Annual Tripartite Consultations on Resettlement
Geneva, 6 – 8 July 2010

Information Note and Recommendations from UNHCR [1]

Emergency Resettlement and the Use of Temporary Evacuation Transit Facilities

On 11 October 2006, UNHCR invited resettlement States to provide comments on a concept paper regarding the establishment of temporary evacuation transit facilities for onward resettlement. The paper received encouraging support from all States participating at the Working Group on Resettlement. Some resettlement countries indicated that this activity should be prioritized and mainstreamed in UNHCR's annual budget. An information note was then tabled at the Annual Tripartite Consultations on Resettlement held in Geneva on 28-30 June 2007.

This information note includes a review of the initial rationale and assumptions for establishing evacuation transit facilities (ETF). The note also draws lessons learned from our practice since 2007 and reflects on some of the current challenges and objectives for 2010-2011. The note also examines the linkages between the evacuation of refugees for resettlement purposes and current challenges related to emergency resettlement.

1.   The initial rationale for establishing temporary evacuation transit facilities

Threats of *refoulement* and other acute risks faced by refugees increasingly oblige UNHCR to resort to emergency resettlement.**[2]** However, UNHCR has **limited capacity** to make emergency resettlement submissions. In addition, the nature of the protection problems in many countries of asylum often impacts negatively on the Office's ability to provide accurate information on refugees facing serious protection risks, as access is often restricted or only possible under challenging conditions. Moreover, resettlement countries have **limited capacity** to examine and accept emergency submissions.[3] Only approximately 700 places are available on a yearly basis for emergency resettlement.

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[1] *This information note is based on the discussion paper tabled by UNHCR at the Working Group on Resettlement in Timisoara (Romania) on 10-11 March 2010. The 2009 statistics presented in this note are based on UNHCR's records as of 22 February 2010 and have not been verified by resettlement States and should therefore be regarded as indicative and subject to change. As of 22 February 2010, resettlement figures were not included from the following countries of asylum: Liberia, Mozambique and Namibia.*

[2] *UNHCR resettlement submissions have three priority levels: (i) **emergency**, for cases where the immediacy of security and/or other acute life-threatening situation faced by the refugee in the country of asylum necessitates resettlement within a few days, if not hours; (ii) **urgent**, for refugees who have serious medical risks or other vulnerabilities requiring expedited resettlement within six weeks of submission; (iii) **normal**, for all cases where there are no immediate medical, social or security risks that would merit expedited processing. The majority of cases fall within this category. UNHCR expects decisions and departure within 12 months of submission.*

[3] *Only a limited number of countries world-wide have special programmes to accept refugees for emergency resettlement on a dossier basis, i.e.. without the requirement for the refugee to have a face-to-face interview with an immigration official. In 2009, these countries included: Brazil (limited number but no specific quota), Denmark (75 persons), Finland (100 persons), the Netherlands (95 persons), Norway (75 persons), New Zealand (limited number but no specific quota) and Sweden (350 persons). Other countries (e.g. Australia and Canada) may exceptionally and in specific circumstances consider emergency cases for resettlement on a dossier basis.*

The problem of access to emergency resettlement is further compounded by procedural constraints such as security screening regulations, which delay decisions on admission to resettlement countries. This combination of factors prolongs the stay of some refugees in some host countries and increases their exposure to protection risks. In some cases refugees have been *refouled* or have died before a decision was made on their case for resettlement.

UNHCR's operational experience with Uzbek refugees in the Kyrgyz Republic in 2005 highlighted a lack of capacity to evacuate refugees at immediate risk directly to a resettlement country as well as the limited options available with resettlement countries. Notwithstanding the lack of systematic response mechanisms, it has been possible to evacuate individuals at particular risk to another country before resettlement. For instance, some 1,500 ethnic minority Tutsis at risk in the Democratic Republic of the Congo were evacuated to Cameroon and Benin in 1999–2000, from whence they were resettled. These examples have nevertheless highlighted the need for better planning of such evacuations. Establishing standby arrangements for the temporary relocation of a <u>limited number</u> of refugees to a safe country would yield protection dividends to refugees at risk and would reduce the immediate pressure on UNHCR and resettlement countries providing places for emergency resettlement.

