency case by UNHCR, the delegation may decide to process the case as such if emergency protection or medical needs are detected during the interview.

6.5 Recourses, appeals

There is no right of appeal regarding the decision to grant or deny entry permit for cases processed under the quota for refugees. However, status determination for quota refugees may be appealed to the Immigration Appeals Board after the refugee has taken up residence in Norway.

6.6 Other details regarding selection missions

The Norwegian Directorate of Immigration notifies UNHCR about the decisions. The Norwegian Foreign Service mission in the country of asylum is informed about accepted cases and is, through a copy of the travel request to IOM, instructed to issue emergency travel documents and visas.

The refugees who have been accepted participate in a cultural orientation programme about Norway before departure. IOM Oslo is contracted by the Directorate of Integration

and Diversity to hold the course in the country of asylum. Bicultural trainers, who live in Norway, are used for the training. The course is held for both adults and children above the age of eight, and the duration of the course is 3-4 days.

7. Emergency Cases/Urgent Cases

7.1 Policies for receiving emergency and/or urgent case submissions

Norway offers accelerated processing in situations where a refugee's life or freedom depends on emergency resettlement. Refugees may be considered for emergency resettlement when they for example face immediate threats of deportation, immediate physical threat to security or undue detention. No geographical or national limitations apply to this category. Emergency referrals are a specific sub-quota. If the case is flagged under another sub-quota before a selection mission, it may nevertheless be processed under the emergency sub quota if emergency protection or emergency medical needs are detected during the interview.

The Norwegian Directorate of Immigration has similar processing policies for urgent and for normal cases. Both dossier cases and cases submitted before resettlement missions may have normal or urgent priority.

7.2 Case documentation for emergency cases

The Norwegian Directorate of Immigration requests that all identity documents in the refugees' possession are scanned and included in the referral. To obtain status as a refugee, the identity of persons included in the case has to be documented. However, in the absence of documentation, the identity given by the refugee to UNHCR is deemed to be correct. The Norwegian Directorate of Immigration needs to be provided with detailed material facts of the case, as well as both inclusion and exclusion evaluations. Medical cases must be supplemented with a typed medical assessment form (MAF).

If the case is processed during a selection mission, we furthermore request all refugees to present identity documents during the interview.

7.3 Routing of submissions for emergency and/or urgent cases

Submissions should be made directly to The Norwegian Directorate of Immigration at resettlement@udi.no.

7.4 Processing times for emergency cases

From reception of dossier to decision:

The Norwegian Directorate of Immigration gives emergency cases the highest processing priority of all applications for resettlement, and decisions are made within 48 hours. If the case includes foreign policy concern or issues relating to national security, the case must be subject to political scrutiny and the decision will depend on involvement from the Ministerial level of government. UNHCR will be informed about this, and the directorate will ask UNHCR whether UNHCR would like Norway to continue with processing the case or withdraw the case. UNHCR is informed about all decisions made by the Norwegian Directorate of Immigration.

From decision to departure:

The Directorate of Integration and Diversity gives settlement of emergency cases the highest processing priority of all settlement cases. The Directorate of Integration and Diversity will make an agreement with a receiving municipality within 48 hours after the Norwegian Directorate of Immigration has made a positive decision. As soon as the receiving municipality has been identified, the travel request is sent for departure as soon as possible.

7.5 Processing times for urgent cases

Processing time for urgent cases is similar to processing time for normal cases.

From reception of dossier to decision:

For resettlement cases with both urgent and normal priority, the Norwegian Directorate of Immigration makes decisions within three weeks from referral. If the case includes foreign policy concerns or issues relating to national security, the case will be subject to political scrutiny and the decision will depend on involvement from the Ministerial level of government. UNHCR is informed about all decisions by the Norwegian Directorate of Immigration.

From decision to departure:

All accepted cases are given an entry permit to Norway valid for six months. Within this time frame (for normal and urgent priority cases), receiving municipalities will decide when they are ready to receive the refugees. The Norwegian Directorate of Immigration sends a travel request to IOM based on information given from the receiving municipality in each case. The average time from decision to departure is three to four months.

7.6 Special considerations regarding emergency and/or urgent cases

The Norwegian Directorate of Immigration notifies UNHCR about the decisions. The Norwegian Foreign Service mission in the country of asylum is informed about accepted cases and is, through a copy of the travel request to IOM, instructed to issue emergency travel documents and visas.

UNHCR should specify whether medical or security issues form the reason for emergency priority. If the reason is medical, the refugee with medical needs will be allocated under the medical quota. Family members included in the case will be allocated under the emergency quota.

8. Special Categories/Special Needs

8.1 Sub-quotas dedicated to specific needs cases

Norway has a sub quota for refugees with medical needs (twenty or more). For these cases, the resettlement criteria that are outlined in section 3 are applied. Furthermore, Norway applies exactly the same criteria as those outlined under 4.1.1 in the UNHCR Resettlement Handbook when assessing the severity of the health condition and possible improvement after resettlement. In order for refugees with medical needs to be considered they must have good prospects of recovery after receiving medical treatment in Norway. Available medical services in Norway are examined before decisions are made. The case will usually be rejected if required special treatment is not available. The Norwegian Directorate of Immigration cooperates closely with Oslo University Hospital regarding the capacity of the Norwegian health service, the individual's prospects after treatment in Norway etc.

The Norwegian Directorate of Immigration has a continuous dialogue with the Directorate of Integration and Diversity, whereby the former receives information about the capacities of Norwegian municipalities to settle refugees with health problems. An acceptance depends on whether the Directorate of Integration and Diversity can make an agreement with a municipality to settle the case. The receiving municipality will have to decide whether it can offer sufficient follow-up.

It is crucial that UNHCR submits a complete, transparent, and recently updated typed medical report in all referrals concerning refugees with special needs.

8.2 Procedures for submission and selection

Submissions should be made directly to The Norwegian Directorate of Immigration at resettlement@udi.no.

9. Medical Requirements

9.1 Screening procedures, including costs

The Norwegian Directorate of Immigration may request that UNHCR provides a medical examination before a decision is made, if the result of the examination is crucial for the decision. The examination must result in a complete and transparent typed medical report. The Norwegian Directorate of Immigration will not cover these costs.

9.2 Health criteria and exclusion factors

The Norwegian Directorate of Immigration has a continuous dialogue with a medical adviser at Oslo University Hospital, whereby the directorate is advised about the Norwegian health service capacity to treat a given medical problem.

As mentioned under section 8.1, the case will usually be rejected if the required special treatment is not available. Availability of health services varies. At times there are capacity problems within the fields of psychology and psychiatry. As a consequence, it is often not possible to provide sufficient services that would be advisable for traumatized refugees.

Apart from this, there are no specific health criteria.

9.3 Counselling provided

The Directorate of Integration and Diversity will forward essential information about a refugee's health to the municipal health service for follow-up. Necessary counselling will be provided. It is prescribed by law that every refugee must take a tuberculosis test within one week of arrival to Norway.

9.4 Pre-departure treatment, including costs

If active tuberculosis is discovered, the refugee will have to be treated before departure. Other conditions that makes the refugee unfit to travel will be treated if travel cannot be suspended until s/he is fit to travel. The Norwegian Directorate of Immigration will cover these costs.

9.5 Pre-departure examination procedures

IOM may be requested to conduct medical examinations before departure for refugees who have been accepted for resettlement. The purpose is to prepare the municipal health service and secure that relevant follow-up can be provided. These examinations may be requested for selected cases or for groups. They may encompass specific or general examinations. If Norway considers a request for examinations for a group, IOM will be asked to give a price estimate in advance.

10. Orientation (pre-departure)

10.1 Pre-departure orientation sessions

The Cultural Orientation Programme (CO) provides pre-departure cultural orientation classes for refugees accepted for resettlement to Norway. IOM Oslo, in close coordination with IOM offices in countries where refugees are temporarily residing, organizes training for selected target groups of refugees, aged eight years and above, on the practicalities of life in Norway. The primary objective of the programme is to promote smoother integration of refugees into the Norwegian society. It prepares them for the initial adjustment period after arrival in Norway, addressing unrealistic expectations, and limiting the culture shock.

Classes are conducted in the refugees' own language. The use of the refugees' own language as the language of instruction maximizes effective learning.

The cultural orientation programme also provides the receiving Norwegian municipalities with relevant and current information about the refugees and their situation prior to their arrival in Norway. The information to municipalities is provided through Country Information Seminars and Country Profiles.

Bi-cultural trainers

The pedagogical base of the CO programme is the bi-cultural trainer. A bi-cultural trainer is a person who has an origin or background similar to the refugee group in question and who also has a solid background from and living experience in Norway. He or she speaks the language of the CO participants thus eliminating the need for an interpreter. Similar ethnic and immigrant/refugee background and ability to speak the same language as the refugees facilitates creation of trusting and open atmosphere in the class room. Bi-cultural trainers also act as a role model for refugees as the bi-cultural trainer him/herself has gone successfully through an integration process in Norway, learned the language and has also managed to professionally establish him/herself in Norway.

10.2 Duration, location and funding of sessions

Each course consists of 20 hours of intensive CO training given over period of four days for adults aged 15 and above. Children aged 8 to 14 years receive two days, a total of ten hours, of CO training. The programme is funded by the Directorate of Integration and Diversity (IMDi). It is implemented by IOM Oslo in close partnership with Directorate of Integration and Diversity, Norwegian Directorate of Immigration, IOM and UNHCR offices in the training site countries.

11. Travel

11.1 Travel booking procedures

Norway is a donor to IOM, and makes use of its services. IOM arranges travel for refugees accepted for resettlement in Norway under the quota as well as for persons accepted for family reunification with refugees in Norway.

The entry permit granted to a refugee when accepting the case is valid for six months in normal and urgent cases. The Norwegian Directorate of Immigration refers the case to the Directorate of Integration and Diversity, who is responsible for making an agreement with a municipality that will settle the refugee. Within the six-month period, the municipality decides when to receive the refugee. The Directorate of Integration and Diversity then reports this information to the Norwegian Directorate of Immigration. The latter then submits a travel request to the IOM office in the country of residence, asking for booking according to a period of possible arrival. This period is regulated by the entry visa and when the settling municipality can receive the refugee. A copy of the travel request is submitted to the Norwegian Foreign Service mission in the country of residence, with an instruction to issue emergency travel document (*laissez passers*) and visa.

IOM will report to The Norwegian Directorate of Immigration with an Advanced Booking Notification (ABN) that shows ports of transit and times of departures and arrivals. The Norwegian Directorate of Immigration will notify the receiving municipality about arrival time.

The same procedure is followed in emergency cases. When submitting the travel request, we will also notify IOM and the Foreign Service Mission that the case has emergency priority.

11.2 Payment

Norway has a framework agreement with IOM Oslo. The agreement prescribes the cooperation between IOM and the Norwegian Directorate of Immigration regarding travel and medical examinations in the context of resettlement, family reunification and repatriation of refugees. Travel for all refugees who have been accepted under the annual quota is handled by IOM. IOM's expenses are paid for by the Norwegian Directorate of Immigration in accordance with this agreement. The refugees do not have any travelling expenses when coming to Norway.

11.3 Travel documents issued

The Norwegian Foreign Service mission issues emergency travel documents (*laissez passers*) and visas to refugees before departure.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival in Norway

When cases are accepted on dossier basis, the refugee receives an entry permit with residence and work permit that is valid for one year. Shortly after arrival the refugee receives a status decision that gives the refugee a residence and work permit valid for three years from the date of registration with the Norwegian police.

Refugees that are accepted on the basis of the Norwegian Directorate of Immigration's resettlement missions receive a status decision that gives the refugee a residence and work permit valid for three years issued prior to his/her entry to Norway.

12.2 Documentation issued, including travel documents

The Norwegian police issue a registration card after police registration. The refugee is also given a national identity number.

When applying for resettlement, the person also implicitly applies for a travel document. If the Norwegian Directorate of Immigration grants refugee status, a travel document is then also granted. The travel document is (usually) valid for the same length of time as the residence and work permit.

An applicant may in some cases be granted resettlement without receiving refugee status, but based on strong humanitarian considerations instead. In such cases, the Norwegian Directorate of Immigration will issue an immigrants' passport if the applicant's relationship to his/her country of origin is such that the applicant cannot reasonably be expected to apply for a national passport, and there are no reasons for denying such a document.

12.3 Process for regularization of status, including requirements and timeframes

As stated above a refugee accepted for resettlement is given a three year residence and work permit.

After three years of residence in Norway, the foreign national has, upon application, the right to be granted permanent residency if the following requirements are met:

- (a) The foreign national has not spent more than seven months outside Norway for the last three years he/she has resided in Norway;
- (b) The foreign national is still eligible for the status that formed the basis for the original residence permit (for resettlement purposes it means that *the applicant must still be considered to be a refugee in need of protection/ residence based on humanitarian considerations*);
- (c) The foreign national has not committed acts that could initiate expulsion according to Norwegian law;
- (d) The foreign national has completed mandatory Norwegian language training.

12.4 Documents issued to children born after arrival but before naturalization of their parents

Children born after their parents' arrival and before their naturalization will be issued with a registration card, a national identity number and a travel document, if their parents have received refugee status/ residence based on humanitarian considerations.

12.5 Details on the requirements, costs and timelines for citizenship

Any person has a right, upon application, to Norwegian nationality if the applicant at the time the administrative decision is made:

- (a) Has provided documentary evidence of or otherwise clearly established his or her identity;
- (b) Has reached the age of 12;
- (c) Is and will remain a resident of the realm;
- (d) Fulfills the conditions for permanent residence;
- (e) Has spent a total of seven years in the realm during the last ten years, with residence or work permits of at least one year's duration, residence during one or more application-processing periods to be included in the seven-year period;
- (f) Satisfies the requirement regarding Norwegian language training;
- (g) Has not been sentenced to a penalty or special criminal sanction;
- (h) Satisfies the requirement regarding release from another nationality.

The applicant is not entitled to Norwegian nationality if this is contrary to the interests of national security or to foreign policy considerations.

The application for nationality shall be accompanied by a comprehensive certificate of good conduct issued by the police. The said certificate shall also show any offences for which the applicant has been charged or indicted.

The person applying for Norwegian citizenship must, as a rule, renounce his/her former citizenship. However, exemptions may be granted if the fee for renouncing former citizenship is unreasonably expensive, the process takes an unreasonable length of time or the applicant, for reasons of security, should not contact the authorities of his/her home country.

There are separate rules for children under the age of 18 applying for citizenship. They can be granted citizenship if the father or mother of the child has already acquired Norwegian citizenship, or if the father or mother is applying for citizenship at the same time as the child. For children who are married or registered partners, this does not apply. The child needs to have at least two years of legal residence on permits each granted for at least one year.

It is possible to submit an individual application for citizenship for a child above the age of 12. The person with the custody rights (usually the mother and/or the father) has to submit the application on behalf of the child. The child needs to have at least five years of legal residence within the last seven years, on permits each granted for at least one year. Apart from that the general requirements apply.

The processing fee for applications for citizenship is presently 2500 NOK.

13. Domestic Settlement and Community Services

13.1 Overview of services

Settlement of refugees in municipalities is managed by the **Directorate of Integration and Diversity**. There are six regional settlement offices that select areas of settlement in about 300 of 430 municipalities in Norway.

The number of places available in municipalities is determined by the number of positive responses received from local authorities to the requests for settlement submitted by the Directorate of Integration and Diversity. The main goal for settlement of refugees in Norway is that the refugee is to be self-reliant as soon as possible. Usually, refugees from one ethnic group are settled in the same or in neighbouring municipalities in order to develop networks, reduce isolation and make it feasible for municipalities to develop better programmes for larger groups of refugees.

Municipalities sometimes specify which groups of refugees they would like to accommodate, based on origin and/or family composition. Although the decision to accommodate refugees is voluntary, once an agreement to accept a group for resettlement is made, the Government holds municipalities responsible for integration.

The municipalities provide the same services to immigrants and refugees as the rest of the population. These services include health, education, housing, vocational training, and employment.

13.2 Reception, Orientation, and Integration

The municipalities are the principal actors in satisfying the goal of settlement, and they receive integration subsidies from the state for settlement and integration of refugees during the five initial years after a refugee has been settled.

The integration subsidy is the most important measure to achieve rapid and good settlement. When the settlement of refugees is confirmed, the municipality will receive an integration subsidy to provide for benefits (housing, education, healthcare and welfare) over a five-year integration period.

Upon arrival, refugees are received by municipal officials and are immediately accompanied to an arranged home or apartment.

The **Introduction Programme** for new immigrants applies to refugees and family members reunited with them, in addition to persons granted residence on humanitarian grounds and family members reunited with them. The individual's right and obligation under the Introductory Act only apply to immigrants who require basic qualifications. Women participate on an equal footing with men.

The aim of the programme, which will be adapted to individual needs and abilities, is to provide basic skills in the Norwegian language, as well as insight into the Norwegian society and to prepare for participation in working life and/or further education. Participation in the programme is both a right and an obligation for persons between 18 and 55 years within the target groups.

13.3 Financial Assistance

Refugees receive an economic benefit of NOK 180,136 per annum in 2016 from the municipality for attending the programme. Participants under the age of 25, receive two thirds of this amount. As a part of the introduction programme, the refugees have the right and the duty to attend 550 hours of language training and 50 hours of social and cultural studies. The municipalities receive a subsidy of up to NOK 767,400 over a period of five years from 2016 for each refugee with a right and a duty to participate in the introduction program.

13.4 Education

Schooling is mandatory for children between 6 and 16 years of age in Norway. In addition, youths between the ages of 16 and 19 have the right to further education. There are no school fees for primary and secondary schools in Norway. The same applies to most colleges and universities.

Municipalities have collaborated with NGOs on projects to increase social integration, such as the project Refugee Guide, which is made possible by cooperation between the Red Cross and the municipality. Norwegian volunteers serve as 'guides' in the community, providing information and social contact with the Norwegian population. This project has had positive reports from refugees who, with the help of 'guides', were able to make friends and contacts more easily, both important for social integration.

13.5 Role of NGOs

Norwegian NGO's have no legally established responsibilities with respect to integration of refugees. Many NGO's do, however, contribute voluntarily to the integration process.

14. Family Reunification of Refugees

14.1 Legislation regarding rights and restrictions to family reunification

There is a distinction between **close family members** and **other family members**. Close family members are entitled to family reunification if the requirements are met. Other family members may be granted family reunification.

The same requirements need to be met regardless of whether the person living in Norway is a resettled refugee or if s/he has been granted asylum after an application from within Norway.

A) Close Family Members

Norway includes the following persons in the group regarded as close family members. These persons are entitled to family reunification if the requirements are met:

1. Those that are married to, or who are the cohabitant, or registered partner of a refugee living in Norway

The main requirements that apply to **married couples** and **registered partners**:

- Both are over the age of 18;
- The marriage must be valid in the applicant's home country and in Norway;
- Marriage by proxy, marriage when one of the parties is below the age of 18, and a marriage where one of the parties were already married to another, is not valid in Norway, even if the marriage is valid in the applicant's home country;
- If the spouse has been married to another person from his/her home country, and this person has been granted a family immigration permit to Norway, documentation from the authorities in the home country must be submitted that states that the marriage is dissolved;
- The application may be refused if it appears most likely that the main purpose of contracting the marriage has been to establish a basis for residence in the realm for the applicant;
- Further conditions as set in § 40 of the Immigration Act.

