

NEW DIRECTIONS FOR RESETTLEMENT POLICY AND PRACTICE

I. INTRODUCTION

1. Resettlement is a key instrument for ensuring the protection of refugees and for seeking durable solutions to their plight. In recent years, resettlement policy and practice have undergone significant changes, commensurate with the challenges of modern refugee situations and the need for some re-alignment of this solution with the core content of UNHCR's mandate responsibilities. This Note provides an update on significant developments and observations as to current challenges. A summary of these observations is provided in the concluding paragraph, as basis for reflection at a time when many expectations are placed by States and other partners in the resettlement mechanism.

II. NATURE OF RESETTLEMENT TODAY

A. Resettlement as a core mandate responsibility

2. Resettlement under the auspices of UNHCR has a dual character. While it serves, in line with UNHCR's Statute, as a tool to ensure the protection of refugees, it is also one of the three durable solutions to be pursued in order to bring the plight of refugees to an end. As a vital tool of international protection, resettlement meets the special needs of refugees whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they have sought refuge. Equally important is the task of seeking durable solutions that will address the safety, human rights, dignity, ability to achieve self-sufficiency and restoration of protection for refugees. Achieving a durable solution for refugees is the most comprehensive way to ensure that all of their protection problems are addressed and resolved. It is a core mandate responsibility for UNHCR.

3. As a result of the large-scale resettlement programmes of the 1970s and 1980s, questions about the appropriateness of resettlement as a durable solution were raised. Resettlement was considered by many as having been divorced in its functioning from fundamental principles of protection and become a migration programme in disguise which was compounding rather than resolving the problem. These concerns led to a widespread sense of disenchantment with resettlement as a solution for large numbers of refugees. The resulting marginalization of resettlement has affected UNHCR's capacity to perform resettlement functions, and has jeopardized efforts to safeguard certain basic standards.

4. In recent years, UNHCR and its partners have reviewed the use of resettlement and redirected its focus towards the core protection mandate of the Office. At the same time, UNHCR has sought to enhance the role of resettlement by pursuing it, not as an isolated activity, but as an integral part of a comprehensive range of responses available to the organization and its beneficiaries. UNHCR's policy is that resettlement must not stand alone and has to be anchored within broader protection and durable solutions strategies. The goal is to realize the full potential of resettlement as a tool of international protection, as a durable solution, and also as an expression of international solidarity and burden or responsibility-sharing.

B. Making resettlement a multifaceted tool

5. For resettlement to serve as a multifaceted tool, each refugee situation has to be comprehensively analyzed to determine the most appropriate durable solution. The greatest potential for positive benefits through resettlement may be realized if it is used in a strategic manner. Often, a combination of solutions, each specifically addressing the particular circumstances and needs of the various groups within the same refugee population, is the most effective way to achieve a lasting solution in the interests both of the refugees and of the concerned States.

6. The challenge here is how best to realize the complementary nature of the three durable solutions. This will be further examined in the context of the Global Consultations on International Protection, where resettlement as a burden or responsibility-sharing mechanism will have a particular focus.

7. The UN General Assembly has consistently reaffirmed that permanent solutions should be sought through voluntary repatriation and assimilation within new communities, either locally, in countries of refuge, or in third countries. It has emphasized that while the initial "burden" might fall upon the receiving country, ultimate solutions are the responsibility of the international community at large. In recognition of this fact, the concept of "burden sharing" in recent years is being transposed into the more participatory formulation of *responsibility* sharing.

8. This reformulation recognizes that countries of refuge are often inadequately equipped financially and logistically to face alone the task of assisting refugees in situations of mass influx, notably those of a protracted nature. Clearly, in addition to ensuring the protection of refugees and providing them with a durable solution, resettlement serves as a "safety valve" in helping to relieve the strain on countries of refuge. Resettlement can also be a particularly useful responsibility-sharing mechanism where there are groups of refugees whose presence in a country of asylum may pose problems for security or other reasons particular to that country. Whether in quantitative or in political terms, the positive impact of resettlement can assist countries of refuge to cope with the sudden and sometimes large-scale arrival of refugees.