In 2007, UNHCR indicated at the Annual Tripartite Consultations on Resettlement (ATCR) that it would like to explore options for the temporary relocation of refugees to evacuation transit facilities (ETFs) with countries in different regions. The evacuation of some refugees to countries providing an ETF would enable UNHCR to submit these cases for resettlement under 'normal' conditions and not in the acute context caused by threats of *refoulement* and other serious protection problems. The evacuation itself would have to be carried out under emergency conditions and out-processing from the ETF would need to be expeditious to allow space for other cases. Allowing for such relocation of refugees requiring emergency resettlement would secure immediate and temporary protection, pending onward resettlement to a third country. It was initially foreseen that the temporary relocation to an ETF would achieve **five objectives**:

- Provide timely and effective protection to an individual or group of individuals of concern to UNHCR;
- Demonstrate a tangible form of burden- and responsibility-sharing, enabling States not otherwise involved in emergency resettlement to accept cases from an ETF;
- Enable officials from UNHCR and resettlement countries to undertake interviews in a stable, safe and secure environment;
- Promote the subsequent realization of the durable solution of permanent resettlement; and
- Encourage States hosting ETFs to become involved in resettlement.

In 2007, it was also foreseen that the **refugees at risk and in need of evacuation** to an ETF would include:

- Refugees at immediate risk of *refoulement* (based on a strict interpretation and verified by the Resettlement Service) or other acute, life-threatening situation;
- Refugees kept in prolonged detention (although not for the commission of a crime/offence) who can only be released if resettled;

- Sensitive / high profile refugees at risk (e.g. political and human rights activists, journalists and individuals of certain nationalities);
- Refugees in need of resettlement for whom a resettlement country and/or UNHCR requires that their final destination for permanent resettlement not be disclosed to the country of first asylum;
- Refugees who might be victims or witnesses of concern to the International Criminal Court or other international tribunal.

In 2007, UNHCR indicated that the **prerequisites for successful temporary evacuation** to an ETF would depend on the countries of temporary evacuation, resettlement and donor countries as well as partner organizations.

Countries of temporary evacuation

UNHCR's limited experience regarding temporary evacuation has shown that countries providing the temporary relocation should meet the following minimum conditions:

- Availability of a <u>large network of consulates</u> / embassies in a given region to provide refugees with emergency travel documentation (if alternative arrangements such as using ICRC travel documents are not available);
- Adequate <u>reception capacity</u>, requiring the existence of necessary infrastructure to receive and temporarily accommodate the refugees and provide essential services, whether directly or through NGO partners;[4] and,
- A <u>legal framework</u> that allows for the temporary stay of the evacuated refugees for the period needed to allow for resettlement processing.

Countries of permanent resettlement

Countries of resettlement would be expected to support the establishment of an ETF by ensuring commitment to interview quickly and resettle in a timely manner a target number of refugees from an ETF. A form of standby commitment by resettlement countries would provide the element of predictability that countries hosting an ETF would be expecting, as was earlier the case during implementation of the Comprehensive Plan of Action for refugees arriving by boat from Vietnam in the late 1970s and early 1980s under the Rescue at Sea Offers (RASRO) and Disembarkation Resettlement Offers (DISERO) schemes.

Donor countries

UNHCR indicated that some limited financial support for this activity would be required from donor countries, as this activity had not been budgeted for in UNHCR's 2007 annual programme. Even if the Office were not seeking to establish new accommodation centres as ETFs, and even if the objective were to use this option for a limited number of refugees, some limited financial support would be required to assist countries providing an ETF, sustain their commitment, and enable UNHCR and IOM to cover additional costs associated with the processing and transportation of refugees.