Requirements that apply to **cohabitants**:

- Both are over the age of 18;
- Neither of them are married to other people;
- They have already lived together for at least two years. Cohabitation time while married to someone else does not count. If they have lived together in Norway, the applicant must have had legal residence in Norway during the time they have lived together. If they have or are expecting a child together, the requirement for two years' cohabitation does not apply;

- The refugee is intending to continue living in Norway.

2. Children with one or two parents living in Norway

Requirements of the **parents**:

- Both parents live in Norway and have legal residence there;
- One of the parents lives in Norway and has sole parental responsibility;
- One of the parents lives in Norway and the other parent has agreed to let the child move to Norway (if they have joint parental responsibility);
- If the applicant is an adopted child, the Norwegian Directorate of Children, Youth and Family Affairs must have agreed to the adoption before the child enters Norway;
- Further conditions as set in § 41 of the Immigration Act.

3. Parents whose children under the age of 18 live in Norway.

- If the child is a Norwegian citizen, the applicant must live with the child on a permanent basis and have parental responsibility for him/her. If the applicant is married to or cohabitate with the child's other parent, the applicant must apply for family immigration with his/her spouse or cohabitant, not with the child;
- If the child has Norwegian citizenship and has lived in another country in which the applicant has had access rights and the child moves to Norway to live with the other parent, the applicant can be granted a residence permit in order to continue visiting the child;
- If the applicant is using his/her access rights to his/her child living in Norway with his/her other parent, the applicant will be entitled to family reunification if s/he has lived in Norway and held a residence permit for the past year;
- Siblings can also apply for family reunification with the child if s/he has refugee status in Norway.

4. Fiancé

An applicant who is going to marry a refugee living in Norway may receive a residence permit to enter Norway in order to marry (fiancé permit). The permit is valid for six months, and the applicant must get married within the period for which the permit is valid. After marriage, it is possible to apply for family immigration with the refugee.

Further conditions are set out in § 48 of the Immigration Act and in § 9-5 of the Immigration Regulations.

B) Other family members:

Norway includes the following persons in the group regarded as other family members. These persons may be granted family reunification:

1. Single parents over the age of 60 without close family members in home country.

Requirements of the **parent**:

S/he cannot have a spouse, cohabitant, parent, child, grandchild, or great-grandchild in the home country. Son or daughter in Norway must be over the age of 18.

2. A child between 18 and 21 of age without a spouse or cohabitant, who has previously stayed in Norway for a prolonged period.

3. A child over the age of 18 without a spouse or cohabitant, who remains or will remain in their home country while the rest of his/her family are granted residence in Norway.

Requirements of the **child**:

The applicant must be a dependent child aged 18 or older who is to continue to be part of his/her parents' household. It is a condition that the child does not have a spouse or cohabitant. Another condition is that either:

- The child concerned is or will otherwise remain in the country of origin with no parents or siblings who are aged 18 or older or married, or:
- It is substantiated that for medical reasons, the child is completely dependent on personal care provided by parents living in Norway.

4. A foster child under the age of 18

Requirements of the **child**:

Valid documentation must be submitted that proves that the child is and has been part of the household of the person residing in Norway. Parental responsibility must have been transferred to the foster parents in accordance with the legislation of the country of origin. The Norwegian child welfare authorities must approve the foster home.

5. A full sibling under the age of 18

Requirements of the **sibling**:

The sibling must be a full sibling under the age of 18 with no parents and no other carer in the country of origin or the country in which he or she is staying. It is also a condition that the person resident in Norway is suited to be a carer. A statement in this respect shall be provided by the child welfare service in the municipality in which the sponsor is resident.

Apart from these categories, applications will also be considered on **strong humanitarian grounds**.

GENERAL CONDITIONS:

a) Requirement as to means of subsistence and accommodation

As a general rule, all applicants must document that they fulfil the requirement in regards to future income in a family immigration case, *the requirement in regards to any earlier income, and the requirement that the sponsor must not have received financial support or qualification benefit under the Social Services Act.*

A refugee's spouse, cohabitant, or child are exempted from these requirements when the application for family immigration is launched within one year from the time the refugee received his/her first residence permit in Norway, unless the applicant has been prevented from submitting an application at an earlier time because of factors beyond the applicant's control.

b) Requirement for the sponsor to have worked or studied in Norway for four years

This condition does not apply when the marriage has been entered into or the parties have conceived children before the time of the sponsor's entry into the realm. Neither does the condition apply when the parties have entered into marriage or conceived children in Norway while both had a residence permit.

c) It is a condition that the applicant can verify his/her identity with a valid passport from the country of origin, and that the applicant provides information in order to establish his/her identity.

Family members of a refugee may be exempted from the requirement to provide a valid passport if it is deemed that the applicant for safety reasons or other reasons can not reasonably be expected to contact the authorities in the country of origin.

14.2 Status of family members on arrival

The refugee's spouse or cohabitant and children who meet the conditions are entitled to a residence permit as a refugee unless:

- The applicant is the refugee's spouse or cohabitant and their family life was established after the refugee left the country in which the refugee risks persecution, or
- The applicant has a different nationality than the refugee, or
- The applicant does not wish to have refugee status, or
- There are other special grounds to refuse a residence permit.

14.3 Resettlement quotas

Family reunification cases are not counted within the Norwegian resettlement quota.

14.4. Routing of submissions

Applications shall be submitted to the nearest Norwegian Embassy or the Embassy assigned to handle applications for the country in question. UNHCR is requested to assist in this process where necessary.

As of February 2011, all applicants can register the application online on the following website: <https://selfservice.udi.no/>. Supporting documents must be delivered to the relevant embassy or consulate.

14.5 Case documentation

Which documentation must be enclosed, depends on the permit that is applied for. Furthermore, requirements may vary over time.

More information about procedures and requirements for documentation is found on the web page below: <http://www.udi.no/Norwegian-Directorate-of-Immigration/>

14.6 Processing time

Updated information about case processing times can be found online:

<http://www.udi.no/Norwegian-Directorate-of-Immigration/Oversiktsider/Case-processing-times/Case-processing-times-for-family-immigration/>

14.7 Entitlements for family members

IOM assists the travellers during transit at international airports. The Norwegian People's Aid assists if the traveller is connecting domestically from the Oslo airport.

The Norwegian government can cover expenses for a refugee's spouse, cohabitant, or child who has been granted family reunification. See <http://www.udi.no/Norwegian-Directorate-of-Immigration/> for more information. Processing times varies.

The work permit is valid for one year from registration with the Norwegian police.

15. References/Resources

The **Norwegian Ministry of Justice and Public Security**: www.regjeringen.no - See Ministry of Justice and Public Security / Migration Department

The **Norwegian Directorate of Immigration**: www.udi.no

The **Directorate of Integration and Diversity**: www.imdi.no

Norway's Official Websites Abroad: www.norway.info



PARAGUAY

BY THE GOVERNMENT OF
PARAGUAY



Paraguay Overview:

Resettlement programme since: 2010 (primeras llegadas)	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions:	15 persons
Total Resettlement Admission Target:	15 persons

Regional allocations for 2011:

Africa	
Asia	
MENA	
Europe	
America	15
Total	15

Sub-quota characteristics:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	
Medical cases	
Cases of women at risk	
Unaccompanied minors	
Family reunification (within the program)	

1. Resettlement Policy**1.1 Description of the country's resettlement policy**

The Republic of Paraguay recognizes that resettlement is a key instrument for the protection and in the search for durable solutions to problems facing refugees. The Republic of Paraguay, with support from the United Nations High Commissioner for Refugees (UNHCR), agrees that the relocation is intended to meet the special needs of refugees whose life, safety, freedom and other fundamental human rights are threatened in the country where they sought refuge. The objective of the resettlement program is to

facilitate their early integration in Paraguayan society based on self-reliance and positive contribution to local society.

1.2 Ministries or Departments Responsible for Resettlement Policy

The resettlement program is coordinated by the National Commission for Refugees (CONARE). The various public actively involved in this program include:

- Ministry of Foreign Affairs, responsible for coordination of the resettlement policy;
- Interior Ministry, through the Department of Immigration and the Department of Informatics of the National Police, to provide personal documents to foreigners in the country;
- National Secretariat for Housing and Habitat, to provide housing for those resettled;
- Ministry of Public Health and Social Welfare, the institution responsible for providing medical care to the population;
- Ministry of Education and Culture, the institution responsible for education policy and promoting the country's culture;
- Ministry of Justice and Labor, through its institutions: the National Professional Career Development Service (HNS) and the National Employment Education and Training Service (SINAFOCAL) whose policies are aimed at empowering citizens by providing access to employment opportunities.

1.3 Process of Determining the annual resettlement quota and composition

The annual quota for resettlement is decided by the National Commission for Refugees (CONARE), in consultation with the UNHCR (Regional Office for Southern Latin America, based in Buenos Aires, Argentina), which finances part of the immediate assistance program. The annual share is decided at the beginning of each year or at the end of the previous year.

2. Eligibility Criteria for Recognition of Refugee and Asylum Status

2.1 National legislation that defines eligibility for refugee status

General Law 1938 on Refugees of July 2, 2002 defines and regulates refugee status in accordance with the 1951 Convention on the Status of Refugees, its 1967 Protocol and the 1984 Cartagena Declaration on Refugees.

2.2 Distinction between the criteria for recognition of refugee status to asylum-seekers and those for resettled refugees

There is no distinction between the criteria for recognition of refugee status to asylum seekers and those for resettled refugees.

3. Resettlement Criteria

3.1 Eligibility criteria for refugee resettlement

The beneficiaries of the resettlement program are refugees under the terms of the 1951 Convention on the Status of Refugees and its 1967 Protocol and other regional instruments, in particular the Cartagena Declaration of 1984.

The criteria for the resettlement of refugees in the Republic of Paraguay, as stated in the Memorandum of Understanding on Resettlement of Refugees in Paraguay, signed by the Republic of Paraguay and the UNHCR, are:

- A need for legal and physical protection;
- Refugee survivors of violence and/or torture (their resettlement in Paraguay will be subject to the availability of appropriate services);
- Women at risk;
- Children and adolescents;
- Refugees without prospects local integration in the first country of refuge.

3.2 Admissibility criteria

There are no special criteria for admissibility.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations

The program in its current stage provides for the resettlement of 15 people a year, with the possibility of extending the quota under study.

4.2 Processing priorities

Resettlement will favor refugees needing legal and physical protection who lack prospects of local integration in the first country of refuge. Special consideration will be given to the resettlement needs of refugees from Latin America.

5. Refugee Presentation and Processing Through Dossier Selection

N/A

6. Presentation and Processing of Refugees Through Selection Missions

6.1 Selection Mission policies

Selection missions involve at least one representative of Paraguay's CONARE and a representative of the UNHCR program's executing agency in the country, the Committee of Churches for Emergency Aid (CIPAE). These officials may be accompanied by a representative of the UNHCR Regional Office for Southern Latin America. Some candidates may be interviewed by telephone, depending on the need.

6.2 Case documentation

The UNHCR submits cases to CONARE through a resettlement request form (RRF), duly completed and signed by the applicant. This is accompanied by all relevant and appropriate documentation in support of each case.

6.3 Routing of cases

UNHCR submits cases to CONARE through UNHCR's Regional Office for Southern Latin America.

6.4 Processing times

From receipt of cases to the selection mission: about 1 ½ months.

From the selection mission to decision on the case: about 15 days.

From decision-making to departure: about 1 month.

6.5 Recourse, appeals

None have so far occurred. When an application is rejected for resettlement by CONARE, UNHCR may request a review of the case on the basis of additional information which it will provide for CONARE.

7. Emergency/Urgent Cases

So far, this procedure has not been used. According to the Memorandum of Understanding on Resettlement of Refugees in Paraguay, UNHCR may ask CONARE to consider acceptance of cases with urgent need of legal and physical protection, solely on the basis of existing documentation. Considering the urgency of these cases, the decision must be made by CONARE within no more than one month from the date of the request.

8. Special Categories/Specific Needs

N/A.

9. Medical requirements

There are no special medical requirements for resettlement in Paraguay.

10. Orientation

Prior to the interviews conducted during a selection mission in the country of first asylum or by telephone, candidates will have had the opportunity to read a document with information on living conditions in Paraguay, the country's general characteristics, population, climate, cost of living, job prospects, education, health, and other aspects of interest. An informational video is shown before the interviews. The UNHCR produces this written and audiovisual material. Questions and inquiries are addressed and further information provided on the immediate assistance program during the interviews.

11. Travel

Travel is provided by UNHCR, which works in coordination with the International Office for Migration (IOM) in the country of first asylum.

People can enter Paraguay with an ID or passport. The documents are legalized in the Paraguayan Consulate in the country of first asylum.

12. Situation on Arrival and Paths for Obtaining Citizenship

12.1 Situation facing immigrants on arrival

People resettled by the program enter Paraguay under the same conditions as all refugees.

12.2 Documentation issued

Upon entering the country the following shall be granted to resettled refugees:

Temporary residence, valid for 3 years, which is processed by the General Immigration Directorate within 8 days;

Civil identity card, which is processed by the ID office and received within a month.

These are the same documents that are given to any foreigner legally established in the country, and do not identify people as refugees.

12.3 The requirements, costs and deadlines for obtaining citizenship

Upon completion of 3 years of residence in the country, resettled people will be able to request permanent residency if they wish.

The Constitution of the Republic of Paraguay stipulates the following requirements for obtaining citizenship by naturalization:

- Legal adulthood;
- A minimum of three years of residence in national territory;
- Performance in the country of any profession, trade, science, art or industry, and
- Appropriate conduct.

Also, with respect to acquiring citizenship, the Constitution also affirms that: "Citizens are:

- Any Paraguayan national at least 18 years of age, and
- Any naturalized Paraguayan national after two years of naturalization."

It also states that "The judiciary shall have exclusive jurisdiction to hear these cases."

The procedure for obtaining nationality and citizenship through naturalization is carried out within the judiciary with representation of an attorney, with of fees and costs established in the Professional Fee Rate for Judicial Lawyers.

13. Settlement in the Country and Community Services

13.1 General description of services, including providers and assistance period

The National Commission for Refugees (CONARE) is the state agency that coordinates actions aimed at facilitating the integration of resettled refugees in the Paraguayan community.

The UNHCR regional office is based in Buenos Aires, Argentina. Its implementing agency in Paraguay, the Committee of Churches for Emergency Aid (CIPAE), deals with the daily monitoring of resettled refugees and administers funds that UNHCR contributes to the program.

The integration assistance program includes guidance, documentation, food, housing, health, education, training, employment assistance and services provided by various public authorities. The Immediate assistance program is limited in time (12 months) and in scope, and is intended to supplement people's efforts to integrate into their new host country. Thus, refugees are the most important players in this process.

13.2 Reception

CIPAE and CONARE staff receive those being resettled at the Asuncion international airport and subsequently transfer them to accommodations provided for each case, where a brief meeting is held to explain some aspects of the program. The program stipulates that beneficiaries will be accommodated in cities near the capital Asuncion, in the central department of the country.

13.3 Guidance

In order to achieve the fastest possible integration into Paraguayan society, CIPAE and CONARE provide social guidance for recently-arrived refugees, based on the principles of self-sufficiency and a positive contribution to the host country. To that end, the

program provides orientation sessions on various topics, such as education, health, employment, documentation, housing, handling everyday affairs (shops, banks, transportation, money, telephone service, etc..) and knowledge of social and cultural norms. These sessions are provided by CIPAE together with governmental or private sector specialists in each area.

13.4 Housing

CONARE with the National Secretariat of Housing and Habitat (SENAVITAT) are responsible for the provision of adequate housing, built within the framework of SENAVITAT's housing projects for the Paraguayan population. The UNHCR contributes through CIPAE to supply the dwellings with basic amenities. During the first year resettled refugees accommodated in these homes do not pay rental expenses. At the end of the first year of residence, people can arrange to buy their homes by paying a minimum quota for several years, depending on SENAVITAT's plans and requirements.

13.5 Health

Resettled refugees have the same access to free public health care as Paraguayan citizens, within the National Public Administration's available resources and services. During the first year, the UNHCR-funded program provides limited assistance for some health expenses or medicines not covered by the public plan.

13.6 Language instruction

So far those resettled are Spanish-speakers and the program does not provide instruction in Spanish as a foreign language. People have access to Guaraní language instruction through the public education system.

13.7 Education

The school calendar begins in February and ends in December. Education in Paraguay is free in public schools from kindergarten to university. Resettled people have access to public education under the same conditions as nationals. For the children of resettled refugees, the UNHCR-funded program provides a single, special annual payment for each student for school materials and uniforms in preschool, primary and secondary schools.

13.8 Vocational training

Resettled refugees are offered guidance with respect to the labor market, with the aim of helping them find employment, rapidly. For those interested, the Paraguayan government offers vocational training in various skills (electrical, plumbing, computer, bakery, mechanics, bricklaying, hairdressing, etc.) through the National Career Development Service (SNPP) and the National Employment Education and Training Service (SINAFOCAL). These trainings are free.

13.9 Financial assistance

The UNHCR-funded program provides beneficiaries with a monthly subsistence stipend for 12 months from the date of arrival, which, if well managed, can cover minimum food expenses, utilities and other needs. The program provides a single allocation for clothing.

13.10 Mechanisms for sharing information with service providers

CONARE is the state agency that coordinates efforts facilitating the integration of resettled refugees in the Paraguayan community. This task is supported by CIPAE and UNHCR. CONARE meetings represent the official forum for exchange of information about matters relevant to the integration of resettled refugees.

14. Refugee Family Reunification

With respect to legislation related to rights and restrictions on family reunification, the Memorandum of Understanding for the resettlement of refugees in Paraguay between the Government of the Republic of Paraguay and the United Nations High Commissioner for Refugees affirms that "based on the principle of family unity, the Government of the Republic of Paraguay will provide entry into national territory for family members of refugees resettled in accordance with current regulations."

Regarding deadlines, procedures and general legal framework, Paraguay's General Law No. 1938-1902 on Refugees does not cover the specific case of "family reunification." However, art. 2 of that Law states that to ensure the maintenance of the family unit, refugee status will apply, by extension, to the spouse or person with whom the refugee has an affective relationship, as well as descendants and ascendants in the first degree.

It is very important to note that until now, there have not been any cases of family reunification in our country, because all refugees have arrived in Paraguay with family members.

15. References, Resources

- Ministry of Foreign Affairs, www.mre.gov.py
- Ministry of Justice and Labor, www.mjt.gov.py
- National Employment Education and Training Service (SINAFOCAL), www.mjt.gov.py
- National Career Development Service (SNPP), www.mjt.gov.py
- Department of Immigration, www.migraciones.gov.py
- National Secretariat for Housing and Habitat, www.senavitat.gov.py
- Ministry of Education y Culture, www.mec.gov.py
- Minister of Public Health and Social Welfare, www.mspybs.gov.py

COUNTRY
CHAPTER

POR

PORTUGAL

BY THE GOVERNMENT OF PORTUGAL



Portugal Overview

Resettlement programme since: 2007	Selection Missions: No	Dossier Submissions: Yes
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Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions :	30
Total Resettlement Admission Target:	30

Regional Allocations for 2011:

Africa	
Asia and Pacific:	
Middle East and North Africa	
Europe:	
Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	
Medical cases	
Women-at-risk cases	
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy

1.1 Description of Portugal's resettlement policy

Following consultations with UNHCR, Portugal, by Governmental Decision began a resettlement programme for a minimum of 30 refugees each year. Implementation of the programme began in 2007.