III. CURRENT OPERATIONAL CHALLENGES

9. The worldwide use of resettlement as a tool of international protection and as a durable solution, combined with more systematic and active case identification, has brought about a fundamentally different operational reality. The nature of resettlement has shifted from the mechanical processing of individuals and groups to a highly diversified approach offering flexibility and specific tailoring to individualized protection and solutions needs. This ensures a more comprehensive and equitable measure of protection to refugees around the globe. It is also a major operational challenge for UNHCR in a number of specific areas.

A. Priority resettlement and responsiveness of systems

10. The effectiveness of resettlement cannot simply be measured in numbers. Ensuring that there are sufficient places available to meet the resettlement needs of refugees is only part of the challenge. Systems and procedures must be responsive particularly to urgent needs. The integrity of the process depends upon how the cases are profiled and how rapidly they can be accepted. The system has to be capable of responding both to special needs and to the urgency of the required response. UNHCR is currently working with States to enhance systems for more responsive and speedy processing, and to better harmonize criteria and procedures.

B. Possibilities for Misuse

11. Countries with a national refugee recognition procedure that provides significant immediate protection to refugees within their borders are not currently offering a durable solution to most refugees. Too many refugees remain in temporary asylum and are unable for long periods to repatriate safely. This has placed severe strains on the protection regime in countries of first asylum and places extraordinary pressure on the resettlement process. Without additional resources and will to increase the viability of local settlement of refugee populations and the political will to resolve the crises within the countries of origin, refugees will increasingly see resettlement as their only hope. Their desperation for a solution leaves them vulnerable to extortion from within their own communities, as well as from external actors.

12. UNHCR and its resettlement partners have come far in making resettlement a real possibility for thousands of refugees who have fled conflicts. Access to resettlement and other UNHCR protection activities, however, for camp populations and urban refugees, is susceptible to abuse.

13. Recently, a resettlement oversight mission was undertaken with aimed at defining best practices and identifying processes or procedures that UNHCR should adopt or modify to avoid recurrent difficulties in resettlement programmes globally, particularly in the area of misuse or fraud. The Department of International Protection is seeking to improve the efficiency, transparency, and reliability of the resettlement procedures, as well as the consistency of the mechanism in place in the regions. A number of specific practices and tools, which will be piloted, should improve accountability, make the process of resettlement more predictable to the refugees, and improve feedback and information-sharing.

C. Emerging resettlement countries

14. With the generous support of some traditional resettlement countries¹, UNHCR has substantially diversified resettlement opportunities by expanding the number of resettlement countries from ten to eighteen since 1997. Eight new resettlement countries² have agreed to establish resettlement programmes and most have developed procedures for the submission and adjudication of requests and the reception of resettled refugees. A critical priority now for UNHCR is capacity-building in these countries, to ensure that the necessary institutional infrastructure and programmes for successful settlement of resettled refugees are in place and sustained. The participation of these new countries in resettlement efforts is a most welcome development, and appreciation goes to their Governments, their non-governmental organizations and their people. By resettling refugees on its territory, a State provides a clear manifestation of its commitment to refugee protection and a powerful demonstration of its support to the UNHCR's mandate. It is hoped that more States will find ways to join in these efforts.

D. Reception and integration of resettled refugees

15. The recent *International Conference on the Reception and Integration of Resettled Refugees* has served to build support for the larger integration initiative undertaken by UNHCR and its resettlement partners over the past twelve months. Hosted by the Government of Sweden in April 2001, the Conference provided an international forum for the exchange of ideas and examination of means of supporting refugee resettlement among both the traditional and emerging countries. Many new tools were developed in preparation for the Conference, which should provide a useful resource for those

¹ The ten traditional resettlement countries are: Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway, Sweden, Switzerland and the United States of America. A Resettlement Trust Fund to enhance resettlement activities was established in 1997, of which one of the primary objectives was to diversify resettlement opportunities by expanding the number of resettlement countries.

² Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain.

involved in developing policy and providing service in the resettlement countries.¹ As a result of the Conference, a set of principles to guide the successful development and implementation of reception and integration practices was endorsed by all 18 participatory resettlement countries and UNHCR (see Annex).