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[4] *UNHCR does not have in mind the evacuation of large groups of refugees. The country where refugees are temporarily relocated should have an existing reception capacity, not necessarily large accommodation centres, and practical experience in the reception of refugees. UNHCR would only plan to evacuate a limited number of refugees pursuant to agreement reached with the country of temporary relocation.*

Partner organizations

It was planned in 2007 that both UNHCR and the International Organisation for Migration (IOM) would be expected to coordinate closely at the operational level on all aspects concerning the evacuation from the country of asylum, arrival in the country of temporary relocation and the departure to the country of permanent resettlement. It was also foreseen that both organizations would aim to sign tripartite agreements with countries of temporary evacuation in order to clarify respective roles and responsibilities. As was the case for the tripartite agreement with the Romanian authorities in 2005 in response to the Uzbek refugees, such an agreement would also clarify the role of both organizations if a resettlement solution could not be found for one or more individuals. IOM would use the Rapid Response Transportation Fund (RRTF) to organize the evacuation of refugees to the ETF. The information note tabled by UNHCR at the 2007 ATCR also foresaw the development of partnership with local NGOs to provide assistance and adequate counselling services for evacuated refugees.

2. Current status report on evacuation transit facilities

On 8 May 2008, UNHCR signed a tripartite agreement with the Government of Romania and the IOM to establish an Evacuation Transit Centre (ETC) in Timisoara for a maximum of 200 refugees at any given time. The agreement was ratified on 21 November 2008 and the centre officially opened three days later. Since then, 492 refugees from seven nationalities have been evacuated to the centre and 348 have departed to resettlement countries (data as of 18 January 2010). A separate agreement was signed with an implementing partner, Generatie Tanara, to provide services to the refugees at the centre. The Government of the United States provided financial support to jumpstart this project while other donors provided some limited contributions to assist with its operations. This activity has now been prioritized in UNHCR's annual budget for 2010.

When in 2009 additional needs for evacuation were identified, the Slovak Republic offered to establish a second facility in Europe. On 17 July 2009, UNHCR entered into a tripartite agreement with the Slovak Republic and IOM for the evacuation of 101 Palestinian refugees from Iraq. The Slovak Republic generously contributed to the project by meeting essential care and maintenance costs, while UNHCR concluded a local agreement with an implementing partner, ETP Slovakia – Center for Sustainable Development, to provide services and assistance. Negotiations are currently underway to determine the continuance of the evacuation facility in 2010.

On 27 August 2009, UNHCR signed a tripartite agreement with the Government of the Philippines and IOM to establish an Evacuation Transit Mechanism (ETM) in Manila with an initial capacity of 20 refugees. Since then, 17 refugees from four nationalities have been evacuated to the Philippines. UNHCR, through its NGO partner Community and Family Services International (CFSI), cooperates with the government in providing services to the refugees while they await onward movement to a resettlement country. The United States provided financial support to jumpstart this project in 2009. For 2010, this project has been prioritized in UNHCR's annual budget.

In mid-2009 UNHCR also concluded an ad-hoc bilateral agreement with Burkina Faso for the evacuation of several refugees facing acute risks in the region. Indeed, UNHCR foresees the

need to establish a permanent evacuation transit mechanism in East Africa to address the need for transit evacuation for refugees in the continent, while Burkina Faso will remain an option for some individual cases.[5]

It should also be noted that in past years a limited number of persons have been evacuated on an ad-hoc basis to other countries (e.g. Colombia and Czech Republic) pending a permanent resettlement solution.

3. Protection challenges with emergency resettlement and evacuation transit facilities

3.1 Emergency resettlement

The current capacity of resettlement countries to provide for emergency resettlement is difficult to gauge, although arguably insufficient for the protection of refugees at high risk. While only a few countries offer specific programmes for emergency resettlement on a dossier basis, other countries will decide on emergency cases after interviewing the refugee. Even so, resettlement capacity is not measured by the availability of places alone. Capacity is also measured in terms of admission criteria, processing requirements and the length of time it takes to decide on a case and to arrange departure.