According to Portuguese resettlement policy, voluntary repatriation is considered to be the most preferred durable solutions for the plight of refugees. In circumstances where return is not possible, local integration is the second most desirable durable solution. If both these durable solutions are not available for a refugee within a reasonable time frame, UNHCR may submit refugees to Portugal for resettlement consideration. The quota applies to refugees identified and submitted by UNHCR on a dossier basis.

1.2 Ministries or Departments responsible for resettlement policy

The Immigration and Border Service within the Ministry of Interior is responsible for the provision and implementation of the Portuguese resettlement programme.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

Portugal is a signatory to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol. The Law No. 27/2008 of 30 June is the most relevant legal instrument in terms of national legislation defining refugee status eligibility.

Under the said legislation, any individual is entitled to apply for refugee status. Specific procedures are then followed for determining whether or not the individual meets the necessary criteria for the granting of this status.

2.2 Distinction between refugee status criteria for asylum-seekers, and that for resettled refugees

There is no distinction between refugee status criteria for asylum seekers and that for resettled refugees.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

Under the Portuguese refugee resettlement eligibility criteria, it is important that other two durable solutions (voluntary repatriation and local integration) are explored and considered prior to submission of the case. Priority is given to refugees in need of serious legal and physical protection, women at risk (with or without dependants under her care), survivors of violence and/or torture and unaccompanied minors.

3.2 Admissibility criteria

There are a number of circumstances under which a refugee will not be accepted for resettlement consideration, namely, individuals who meet the exclusion criteria as per Article 1F of the 1951 Geneva Convention, individuals found to have a criminal background, and individuals found to pose a threat to Portugal's public order or international relations.

According to the Law on Asylum No. 27/2008 of 30 June, a resettled refugee in Portugal will be granted either refugee status or subsidiary protection.

4. Resettlement Allocations/Processing Priorities

Portugal does not have provisions for sub-quotas. Under the annual quota of a minimum of 30 persons, priority is given to persons coming from areas under the Regional Protection Programme (RPP). Refugees who are Women at Risk, Unaccompanied Minors, Survivor of Violence or Torture or experiencing serious Legal and Physical Protection needs are prioritized.

In 2011 Portugal has accepted 23 refugees submitted by UNHCR in the context of the 2011 **Global Resettlement Solidarity Initiative**, which called upon States to consider contributing resettlement places for refugees coming from Libya who were hosted at the borders of Egypt and Tunisia.

5. Submission and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies and case documentation

Portugal does not conduct In-Country selection missions at present; therefore resettlement case selection is based on the dossier submissions presented by UNHCR. The following documentation should be included:

- (a) UNHCR Resettlement Registration Form (RRF) duly completed. Specifically, information relating to the Principal Applicant's family members should be adequately stated in the form.
- (b) Other relevant documentation which supports the case, such as copy of passport (if applicable), medical certificates, birth certificates, etc.

5.2 Routing of Submissions

With regards to the submission procedure, normally UNHCR forwards the resettlement submission to the Permanent Representation of Portugal in Geneva. The Permanent Representation will then forward the relevant documentation to the Immigration and Border Service within the Ministry of Interior, which, in accordance with the provisions of Law No. 27/2008, is the competent body to examine and review the resettlement submission. The Immigration and Border Service may request the advice of the Ministry of Foreign Affairs (International Relations), the Portuguese Refugee Council and the Ministry of Health (the latter in relation to cases submitted under the medical category). The final decision rests with the Ministry of Interior, and is communicated to UNHCR via Portugal's Permanent Representation in Geneva.

5.3 Processing times

The average processing time for submission is 4 months (from dossier reception by the Portuguese authorities to decision) and 1 month (from decision to departure of the refugees from their country of asylum). Thus, the overall processing time is 5 months. Portugal does not accept, at this point of time, emergency or urgent cases.

5.4 Recourses, appeals

There are no formal provisions that envisage an appeal against a negative decision to accept a resettlement submission; however a rejected case may be re-examined when warranted.

6. Submissions and Processing via In Country Selection

Portugal does not currently conduct In-Country selection missions.

7. Emergency Cases/Urgent Cases

Portugal does not currently accept emergency or urgent cases.

8. Special Categories/Special Needs

Under the 2010 annual quota of 30 persons, priority was given to persons coming under the Regional Protection Programme (RPP), Women at Risk, Survivors of Violence and Torture, unaccompanied minors and persons with medical conditions. In 2011 Portugal gave priority to similar profiles however medical cases were no longer prioritized.

9. Medical Requirements

Portugal does not require medical screening for refugees prior to their entry to the country.

For cases submitted under the “medical needs” category, or cases that involve the provision of medical care upon arrival to Portugal, urgent and specific information is first requested by the Immigration and Border Service from the Ministry of Health, in order to establish whether the medical condition can be successfully treated in Portugal within an appropriate time frame. Generally responses on such requests for detailed medical information take approximately one month to receive.

10. Orientation (pre-departure)

In order to promote self-reliance upon arrival to Portugal, minimize potential cultural misunderstandings, and facilitate integration into Portuguese society, a “Cultural Orientation” leaflet is forwarded, with UNHCR’s assistance, to the accepted refugees before departure.

The Portuguese authorities currently have no arrangement or agreement with any organization to implement pre-departure cultural orientation sessions.

11. Travel

The relevant Portuguese diplomatic missions will issue the necessary travel documents and visas (including transit visas if applicable).

Upon acceptance of the case and once all pre-departure formalities are finalised, the Portuguese Immigration and Border Service will proceed to book the flight tickets. They are then sent to the concerned UNHCR’s office for final departure formalities.

12. Status on Arrival and the Path to Citizenship

12.1 Immigration status on arrival and documentation issued

Refugees accepted by Portugal under the resettlement programme are granted refugee status. A renewable residence permit, valid for 5 years, is provided. In addition and when requested, refugees can obtain a 1951 Convention Travel Document. Both the Travel Documents and the residence permit are issued free of charge. Refugee status is automatically extended to family members born after arrival.

12.2 Requirements for citizenship

The requirements, costs and timelines for acquisition of nationality are regulated by the following instruments: Law Decree No. 237-A/2006 of December 14, and Law Decree No. 135/2005 of August 17.

In accordance with these provisions, the following individuals may acquire Portuguese nationality:

- Individuals born in Portugal to foreign citizens who, at time of birth, have been legally residing in Portugal for at least 5 years.
- Foreign citizens married to a Portuguese national for at least 3 years.
- Foreign citizens, having previously obtained judicial recognition of the said status, who have cohabited with a Portuguese national in a de facto union, for at least 3 years.
- Foreign citizens who have legally resided in Portugal for at least 6 years.

13. Domestic Settlement and Community Services

13.1 Reception and Orientation:

The reception of refugees arriving to Portugal under the resettlement programme is provided by the NGO Portuguese Refugee Council (CPR). Upon arrival, they organize the welcoming of the concerned refugees at the airport with interpreters of their native language.

13.2 Housing

Initially, the resettled refugees may stay at the Reception Centre managed by CPR for a period of up to 6 months in order to better prepare their integration and self-reliance in Portuguese society. CPR will assist refugees in their search for private housing arrangements. The Institute of Social Security provides for an initial financial support for rent and subsistence.

13.3 Health

With regards to medical support, immediate medical treatment is provided through the national health system. In addition, the NGO Support Centre of Victims of Torture facilitates psychological support to refugees in need of counselling.

13.4 Language and Vocational Training

Language training and vocational training are also provided. Refugees of school age are provided with preparatory instruction with the view of ultimately incorporating them into Portuguese regular school classes, according to their level.

13.5 Employment

Refugees admitted under the resettlement programme are legally entitled to seek and undertake employment in Portugal.

13.6 Engagement of partners

CPR is currently undertaking to create a national resettlement post-arrival programme that gathers the engagement of potential partners, namely municipalities.

14. Family Reunification of Refugees

14.1. Legislation regarding rights and restrictions to family reunification

In accordance with the provisions of Law no. 23/2007 of 04 July and Law No.27/2008 of 30 June, a refugee may apply upon arrival for the admission into the State of a member of his/her family.

A family member for the purposes of family reunification is:

- (c) A spouse, in circumstances where the person is married and the marriage is subsisting on the date of the application.
- (d) Children under the age of 18 years who remain single and
- (e) Refugees under 18 years of age may apply for the admission of his or her parents.

There is provision for permission to be granted in exceptional circumstances for other dependent members of the family, for instance, cases concerning unmarried or incapacitated adult children, or parents in cases where the applying refugee is over 18 years old. For these cases the dependency link must be demonstrated and the family members must have been listed in the original documentation submitted by UNHCR.

The decision on a family reunification application is made within a maximum of 6 months. Documentary evidence must be presented in order to prove family ties. Family members accepted under reunification must have travel documents.

Refugees and beneficiaries of subsidiary protection do not need to present sufficient and stable means of support in order to apply for family reunification.

Portuguese law recognizes common law spouses for the purposes of family reunification. The relationship must have been, at a minimum, two years in duration.

15. References/Resources

www.sef.pt, www.cpr.pt

COUNTRY
CHAPTER

ROM

ROMANIA

BY THE GOVERNMENT OF ROMANIA



Romania Overview

Resettlement programme since: 2008	Selection Missions: Yes	Dossier Submissions: Yes
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Resettlement Admission Targets for 2011:

Admission targets for UNHCR submissions :	
Total Resettlement Admission Target:	

Regional Allocations for 2011:

	Africa	
	Asia and Pacific:	
	Middle East and North Africa	
	Europe:	
	Americas:	

Sub-quota features:

Designated sub-quota/acceptance for:	2011 Description, additional comments:
Emergency resettlement procedures	No specific quota
Medical cases	No specific quota
Women-at-risk cases	I
Unaccompanied children	
Family Reunion (within programme)	

1. Resettlement Policy

In Romania, the relevant provisions on resettlement are contained in **Law no. 122/2006 on Asylum in Romania**, and in the **Government Decision no. 1596/2008 on resettlement in Romania**. According to these legal norms, Romania was willing to accept within the timeframe 2008 to 2010 a total of 120 refugees in need of resettlement, in annual in-takes of 40 persons.

A consultative body of a non-legal nature, called the "**Resettlement Committee**", has been established in order to determine a) the States where resettlement operations are to take place, and b) the number of refugees in need of resettlement which will be received by Romania.

The Resettlement Committee is composed of representatives from the Ministry of Administration and Interior and the Ministry of Foreign Affairs. The President of the Committee is the General Director of the **Romanian Immigration Office (RIO)**. The decisions of the Resettlement Committee must be approved by the Minister of Administration and Interior and by the Minister of Foreign Affairs, and can only be implemented by the RIO once both these approvals have been obtained.

The RIO is the main institution with responsibilities in the field of refugee resettlement in Romania. As a result, RIO is involved in all phases and procedures relating to resettlement, including in the decision making on the countries of origin of refugees and countries of asylum of refugees to be received by Romania via resettlement (through the Resettlement Committee) and on the specific operational logistics to conduct the selection of refugees and their transfer and reception in Romania.

According to the Romanian legal provisions relating to resettlement an application for resettlement to Romania must be signed by every single refugee submitted by the United Nations High Commissioner for Refugees (UNHCR) for resettlement.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

The **Law no. 122/2006 on Asylum in Romania** defines who is eligible for refugee status and provides the general framework on resettlement.

Under this Law, aliens may be granted:

- (a) refugee status; or
- (b) subsidiary protection; or
- (c) temporary humanitarian protection.

Refugee status can be granted, upon request, to an alien who is outside his or her country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, and is unable, or, owing to such fear, is unwilling to obtain the protection of that country, as well as to stateless persons who are outside the country where they used to reside due to the same reasons as mentioned above, and who are not able or, due to such fear, are unwilling to return.

Subsidiary protection shall be granted to aliens or stateless persons who fail to meet the requirements to be granted refugee status, however, solid reasons exist to believe that, should they be returned to their country of origin or to the country they used to have their habitual residence, they will suffer *serious harm*, and are not able or, due to such fear, are unwilling to be granted the protection of their country.

The term *serious harm* shall mean:

- 1) death penalty or execution; or
- 2) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or
- 3) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

During periods of armed conflicts, to which Romania is not a party, temporary humanitarian protection shall be granted to persons who originate from conflict areas.

3. Criteria for Resettlement

As stated earlier, Government Decision no. 1596/2008 regulated the resettlement quota and the relevant administrative procedure for resettlement.

A refugee in need of resettlement is defined as an alien found on the territory of another state who has been recognized as a refugee in accordance with the 1951 Geneva Refugee Convention, or an alien recognized as a refugee by the UNHCR in accordance with Article 1 A of the 1951 Geneva Refugee Convention and its Protocol, who is not benefiting from effective protection, and does not have the possibility of integration in the country of asylum or the possibility of voluntary repatriation to his or her country of origin in conditions of safety and dignity.

The Government Decision no. 1596/2008 expired at the end of 2010 and the Government of Romania is in the process of issuing another Government Decision to address future resettlement quotas and operations undertaken by Romania.

A group of indicators have been established by the Romanian authorities in order to select individuals who have been granted refugee status in accordance with the provisions contained in the 1951 Geneva Refugee Convention, found on the territory of other States, and for candidates proposed for resettlement to Romania by the UNHCR.

In order to be considered for resettlement to Romania, an individual must meet the following requirements:

- (a) He or she has been recognized as a refugee in accordance with Article 1A of the 1951 Geneva Refugee Convention and its Protocol by a State or by UNHCR;
- (b) He or she does not benefit from effective protection on the territory of the country of asylum;
- (c) He or she does not have integration perspectives in the country of asylum;
- (d) He or she does not have perspectives for voluntary repatriation to the country of origin under conditions of safety and dignity;
- (e) He or she does not present a threat to public order, national security, health or public moral;
- (f) He or she presents potential for integration in the Romanian society;
- (g) He or she has expressly accepted to be resettled to Romania.

4. Resettlement Allocations/Processing Priorities

Romania does not operate a system of sub-quotas and has no specific processing priorities for any given caseload. Equally, Romania does not operate a resettlement programme that includes non-UNHCR allocations.

5. Submission and Processing via Dossier Selection

According to the Romanian legal provisions, there are two ways of selecting refugees for resettlement, namely a) dossier based selections and b) in-country selection missions.

Whilst selection missions to countries of asylum is considered the main method, dossier based selections may be used if a selection mission to an asylum country cannot be organised, based on a reasoned decision of the Director General of RIO (article 8 para.1 GD no. 1596/2008).

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Even in the case of a selection mission, a pre-selection of possible candidates (refugees in need of resettlement) is undertaken, based on the files received from UNHCR, before interviewing the refugees in the asylum country.

Upon the decision of the Resettlement Committee on the countries of origin and the countries of first asylum of refugees to be resettled to Romania, and following the authorization by the Minister of Administration and Interior and by the Minister of Foreign Affairs, RIO proceeds to draft and forward to UNHCR a request proposing possible candidates for resettlement to Romania (accompanied by the request for resettlement):

6.2 Preparations and Case Documentation

Upon receipt of the refugees' case (the Resettlement Referral Form - RRF) from UNHCR, RIO carries out the following activities:

- (a) Receives and registers the resettlement files submitted by UNHCR. The files must contain the information note on the resettlement proposal together with the identification data of the refugees proposed for resettlement and their individual files;
- (b) Verifies and analyses the data contained in the files submitted by UNHCR according to the competencies of services within RIO.

The purpose of this verification and analysis is to establish whether there are reasons to exclude any of the refugees submitted by UNHCR from being interviewed in their country of

asylum, and to identify aspects that shall be kept in mind during the future interview proceeding in the country of asylum.

The results of the verifications and data analysis are included in a Report listing the refugees that are to be interviewed in the country of asylum. A brief explanation is provided when there is a decision not to interview a particular refugee. UNHCR is informed of the names of the refugees pre-selected for interview, or where appropriate, of those approved for resettlement upon examination of a dossier submission.

After forwarding the list with the pre-selected refugees to be interviewed in country of asylum, the **Romanian Immigration Office (RIO)** establishes contact with the UNHCR Representation in Romania or directly with the competent authorities from the country of asylum in order to agree over the practical details of the selection mission, namely the following:

- sharing of an information package to be used during initial sessions to provide information to the pre-selected refugees in the country of asylum;
- identifying and reserving a location where the interviews with refugees are to be carried out;
- ensuring the identification and use of interpreters;
- scheduling the pre-selected refugees for an interview;
- establishing the way the medical test will be carried out, if applicable;
- organizing other aspects of interest for the practical success of missions depending on the situation in the current country of asylum of the refugees to be interviewed.

When necessary RIO, through the contact person of the Ministry of Foreign Affairs (nominated in the Resettlement Committee), may establish contact with the Romanian diplomatic Representation in the first country of asylum in order to obtain support in carrying out the future selection mission.

The purpose of the interviews with the refugees is to evaluate their situation in accordance with the resettlement selection criteria. Based on the results of the evaluation, the selection mission will propose the refugees to be accepted for resettlement in Romania.

The family members of the Principal Applicant are also interviewed by the selection mission. At the beginning of the interview, the refugees are explained the purpose of the interview and the selection procedure. The medical evaluation is carried out individually by a medical doctor.

The information session on the rights of refugees in Romania can be carried out in the beginning of the day for all refugees who will be interviewed during the day or at the beginning of each interview. The interview is carried out by the integration officer assisted by the head of the mission.

The officer conducting the interview with the refugee, assisted by the integration officer, counsels the interpreters prior to the interview on the rules which they must observe when interpreting.

6.4 Decision Making Process

A report is drafted for each individual refugee case which contains the conclusions of the evaluation with respect to each of the selection criteria. This report is signed by the members of the selection mission. The members of the selection mission draft a decision concerning the refugees who are accepted for resettlement based on consultation. Upon return to Romania, the Head of the selection mission will propose the list of refugees to be accepted for resettlement. The list of accepted refugees must be approved by the Director General of RIO. Once this approval is obtained, the acceptance decisions are shared with UNHCR.

7. Emergency Cases/Urgent Cases

Romania does not have specific provisions for the consideration of urgent or emergency resettlement cases.

8. Special Categories/Special Needs

Romania does not have specific provisions for the consideration of sub-quotas dedicated to cases with specific needs.

9. Medical Requirements

Medical staff is included in the selection team.

10. Orientation (pre-departure)

In preparation of the travel of the refugees approved or selected in accordance with the Romanian legislation, the Romanian Immigration Office (RIO) may organize cultural orientation and counseling sessions in countries of asylum.

The purpose of the cultural orientation in the asylum country is to offer to the refugees selected for resettlement in Romania an overall image of the country, and practical information regarding their transfer from their country of asylum to Romania. The cultural orientation is also the initiation of a process that should help the refugees acquire certain abilities and attitudes necessary for them to adapt to the particularities of the host society.