16. The Conference has served both to advance resettlement and integration processes and procedures, and to strengthen formal and informal links between the traditional and new or emerging resettlement countries. This should help these countries to mobilize the resources necessary to sustain the longer-term viability of their resettlement programmes. In particular, the Conference has promoted the establishment of a mutually supportive network of implementing partners amongst the resettlement countries that will underpin UNHCR's own capacity-building initiatives.

17. Post-Conference follow-up is expected to include staff exchanges and joint training initiatives, among other collaborative initiatives. By the end of 2001, a reception and integration addendum to the UNHCR *Resettlement Handbook*, based on the conclusions and recommendations of the Conference, will also be completed, to assist both traditional and new or emerging resettlement countries to strengthen their respective reception and integration programmes.

IV. PARTNERSHIPS - THE OPERATIONAL BASIS FOR RESETTLEMENT

18. Over recent years, considerable efforts have been made by UNHCR to enhance resettlement policy and improve operational delivery, as well as to address vulnerabilities inherent in the resettlement process. Given limitations as regards delivery of resettlement services due to staffing and resource constraints, the close collaboration with both governmental and non-governmental partners in the resettlement effort has been and remains fundamental in this regard.

A. Tripartite mechanisms for partners in action

19. Until the mid-1990s UNHCR and resettlement countries worked mainly on a bilateral basis, without adequate recognition of the role of non-governmental organizations (NGOs). This fragmented approach greatly limited the efficiency and effectiveness of resettlement efforts. Today, tripartite mechanisms are well established and provide mutual benefits. In the area of resettlement it has been demonstrated that governments, NGOs, and UNHCR are more than just partners in dialogue, but truly partners in action.

20. Over the past years, UNHCR has increased its consultative work with Governments and NGOs. A Working Group comprised of UNHCR and IOM Headquarters staff and representatives from permanent missions in Geneva meets several times a year for on-going planning and discussion of resettlement issues and needs. The Annual Tripartite Consultations on Resettlement serve as a forum for UNHCR, governments and NGOs to discuss resettlement policy and needs, programme implementation, and strategies to improve operational responses in the field. Regional Tripartite Consultations and joint Regional Resettlement Workshops provide yet another forum for specific policy and operations reviews focusing on resettlement policy applied at regional level and reviewing current practices, as well as identifying priorities for action. Integrated training workshops for staff of UNHCR and its partners move well beyond standard training designed primarily for the transfer of knowledge. They also serve to build relationships, systems and networks among resettlement workers in the field.

21. All these activities help ensure harmonization of resettlement efforts and reduce any possible adverse effects. They need, however, to be complemented by tripartite local and regional "Contact Groups" at field level, to ensure the coordination of day-to-day resettlement work and feed into the

¹ Details are available on the UNHCR Internet Site www.unhcr.org under the heading 'Resettlement'.

existing processes by providing comprehensive and timely information for discussion and decision-making at the higher levels.

B. Deployment of NGO and Government

22. The deployment of staff from NGOs and governments is another example of mutually beneficial cooperation among resettlement partners that has been steadily developing. This deployment complements UNHCR staff capacity in identifying and processing cases for resettlement and contributes to a better understanding of mutual responsibilities and constraints faced in resettlement work for refugees. This initiative has been strikingly successful, but will require increased material and staff support from all partners if it is to expand further to meet the growing resettlement demands.

V. RESETTLEMENT DILEMMAS

A. Resettlement – a complement, not alternative to asylum

23. While resettlement constitutes a multi-faceted response mechanism, it is certainly *not* the panacea for all problems besetting asylum systems today, particularly those related to widespread illegal migration. In UNHCR's experience, persons who meet resettlement criteria are often quite different from asylum-seekers who move on from a country of first asylum, who enter a third country in an irregular manner, or who are seeking to bypass migration controls by using the asylum channel.