In 2009, UNHCR made emergency resettlement submissions for a total of 409 cases (991 persons). Approximately 223 cases (representing 620 persons) were accepted by resettlement countries, of which 218 cases (607 persons) departed for resettlement in 2009. The number of persons submitted for emergency resettlement by UNHCR has remained relatively static since 2007, and while departures have moderately improved, the approval rate by States remains conspicuously low. Indeed, the low approval rate by States and lengthy processing times for decision and departure contributed to the underutilization of the available 700 resettlement places provided by States for emergency resettlement.

2007-2009 Emergency Resettlement Performance Indicators (all countries)

Year	Submissions (cases / persons)	Acceptances (cases / persons)	Declines (cases / persons)	Acceptance Rate (for cases decided)	Pending Rate (at end of year)	Departures (cases / persons)
2007	303 / 956	179 / 548	86 / 237	69.8 %	12.5 %	153 / 476
2008	287 / 983	132 / 370	90 / 276	57.3 %	22.6 %	144 / 534
2009	409 / 991	223 / 620	103 / 317	66.2 %	20.3 %	218 / 607

In 2009, the global approval rate for emergency cases was about **66 percent** (including countries requiring interviews prior to decision). This was higher than the approval rate for countries offering resettlement on a dossier basis (i.e. no requirement for interview prior to decision). The average approval rate by resettlement countries offering dossier places for

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[5] *It is worth noting that the African Union Ministerial Conference of June 2006 held in Ouagadougou on "Protecting and Assisting Victims of Forced Displacement in Africa" endorsed the idea of exploring options for the temporary relocation of refugees.*

emergency cases submitted by UNHCR Headquarters was only **59 per cent**. This is below the global average approval rate for urgent and normal priority cases (approximately 81 per cent and 89 per cent respectively). Furthermore, resettlement countries offering emergency resettlement places have uneven rates of approval and this variance is most stark with respect to dossier decisions.

Processing Times for Emergency Resettlement Cases (Dossier Decisions)
Submitted via UNHCR Headquarters and Regional Hub Offices in 2009 *

Emergency Resettlement Processing Stage	Length of Time		
	Minimum Average	**Maximum Average**	**Overall Average**
From submission to decision	16 days	155 days	07 weeks (46 days)
From decision to departure	68 days	172 days	13 weeks (94 days)
From submission to departure	---	---	20 weeks (140 days)

* *This table reflects the average processing times of all States receiving dossier submissions from UNHCR in 2009. It should be noted that some States made decisions on individual cases within 24 hours and effected departure within several days.*

The average length of time between the submission of emergency cases by UNHCR in 2009 and the departure for resettlement was approximately **5 months** (140 days).[6] The average length of time between UNHCR resettlement submissions and decisions by resettlement States was almost **7 weeks** (46 days). From the time of decision by States to the date of departure for resettlement, the average time was about **13 weeks** (94 days). These timelines are serious departures from what is expected and required of emergency resettlement and clearly do not adhere to the benchmark of several days, outlined by UNHCR as a necessary response to the heightened protection needs of refugees submitted on an emergency basis.

While a number of factors might explain the low rate of approval by States and the lengthy processing times between submission and departure, the statistics suggest serious systemic weaknesses in emergency resettlement policies and procedures. As stands, the refugees concerned are not being resettled on what could be considered an emergency basis, if they are resettled at all.

3.2   Evacuation transit facilities

The use of emergency evacuation mechanisms has enhanced the capacity of UNHCR and resettlement States to respond to emergency resettlement needs and has generally served to complement emergency resettlement programmes that accept cases on a dossier basis. In 2009, UNHCR evacuated a total of **114 cases (437 persons)** to emergency evacuation transit facilities. The evacuation option has not led to a decrease of places available for emergency resettlement; however, there is a risk that over-reliance on evacuation options for emergency cases will reduce the capacity and effectiveness of resettlement States to respond to emergency resettlement needs; for example, resulting in a reduction of dossier and field-based interview selections. As evacuation options can be used in situations other

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[6] *Data based on total emergency resettlement submissions by UNHCR Headquarters and Regional Hubs to resettlement states offering places on a dossier basis in 2009.*

than emergencies, an additional concern is that their use may cause confusion about emergency resettlement.