The objectives of the cultural orientation in the country of asylum are to:

- (a) offer information relating to Romania;
- (b) assist the selected refugees in developing the necessary abilities to integrate into the host society (for instance, how to obtain a job, how to access social and health services etc.);
- (c) explore the attitudes necessary to a successful integration (for example, flexibility, openness, initiative, self-sufficiency);
- (d) manage refugees' expectations relating to Romania; and
- (e) explain to refugees the expectations of the Romanian society with regards to their integration in Romania.

The cultural orientation of the refugees selected in the country of first asylum is conducted by the integration officers of the Romanian Immigration Office (RIO), Directorate for Asylum and Integration (DAI), as follows:

- (a) The actual cultural orientation sessions are conducted in groups to facilitate active involvement of the participating refugees, taking into account the current conditions in country of first asylum and the profile of the group of refugees that have been selected for resettlement to Romania.
- (b) Before starting the cultural orientation sessions, the integration officer instructs the interpreter on the rules regarding the way the sessions are to be run.
- (c) During the cultural orientation, the facilitators give special attention to create a working climate based on trust, collaboration and acceptance of differences. Participants are encouraged to ask questions and to employ their resources by discussing their own culture and themes which are of interest to them and in the context of the agreed upon agenda.
- (d) At the end of each day the integration officer together with the participants summarizes the essential aspects discussed and presented during the day.

Upon return to Romania, the integration officer is expected to conduct an evaluation of the cultural orientation mission, including an evaluation of the future information needs of the selected refugees, as well as proposals for future cultural orientation activities. Upon approval by ORI, the evaluation is forwarded to the regional center that will ensure the reception of the selected refugees in Romania. This evaluation should form the basis for the development of further cultural orientation sessions within the integration program.

11. Travel

Refugees approved for resettlement under the resettlement programme, who are mentioned in the decision of the Romanian Immigration Office (RIO), are exempted from the compulsory visa regime.

The selected refugees may be allowed to enter Romanian territory on the basis of the following travel documents:

- (a) Refugee certificate issued by UNHCR;
- (b) Travel document issued by the International Committee of the Red Cross; or
- (c) A laissez-passer issued by RIO exclusively for the purposes of travelling to Romania.

After having established the details of the transfer procedure, and at least 24 hours before the moment of transfer, RIO shall communicate to the General Inspectorate of the Border Police the following:

- (a) Estimated date and hour of the arrival of the refugees to Romania;
- (b) Means of transportation and border crossing point intended for the entrance in Romania;
- (c) Information of refugees to enter Romania;
- (d) RIO decision.

Note: The transfer to Romania and the cultural orientation sessions for Myanmar refugees selected in 2009 was implemented by RIO and the Romanian Red Cross and financed through the European Refugee Fund.

12. Status on Arrival and the Path to Citizenship

Upon entry to Romania, the Romanian Immigration Office (RIO) shall issue documents, as provided by the relevant legal provisions, recognizing the refugees as having refugee status in Romania.

Resettled refugees have the same rights and obligations in Romania as the refugees recognized by the Romanian State through its asylum procedure.

13. Domestic Settlement and Community Services

The refugees resettled to Romania have the same rights and obligations as the refugees recognized as such by the Romanian authorities through the asylum procedure, and they benefit from the same assistance in terms of integration.

13.1 Actors

In Romania a number of institutions are responsible for the integration of non-nationals in their field of activity. The Ministry of Administration and Interior through the Romanian Immigration Office (RIO) is responsible for the coordination and monitoring of policy issues, and is also competent to organize, through its regional structures, specific services in order to facilitate the integration of the different categories of non-nationals in the Romanian society.

At the institutional level the coordination is mainly carried out through meetings with the decision makers (organized on the **National Strategy on Immigration**), and meetings at experts level (organized on a regular basis by RIO). A number of economical and social rights, such as the right to employment, housing, education, and the right to medical and social assistance and integration programmes are cited in the relevant legal provisions in order to achieve integration.

13.2 Reception and Integration

The integration program aims at supporting aliens who were granted a form of protection in Romania in the process of acquiring the abilities and the knowledge necessary to adapt to the Romanian society.

The integration program consists of a free course of Romanian language (beginner level), sessions on cultural orientation and counseling, accommodation in a RIO center during the program and provision of financial assistance for two months up to obtaining the reimbursable subsidy. The integration program lasts for one year and is carried out following an individual integration plan for each adult.

Persons with special needs (disabled, aged, unaccompanied minors, mono-parental families, victims of torture) may benefit of a prolonged integration program.

The integration programs are organized by the regional centres of RIO; the Romanian language courses are organized in cooperation with the local school inspectorates, following a defined curriculum and using special handbooks. The curricula of the cultural orientation course are established at RIO level, comprise 39 hours and contain modules on the Romanian geography and history, the Romanian Constitution, the Romanian culture, and European values as reflected in the Charter of Fundamental Rights of the European Union.

With a view to supplementing the social assistance granted to asylum seekers and refugees, the RIO cooperates, on the basis of protocols, with non-governmental organizations.

14. Family Reunification of Refugees

The person who was granted a form of protection may lodge an asylum application in respect of his/ her family members, if the family members are outside the territory of Romania.

The applications shall be lodged at the Romanian Immigration Office (RIO) or its territorial branches. If, after an evaluation has been carried out, the family relation has been proven by the beneficiary of the form of protection or, as the case may be, a marriage before entering the territory of Romania, a request will be made to the Ministry of Foreign Affairs to issue the visa and the travel documents for the family member/s.

Romania does not recognize same-sex relationships/ marriages. Therefore there are no such provisions in refugee related laws.

Specifically on family reunification, the following is stipulated in the Emergency Ordinance 194/2002, also known as "Aliens Law" in Romania, at Section 5, Article 46 (Long Term Visa granted for family reunification):

(1) A sponsor in possession of a temporary stay permit, with the validity of one year, or of a permanent stay permit, or the beneficiary of the refugee status or subsidiary protection, can solicit family re-unification for:

a) husband/wife,

b) minor unmarried children, belonging to the sponsor or to the wife/husband of the sponsor, including those adopted and in the effective care of the sponsor or of the wife/husband of the sponsor.

(2) The Romanian Immigration Office can approve, if conditions required under the law are fulfilled, family reunification for other following categories:

a) First grade relatives in ascending line for the sponsor or its wife/husband, in case they are in the impossibility of supporting themselves independently and they do not benefit of adequate family support in the country of origin.

b) Adult unmarried children of the sponsor and of its/wife/husband, in case they cannot support themselves independently due to medical reasons.

(3) Unaccompanied minors, benefiting of the refugee status or of subsidiary protection, can solicit family reunification for:

a) First grade relatives in ascending line or the legal guardian; or

b) when those do not exist or cannot be identified, any other relative of the minor.

15. References/Resources

- Government Decision no 1596/2008 on Resettlement to Romania
- Handbook on Resettlement to Romania (2010)

COUNTRY
CHAPTER
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SWEDEN

BY THE GOVERNMENT OF SWEDEN



Sweden Overview

Resettlement programme since: 1950	Selection Missions: Yes	Dossier Submissions: approx. 1000-1300 persons
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Resettlement Admission Targets for 2014:

Admission targets for UNHCR submissions :	1,900
Total Resettlement Admission Target:	1,900

Regional Allocations for 2014 :

Africa	450
Asia and Pacific:	200
Middle East and North Africa	600
Europe:	0
Americas:	150
Not geographically allocated (350 emergency and 150 pool places)	500

Sub-quota features:

Designated sub-quota/acceptance for:	2014 Description, additional comments:
Emergency resettlement procedures	350 places worldwide for emergency and urgent submissions via HQ, Nairobi and Beirut HUBs
Medical cases	If also presented with a protection need
Women at risk cases	If also presented with a protection need
Unaccompanied children	If also presented with a protection need
Family Reunion (within programme)	Referred to mainstream family reunification schemes outside of the resettlement programme
Other, please specify	

1. Resettlement Policy

Since 1950 the Swedish government has accepted organised resettlement within the framework of the Swedish resettlement program. The Swedish resettlement program applies to individuals in need of international protection.

The general guidelines for the Swedish resettlement program are established annually by the Government (**Ministry of Justice**) after approval by the Swedish parliament. The guidelines and the actual resettlement are carried out in close cooperation with UNHCR.

The **Swedish Migration Board** decides on the allocation of the Swedish Quota and is the operational authority i.e. decides on resident permits and makes travel arrangements for those individuals accepted for resettlement (often referred to as quota refugees). Hence, the Swedish Migration Board is the main actor for resettlement to Sweden.

Transportation and other practical matters are handled by the International Organization for Migration (IOM) following a written agreement.

During the period 2008 – 2014 the Swedish parliament, as recommended by the Government, has allotted funds corresponding to the resettlement in Sweden of 1900 quota refugees per year.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

According to the **Aliens Act** (2005:716) a person has the right to asylum as a Convention refugee if he or she meets the definition defined in the Act. The wording of the definition is virtually identical to the definition in the Geneva Convention relating to the Status of Refugees of 28 July 1951 (Geneva Convention) as supplemented by the New York Protocol of 31 January 1967.

According to the Aliens Act, Convention refugees are those who have left their country of nationality and have a well founded fear of persecution in that country due to their race, their nationality, their religious or political beliefs or on grounds of gender, sexual orientation or other membership of a particular social group.

Also in accordance with the Aliens Act, individuals who are not Convention refugees may also qualify for asylum (also referred to as subsidiary protection). One category of individuals in need of subsidiary protection are those who have left their country of nationality and have a well founded fear of suffering the death penalty or execution; or torture or inhuman or degrading treatment or punishment. Furthermore, subsidiary protection is applicable to civilians in need of protection due to a serious and individual threat to his or her life or person by reason of indiscriminate violence in situations of international or internal armed conflict. This subsidiary protection status is internationally recognised and is based on EU rules. According to the Swedish Aliens Act there is also another category of subsidiary protection. An individual is considered "otherwise in need of protection" because of external or internal armed conflict or because of other severe tension in his or her home country; because of well-grounded fear of being subjected to serious abuse; or because he or she cannot return to his or her home country due to a natural disaster.

The corresponding applies to a stateless person. In accordance with the Aliens Act agents of persecution embrace both non-state agents and state agents of persecution.

In the preparatory works to the Aliens Act it is stated that guidance can be sought in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and UNHCR's Executive Committee Conclusions.

3. Criteria for Resettlement

In order to be eligible for resettlement to Sweden, a person must be considered a refugee or a person otherwise in need of protection, as described by the **Aliens Act** (see section 2). S/he must be able to articulate an individual need for protection in relation to his/her native country. Cases should be submitted by UNHCR. In exceptional cases, submissions can also be made by a Swedish diplomatic mission. Sweden offers resettlement also to Tribunal witnesses and their family members.

All cases are examined in accordance with the Aliens Act and current practice. The same criteria apply for resettlement as for regular asylum. While Sweden only resettles protection cases, the fact that persons may have medical or other special needs on top of their protection needs does not disqualify them from resettlement. Reasons not to accept a case for resettlement can be (not counting the exclusion clauses stated in the 1951 Convention): heavy criminality, drug addiction or if the person can be considered a threat towards the safety of the country, or towards other persons.

All cases submitted for resettlement are screened and cleared by the Security Police. Sweden does not require any other assessments (of medical needs, integration potential, or else) to be made before decision or departure.

While there is no specified sub-quota, Sweden accepts limited numbers of unaccompanied minors within the resettlement program. When a child is submitted for resettlement without its parents, a Best Interests Determination (BID) should be conducted. In order to allow for

a child accompanied by only one parent to resettle to Sweden, a signed consent form should - when possible - be collected from the absent parent/s. If circumstances are such that a consent form cannot be presented although thorough efforts have been made, the Swedish Migration Board will decide on a case to case basis whether resettlement of the child can be justified.

In accordance with the principle of family unity, resettlement is generally offered to all family members in a case, even if the need for protection only applies to one or a few. This applies to the core family - that is married or unmarried spouses and their children (under 18 years of age). The Swedish Migration Board may in exceptional cases decide to offer resettlement to only one or some of the family members.

4. Resettlement Allocations/Processing Priorities

Each year the Swedish parliament (the **Riksdag**) allots funds to the resettlement of refugees to Sweden. The Swedish Migration Board, acting on behalf of the Swedish Government, is the main actor responsible for resettlement to Sweden. In accordance with the annual government decision the Swedish Migration Board in close cooperation with UNHCR and other parties concerned draw up the guidelines of the resettlement program e.g. composition and regional focus. The guidelines are based on UNHCR's assessment of current resettlement needs and priorities. Circumstances such as protracted refugee situations are also considered, as well as the possibility of strategic use of resettlement.

The Governments of the Nordic countries meet in matters of overall policy for regular consultations within the framework of the **Nordic Council for Refugee Affairs (NSHF)**. Correspondingly current resettlement countries, UNHCR and IOM meet for the purpose of regular information exchange and consultation regarding the issue of strategic and operational resettlement at least two times a year. Similarly, above mentioned actors, involved NGOs, countries that are new to resettlement and, as a rule, representatives from the European Commission, meet at the Annual Tripartite Consultations on Resettlement (ATCR). During this meeting UNHCR presents the assessment of current resettlement needs and priorities and the resettlement countries indicate forthcoming resettlement allocations.

The resettlement target/quota is divided almost equally between processing via in-country selection and dossier selection. Each year the Swedish Migration Board undertakes 4-5 in-country selection missions.

The table below provides figures and main nationalities according to the Swedish resettlement programme for 2008-2014.

Year	Target / quota	Main nationalities
2008	1900	Palestinians, Afghans, Burmese
2009	1900	Palestinians, Iraqis, Afghans, Burmese, Eritreans
2010	1900	Somali, Afghans, Eritreans, Palestinians
2011	1900	Somali, Afghans, Eritreans, Ethiopians
2012	1900	Somali, Afghans, Eritreans, Colombians, Sudanese
2013	1900	Somali, Afghans, Eritreans, Colombians, Congolese
2014	1900	Syrians, Somali, Afghans, Eritreans, Colombians, Congolese

The target/quota numbers refer to individuals actually resettled (departed), and operates on an annual basis. Refugees granted a residence permit and also transferred to Sweden are to be counted as part of the annual target/quota. The processing can be carried over into the next year if transfer has not taken place. Unused quota cannot be rolled over to the following year.

The funds allocated for the Swedish resettlement program are used for resettlement to Sweden and to a limited extent as a contribution to projects designed to help solve refugee problems outside Sweden.

5. Submission and Processing via Dossier Selection

5.1 Case Documentation

For the Migration Board to reach a decision a carefully completed and updated RRF must be presented. Exact personal data including photographs of the applicants, family details and possible relatives in Sweden are to be listed. Information regarding linguistic qualifications, educational background, working experience as well as correct personal data is of importance in order to facilitate proper reception in a municipality.

A full examination of the applicant's refugee claim, establishing if a continued individual need for protection exists, should be done in each case.

The possible application of article 1F of the Geneva Convention is to be examined by UNHCR and an explicit declaration by UNHCR is in this regard required. The declaration should include and indicate activities e.g. involvement in armed struggle, previous convictions and military background.

Cases where the applicant has medical needs/problems should be accompanied by medical documentation wherever possible. A specific needs assessment should be conducted by UNHCR.

If the Swedish Migration Board finds the basic material insufficient or unreliable, supplementary information is obtained from UNHCR or some other relevant source, such as an embassy or NGO.

Occasionally, presentations may be submitted by a Swedish diplomatic mission.

5.2 Decision-Making Process

All refugee resettlement submissions are considered by the Swedish Migration Board in accordance with established policies. An applicant must meet the criteria in the Geneva Convention or meet the criteria for subsidiary protection to be offered resettlement in Sweden.

The final decision to accept or reject a submitted case will be made by a case officer. If such a case is rejected, information outlining the reasons for the rejection will be included in the decision.

Determination of refugee status is considered and decided in conjunction to the final decision on residence permits. However, individuals accepted for resettlement can only apply for a travel document and for official recognition of their refugee status after their arrival in Sweden.

Decisions are sent both to the appropriate Swedish embassy and to UNHCR. To help prepare the practical details of the resettlement process, IOM is also informed. If the refugees lack valid passports, temporary alien's passports are issued by the Swedish embassy.

5.3 Recourse Processing

Cases dismissed by the Swedish Migration Board are not subject to appeal, although they can be re-submitted by UNHCR if new facts have emerged or the Swedish admission criteria have been modified.

Furthermore, if UNHCR presents cases dismissed by some other country, the reasons for dismissal should be clearly set forth in the accompanying documentation.

5.4 Processing Times

Processing time i.e. time from submission to decision is normally 20 days, except for emergency cases which are normally processed within 5 working days.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Each year the Swedish Migration Board undertakes 3-5 in-country selection missions. The basic criteria for in-country selections are as outlined in Section 3.

6.2 Preparations

In-country selections are discussed in detail with UNHCR and the Swedish embassy concerned in order to reach the most suitable logistical approach, scope of the selection, and various practical details such as accommodation, transport, security, meetings, etc.

Selection missions are executed in close cooperation with the Swedish diplomatic mission and UNHCR. The Migration Board assumes responsibility for preparation, staffing, practical implementations and any post-processing or follow-up that may be required.

To facilitate preparations the **Swedish Migration Board** uses the Pre-Mission Questionnaire for Resettlement Interview Missions and the Pre-Mission Checklist for Resettlement Interview Missions supplied by UNHCR. Pre-missions are also used to meet with partners on site and to jointly discuss timelines, risks and objectives concerning the selection.

All documentation i.e. by RRF and all possible supplementary documentation should be provided by UNHCR and made available at least one month before the planned date of departure. To ensure sufficient scope for selection and avoid no-shows, presentations should envisage about 25 percent more persons than will be selected. However this can vary depending on basic conditions for each mission.

6.3 Case Documentation

Presentations should clearly indicate whether the persons recommended have relatives in Sweden, and, if so, state their names, the degree of kinship, their place of domicile, and, to facilitate identification, give as many personal particulars as possible. (For further information on case documentation see Section 5.1)

6.4 Decision Making Process

Interviews are carried out on an individual basis and the aim is to supplement the information provided in the RRF, hence provide a sufficient base for the assessment of refugee status and the final decision by the Swedish Migration Board. At the end of each day the delegation conducts a careful review of the cases considered during the day.

Once all the interviews have been completed, the delegation undertakes a second review of each case. A final decision, including a status determination in affirmative decisions, is then reached. Occasionally, doubtful cases may be referred to Sweden for consultation and consequently the decision may be postponed. These cases are categorized as pending cases.

The delegation then provides the embassy, UNHCR and IOM, together or individually, with an oral report on the course and progress of its work and announces cases finally accepted or rejected.

Grounds for rejection are given orally and in writing. Concrete plans as to the time and the means of transfer of the refugees to Sweden and the practical details of their travel documents etc, are also discussed during this meeting.

6.5 Processing Time

The length of time needed for in-country selections depends both on the scope of the assignment and the size of the delegation. Excluding the preparation period and any follow-up that may be needed, two to four weeks are considered normal.

