



UNHCR Policy on Refugees in Urban Areas

Introduction

1. The objective of this document is to provide clear guidelines for the provision of assistance to and the promotion of solutions for refugees in urban areas. It takes due account of both their specific situation and the problems that may be created by unregulated movement to urban areas, whether this movement takes place within the country or from another country where the refugee had found protection.
2. UNHCR's obligations in respect of international protection are not affected by either the location of the refugees or the nature of the movement to that location. In a number of countries asylum seekers arrive directly in urban areas. Whatever the nature of the movement or legal status of a person of concern to UNHCR in an urban area, the over-riding priority remains to ensure protection, and in particular, non-refoulement and treatment in accordance with recognized basic human standards.

Residence in urban areas

3. Freedom of movement is the rule under international law and restrictions should be the exception, though some restrictions – such as the location of refugees away from the border – respond to protection concerns. UNHCR should encourage the government to allow freedom of movement, and should promote the refugees' right to work and access to national services, wherever possible. In consultation with the government, UNHCR may, however, limit the location where UNHCR assistance is provided. Where refugees are assisted in settlements or camps outside urban areas, UNHCR should provide assistance in urban areas to refugees from the same country of origin only with the agreement of the government and if there are compelling reasons to do so.
4. Such compelling reasons could include: specific protection or security problems faced by an individual or his or her family in the settlement or camp; pre-arranged movement to an urban area for the duration of health care or for reunion with family members legally resident in the urban area; and assistance in achieving a durable solution, where this is possible in the urban area.

Nature of assistance in urban areas

5. There are many examples of problems and long-standing demands on UNHCR resources as a result of assistance programmes in urban areas that provided regular monthly allowances and refugee-specific services without ensuring that this support from UNHCR was indeed essential. Most such examples show an increasing involvement by UNHCR in the administration of assistance and rising overheads. There are also examples where UNHCR offices designed and implemented programmes for assistance in urban areas that did not create avoidable long-term reliance on UNHCR. There are recent examples of successful redirection of long-term care and maintenance programmes in accordance with the guidelines set out below.

6. Assistance to refugees should be given in a manner that encourages self-reliance and does not foster long-term dependency. Where assistance has to be provided by UNHCR, care and maintenance assistance should be strictly limited to those cases where early self-reliance is not possible, and the continuing appropriateness of this form of assistance must be confirmed at regular intervals. Services for those who are not yet self-reliant should be provided through support, where necessary, to national health and education services, not by the creation of parallel structures and special services for refugees. This support should be in the form of one-time assistance where possible, not open-ended commitment to recurring costs. UNHCR assistance that is selective – for example, access to higher education – should be made available only on the basis of the same criteria as apply for refugees elsewhere.

7. Asylum seekers in urban areas should receive assistance from local authorities and institutions pending assessment of their claim. If no other source is available and if the asylum seeker would otherwise be unable to meet minimum needs, UNHCR may provide material assistance. In such circumstances, it should be limited to essential requirements and provided in a manner that does not raise false expectations of open-ended care and maintenance assistance if the claim is successful. Any such assistance should be subject to regular review if consideration of the claim is delayed, when UNHCR's own assessment of the status of the asylum seeker should be taken into account. UNHCR should, however, ensure that any specific needs of an asylum seeker as a result of the circumstances of his or her flight (for example, for health care and trauma counselling) are being met.

8. Guidelines on how assistance programmes for refugees in urban areas should be developed are provided in the Community Services Guidelines, part 3, Urban Refugees – A Community-based Approach (May 1996). Guidelines on the promotion of self-reliance, employment and on microfinance are under preparation. Unlike other refugee populations, the majority of refugees in urban areas are generally male: the proportion of family groups is often lower than usual. While there may thus be fewer women, children and adolescents than normal, they can be even less visible than they are in some refugee camps and settlements. Particular attention must therefore be paid to identifying their needs, and also to identifying the needs of those who remain behind in urban areas – for example, the elderly, handicapped and those not eligible for resettlement – after others of their group have left.

Solutions for refugees living in urban areas

9. Where voluntary repatriation is a viable option in the foreseeable future, this should be the preferred option, as for all refugees. Where this is not the case, or pending it, local integration if possible should be the objective of UNHCR assistance. The promotion of self-reliance should be undertaken accordingly, in a manner that will depend on local circumstances. This must respect the policies of the government while recognizing that many refugees, including many who have never received UNHCR assistance, are de facto locally integrated in urban areas.

10. Any determination that resettlement is needed for individual refugees should be made with direct reference to the criteria set out in Chapter 4 of the Resettlement Handbook. The corner-stone of UNHCR's resettlement policy is the application of criteria that are consistent, both within a country and among countries with refugees from the same country of origin, with respect to an individual's circumstances. Thus a refugee in an urban area should have neither more nor less chance of resettlement

than he or she would have had in a refugee camp in the same country, or in another country where protection had been found. Active and timely case finding by UNHCR, based on the consistent and transparent application of resettlement criteria, should remove the incentive for refugees to move to urban areas, and in particular to the capital, in search of resettlement.