The average time between the requests for evacuation, the decision by the transit state to accept the evacuation and the effective movement to the evacuation transit facility has in general been longer than what was initially foreseen. For evacuations to the ETC in Romania for 2009, the average processing time was about **28 days**. Complex clearance formalities, coordination and logistic requirements and difficulties to secure travel documents are among the reasons for this.[7] While a majority of resettlement countries managed to finalize the resettlement processing of the evacuated refugees **within less than six months**, in a number of instances refugees had to stay more than six months in transit. These factors have led UNHCR to question whether the evacuation transit option is more appropriate for urgent cases rather than for emergency cases.

An additional limitation concerns the selection of cases for evacuation. UNHCR carefully assesses the eligibility for resettlement of all cases evacuated to ETFs in order to reduce to the extent possible the risk of having refugees evacuated but not subsequently approved by States for resettlement. However, UNHCR sometimes has had to make difficult choices in this respect, and ultimately only those cases provisionally approved for resettlement or assured of resettlement consideration were sent to evacuation transit facilities. Although a few cases at the ETC in Romania were subsequently rejected by a resettlement country, UNHCR managed to find alternative resettlement solutions.

The availability of evacuation mechanisms should not substitute or diminish the importance of emergency submissions by States on a dossier basis. Dossier places will always remain an extremely important component of the response to address the acute protection needs of some refugees.

Refugee Resettlement via Temporary Evacuation Facilities in 2009

Country of temporary evacuation	Arrived at country of temporary evacuation (cases / persons)	Approved by resettlement country (cases / persons)	Departed to resettlement country (cases / persons)
Romania	89 / 313	152 / 301 *	152 / 301 *
Slovak Republic	18 / 98	18 / 98	11 / 39
Philippines	3 / 4	2 / 2	2 / 2
Other (ad-hoc)	4 / 22	4 / 22	2 / 7
All	**114 / 437**	**176 / 423 ***	**167 / 349 ***

* *Data includes 95 cases / 109 individuals who arrived at the evacuation centre in Romania in 2008 who were approved and departed for resettlement in 2009.*

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[7] *The International Civil Aviation Authority (ICAO), the standard setting body that establishes and determines compliance for whether a document is acceptable is currently upgrading the standards, which may have implications for the future use of ICRC travel documents.*

**Average Length of Stay of Refugees at the Evacuation Transit Centre, Romania,
by Country of Resettlement (2008 – 2009)***

Resettlement Country	Cases / Persons	Average length of stay ** (days)
Canada	31 / 57	142
Sweden	18 / 19	26
United Kingdom	21 / 81	62
United States	131 / 265	161

Data is for departed cases only and does not count cases submitted previously while at the ETC.
*** UNHCR notes that the processing times by States generally improved with specific groups over time.*

UNHCR appreciates the efforts made by the resettlement countries that processed cases for resettlement from the evacuation transit facilities in 2009. The processing of these cases by state steadily improved with experience over time.

UNHCR has tried to strictly adhere to the criteria for evacuation. At times some States have requested UNHCR to use the evacuation mechanism for cases not considered to be in urgent need of resettlement. UNHCR resorted to using the transit evacuation mechanism for refugees to whom resettlement countries had difficulties in having access; e.g. situations where staff of resettlement countries are unable to obtain a visa to enter the host country to interview refugees for resettlement or are barred access to refugees in detention. Those cases may not have all been emergency cases, but all were in need of this durable solution and protection measure. UNHCR intends to continue using the transit evacuation mechanism essentially for emergency and urgent cases, but may on a case-by-case basis also use the evacuation option for refugees in need of resettlement who are living in places not accessible by resettlement countries.