7. Emergency Cases/Urgent Cases

7.1 Policies and procedures for receiving referrals for emergency/urgent submissions and routing of submissions

In 2010 the Swedish Migration Board had 350 places allocated for emergency (and urgent) cases world wide. Emergency cases are to be submitted primarily by UNHCR headquarters. In accordance with the “2009 Draft Pilot Project for Partial Delegation of Authority to the Beirut and Nairobi Hubs”, the latter also have the authority of submitting emergency cases.

Emergency cases are processed as quickly as possible, usually within 5 working days. Such cases are initiated and processed in the same manner as the dossier selection cases described in Section 5. The basic criteria are as outlined in Sections 2 and 3.

To preserve the special status and processing routines applied to emergency cases, the Swedish Migration Board recommends that considerable restraint should be exercised in their presentation enabling the Swedish Migration Board to move quickly in processing the case.

7.2 Case documentation for emergency/urgent cases

It is a mandatory requirement for UNHCR offices to complete and send the “Cover Message Form for resettlement submissions through the HQ Processing unit and under the Pilot Project”. In each case it shall be indicated if the potential emergency of the case is related to acceptance and/or departure.

8. Special Categories/Special Needs

Sweden does not have any sub-quotas for medical or other special needs. It is, however, important that the RRF indicate whether the person is in need of some special care or treatment. This will be a valuable source of information for the municipal authorities charged with his or her care.

9. Medical Requirements

Sweden does not require UNHCR or IOM to carry out a medical examination of refugees entitled to resettlement in Sweden. However it is still important to clearly indicate the individual's state of health and to include relevant medical documentation in the submission. This will be a valuable source of information both for the refugee and for the municipal authorities charged with his or her care.

According to an agreement between the Swedish Migration Board and IOM the Swedish Migration Board has the possibility to appoint a medical check-up to be carried out by IOM.

10. Orientation (pre-departure)

Up until 2007 the Swedish Integration Board (now abolished) was responsible for conducting pre-departure orientation sessions for quota refugees. Due to various constraints, including financial, only a small number of refugees were targeted with these activities. In 2008 and 2009, the Swedish Migration Board, now responsible for the cultural orientation and preparations, ran a project co-funded by the European Refugee Fund (ERF) to develop a strategy for pre-departure orientation. In 2010, 50 percent of the

refugees selected for resettlement to Sweden (mainly those selected via in country selection missions, but also some of the dossier selected groups) were offered an orientation program.

The scope and length of the orientation varies depending on the needs of each target group, but generally two types of sessions are used: full cultural orientation programs, ranging between one to two weeks, and shorter workshops on a few days. Each refugee is offered between 5-10 hours of information within these programs.

The programs are carried out by officers from the Migration Board together with officials from some of the receiving municipalities. Costs depend on the location, size of the group as well as the team, and are generally covered by the Migration Board. Municipalities pay for their own expenses.

11. Travel

The Migration Board cooperates with IOM in making travel arrangements for individuals to be resettled. It can take 2-3 months to prepare the transfer to Sweden after the decision has been taken regarding a residence permit.

Arrangements must be made in order to acquire acceptance from the local authorities in Sweden, obtain the necessary exit permits from the country or countries of residence, issue passports and travel documents, provide information on the final destination, describe the route to be traveled, draw up timetables, etc. Furthermore, before departure the municipal staff at the receiving municipality will prepare for the arrivals and the finding of accommodation. Travelling can take place once accommodation in Sweden has been arranged. If medical escorts or group escorts are needed, it has to be approved by the Migration Board. IOM is also asked to provide the refugees with warmer clothing during the cold period.

When asking IOM to start preparing for the refugees' departure, UNHCR and the respective Swedish embassy are also instructed to start preparing for exit permits and to issue travel documents. The proof of the residence permit is placed in the travel document by the embassies. In order to be able to issue travel documents, the embassy must be provided with personal data such as date of birth, height and a photo of the refugee. This is normally shared by the local UNHCR office.

12. Status on Arrival and the Path to Citizenship

When refugees arrive in Sweden they have already been **granted a permanent residence permit**. Those who are resettled are either Convention refugees or persons in need of subsidiary protection. Convention refugees are entitled to apply for a travel document and for an official recognition of their refugee status. The determination of refugee status is done in conjunction with the decision regarding residence permits but the application for a travel document and the recognition of refugee status can only be done after arrival in Sweden.

12.1 Swedish citizenship

Aliens who have lived in Sweden for five years (four years for Convention refugees) and have proven their identity are entitled to Swedish citizenship. Certain conditions are imposed before an alien can acquire Swedish citizenship i.e. among others age requirement, record of good conduct and relinquishment of previous citizenship.

Swedish law permits dual citizenship. Regulations in the person's country of origin therefore determine whether dual citizenship is possible.

12.2 Voluntary repatriation

If a person granted a residence permit wishes to repatriate, he or she may apply for an allowance. In order for a person to receive an allowance, the inability to pay the travel expenses must be proved.

12.3 Re-immigration

If a person granted a residence permit moves out of Sweden to his or her native country or elsewhere he or she will have the permit withdrawn two years after departure. It is possible to apply for a new residence permit. In such a case considerations e.g. time spent in Sweden and links with the native country or elsewhere, are considered.

13. Domestic Settlement and Community Services

13.1 Actors

The system of refugee reception is based on the voluntary participation of the majority of municipalities in Sweden. The Swedish Migration Board reaches agreements with the individual municipality on the reception of refugees and each municipality entering into an agreement is compensated financially by the State.

13.2 Reception

Resettled individuals will be provided with support from the municipality in which they are resettled. The municipality is required to provide an individual introduction program for each refugee resettled. The program is drawn up in close cooperation with the individual concerned, the local employment office and other possible parties.

During this introduction period the individual has access to income support, language training and job search assistance. The length of the program is approximately two years but varies on an individual basis. The Swedish Employment Service is responsible for supporting new arrivals in gradually finding their way into the labour market.

The state grant for each refugee resettled in a municipality is expected to suffice for all costs paid by the municipality during the introductory period. An additional grant is payable for elderly or disabled refugees and for unaccompanied minor. Regarding unaccompanied minors the municipality is to provide sheltered accommodation and additional support.

13.3 Housing

The Swedish Migration Board always attempts to locate a place in a municipality close to other relatives already settled in Sweden. Refugees are otherwise free to settle anywhere in Sweden, although if they need help in finding permanent accommodation they must accept a home in the municipality allocated to them.

A special home furnishing and equipment loan is available to refugees. This loan may be applied for by a refugee with a minimum age of 18 years who have arranged for a flat in a municipality. The amount is payable as a fixed percentage of the current basic amount established by the national social insurance scheme. The time allowed for repayment depends on the amount borrowed.

13.4 Health

Resettled refugees have access to the public health care services under the same conditions as Swedish citizens. Public health care is tax financed in Sweden.

Health screening is offered to all resettled refugees upon arrival in Sweden.

13.5 Language Training

All municipalities are to offer refugees and other immigrants language training within “*The Swedish for Immigrants program*” (SFI) or equivalent courses no later than three months after the individual's arrival in the municipality.

All school-age children, in the custody of a person or persons whose native language is not Swedish, are entitled to tuition in their native language at primary and secondary schools and at certain other schools as well.

13.6 Education

All children in Sweden enjoy the same access to the national school system and the current curriculums, whether the children are native Swedes, immigrants or refugees and are also entitled to the same forms of educational assistance e.g. grants and loans.

13.7 Vocational Training / Employment

Persons with official refugee status or who hold a residence permit on similar grounds are permitted to take up employment on equal terms with Swedish citizens. The Swedish Employment Service is responsible for mapping and supporting new arrivals in becoming attractive on the labour market.

Refugees are entitled to financial assistance if they are unable to support themselves by any other means. Refugees enjoy the same right to financial assistance from the local services as Swedish citizens. The amount paid out varies from one municipality to another.

14. Family Reunification of Refugees

14.1 Policy concerning Family Reunification of Refugees

In addition to the general rules on family reunification there are also special rules assignable to Convention refugees and aliens otherwise in need of international protection. Furthermore, there is only exceptionally a distinction between Convention refugees and aliens otherwise in need of international protection, as Convention refugees may be granted contributions to cover the family members' expenses for travelling to Sweden.

14.2 Criteria for Family Reunification

The categories of family members entitled to a residence permit on the grounds of family reunification are the following:

- a **spouse or a cohabiting partner** of someone who is either resident in Sweden, or has been granted a residence permit to settle in Sweden;
- a **child who is under the age of 18 and unmarried**, if the child has a parent who is resident in or has been granted a residence permit to settle in Sweden, alternatively, has a parent who is married to or a cohabiting partner with a person resident in Sweden or granted a residence permit.

Furthermore, residence permit shall be given to an alien who is a parent of an unmarried alien child under the age of 18 who is a refugee or a person otherwise in need of protection, if the child arrived in Sweden separately from both parents or from another adult who may be regarded as having taken the place of the parents, or if the child has been left unaccompanied after arrival.

A close relative outside the immediate circle of the nuclear family may be given residence permit if he or she was a member of the same household as the relative in Sweden. Additionally, a special relationship of dependence that already existed in the country of origin, making it difficult for the relatives to live apart, must be proved.

In exceptional circumstances a residence permit may also be granted to an alien if he or she, in another way than described above, is related to an alien who is a Convention refugee or a person otherwise in need of protection.

An application for a residence permit can be rejected if e.g. it is based on incorrect information or a bogus relationship

14.3 Allocations for Family Reunification

When an alien has been granted a residence permit in Sweden according to the rules of the 1951 Convention, contributions may be granted in order for family members to travel to Sweden for reunification purposes. It is a condition that the family members fall into one of the following categories:

- spouse or cohabiting partner;
- unmarried children under the age of 20; and
- parents and siblings assuming the refugee is under 18 years old.

Furthermore, the family members must have been granted residence permit and have valid passports. It is also a prerequisite that the refugee and the family members lack funds of their own to cover the travel expenses.

14.4 Routing of Applications

As a principle rule, applications for family reunification should be handed in by the applicant at a Swedish embassy or consulate in his or her country of origin or habitual residence.

An interview with the applicant is conducted and the following report is forwarded to the Migration Board along with the actual application. The Migration Board then conducts an investigation with the relative in Sweden.

14.5 Verification of Relationships

Applications should be accompanied by documents confirming the relationship, civil status and other particulars of personal circumstances, e.g. passport, national service discharge book or marriage certificate. If possible, confirmation of identity should also be provided in presentations submitted by UNHCR.

14.6 Processing and Decision-Making

After having received the application and the accompanying report, the Migration Board contacts the person resident in Sweden and asks him or her to verify the particulars provided and to supply any further information that may be needed. Decisions on residence permits are made by the Migration Board. In family reunification cases, the residence permits granted are normally permanent.

Appeal against a decision concerning a residence permit may be lodged with one of the three Migration Courts. The decision of the Migration Court can be appealed against and lodged with the Migration Court of Appeal.

Decisions on travel allowance are made by the Migration Board and there is no right to appeal.

15. References/Resources

More information can be found on the Swedish Migration Board's website

www.migrationsverket.se

www.migrationsverket.se/resettlement

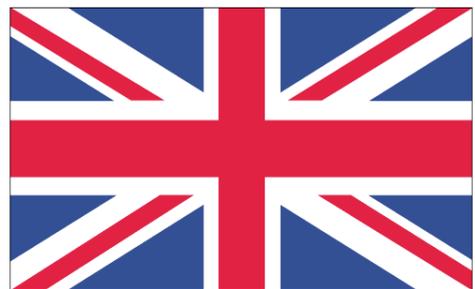
www.migrationsverket.se/kvot

**COUNTRY
CHAPTER**

GBR

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

**BY THE GOVERNMENT OF
THE UNITED KINGDOM**



United Kingdom 2014 Overview:

Resettlement programme since: 2004	Selection Missions: Yes	Dossier Submissions: Not currently
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Resettlement Admission Targets for 2014:

Admission targets for UNHCR submissions:	750
Total Resettlement Admission Target:	750

Resettlement Admission Targets for 2015:

Admission targets for UNHCR submissions:	750
Total Resettlement Admission Target:	750

Regional allocations for 2014:

	Africa	650
	Asia	
	MENA	100
	Europe	

Sub-quota features:

Designated sub-quota/acceptance for:	2014 Description, additional comments:
Emergency resettlement procedures	No emergency resettlement
Medical cases	No specific sub-quota but invites submission of a few cases at the PMQ stage.
Women at risk cases	No specific sub-quota, invites around 10% of the caseload at the PMQ stage. In practice often exceeds 10%.
Unaccompanied children	The UK does not presently resettle unaccompanied children
Family Reunion (within programme)	Not a specific sub-quota as such, the UK's Mandate scheme is dossier-based, and resettles refugees from around the world who have a close family tie in the UK who can accommodate them.
Other	UK Gateway resettlement programme has been matched funded by the European Union. UK hopes to continue using EU funding subject to confirmation of the Asylum, Immigration and Migration Fund (AIMF), by the Commission.

1. Resettlement Policy**1.1 Description of the country's resettlement policy**

The Gateway Protection Programme (GPP) and the Mandate Refugee Scheme (MRS) are operated by the **United Kingdom Home Office** in partnership with the United Nations High Commissioner for Refugees (UNHCR). The GPP offers a legal route for a specific number of particularly vulnerable refugees to settle in the United Kingdom (UK) each year. The annual quota is currently 750 persons. The MRS allows refugees from around the world with close family ties with the UK to be resettled.

1.2 Ministries and Departments responsible for resettlement policy

Applications for resettlement under both schemes are processed by UNHCR, who present the individual case submissions to the UK Home Office. The Refugee Team is the part of the Home Office responsible for considering applications for refugee resettlement. Applications cannot be made directly to the Refugee Team, to British diplomatic posts abroad or through other international organisations. All applications are assessed individually on their merits.

1.3 Process for deciding the annual resettlement quota and its composition

Gateway - Refugee Team is responsible for identifying caseloads (in close liaison with UNCHR) for the upcoming year, organising missions overseas and managing the policy as well as the decisions on GPP applications. Refugee Team also maintains oversight and management of the programme and quota once the resettled refugees have arrived in the UK. Each nationality and host country of refuge is approved at Ministerial level.

The Home Office at present meets the full costs of resettlement in the first year, providing a bespoke integration support package comprising; housing, healthcare, education – including access to English language classes – and casework support services. Many of the post-arrival services are provided by partner non-governmental organisations (NGOs) who work closely with the participating Local Authorities. Participation in the GPP by Local Authorities is voluntary and after the initial twelve months, the responsibility for any continued costs falls to the relevant Local Authority and other government departments.

Gateway is a three year programme in line with fiscal budgets. The three year programme has been extended by one year to cover arrivals between 1 April 2014 and 31 March 2015.

Mandate – Refugee Team is also responsible for receiving resettlement submissions from UNHCR and considers all applications for refugee resettlement under this scheme on a dossier-basis. Refugee Team will also arrange and fund travel of MRS resettled refugees to the UK when alternative funds are unavailable.

2. Criteria for Recognition of Refugee Status Eligibility: Asylum and Resettlement

2.1 National legislation defining refugee status eligibility

The UK works in accordance with the resettlement criteria as laid out in UNHCR's Resettlement Handbook. To qualify for resettlement in the UK, applicants should have been assessed as a refugee within the 1951 Refugee Convention and its 1967 Protocol.

2.2 Refugee status criteria -asylum-seekers and resettled refugees

Although the GPP and MRS are separate from the standard procedure for claiming asylum in the UK, the criteria for determining whether or not a person qualifies for refugee status is the same. Both asylum seekers and refugees being resettled are assessed against the 1951 Refugee Convention and its 1967 Protocol to determine whether or not they qualify for refugee status. In the case of an asylum seeker in the UK, the assessment is done by Home Office caseworkers whereas a person being considered for resettlement by Refugee Team under the GPP or MRS would already have been recognised as a refugee by UNHCR.

Caseworkers in Refugee Team usually accept UNHCR's determination of refugee status unless there are concerns in regards to the credibility of the claim or new evidence comes to light.

3. Criteria for Resettlement

3.1 Resettlement Eligibility Criteria

Gateway - In addition to being recognised as a refugee within the 1951 Refugee Convention and its 1967 Protocol, resettlement applicants under the GPP must also meet the eligibility criteria for resettlement as defined in UNHCR's Resettlement Handbook.

If an applicant's spouse and minor children are not declared to UNHCR or to the Refugee Team officers at the point of referral and interview, or are subsequently declared, they will not normally be recognised as the principal applicants' dependants for the purposes of the resettlement application. However, if the resettlement application is granted, the dependants may be eligible to apply for family reunion once the principal applicant is in the UK.

Mandate – Like the GPP those applying for resettlement under the MRS must have been recognised as refugees within the 1951 Refugee Convention and its 1967 Protocol. They must also have close family ties with the UK. Close ties are usually taken to mean that the applicant is the spouse, minor child or parents/grandparents over the age of 65 of someone settled in the UK. That is; the age and relationship criteria apply to the person seeking admission to the UK. In exceptional circumstances other relationships will be considered; parent/grandparent (in the singular) under 65, family members aged 18 or over: son, daughter, sister, brother, uncle, aunt. No other categories of family relationship will meet the close ties requirement. The family members in the UK do not need to have been accepted as refugees but must be settled here or have limited leave in a category leading to settlement and this includes family members here under the Humanitarian Protection or Discretionary Leave provisions. Those who are here in a temporary capacity (e.g. visitors, students, for medical treatment etc) would not normally provide the mandate refugee with a close tie with the UK. The relative in the UK must confirm that they are willing to provide initial accommodation and help with the integration of the resettled refugee(s).

3.2 Admissibility criteria

The applicant (and his/her dependants) must co-operate with UK officials and any other body involved in the GPP. The UK also looks at whether the GPP is able to meet the resettlement needs of the applicant and their dependants; and whether resettlement of the applicant and their dependants in the UK would not be conducive to the public good. The UK process also seeks to establish whether resettlement to the UK may be contrary to the best interests of the applicant, or their dependants.

4. Resettlement Allocations/Processing Priorities

Gateway - The number of arrivals to the UK through the GPP is determined by an annual quota, the level of which is established by Ministers each year having considered the resources available, the need for resettlement globally, and the impact on local services in the UK.

Mandate - There is no quota for the number of arrivals under the MRS. Most submissions are accepted as long as they meet the resettlement criteria under the scheme by having close family ties with the UK.

5. Submissions and Processing via Dossier Selection

5.1. Dossier (RRF) submission policies

Gateway - The UK may conduct dossier selections in certain circumstances. For example, where it is not deemed appropriate for the UK to travel to a host country to carry out a selection mission but there is a pressing need for the resettlement of a particular group. The UK may also conduct dossier selection where a particular group of refugees has been

residing in a refugee camp in the host country for a lengthy period of time and it is deemed appropriate to consider the caseload without conducting a resettlement interview.

The UK is also willing to consider the group methodology form of submission where it is deemed appropriate. The UK will also conduct interviews by video conferencing arrangements where this is deemed appropriate and where facilities are available.

Policies and procedures that would apply are as detailed in section 6.