24. Resettlement and asylum are two distinct and separate possibilities. It is therefore critical to the integrity of the international protection system that resettlement processing and the promotion of asylum are pursued in tandem, and not used to work against each other. Renewed interest in resettlement in quite a number of countries has, in some instances, coincided with large-scale arrivals of would-be migrants. While the benefit of additional resettlement programmes is acknowledged, it must also be recognized that resettlement is only one available tool of protection within the whole international refugee protection regime. Using resettlement to further restrict the admission of individual asylum-seekers would undermine the right to seek asylum, which is anchored in the Universal Declaration of Human Rights, and is at the very core of the protection regime for refugees. Resettlement must continue to function as a complement to other protection activities and durable solutions. It is not a substitute for the right to seek and enjoy asylum.

25. A primary objective must be to ensure that resettlement policies and criteria are applied in a consistent and transparent fashion in every region of the world. Care must always be taken to strike a balance between meeting needs and addressing quota-related issues in resettlement planning. In this context, it is important to avoid magnet effects and to dispel any perceptions that resettlement is an automatic alternative to the provision of asylum. It is therefore necessary to develop in parallel other forms of effective protection intervention in first countries of asylum so as to enhance strategies for solution and offer refugees genuine possibilities to lead their lives there.

B. Resettlement criteria demand some flexibility

26. UNHCR welcomes any initiative to expand resettlement opportunities and encourages States to demonstrate greater flexibility in accepting UNHCR's criteria. This is particularly important for refugees who have been in limbo for many years, or for refugees from within *prima facie* populations who have particularly pressing protection needs in the country of asylum even while they may not, at that point in time, fulfil all the requirements of the 1951 Convention definition. This issue was the subject of some discussion at the March meeting of the Third Track of the Global Consultations process.¹

¹ Draft Report of the First Meeting in the Third Track, EC/GC/01/8, para.13.

27. In fulfilling its protection mandate, UNHCR needs to be able to count on the full cooperation of States, basing its resettlement activities on jointly agreed, objective criteria. Resettlement responsibilities must not be de-linked from protection needs or other relevant humanitarian considerations, such as family ties. In particular, individuals or groups of concern to UNHCR who have been identified as in need of resettlement, should not be denied this possibility because of the perception of what has been called "integration potential." The integrity of resettlement is defined by its responsiveness to the profile of the refugees concerned, the urgency and special need for resettlement, as well as the speed of the resettlement response. Sufficient places must be available for the resettlement of refugees, as well as systems and procedures that can respond to the increasing diversity of resettlement needs, including in mass influx situations.

VI. CONCLUDING OBSERVATIONS

28. The following provides a summary of the main points contained in this Note:

- (a) Resettlement has been necessarily refocused as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions and as an expression of international solidarity and a burden or responsibility-sharing mechanism.
- (b) The challenge for States and UNHCR is to realize the full potential of resettlement in all these areas by enhancing the complementary nature of the three durable solutions and more effectively integrating resettlement into comprehensive protection and solutions strategies. A combination of solutions, each specifically addressing the particular circumstances and needs of a given refugee population, is often the most effective way to achieve a lasting solution in the interests of both the refugees and of the concerned States.
- (c) Resettlement must be expanded as a complement to other protection activities and durable solutions: it is not a substitute for the right to seek asylum. At the same time, resettlement can assist countries of asylum to cope with the sudden and sometimes large-scale arrival of refugees. There is a need to examine how to fully realize the potential of resettlement as a burden or responsibility-sharing mechanism, particularly in protracted situations.
- (d) UNHCR encourages initiatives by States directed at expanding the circle of countries, enlarging resettlement opportunities, and promoting greater flexibility in applying resettlement criteria. Capacity-building is essential to build and sustain the necessary conditions for successful integration of resettled refugees in the emerging resettlement countries.
- (e) It remains important to further enhance systems that will ensure more responsive and speedy processing and better identification of urgent needs. Better standardization and harmonization of systems, criteria and procedures will be key.
- (f) For UNHCR to meet operational challenges, increased resources are required. These are currently available only to a limited extent. The initiative to deploy staff from NGOs and from governments has been strikingly successful, but will require increased support by all partners to expand it further.
- (g) Although there has been considerable success in strengthening tripartite partnerships and strategically enhancing a consultative and collaborative approach to resettlement, further efforts are needed to ensure that operational coordination at the field level is as effective as at the higher levels.