11. Irregular movement (see 13 below) to an urban area in another country in search of resettlement can in itself create a new situation where criteria for resettlement are met or more nearly met than was the case in the previous country. This may happen, for example, when the act of irregular entry creates a protection problem. Such cases create a dilemma for UNHCR: resettlement after irregular movement has been demonstrated to encourage more such movements, and may lead to increased reluctance of countries of resettlement to accept such refugees, particularly when this may be at the expense of those who have not moved. At the same time, the only alternative to resettlement in extreme cases may be prolonged incarceration in an immigration jail.

12. Refugees who have moved irregularly to the country should not be submitted for resettlement (or given any prospects of resettlement) without the approval of the Resettlement Section, DIP. Such approval is likely only if it is determined that the person(s) would already have met the criteria for resettlement in their previous country. Approval would otherwise be conditional on the absence of any other means of resolving immediate protection problems.

Movement between countries

13. The movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as "irregular movement", and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection. A refugee who is compelled to move because of specific protection or security problems in his or her previous country clearly cannot be considered to have found protection there. Such persons should therefore be treated as if the present country is their first country of asylum, not as refugees whose movement was irregular.

14. Irregular movements can put asylum and protection in the country of destination at risk for other refugees, and place demands on UNHCR's resources in the country of destination that far exceed those that would have been required in the previous country. Where voluntary repatriation was an option, irregular movement may make it less likely and more costly. Irregular movements tend to encourage others to follow.

15. Working with the government(s) concerned, UNHCR should therefore seek to remove the incentive for and discourage irregular movement by:

- a) ensuring proper protection and promoting durable solutions in countries of first asylum;
- b) ensuring appropriate and consistent standards of assistance;
- c) placing certain restrictions on assistance to refugees whose movement was irregular, and taking the special precautions with regard to their resettlement set out in paragraph 12 above;

d) supporting return to the previous country of asylum in certain clearly defined circumstances, as set out in paragraph 18 below.

Assistance after irregular movement

16. UNHCR offices should first determine if the person is of concern to the Office. If the country of destination applies the same prima facie or group recognition as the country from which the irregular movement took place, or if the person was previously recognized (or not recognized) as a result of an individual determination by UNHCR, further action to determine status is not required. If the government of the country of destination has made a determination, this should be accepted unless UNHCR has reasons to undertake its own individual determination. If none of the above is applicable, there should be an individual determination of status by UNHCR in the present country. If the person is not found to be a refugee, any further action by UNHCR would be on the basis of good offices; issues related to the return of rejected cases are not covered herein.

17. While, as explained in paragraph 1 above, UNHCR's protection obligations are unaffected by such movement, UNHCR does not have an obligation to provide assistance to refugees after irregular movement on the same basis as it would had there been no irregular movement. With the obvious exception of life-saving assistance that is not available in time from any other source, or where the lack of UNHCR assistance would compromise protection, UNHCR should generally not provide direct individual assistance; persons whose movement to an urban area was irregular should use government services and their own resources whenever possible. UNHCR assistance that is selective – for example, access to higher education – should not be made available.

Return after irregular movement

18. UNHCR may promote the return of refugees who had found protection in a previous country provided certain conditions are met. Some conditions will be specific to the circumstances; the following are general conditions, likely to be applicable in all circumstances:

- a) desire of the authorities in the present country to ensure return if possible;
- b) sufficient evidence of stay in the previous country to satisfy that country;
- c) assurance that protection will again be available after return;
- d) readiness of the authorities in the previous country to readmit;
- e) a determination by UNHCR that a durable solution is not possible in the present country.

It should be noted that Executive Committee Conclusion 58 on international protection states that return may take place if persons returned are “permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them.”

Response to threats and violent protests

19. Some refugees in urban areas have reacted with threats and violence to what they perceive as UNHCR's failure to meet their needs and/or expectations. Such

actions have taken forms that include hunger strikes, threats of suicide, and threatened or actual violence towards UNHCR and implementing partner staff and property, or towards other refugees who do not support the protests or the means used. A consistent, firm and fair implementation of the policies set out herein, and proper, timely and transparent information to the refugees on these policies – and on the constraints and limitations on UNHCR – are the best ways of ensuring that refugees' expectations are realistic, and thus preventing such actions.

20. Where problems nevertheless occur, UNHCR should first establish whether the reaction of individuals is due to psychological problems. If this is the case, these problems should be addressed. Where the refugees' concerns are legitimate, UNHCR should of course seek to meet them. However, experience suggests that the most serious threats and incidents occur as a result of a deliberate attempt to force UNHCR to change its position and accede to the protesters' demands. Resettlement is perhaps the most common demand. Some demands may be in UNHCR's power to meet; others will not, though this is frequently not accepted by the protesters.

21. Experience shows that compromising in the face of such protests often leads to further demands and exacerbates the underlying problem. UNHCR should not change its position in response to threats or actual violence, whether towards UNHCR and its partners or self- or otherwise inflicted on refugees. Headquarters should be informed as soon such protests occur or are likely. If a field office is in doubt, advice should be sought from Headquarters on the most appropriate response to the demands. The security and law-and-order aspects of threats and violent protests are a matter for the authorities and police, and UNHCR offices should not hesitate in seeking their early involvement and assistance. Measures to ensure staff security are not covered herein. In the absence of a Field Staff Safety Officer, the advice of the Field Staff Safety Section at Headquarters should be sought without delay.

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