Mandate - MRS is completely based on dossier selection. The Home Office accepts resettlement submissions under this scheme from UNHCR around the world. It is particularly important that the Resettlement Registration Form (RRF) contains up to date contact details for the UK relative as Refugee Team officials have to contact the 'receiving' relative as soon as possible to confirm their support. The RRF should also contain as much detail as possible on any serious medical conditions and an up to date medical report if available should be submitted with the RRF.

5.2. Routing of Submissions

RRFs are referred to the Refugee Team only by UNHCR. Resettlement applications cannot be made direct to UK embassies or high commissions abroad. Submissions should be sent by email by UNHCR only to Resettlementprogramme@homeoffice.gsi.gov.uk.

5.3. Processing Times – decision making process

Refugee team caseworkers will conduct a short interview with the UK relative to determine their level of support for the refugee and general ability to provide help with integration. The application will be considered based on that interview, the information contained in the RRF as well as information contained in any Home Office immigration file available relating to the refugee or the UK relative.

The time required to process a resettlement application could vary although Refugee Team does give these cases a degree of priority. Refugee Team contacts the UK relative to confirm that initial accommodation and help with integration can be provided but response times vary and the consideration cannot progress without such confirmation.

Acceptance of an application

An acceptance letter will be sent to UNHCR. At the same time a form authorising the issue of a visa will be sent to the relevant British Diplomatic post. A request will also be sent to the International Organisation for Migration (IOM) to make travel arrangements including pre departure medical checks.

Refusal of an application

If the applicant has been refused, the Refugee Team will send a decision letter to UNHCR briefly outlining the reasons.

5.4. Recourses, appeals

There is no right of appeal against a decision to refuse an application for resettlement. However, if an applicant's circumstances change or if additional information comes to light that was not previously available; UNHCR may re-submit a case to the Refugee Team for reconsideration.

6. Submissions and Processing via In Country Selection

6.1 Selection mission policies

Refugee Team consult relevant government departments, and UNHCR to agree a region within the host country as well as the size and composition of the allocated group of cases there, taking into account the need for resettlement and the general profile of the suggested cases.

6.2 Case documentation

Once agreement on missions has been obtained, appropriate UNHCR field offices prepare RRFs in consultation with UNHCR's relevant Resettlement Hub and the Resettlement Service in Geneva. The Refugee Team considers the RRFs pre-mission to ensure all necessary information is included and makes an initial assessment on the application.

At this stage, it is particularly important for the RRF to provide detailed information about the applicants' flight from their country of origin and how they would meet the UK criteria. The Refugee Team also have to consider the size of the family to ensure that suitable accommodation can be identified.

Due to limitations on budget, the UK is only able to consider a limited number of medical cases.

6.3 Routing of Submissions

RRFs are referred to the Refugee Team only by UNHCR. Applications cannot be made direct to UK embassies or high commissions abroad.

Prior to the submission of the RRFs, Refugee Team complete a pre-mission questionnaire which is shared with the UNHCR field office so that both parties can discuss and agree upon the logistics of the mission. Following receipt of the questionnaire Refugee Team normally request that RRFs are forwarded from the UNHCR Branch Office to the Refugee Team at least six weeks before the selection mission. This will give a reasonable amount of time before the mission to allow Refugee Team caseworkers to make a full initial assessment and for preparation to be completed.

6.4 Processing times - decision making process

A Home Office official will interview all principal applicants and their dependants aged 12 and over to assist the UK based caseworker in making their decision. The interview will be used to supplement the information given in the RRF as well as to gather information to facilitate integration and support needs.

The time required to process a resettlement application could vary. The Refugee Team requires around six weeks between the submission of the RRF referrals and the start of the selection mission. Following the selection mission, it could take up to three months to receive the results of the medical screening.

Acceptance of an application

If a person is accepted for resettlement, the Refugee Team will send a decision letter to the applicant via UNHCR to confirm that they have been accepted.

Acceptance for resettlement is on the condition that no new information emerges before an applicant travels to the UK which would have resulted in a refusal if it were known before the initial decision was made. Where any such information does emerge, the case will be re-assessed, and a fresh decision made and notified.

Once an applicant has been accepted for resettlement, agencies in the UK require at least 6 weeks between date of decision and date of arrival in the UK to ensure reception arrangements are ready. It may, therefore, take 2 – 4 months for a decision to be made after a mission has taken place. The Refugee Team aims to move the majority of accepted cases to the UK within 6 months from the end of the mission.

Refusal of an application

If the applicant is refused, the Refugee Team will send a decision letter to UNHCR briefly outlining the reasons.

6.5 Recourses, appeals

There is no right of appeal against a decision to refuse an application for resettlement. However, if an applicant's circumstances change or if additional information comes to light that was not previously available, UNHCR may re-submit a case to the Refugee Team for reconsideration.

7. Emergency Cases/Urgent Cases

The UK does not accept emergency cases either under GPP or MRS.

8. Special Categories/ Specific Needs

8.1 Refugees with Medical Needs

The Refugee Team conducts medical screening of all GPP resettlement cases and their dependants (see Section 9 below). Certain medical conditions are given special consideration and a decision is made on a case by case basis after reference to Ministers. A limited number of medical cases will be considered for each mission, which will be stipulated in the pre-mission questionnaire.

If accepted, preparations for medical treatment are made in conjunction with the relevant NGO and Clinical Commissioning Group (CCG) within the UK.

Mandate - Refugee Team does not conduct medical screening under this scheme and relies on UNHCR to provide up to date medical/psychiatric reports on all serious medical cases. This helps to signpost the medical treatment/care that the UK relative will need to provide or help the refugee to access.

8.2 Survivors of violence or torture

Assessments of individuals who are survivors of violence or torture are conducted as part of the normal process. It is important that RRFs are as explicit as possible in respect of the refugees' mental health issues as a result of violence and / or torture, so that preparations for potential treatment can be made.

The UK, as part of its integration programme offers an initial counselling session to all arrivals under the GPP. This can be followed up with further sessions if necessary.

Mandate - no special arrangements, aside from the usual mainstream social services and those provided by the voluntary sector available to all refugees in the UK.

8.3 Women at Risk

Assessments of special needs are made pre-departure to ensure that women at risk are housed appropriately and given suitable support, including counselling.

Mandate – no special arrangements, aside from the usual mainstream social services and those provided by the voluntary sector available to all refugees in the UK.

8.4 Children

The UK does not consider unaccompanied children as part of the GPP.

Dependant children aged 12 and above will be interviewed by Refugee Team officials. Dependant children under 12 will be required to accompany the principal applicant to the interview.

Mandate - MRS minors can be considered only where the child will be joining their parent, brother or sister in the UK. In these cases the UK relative is interviewed by a Refugee Team caseworker so that the Refugee Team can be satisfied that they are related as claimed and that the child will have adequate support in the UK. No other relative can be considered as there is no provision for DNA testing under the scheme.

8.5 Elderly

Gateway - Referrals of elderly persons will be considered on a case by case basis, taking into account special needs relevant to their integration needs if accepted.

Mandate – no special arrangements, aside from the usual mainstream social services and those provided by the voluntary sector available to all refugees in the UK.

9. Medical Requirements

Gateway – IOM is contracted to conduct health screening of all proposed GPP cases. IOM conduct the health screening for each person under resettlement consideration and prepare a report, which caseworkers in Refugee Team use as part of the consideration process. All cases are health screened before the UK makes a decision. The results of the health screening can take up to three months to receive. IOM also carry out pre-departure health checks shortly before the flight and an official from IOM will travel with the refugees from the country of departure to the UK.

Resettlement will not normally be offered when, in the opinion of the medical examiner, the individual has a disease or illness, which for the individual's own health, or for public health reasons, currently precludes travel, or requires treatment before travel. Resettlement may be offered to such individuals once, in the opinion of the medical examiner, this ceases to be the case. Pre-departure treatment, for those who have been accepted for resettlement in the UK, is funded by the Refugee Team budget. Where an applicant or a dependant has a medical condition that constitutes a danger to public health or where the costs are disproportionate to the GPP, resettlement will require ministerial consent.

Mandate - No medical health checks are conducted under the scheme although Refugee Team may request further medical reports from UNHCR when necessary.

10. Orientation

Gateway - The Home Office provides cultural orientation for all persons within the caseload prior to their departure from the country of refuge. This is conducted generally by the mission teams during resettlement missions and consists of one day of cultural orientation.

Mandate - No cultural orientation is provided as the scheme relies on the refugees' relative(s) to confirm that they will facilitate integration.

11. Travel

Gateway - Travel for refugees accepted for resettlement under the GPP is co-ordinated by IOM and paid for by the Home Office. Travel is organised once arrangements in the reception area in the UK are finalised. The Refugee Team liaises with the local British diplomatic post and the IOM to ensure all travel documentation is prepared. Successful applicants will usually travel on a one way European Union Uniform Format Form (EU UFF), which is retained by the Home Office on arrival in the UK.

Accepted cases will travel in groups from their current country of residence to the UK. Where the refugee has relatives in the UK and, after appropriate counselling, chooses to stay with their relatives and their relative has confirmed they are willing to accommodate them; those refugees are considered as independent arrivals and will not benefit from the 12 months support package provided to GPP refugees. Refugee Team will make the travel arrangements for independent arrivals and fund the cost of the flight but once they have arrived in the UK Refugee Team's support stops and they have to make their own arrangements to access mainstream social services.

Mandate - Where alternative funds are unavailable, the Home Office will pay for and IOM will co-ordinate the travel of refugees accepted for resettlement under the MRS. The Refugee Team liaises with the local British diplomatic post and the IOM to ensure all travel documentation is prepared. Successful applicants will usually travel on a one way EU UFF which is retained by the Home Office. The Refugee Team will inform the UK relative that the refugee has been accepted and the flight details so that they meet their relative on arrival at the airport.

12. Status on Arrival and Pathways to Citizenship

12.1 Immigration status on arrival

Gateway - Leave to enter the UK under the GPP is granted exceptionally, outside the Immigration Rules. All persons accepted on the programme will be recognised as 1951 Refugee Convention refugees and will be granted indefinite leave to enter on arrival in the UK. Dependants will normally be granted leave to enter in line with the principal applicant.

In circumstances where the refugee has married a person in the country of refuge, who is a national of that country; then Convention status cannot be granted to that person. That person would be granted Indefinite Leave to Enter outside of the immigration rules.

The refugees will usually travel on a one way EUUFF, which is retained by the Home Office on arrival in the UK. Refugees are then required to enrol their biometrics (fingerprints and photograph) in order that a Biometric Residence Permit (BRP) can be issued. A BRP is required in order that mainstream benefits can be accessed. The refugee will be provided with written guidance how to enrol biometrics and supported in doing so. The BRP will be handed to the refugee by the NGO providing support to the refugee. The BRP is proof that the person has refugee status and is allowed to stay in the UK indefinitely. This document does not permit the refugee to travel and if the refugee wants to travel they may apply for a UK issued Convention Travel Document.

Mandate - as above except the EU UFF is not retained on arrival and refugees must send the EU UFF to the Refugee Team. The Refugee Team will retain the EU UFF and provide advice as to how the refugee should enrol their biometrics in order that they can be issued with a Biometric Residence Permit (BRP). The BRP will then be sent by post to the applicant.

12.2 Process for regularization of status and citizenship, including requirements and timeframes

Resettled refugees are eligible to apply for British Citizenship after 5 years residence in the UK.

12.3 Documents issued to children born after arrival but before naturalization of their parents

Any children born after arrival in the UK but before the parents have been naturalised will be need to apply for a BRP

13. Domestic Settlement and Community Services

13.1 Overview of services and providers

Gateway – Home Office Refugee Team manages the programme in partnership with Local Authorities and NGOs, and other organisations with experience of working with refugees and migrants.

13.2 Reception

Resettled individuals are normally met upon arrival at a port of entry and transported to their permanent accommodation by local service providers. They are responsible for ensuring that primary basic needs are met like: food, toiletries, additional clothing (where necessary), an initial cash allowance to meet living costs and a briefing pack (providing practical information).

Once the refugees have settled into their accommodation, additional support is provided in the form of information on their local community, access to local services and regional orientation. The aim is to assist those newly arrived on the programme to settle and adapt to their new communities.

13.3 Resettlement Services

Resettled individuals will be provided with support from NGOs and the Local Authorities in which they are resettled. A caseworker will be appointed to each family in order to provide one to one support, to enable an assessment of their needs and assistance in accessing the services described below. This additional support lasts for twelve months.

13.4 Housing

Upon arrival in the UK, persons resettled under the GPP are provided with furnished accommodation. They are entitled to claim housing benefit under the same conditions as British Citizens.

13.5 Health

Health screening will be conducted for all GPP applicants and their dependants before a decision is made on their resettlement application. This health information is released to the Clinical Commissioning Group (CCG) in which the resettled refugee will be living and the CCG will be made aware of those refugees with specific needs. Once in the UK, resettled refugees will have access to health care services under the same conditions as nationals. Any additional costs for supplemental support for refugees with specific needs will have been agreed with the CCG prior to the refugees' arrival in the UK.

13.6 Language Training

Guidance and information on the English language courses available is offered as part of their long-term resettlement.

13.7 Education

Education for those between the ages of 5 and 17 years is compulsory. Resettled refugee children are given the same access to education as British Citizens. Information is also given on facilities and services for pre-school and under five years.

13.8 Vocational Training and Employment

Resettled refugees have the same access to vocational training and employment as British Citizens.

13.9 Financial Assistance

Gateway - Refugees are entitled to claim welfare benefits under the same conditions as British Citizens. For the first 12 months Home Office will fund the cost of their living and after this period they can continue to access welfare benefits via mainstream services.

Mandate - None of the services above are directly provided or funded by Home Office but refugees under MRS are entitled to claim welfare benefits and use mainstream social services under the same conditions as British Citizens. The UK 'receiving' relative is expected to provide guidance to the refugee on how to access these services in the UK.

14. Family Reunification of Refugees

For many years, the UK has maintained a policy of allowing the refugee's spouse and dependant children under the age of 18 years old to join him or her in the UK. This longstanding policy has now been incorporated into the UK's Immigration Rules. Further guidance and information can be found at <https://www.gov.uk/browse/visas-immigration>.

15. References, Resources

- Further information on the UK's Gateway Protection Programme can be found in policy guidance published at: <https://www.gov.uk/browse/visas-immigration>
- Information on Convention travel documents can be found at: <https://www.gov.uk/browse/visas-immigration>
- Guidance on online visa applications can be found at: <https://www.gov.uk/browse/visas-immigration>
- For information on Biometric Residence Permits: <https://www.gov.uk/browse/visas-immigration>

COUNTRY
CHAPTER

USA

The **UNITED STATES OF AMERICA**

BY THE GOVERNMENT OF
THE UNITED STATES OF AMERICA



United States Overview

Resettlement programme since: 1975	Selection Missions: Yes	Dossier Submissions: No
Resettlement Admission Targets:	2013-2014 1 Oct 2013- 30 Sept 2014	2014-2015 1 Oct 2014 - 30 Sept 2015
Admission targets for UNHCR submissions:	52,300	56,000
Target for non-UNHCR submissions:	17,700	14,000
Total Resettlement Admission Target:	70,000	70,000

Regional Allocations (1 October- 30 September):

Region	2013-2014		2014-2015	
	UNHCR	non-UNHCR	UNHCR	non-UNHCR
Africa	15,000	0	16,500	500
East Asia	14,000	0	12,800	200
Europe/Central Asia	0	1,000	0	1,000
Americas	300	4,700	700	3,300
Near East/South Asia	21,000	12,000	24,000	9,000
Allocated from Reserve	2,000	0	2,000	0
Total	52,300	17,700	56,000	14,000

Sub-quota features:

Designated sub-quota/acceptance for:	Description, additional comments:
Emergency resettlement procedures	No specific quota. Very limited capacity to process applicants from referral to arrival in approx.16 weeks
Medical cases	No limits on submissions
Women-at-risk cases	No specific quota
Unaccompanied children	Accepted with Best Interests Determination
Family Reunion (within programme)	P-3 family reunification program re-launched Oct 2012, DNA evidence of parent-child relationships required, costs reimbursed if relationship proven. Following to join (visa 93) beneficiaries are also counted against the refugee ceilings.

1. Resettlement Policy

The United States has a long tradition of granting refuge to those fleeing persecution. Since the Second World War, more refugees have found permanent homes in the United States than in any other country. Admissions of refugees of special humanitarian concern to the United States, as well as admission of those for the purpose of family reunification are important tenets of the U.S. refugee resettlement programme.

At the federal level, the **Bureau of Population, Refugees and Migration (PRM)** of the Department of State administers the U.S. Refugee Admissions Programme in conjunction with **U.S. Citizenship and Immigration Services (USCIS)** of the Department of Homeland Security and the **Office of Refugee Resettlement (ORR)** of the Department of Health and Human Services (HHS). Non-governmental organizations play a major role in domestic

resettlement activities and, along with the International Organization for Migration (IOM), in overseas processing.

2. Criteria for Recognition of Refugee Status Eligibility and Asylum

A person must meet the U.S. definition of a refugee found in Section 101(a)(42) of the Immigration and Nationality Act (INA), which closely follows the definition in the 1951 UN Convention. The INA also defines as refugees, under certain circumstances specified by the President, certain persons who are within their country of nationality, or if they do not have a nationality, the country in which they are habitually residing (See Annex B).

3. Criteria for Resettlement

To qualify for refugee resettlement to the United States, refugees must:

- 1) Be among those refugees determined by the President to be of special humanitarian concern to the United States;
- 2) Meet the definition of a refugee pursuant to Section 101(a)(42) of the INA (see below);
- 3) Not be firmly resettled in any third country; and
- 4) Be otherwise admissible under U.S. law.

Section 101(a)(42) of the Immigration and Nationality Act (INA)

The term “refugee” means:

- (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or
- (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The term “refugee” *does not include* any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

4. Resettlement Allocations/Processing Priorities

The Administration annually consults with the Congress on the U.S. refugee admissions programme. These consultations provide an opportunity for Congress and Administration representatives: the Department of State, the Department of Homeland Security, and the Department of Health and Human Services; to discuss the international and domestic implications of U.S. refugee policy. These consultations are the culmination of a many-faceted, consultative process that includes discussions with Congressional staff,

representatives of state and local governments, public interest groups, international and non-governmental organizations such as the Refugee Council USA (RCUSA) and others concerned with refugees. During the Congressional consultations, the President's proposed refugee admissions programme for the coming fiscal year is presented. This proposal includes information on refugee admissions levels, groups of refugees of special humanitarian interest to the United States, and processing priorities.

The processing priorities serve as guidelines to determine eligibility for access to the U.S. Government (USG) resettlement programme and as a tool to manage the refugee admissions process within the established annual regional ceiling.

The following priorities are in effect for Fiscal Year 2015 (1 October 2014 - 30 September 2015):

Priority One

UNHCR, U.S. Embassy, or specially-trained nongovernmental organization identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of refoulement; those in danger due to threats of armed attack in an area where they are located; or persons who have experienced recent persecution because of their political, religious, or human rights activities (prisoners of conscience); women-at-risk; victims of torture or violence, physically or mentally disabled persons; persons in urgent need of medical treatment not available in the first asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. As with all other priorities, Priority One referrals must still establish past persecution or a credible fear of future persecution from the country from which they fled. All nationalities are eligible for processing under Priority One.