4.   UNHCR recommendations to address systemic challenges and gaps in processing of emergency resettlement cases

Regardless of how emergency resettlement is facilitated (i.e. via a temporary evacuation facility or directly to a resettlement country following an interview or dossier decision), there are systemic challenges and gaps in the processing of emergency cases. Apart from the absence of specific procedures among some resettlement countries to provide for emergency resettlement, there is a lack of coherence within existing procedures which results in protection gaps. UNHCR has identified these gaps as being:

- Lengthy periods between UNHCR submissions and decisions by resettlement States, as well lack of predictability among States with regard to processing timelines;

- Lengthy periods between decisions by States and departures for resettlement (however, decisions sometimes mitigate the need for emergency departure);

- High decline rates by some resettlement States, necessitating resubmissions, which sometimes prejudice the likelihood of approval by other States;

- Approval rate for emergency cases in 2009 is lower than that for normal priority cases;

- Low approval rate (49 per cent) for emergency woman-at-risk cases in 2009 – lowest approval rate among all criteria of emergency submissions (discord with ExCom conclusion 105);

- Lack of balance in the responsibility- and burden-sharing among resettlement States;

- Different priority classifications used by UNHCR and by resettlement States.

One of UNHCR's global strategic priorities (GSP) endorsed by its Executive Committee in October 2009 foresees an increase by 10 per cent of resettlement places (including emergency / urgent places in 2010-2011). These objectives will not be met in 2010 unless resettlement countries offer new opportunities in this respect and all stakeholders make joint efforts to achieve it and to enhance case processing. Accordingly, an in view of the above systemic issues, UNHCR submits the following recommendations for consideration by the ATCR:

4.1 Recommendations to improve emergency resettlement and the evacuation of refugees to transit facilities for onward resettlement

Recommendation 1: resettlement countries to establish or strengthen emergency resettlement progammes (including capacity to take decisions on a dossier basis), and States with existing emergency resettlement programmes to increase by 10 per cent the number of individuals admitted annually;

Recommendation 2: resettlement countries having the capacity to issue decisions on a dossier basis to establish programmes / sub-quota for emergency cases, if not already in place;

Recommendation 3: resettlement countries having emergency resettlement programmes to issue decisions and, where possible, authorize travel within five working days of receipt of the resettlement case submission;

Recommendation 4: resettlement countries, IOM and UNHCR to reduce the processing time between the approval decision by States and the departure of emergency cases, and to establish or review procedures in countries of operation to ensure the departure of refugees within five working days from the date of decision by the state, or otherwise within the fastest possible timeframe.

Recommendation 5: UNHCR to systematically consider using evacuation transit facilities as an interim protection measure for emergency cases provisionally approved for resettlement where the timeframe for resettlement processing by a State is unlikely to ameliorate the protection situation of the refugee;

Recommendation 6: resettlement countries to systematically share detailed information with UNHCR on reasons for decline decisions on

emergency resettlement submissions in order for UNHCR to improve efficiency and quality assurance in the possible resubmission of the case for resettlement;

Recommendation 7: resettlement countries unwilling or unable to establish emergency resettlement programmes or sub-quotas to consider UNHCR submissions from evacuation transit facilities;

Recommendation 8: resettlement countries to afford a high level of priority to individuals in transit under the evacuation mechanism and to take measures to start the resettlement processing of such cases strictly within the two weeks following evacuation to ensure timely finalization and departure for resettlement, thereby opening space for other refugees in need of evacuation;

Recommendation 9: UNHCR and IOM, in cooperation with States providing evacuation transit facilities, to explore practical ways to decrease the average processing time for evacuations to 14 days;

Recommendation 10: UNHCR to gradually establish video-conference facilities at evacuation transit locations to enable resettlement countries to undertake resettlement selection interviews with the evacuated refugees by way of video-conference call.

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