- (h) The Executive Committee may wish to endorse the principles designed to guide the development and implementation of reception and integration practices proposed by the 18 resettlement countries and UNHCR at the recently convened *International Conference on the Reception and Integration of Resettled Refugees* (see Annex).

International Conference on the Reception and Integration of Resettled Refugees

25-27 April 2001, Norrköping, Sweden

Principles

**“You can’t feel grounded until you belong.
You can’t belong until you’re accepted.”**

Preamble

Refugees strengthen societies through their cultural diversity and the contributions, which they bring. We affirm that resettlement of refugees works. Most refugees integrate successfully into their host communities and most of the support and services provided by governments, refugee communities, non-governmental organisations and the public makes a difference.

Resettlement is an important tool of refugee protection and a durable solution for many refugees. It is not a substitute for asylum, but rather a complementary way of providing protection to people in need. Resettlement offers refugees the possibility to begin new lives and to become fully participating members of society. Given global needs and the success of resettlement as a durable solution, we believe that the use of resettlement should be expanded in the future.

The challenge for states and for UNHCR is to ensure that resettlement selection is carried out in a fair, transparent, and equitable manner based on refugee needs for protection and for durable solutions. A particular challenge for states is to be inclusive in their resettlement criteria and not automatically to exclude groups or countries from consideration. While we acknowledge that resettlement may not be appropriate in every situation, it should be seen as an integral component of a comprehensive international response.

Experience with resettlement varies from country to country. Some countries have long resettlement histories while others are new to the process. But all resettlement countries are committed to facilitating refugee integration, to nurturing a hospitable environment for refugees, and are willing to learn from one another. While integration occurs within a framework of national policy and in a particular cultural context, it is fundamentally a personal process through which refugees develop a sense of belonging, make friendships, and enjoy mutual respect in their new society.

The following general principles will serve as a guide to our efforts to promote refugee integration.

Integration

1. Integration is a mutual, dynamic, multi-faceted and on-going process. “From a refugee perspective, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one’s own cultural identity. From the point of view of the host society, it requires a willingness for communities to be welcoming and responsive to refugees and for public institutions to meet the needs of a diverse population.”¹

¹ Adapted from the European Council on Refugees and Exiles, “Policy on Integration,” 1999.

2. Integration is “multi-dimensional in that it relates both to the conditions for and actual participation in all aspects of the economic, social, cultural, civil and political life of the country of resettlement as well as to refugees’ own perceptions of, acceptance by and membership in the host society.”¹

3. Opportunities for resettled refugees to become citizens and to enjoy full and equal participation in society represent an over-arching commitment by governments to refugee integration.

4. Family reunification is crucial to refugee integration. Similarly, relatives and ethnic community networks can play key roles in successful refugee integration.

5. A multi-dimensional, comprehensive and cohesive approach that involves families, communities and other systems can help refugees to restore hope and to re-build their lives.

Refugees at the Centre

6. Refugees bring resources and skills to the countries in which they resettle. Host societies are strengthened and enriched by the contributions of refugees.

7. Refugee participation and leadership are essential in the development, implementation and evaluation of both refugees’ own individual settlement and integration programmes.

8. Underlying the practical, tangible needs which refugees have are more fundamental needs for dignity, security, social connectedness, and identity. Both these more fundamental needs and immediate material needs must be addressed.

9. Enabling refugees to use their own resources and skills to help each other is a priority.

10. Responding to the range of needs specific to the refugee experience will improve resettlement programmes and enhance integration.

Strengthening Receiving Communities

11. Building community capacity for equitable partnership in refugee reception and integration involves all sectors of the community.

12. Refugees integrate themselves. The responsibility of the public, private and community sectors is to work alongside refugees as facilitators to create an environment in which people can be empowered.

13. The public should receive accurate and timely information about refugee situations. Receiving communities require additional specific information in preparing for the arrival of refugees in their communities. In both cases, the media have an important role to play.

Strengthening Partnerships

14. Multi-faceted partnerships need to be continually developed and strengthened among governments, refugees, communities, non-governmental organisations, and volunteers.

¹ ECRE, “Policy on Integration,” 1999.

15. Strengthening relationships between those working to identify refugees in need of resettlement and the communities where they will be resettled is important to the resettlement process.