Priority Two (P-2):

Specific groups of special concern (within certain nationalities) as identified by the Department of State in consultation with NGOs, UNHCR, DHS, and other area experts as well as some in-country programs. Only those members of the specifically identified groups are eligible for Priority Two processing. Each group will be selected based on its individual circumstances.

In-country Priority Two programs include:

Former Soviet Union

This Priority Two designation applies to Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists identified in the Lautenberg Amendment, Public Law No. 101-167, § 599D, 103 Stat. 1261 (1989), as amended ("Lautenberg Amendment"), with close family in the United States.

Cuba

Included in this Priority 2 program are human rights activists, members of persecuted religious minorities, former political prisoners, forced-labor conscripts (1965-68), persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, and persons who have experienced or fear harm because of their relationship – family or social – to someone who falls under one of the preceding categories.

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. government, a U.S. government-funded contractor or grantee, and U.S. media and NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing in Iraq.

Minors in Honduras, El Salvador, and Guatemala

Under this new P-2 program, certain lawfully present qualifying relatives in the United States can request access to a refugee interview for an unmarried child under 21 in his/her country of origin.

Priority Two groups **outside the country of origin** include:

Ethnic Minorities and others from Burma in camps in Thailand

Individuals who have fled Burma and who are registered in nine refugee camps along the Thai/Burma border and who are identified by UNHCR as in need of resettlement are eligible for processing.

Ethnic Minorities from Burma in Malaysia

Ethnic minorities from Burma who are recognized by UNHCR as refugees in Malaysia and identified as being in need of resettlement are eligible for processing.

Bhutanese in Nepal

Bhutanese refugees registered by UNHCR in camps in Nepal and identified as in need of resettlement are eligible for processing.

Iranian Religious Minorities

Iranian members of certain religious minorities are eligible for processing and benefit from a reduced evidentiary standard for establishing a well-founded fear of persecution, pursuant to the 2004 enactment of P.L. 108-199.

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. government, a U.S. government-funded contractor or grantee, and U.S. media and NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing.

Congolese in Rwanda

Certain Congolese who verifiably resided in Mudende Camp, Rwanda during one or both of the massacres that took place in August and December of 1997 are eligible for processing.

Priority Three:

Nationals of the following countries who are spouses, unmarried sons and daughters under 21 years of age, and parents of persons admitted to the United States as refugees or granted asylum, or persons who are lawful permanent residents or U.S. citizens and were initially admitted to the United States as refugees or granted asylum:

- Afghanistan
- Bhutan
- Burma
- Burundi
- Central African Republic
- Chad
- Colombia
- Cuba
- Democratic People's Republic of Korea (DPRK)
- Democratic Republic of Congo (DRC)
- El Salvador
- Eritrea
- Ethiopia
- Guatemala
- Haiti
- Honduras
- Iran
- Iraq
- Mali
- Somalia
- South Sudan
- Sri Lanka
- Sudan
- Syria
- Uzbekistan

Admissibility for Resettlement

Section 212(a) of the INA lists grounds under which aliens may be excluded from the United States.

Refugees may be excluded for the following reasons:

- 1) **Health-related:** Some communicable diseases, physical or mental disorders, and current drug abuse or addiction (Health-related denials may be overcome when the problem has been successfully treated, or upon waiver at the discretion of the Secretary of Homeland Security).
- 2) **Criminal activity:** Individuals, who have committed crimes of moral turpitude, drug trafficking, multiple criminal convictions, prostitution, aggravated felonies or acts involving persecution or torture.
- 3) **Security grounds:** Espionage, terrorist activity, membership in Communist or other totalitarian parties, Nazi persecution or genocide, or individuals who would present a serious security threat. Refugee applicants must clear a series of biographic and biometric checks prior to final approval.

Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Requests for waivers for refugees (Form I-602) should be sent to the Field Office Director of the overseas DHS Office with jurisdiction over the case. DHS has sole authority to determine whether or not to waive these ineligibilities for refugees.

5. Submission and Processing via Dossier Selection

The U.S. refugee resettlement programme does not admit refugees by dossier selection. All refugee applicants must be interviewed by a DHS officer.

6. Submissions and Processing via In Country Selection

With respect to a person applying in a third country for admission to the United States as a refugee, an initial review is undertaken to evaluate cases based on the applicants' situation in temporary asylum, the conditions from which they have fled, U.S. national interest, and other humanitarian considerations. Applicants who claim persecution or a well-founded fear of persecution and who fall within the priorities established for the relevant nationality or region are presented to DHS for determination of eligibility for admission as a refugee under Section 101(a)(42) of the INA.

6.1 Case Documentation

Applicants may submit a variety of documentation to corroborate their claims, such as country conditions reports; death certificates; baptismal certificates; prison records; arrest warrants; affidavits of or letters from government officials, friends or family members, and union, political party, or organization membership cards. Refugees are often unable to provide documentary evidence, however, due to the circumstances that give rise to flight. In such cases, testimony, if credible, may be enough to establish eligibility for refugee status without corroborating evidence. If documents are presented, they are reviewed by the interviewing officer for content and authenticity.

6.2 Routing of Submissions

All refugee applicants must ultimately be interviewed by a DHS Officer. USG-funded **Resettlement Support Centers (RSCs)**, previously known as Overseas Processing Entities (OPEs), usually managed by resettlement agencies or IOM, prepare cases and schedule interviews within their regions.

Some processing locations have DHS officers permanently assigned who may adjudicate refugee applications (e.g. Rome, Nairobi, Accra, Vienna, Moscow, Athens, Bangkok, New Delhi, Havana, and Mexico City, among other locations).

In locations that do not have a regular DHS presence, the USG and the RSC work together to schedule visits from DHS officers on a circuit ride basis. The vast majority of refugee adjudications are conducted by DHS officers on circuit ride, and the U.S. refugee admissions programme is committed to frequent circuit rides to posts where there are sufficient numbers of UNHCR- and Embassy-referred cases or others who are eligible.

For those cases approved by DHS, the RSCs make preparation for onward movement to the United States by arranging medical examinations and a resettlement agency sponsor. IOM makes travel arrangements once the final clearances have been obtained.

6.3 Decision-Making Process

Section 207 of the INA grants the Secretary of Homeland Security the authority to admit, at his/her discretion, any refugee who is not firmly resettled in a third country, who is determined to be of special humanitarian concern, and who is admissible to the United States.

The authority to determine eligibility for refugee status has been delegated to DHS/USCIS. USCIS officers conduct non-adversarial, face-to-face interviews of each applicant to elicit information about the applicant's claim for refugee status and any grounds of ineligibility. U.S. Customs and Border Protection (CBP) screens arriving refugees for admission at the port of entry.

6.4 Recourse Processing

There is no formal procedure for appealing the denial of refugee status, although an applicant may file a Request for Review (RFR) of his case to DHS on the basis of additional evidence or information not available at the time of the interview.

6.5 Processing Times

The time required to process a refugee claim varies considerably based on such factors as the availability of a DHS officer to adjudicate the claim, RSC processing capabilities, type of security checks required, and whether an applicant is admissible to the United States. A very rough estimate of the time it takes from DHS approval of the refugee application until departure is generally 6 to 12 months. Emergency cases may be expedited and have occasionally been processed in a very short time, depending on the circumstances.

7. Emergency Cases/Urgent Cases

U.S. capacity to resettle emergency cases is limited by stringent security clearance procedures, the regulatory requirement for a face-to-face interview with all applicants, and enhanced protocols for detecting and treating tuberculosis overseas. The U.S. does not have a quota for emergency or urgent cases, and does not have a specific processing timeframe for such cases, but under limited circumstances can process urgent cases in approximately 16 weeks.

In most cases, the U.S. will encourage UNHCR to transport a case to an Emergency Transit Facility (ETF) for U.S. processing if protection-related concerns require the individual to depart the country of asylum in less than 16 weeks.

8. Special Categories/Special Needs

The U.S. does not have sub-quotas dedicated to specific needs cases, and accepts UNHCR referrals of all types of special needs cases without imposing a numerical cap.

9. Medical Requirements

The **Centers for Disease Control and Prevention (CDC)** provides the Department of State with medical screening guidelines for all examining physicians, which outline in detail the scope of the medical examination for U.S.-bound refugees. The purpose of the medical examination is to identify applicants with health-related conditions that render them inadmissible to the United States.

Medical screening is mandatory for all refugees. Medical exams are performed by U.S. Embassy-contracted panel physicians or by IOM. The costs for medical exams are borne by the USG. Costs for medical treatment necessary to make an already approved refugee ready for travel are usually paid by the USG. Medical exams are valid for 3 months, 6 months or 1 year, depending on the location and the TB classification, and must be valid at the time of departure for the United States. Screening is generally coordinated by the RSC.

A refugee who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance; a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; or is determined to be a drug abuser or addict, is excludable. As of January 4, 2010, HIV infection is no longer an excludable condition. A waiver for the above excludabilities is available and must be approved by USCIS.

The U.S. provides pre-departure presumptive treatments in certain locations. In FY 2014, this includes presumptive treatment for malaria and parasites in some locations. Although refugees are not required to receive vaccinations prior to departure, the U.S. administers vaccines in locations where an outbreak of disease, such as measles, occurs in a refugee camp or other location where U.S. refugee processing is taking place. In 2013, the U.S. began routinely administering pre-departure vaccinations in certain locations. As of June 1, this included Thailand and Nepal. The U.S. expanded pre-departure vaccinations to Malaysia, Kenya, and Ethiopia, and Uganda by the end of FY 2014.

10. Orientation (pre-departure)

The Department of State strives to ensure that refugees who are accepted for admission to the United States are prepared for the significant life changes they will experience by providing cultural orientation programs prior to departure for the United States. It is critical that refugees arrive with a realistic view of what their new lives will be like, what services are available to them, and what their responsibilities will be.

Resettlement Support Centers (RSCs) conduct one-to-five day pre-departure cultural orientation classes for eligible refugees at sites throughout the world. In an effort to further bridge the information gap, for certain groups, brief video presentations featuring the experience of recently resettled refugees of the same ethnic group are made available to refugee applicants overseas.

Prior to arrival in the United States, every refugee family receives *Welcome to the United States*, a resettlement guidebook developed with contributions from refugee resettlement workers, resettled refugees, and state government officials. *Welcome to the United States* is printed in 17 languages: Albanian, Amharic, Arabic, Bosnian/Croatian/Serbian, English, Farsi, French, Karen, Karenni, Kirundi, Kiswahili, Nepali, Russian, Somali, Spanish, Tigrinya, and Vietnamese. The guidebook gives refugees accurate information about the initial resettlement process. The *Welcome to the United States* refugee orientation video is available in 17 languages: Af-Maay, Arabic, Bosnian/Croatian/Serbian, English, Farsi, French, Hmong, Karen, Karenni, Kirundi, Kiswahili, Nepali, Russian, Somali, Spanish, Tigrinya, and Vietnamese. The *Welcome to the United States* guidebook was revised in 2013. The new version is more comprehensive and interactive, with student exercises included throughout the workbook.

11. Travel

Refugees approved by DHS generally enter the United States within six to twelve months of approval. Travel is coordinated by IOM, which generally provides interest-free loans for the cost of their transportation to the United States. (A refugee is expected to begin incremental repayment of this loan six months after arrival in the United States, and the total amount is generally expected to be repaid within 3 1/2 years.) Refugees generally travel coach class and must pay for excess luggage. Refugees carry travel papers prepared by the RSC which they must present to DHS officials at the port of entry to the United States.

12. Status on Arrival and the Path to Citizenship

At the U.S. port of entry, refugees are admitted to the United States by DHS officials and authorized employment. After one year, a refugee must file for adjustment of status to lawful permanent resident. Five years after admission, a refugee is eligible to apply for U.S. citizenship.

Refugees who wish to travel abroad before adjusting to Lawful Permanent Resident Status must first obtain advance permission to re-enter the United States from DHS in the form of a Refugee Travel Document. Voluntary return to the country of persecution or availing oneself of services of that country's Government (e.g. passports) may affect the individual's refugee status. The USG does not impede voluntary repatriation, but USG funding is not generally available for refugees wanting to repatriate. Private organizations and UNHCR may be able to assist refugees who choose to repatriate.

13. Domestic Settlement and Community Services

13.1 Overview of Services (providers and length of eligibility)

The U.S. resettlement program recognizes the desirability for public and private non-profit organizations to provide sponsorship, reception and placement services appropriate to refugees' personal circumstances, and to assist refugees to achieve economic self-sufficiency as quickly as possible. Sponsoring agencies are required to ensure that refugees' basic needs are met: initial housing, essential furnishings and supplies, food or a food allowance, and necessary clothing for a minimum of 30 days after arrival in the United States. Further, sponsoring agencies also provide assistance to access benefits and services, assistance with enrollment in English language training, transportation to job interviews and job training, and orientation about services available in the community and life in the U.S. (employment opportunities, vocational training, education, language classes, personal budgeting, safety, legal requirements, and health care) for a period of no less than 30 days that may be extended up to 90 days after arrival.

Initial reception and placement of refugees is carried out by sponsoring agencies through cooperative agreements with the **Department of State**. Longer term resettlement resources are provided primarily through assistance programs funded by the **Office of Refugee Resettlement (ORR) in the Administration of Children and Families**, Department of Health and Human Services. ORR supports domestic resettlement through funds to states, voluntary agencies and community based organizations to provide for cash and medical assistance, employment and social services. The primary ORR grantees may sub-grant local non-profit organizations, county, and local governments. . Private organizations and individuals, such as relatives or friends of the refugee or concerned citizens, may also assist with the refugee's resettlement.

13.2 Reception

An IOM representative meets the refugee at his/her port of entry and when necessary, ensures he/she makes his/her onward travel connections. Sponsoring agencies meet the refugees at their final U.S. destination and transport them to their initial housing, which includes furnishings and supplies, food, clothing. The sponsoring agencies provide basic services for a period of no less than 30 days that may be extended up to 90 days.

13.3 Orientation

The U.S. resettlement program strives to ensure that refugees who are admitted to the United States are prepared for the significant changes they will experience during resettlement. Pre-departure cultural orientation programs are available for refugees at many sites around the world.

After arrival in the United States, the sponsoring agency provides refugees with community orientation, which includes information about the role of the sponsoring agency and those assisting the refugee, public services and facilities, personal and public safety, public transportation, standards of personal hygiene, the importance of learning English, other services available, personal finance, and information about legal status, citizenship, travel loan repayment, selective service, and family reunification procedures.

Refugees may also receive materials in their native language which provide information about life in the United States to ease the transition to a new society and culture. ORR provides technical assistance in domestic cultural orientation to promote and enhance community orientation and supports English language training by funding ESL programs and/or referral activities.

13.4 Housing

Under the guidelines established for reception and placement services by the Department of State, the resettlement agencies ensure that decent, safe and sanitary accommodation, according to U.S. federal housing quality standards, is made available to the refugee upon arrival.

Refugees reuniting with family may spend some time at their relative's accommodation. ORR provides cash assistance to eligible refugees to cover basic needs such as food, clothing, and housing up to eight months. Within the current code of Federal Regulations, ORR extends social services funding to cover housing expenses.

13.5 Health

Resettlement agencies refer refugees to local health services for a comprehensive health assessment upon arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge. Refugees are eligible to apply for Medicaid or **Refugee Medical Assistance (RMA)** provided by ORR to cover basic health care costs. ORR ensures medical screening for all refugees through RRMA or Medicaid. ORR covers health and mental health needs of eligible refugees up to eight months through the RMA program. RMA provides medical services to those refugees ineligible for Medicaid.

13.6 Language Training

English language ability is critical to a refugee's successful transition in American society. English as a Second Language (ESL) training programs vary among communities. The local resettlement agency is the best source of information about the availability of such programs. ORR funds a technical assistance provider to promote and support English language training.

13.7 Education

Public schools in the United States are operated by local governments so curriculum and facilities vary. Public school education is free for grades Kindergarten to 12 (approximately ages 5 to 18) and is mandatory for children ages 6 to 16. The resettlement agency will be able to provide more information about school registration and other educational resources in the community. ORR supports the integration of refugee children into the American school system through a refugee school impact grant to refugee impacted areas.

13.8 Vocational Training

Refugees should be aware that job mobility in the United States is great and that refugees frequently change jobs as technical skills and English ability improve. Refugees should also be aware that foreign job certification is often not valid in the United States and that further training, testing, and/or certification may be necessary for some jobs. Vocational and technical schools train people for special skilled occupations, such as auto mechanics, computer programming, and medical and dental assistants. These programs require varying levels of English language ability and often require payment. The local resettlement agency will be able to provide more information about the availability and cost of such programs.

13.9 Employment-related training

ORR employability training services are designed to enable refugees to achieve economic self-sufficiency as soon as possible. Employment related training can include: the development of a self-sufficiency plan, job orientation, job development, job referral, placement, follow-up, English language training, and employability assessment services to include aptitude and skills testing. In addition, services can include career laddering and recertification activities for refugee professionals seeking to fulfill their full career potential.

13.10 Employment

Achieving economic self-sufficiency is the cornerstone of the U.S. resettlement program and getting a job is the first step toward that goal. Many jobs available to newly-arrived refugees are entry-level and refugees are encouraged to improve their language and job skills in order to move up the economic ladder. Refugees receive assistance from the resettlement agency or other employment service program in their community in finding a job, though it may not be in the same field in which the refugee was previously employed. Refugees must have documentation authorizing employment, such as the I-94 form, which they receive from DHS upon arrival, or an Employment Authorization Document (EAD), which they receive from DHS 30 days or more after arrival. The Matching Grant program funded by ORR is particularly focused on intensive case management employability services in support of early self-sufficiency. ORR also provides technical assistance to expand and promote employment opportunities.

13.11 Financial Assistance

The U.S. resettlement program is a public-private partnership. The Department of State provides the sponsorship agency \$1,925 per refugee to provide for their basic needs and core services. Of the \$1,925 per capita funding, \$1,125 must be spent directly on refugees. While affiliates must spend at least \$925 on each refugee, they may choose to allocate up to \$200 of the \$1,125 on other more vulnerable refugees. Federal funding is only intended to provide a portion of the resources needed to serve the refugee. Each sponsoring agency and its affiliates raise private resources, both cash and in-kind, to further address the individual needs of each refugee.

The Department of Health and Human Services is the primary funding source in providing financial assistance to states, counties, and local non-profits to assist refugees become economically self-sufficient as quickly as possible. States, counties, non-profits, and

communities provide additional resources to support such programs. Refugees are eligible to apply for public benefits, cash or food assistance, to cover a portion of their expenses. The level of benefits varies state by state.

13.12 Supplemental Support for Refugee with Special Needs

The Department of State refugee per capita funding provides \$200 that a local sponsoring agency can utilize for individual refugees with special needs. Additionally, each community in which refugees are resettled is unique, with different strengths and weaknesses. Recognizing this, each sponsoring agency and its affiliates work to determine the most appropriate placement for each refugee, so that that location best matches the individualized needs of that refugee. Once a placement is determined the local affiliate works with other community partners to prepare for the special needs of the refugee. The Department of Health and Human Services programs and discretionary funding allow for the creation of programs to address the diverse needs of refugees and the communities.

13.13 Mechanism for sharing information with service providers; including details on expected populations, specific cases, and integration issues

The Department of State shares information about expected populations for resettlement with other federal partners, the sponsoring agencies, and states on an annual and quarterly basis. They in turn provide this information to other service providers. Background information and cultural information is published on certain refugee populations planned for resettlement, which include integration issues. Specific case information is provided to service providers through the Department of State comprehensive database. This gives individual biographic data on each refugee to the sponsoring agency that will resettle the refugee and may be shared with other service providers who will serve that specific case. Pipeline information is available to sponsoring agencies, states, and federal partners. Individual medical data is provided to the Department of Health and Human Services upon arrival of each refugee to ensure appropriate follow-up. Sponsoring agencies, through this database, then provide a status report on each individual refugee at the end of their reception and placement period.

14. Family Reunification of Refugees

Family unity is an important element of the U.S. refugee admissions programme. This is reflected in the processing priorities discussed in Section 4, as well as in other refugee and immigrant admissions programmes detailed below.

14.1 National Definition of Family

For U.S. immigration purposes, the validity of a marriage is generally determined by the law in the place of celebration.

There are certain exceptions to that rule. For example, refugees may be prevented from complying with formal marriage registration requirements based on circumstances resulting from their flight from persecution. If a marriage is invalid based on a failure to comply with formal registration requirements, a marriage may still be valid for U.S. immigration purposes if the parties were prevented from formal perfection of the marriage due to circumstances relating to their flight from persecution. Examples of circumstances beyond a couple's control and relating to the flight from persecution would include inability to access host country institutions due to refugee camp policies or conditions, discriminatory government policies or practices, and other consequences of the flight from persecution. A couple who has been prevented from formal perfection of the marriage must also show other indicia of a valid marriage. The relevant considerations may include: holding themselves out to be spouses, cohabitation over a period of time, children born to the union, and the performance of a marriage ceremony.

Common law marriages may be accepted for U.S. immigration purposes if the law of the place of celebration allows a couple to marry by agreement, without formal ceremony, licensing, or registration requirements, and recognizes the relationship as a legally valid marriage. However, common law marriages that are not legal in the place of celebration and are simply de facto cohabitation would not be considered a marriage for immigration purposes under U.S. law.

In July 2013, the Board of Immigration Appeals (BIA) issued a precedent decision in *Matter of Zeleniak*, 26 I&N Dec. 158 (BIA 2013), recognizing lawful same-sex marriages and spouses if the marriage is valid under the laws of the State where it was celebrated. A same-sex spouse may now be included on refugee application if the applicant and spouse are legally married.

USCIS generally looks to the law of the place where the marriage took place when determining whether it is valid for immigration law purposes. USCIS does not recognize a marriage legally transacted in a foreign jurisdiction if the marriage is contrary to Federal public policy. This includes polygamous marriages and some minor marriages.

According to the U.S. Immigration and Nationality Act (INA) Section 101(a)(35): The term [terms] "spouse," "wife," or "husband" do not include a spouse, wife or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

According to INA Section 101(b)(1)(A)-(E):

- (1) The term "**child**" means an unmarried person under twenty-one years of age who is:
- (A) a child born in wedlock;
 - (B) a stepchild, whether or not born out of wedlock, provided the child had not reached the age of eighteen years at the time the marriage creating the status of stepchild occurred;
 - (C) a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in or outside the United States, if such legitimation takes place before the child reaches the age of eighteen years and the child is in the legal custody of the legitimating parent or parents at the time of such legitimation;
 - (D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege, or benefit is sought by virtue of the relationship of the child to its natural mother or to its natural father if the father has or had a bona fide parent-child relationship with the person;
 - (E) (i) a child adopted while under the age of sixteen years if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household: Provided, that no natural parent of any such adopted child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or
 - (ii) subject to the same proviso as in clause (i), a child who:
 - (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i);
 - (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and
 - (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years;

Certain family members may join relatives in the United States by one of the following means:

- **A UNHCR referral** for the purpose of family reunification (Such referrals follow the procedures outlined in Section 6).

- **An Affidavit of Relationship (AOR):** An AOR is a form filed with a resettlement agency by refugees, permanent residents, or American citizens to establish a relationship in order to qualify for consideration under the priority three, family reunification category.
- **Visa 93:** A resettlement authorization for the spouse and unmarried children under 21 of a refugee already resident in the United States.
- **Visa 92:** A resettlement authorization for the spouse and unmarried children under 21 of an asylee already resident in the United States.
- **Regular immigration:** Refugees may also qualify for admission under regular immigration categories if they have the requisite relatives in the United States.

14.2 Family Reunification Eligibility

Use of an AOR requires that the relative applying for U.S. resettlement establish refugee status in his own right and be otherwise admissible for entry into the United States, as determined by DHS. An acceptable AOR permits an applicant to be considered under Priority 3. A Visa 93 or Visa 92 petitioner must establish proof of relationship (spouse or unmarried child under 21). While immediate family members do not need to qualify as refugees in their own right in order to be eligible for Visas 92 or 93 and may still be situated in their countries of origin, they must demonstrate that they meet the required standards regarding admissibility to the U.S.

14.3 Allocations for Family Reunification

All family reunification cases, whether direct applicants, UNHCR referrals or Visas 93 beneficiaries, count against the annual regional refugee admissions ceiling. Visas 92 beneficiaries do not count against the annual admissions ceiling.

14.4 Routing of Applications

UNHCR referrals for the purpose of family reunification follow the procedures outlined in Section 6.

- **AOR:** A relative in the United States files an AOR with a local branch of one of eleven resettlement agencies with a cooperative agreement with the Department of State. If determined to be eligible, routing then follows the procedures outlined in Section 6.
- **Visa 93:** A refugee in the United States must file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship. The I-730 must be filed within two years of the refugee's arrival in the U.S.
- **Visa 92:** An asylee in the United States must also file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship.

14.5 Case Documentation

When the refugee applicant seeks resettlement in the United States through UNHCR based on family ties, such ties may be supported by a marriage and/or birth certificates, certificates of adoption or approved Form I-130s (Petition for Alien Relative). If these documents are unavailable, a church record, school record or census record showing date and place of birth may be acceptable. If the above documentation is unavailable, the applicant may present a notarized voluntary agency Affidavit of Relationship (AOR), sworn statements of persons who are not related to the principal applicant attesting to the relationship claimed, or, if necessary, such affidavits from persons related to the principal applicant. UNHCR need not request that an AOR be filled out when referring a case under Priority One.

14.6 Processing Times

The processing timeline for family reunification cases is longer than that for UNHCR-referred cases, as the AOR must be vetted by USCIS prior to commencing RSC pre-screening, and DNA evidence of certain parent-child relationships, at the applicant's expense, is required. Following a four-year suspension due to relationship/identity fraud, the U.S. re-started the P-3 program on October 15, 2012.

15. References/Resources

The following materials are available from any U.S. Embassy that processes refugees or from the Bureau of Population, Refugees, and Migration at the U.S. Department of State:

 Center for Applied Linguistics (CAL), *Welcome to the United States: A Guidebook for Refugees*. 2012. <http://www.culturalorientation.net>

 Committee on the Judiciary of the House of Representatives. *Immigration and Nationality Act*, May 1995. <http://www.uscis.gov>

 U.S. Department of State, Department of Homeland Security, Department of Health and Human Services. *Report to the Congress: Proposed Refugee Admissions for Fiscal Year 2015*, September 2014. <http://www.state.gov/documents/organization/232029.pdf>



URUGUAY

BY THE GOVERNMENT OF
URUGUAY



Overview Uruguay:

Resettlement Programme Since: 2009	Selection Missions: Yes	Dossier Submissions: No
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Resettlement Admission Targets for 2016:

Admission targets for UNHCR submissions:	30
Total Resettlement Admission Target:	30

Resettlement Admission Targets for 2017:

Admission targets for UNHCR submissions:	30
Total Resettlement Admission Target:	30

Regional Allocations for 2016:

Africa	
Asia	
MENA	
Europa	
America	30

Sub-quota characteristics:

Emergency resettlement procedures	
Medical cases	
Cases of women at risk	
Unaccompanied minors	
Family reunification (within the programme)	

1. Resettlement Policy**1.1 Description of the country's resettlement policy**

The government of the Eastern Republic of Uruguay, within the framework of respect and protection for human rights and fundamental freedoms, in observance of international laws for the protection and integration of refugees, in the interest of strengthening international solidarity and finding lasting solutions to problems facing refugees, has agreed in conjunction with UNHCR to establish a refugee resettlement programme in Uruguay. The programme aims to meet the needs of refugees whose life, safety, freedom and other fundamental human rights are threatened in their country of asylum, and to facilitate their integration into Uruguayan society based on self-reliance and a positive contribution to local society.

The Framework Agreement was approved in June 2007 by Law N° 18.382. It envisaged an initial two-year resettlement pilot stage, taking into account the Regional Solidarity Resettlement Programme, and with particular consideration for Latin American refugees, followed by an evaluation of the programme by Uruguay and UNHCR; and a second resettlement stage which could consider receiving refugees for resettlement from other regions outside Latin America.

The resettlement programme priorities are guided by a number of considerations - both domestic as well as international protection; UNHCR's it is very important in this process.

Since 2009 different kinds of programmes have been implemented, as outlined below.

1.2 Ministries or departments responsible for resettlement policy

Uruguay is a State party to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. The Law N° 18.076, adopted in 2006, establishes the principles and rights governing the matter, and created the Refugee Commission (CORE); the authority in charge of defining the profiles of people to be resettled, the selection of families, and the adjudication of the Refugee Status in the country, and it's Permanent Secretariat.

The CORE consists of representatives from the Ministries of Foreign Affairs and the Interior (National Directorate of Immigration), the University of the Republic, the legislative branch and one representative from an NGO appointed by the Regional Representative of UNHCR and another from an NGO whose aim and practice is focused on human rights. UNHCR or its representative will act as guests, with voice but no vote.

The Ecumenical Service for Human Dignity (SEDHU), UNHCR's implementing partner in Uruguay, is charged with monitoring, supporting and providing services to resettled refugees.

In early 2014, in response to the humanitarian crisis in Syria and neighbouring countries, President Mujica offered resettlement to Syrian refugees and designed a specific resettlement programme for five families (42 people) in which the Human Rights Secretariat in the Presidency was tasked with its leadership and implementation.

1.3 Process of determining the annual resettlement quota and composition

Resettlement applications are submitted by UNHCR to the CORE on the basis of the resettlement criteria laid out in Chapter six of the UNHCR Resettlement Handbook (2011). The number of people to resettle and resettlement criteria are established within the Framework Agreement on Refugee Resettlement concluded between UNHCR and Uruguay in 2006. The selection mission process, from receiving applications through the arrival of refugees in the country, takes around six months.

2. Eligibility Criteria for Recognition of Refugee and Asylum Status

2.1 National legislation that defines eligibility for refugee status

Law 18.076 on the Refugees' Right to Asylum of December 19, 2006 defines and regulates refugee status in accordance with the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, and the 1984 Cartagena Declaration on Refugees.

The beneficiaries of the resettlement programme signed with UNHCR must be refugees under the terms of the 1951 Convention, the 1967 Protocol and the Cartagena Declaration of 1984.

3. Resettlement Criteria

3.1 Eligibility criteria for refugee resettlement

The eligibility criteria for resettlement are set out in Chapter six of the UNHCR Resettlement Handbook, 2011. The resettlement programme in Uruguay focused on profiles in need of legal and physical protection and refugees without local integration prospects. In 2011 the Government included the Women at Risk category into the programme, and in the second half of the 2013, Uruguay started a pilot programme for Rural resettlement.

The profiles of resettled refugees have been varied, depending on the programme under which they arrived. In the case of the regular resettlement programme, there were families with children under the age of 18, with at least two adults of working age, with an urban or semi-urban profile, complete basic secondary education, and with some skills and/or working experience.

Regarding the Women at Risk (WAR) programme, it consisted of women refugees who were heads of households, in a vulnerable situation, with an urban profile, high school education and a trade or relevant working experience.

The Rural resettlement programme involves people with a rural profile and working experience relating to farming, with a desire to settle in small towns in semi-rural areas outside Montevideo.

In the case of Syrian refugees, the criteria was to include 60 per cent of persons under the age of 18 and at least one adult of working age with experience in agricultural work.

3.2 Admissibility criteria

There are no special criteria for admissibility.

4. Resettlement Allocations/Processing Priorities

4.1 Resettlement allocations

In its original stage, the government provided resettlement for 15 persons a year during the first two years of the programme, with the possibility of extending the quota, which is now 30 persons a year.

Uruguay received the first refugees resettled through the Solidarity Resettlement programme in 2009. Between 2009 and 2014, 68 individuals, in 18 family units, have arrived in total. Under the programme for Syrian refugees, 42 individuals, in five family units, arrived in October 2014.

4.2 Processing priorities

Priority is given to the resettlement needs of refugees from Latin America.

5. Refugee Presentation and Processing Through Dossier Selection

5.1 Policies on dossier case presentation

UNHCR will present the dossier, duly completed and signed by the individual, to CORE, together with all the documentation that is relevant and appropriate. CORE will review cases and decide whether an exception will take place and the parties may be selected without a personal interview. So far, this procedure has not been applied.

5.2 Processing deadlines

CORE will make decisions on cases, based on the available information, in a period not exceeding 60 days from receipt of the application, which it will then communicate to UNHCR. UNHCR may request a review of the case if it is rejected, on the basis of additional information provided by the latter.

The departure and arrival of those accepted for resettlement is coordinated by UNHCR and SEDHU, with the former responsible for travel expenses.

The State will provide all necessary resources to resettled refugees with respect to entry and legal residency. The Interior Ministry will streamline entry procedures and documentation for refugees. The Permanent Secretariat of CORE, comprising representatives of the Ministry of Foreign Affairs, Ministry of Interior and SEDHU, is responsible for providing documents.

6. Presentation and Processing of Refugees Through Selection Missions

6.1 Selection Mission policies

The selection process missions shall be performed in the first country of asylum to facilitate the case assessments, provide information on the scope of the programme and living conditions in Uruguay, and to start the process of integration. These selection missions follow the process described in section 5 after CORE screens cases from among candidates nominated by the UNHCR.

7. Emergency/Urgent Cases

When there is an urgent need for legal and physical protection, UNHCR may present cases to CORE to be analyzed on the basis of existing documentation. The corresponding decision must be made within a month. So far, this procedure has not been applied.

8. Special Categories/Specific Needs

There are no sub-quotas assigned for cases with special needs.

9. Medical requirements

There are no pre-departure medical requirements. However, due to humanitarian reasons, in the case of Syrian refugees, a medical check was completed before departure from Lebanon in order to ensure that they were in good condition to travel.

10. Orientation

Information on living conditions in Uruguay, the general characteristics of the country's population, climate, cost of living, job prospects, education, health, and other aspects of interest is provided during the interviews. An educational video is shown and questions and concerns are addressed.

11. Travel

In the Solidarity Resettlement Programmes implemented, UNHCR assumed responsibility for the coordination of travel and costs. This organization works with SEDHU to coordinate dates of departure and arrival, and reception of refugees at the port of entry.

In the case of the specific resettlement programme for Syrian refugees, the government of

Uruguay, in coordination with IOM and UNHCR, took responsibility of this matter.

Refugees accepted for resettlement only have access to the travel document issued by the country of asylum with the support of UNHCR.

12. Situation on Arrival and Paths for Obtaining Citizenship

12.1 Situation facing immigrants on arrival

Resettled persons enter the country with refugee status granted by CORE and are under its and the government's protection.

Pursuant to Law N° 18.076, refugees are entitled to and may exercise civil, economic, social and cultural rights and every other right inherent to human individuals that are inhabitants of the Republic.

12.2 Documentation issued

Entering refugees will be granted an identity card and a travel document, the first issued by the National Directorate of Immigration of the Ministry of Interior, and the second by the Bureau of Consular Affairs, in the Ministry of Foreign Affairs.

According to Article 74 of the Constitution, men and women born anywhere in the territory of the Republic are considered citizens. As such, children born to refugees after their arrival are given identity cards issued by the National Civil Identification Bureau.

12.3 The requirements for obtaining citizenship

Resettled persons can obtain legal citizenship by meeting the conditions of Section 75 of the Constitution: good behavior, with a family established in the country, having capital or property in the country or skilled in any science, art or industry and with three years of residence in the Republic; good behavior, without a family established in the country, some of the above qualities and residing for five years in the Republic; or obtain special permission from the legislature for outstanding service or outstanding merit. An individual may exercise the full rights of citizenship three years after legal citizenship papers have been issued.

13. Settlement in the Country and Community Services

13.1 Services and actors

For those refugees under the Solidarity Resettlement Programme Scheme, once they are in the country, support services and assistance are provided by SEDHU, which offers them guidance and information needed to start their life in the country, as well as legal advice in various areas of interest.

As it is explained throughout this document, the Syrian refugee resettlement programme has had a different approach and has received more engagement from the government, also regarding the local integration process. The Secretariat for Human Rights of the Presidency, hired a team of professionals to bring support and orientation to each family.

13.2 Reception

Upon arrival in Uruguay, refugees are received by SEDHU staff, which accompanies them to their temporary accommodations.

Upon arrival, the Syrian families were met at the airport by President Mujica, the Minister of Foreign Affairs and senior Government officials. The refugees were transferred to a facility in the outskirts of Montevideo where they could stay until they were moved to individual homes.

article 6 of the Framework Agreement for the Resettlement of Refugees with UNHCR refers to the current rules for granting this right to the family of resettled refugees, the definition of family reunification embodied in Law 18.076 is considered applicable to resettlement.

Article 21 of Law 18.076 Act determines the eligibility of family members for reunification, within the limits defined by application of exclusion clauses or cessation of refugee status.

Family reunification cases are not considered within the resettlement quota. Applications for family reunification are filed by the refugee in the Uruguay, and are channeled through the Regional Office of UNHCR. The annual quota of 15 people has currently been met by family groups, so there have been no cases of family reunification.

14.2 Case documentation

The required documentation consists of the information requested on the UNHCR Family Reunification Form and photocopy of documents verifying the family ties with the refugee seeking reunification. As there have been no cases of refugees applying for family reunification, a time frame cannot be estimated. However, since requests are transmitted through UNHCR offices, the time will depend largely on the latter, while with respect to application processing within the country, once CORE receives the request and documentation, it will provide a resolution as quickly as possible.

14.3 Rights of family members

Travel assistance will be provided in the same way as for refugees resettled through IOM. Economic assistance upon arrival will differ from that provided to resettled refugees. Depending on the particular situation and vulnerability of the case, as well as the budgetary situation and authorization of UNHCR, the family's budget may or may not include corresponding increases for the reunited members of the household. Upon arriving for family reunification, family members are also recognized as refugees in our country.

15. References, Resources

- <http://www.parlamento.gub.uy/htmlstat/pl/acuerdos/acue-ap-34955.htm>
- Law 18.076 on the Refugees' Right to Asylum:
<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=18076&Anchor>