NEW ISSUES IN REFUGEE RESEARCH

Refugee resettlement: 2012 and beyond

Margaret Piper AM

University of Sydney

Email: marg.piper@sydney.edu.au

Paul Power

Refugee Council of Australia

Email: ceo@refugeecouncil.org.au

Dr Graham Thom

Amnesty International Australia

Email: graham.thom@amnesty.org.au

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Introduction

For many years now, irregular migration and asylum seeking have dominated refugee-related discourse within and between governments. On those relatively rare occasions when discussion about refugees strays beyond this focus, it has almost always been to the issue of integration, especially as developed countries confront the necessity of responding to their increasingly diverse populace. Meanwhile, other areas of refugee-related activity have been largely ignored. It is true that work continues in these areas and lives are influenced but one cannot help but wonder whether the lack of attention might at worst, be having a deleterious impact on the effectiveness of this work or at best, not allowing its potential to be fulfilled.

One such area is resettlement. It is regrettable that this is the case as resettlement is not only about giving vulnerable refugees the chance of a new life, as will be explained below, it has a variety of other uses that have a far wider application than simply assisting those resettled.

In 2002 Garry Troeller, a senior staff member of the United Nations High Commissioner for Refugees (UNHCR), wrote a seminal article[1] in which he outlined the history of resettlement and reflected upon how it was being used at that time within the broader framework of refugee protection. Since then, with the exception of some limited circulation documents produced by UNHCR, writing about this area has been scant and in most cases, references to resettlement have either been specific to a particular situation or secondary to the main focus of the piece.[2] A decade without work such as Troeller's has taken its toll, not least in international fora where discussion about resettlement too often languishes at a superficial level, failing to acknowledge both its complexities and its possibilities.

Resettlement is an issue that deserves to be taken seriously by those charged with shaping its policy and those delivering it on the ground. The better it is understood, the more effectively it can be used. It thus seemed time to do what Troeller did in 2002, only one decade further on. His was a snapshot of resettlement at the time when UNHCR was celebrating its 50th anniversary. He looked at the evolution of resettlement and at the issues and challenges of the time. This article will do much the same. It will begin by revisiting key moments in the history of UNHCR's use of resettlement, though in this case focusing in particular on events of the intervening decade. Likewise it will look at the issues that are currently on the agenda for those involved in implementing UNHCR's resettlement program. Most significantly, however, it aims to identify the major challenges currently confronting UNHCR, governments and non-governmental organisations (NGOs). In so doing, it is hoped this will inform debate and enhance the effectiveness of the use of resettlement as a protection tool, as a durable solution and as a tangible expression of solidarity as UNHCR moves into its 7th decade.

[1] Garry Troeller (2002): UNHCR Resettlement: Evolution and Future Direction. International Journal of Refugee Law. Vol. 14 No. I. Oxford University Press.

[2] For example, Eleanor Ott (2011): Get Up and Go: Refugee resettlement and secondary migration in the USA. UNHCR Policy Development and Evaluation Service; and Liliana Lyra Jubilut and Wellington Pereira Carneiro (2011): Resettlement in Solidarity: a new regional approach towards a more humane durable solution. Refugee Survey Quarterly. Volume 30, Number 3.

What is resettlement?

> Resettlement involves the selection and transfer of refugees from one state in which they have sought protection to a third state which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country.[3]

The above definition of "resettlement", presented in the newly released UNHCR Resettlement Handbook, is consistent with most practitioners' views as to the meaning of the term. It makes clear that resettlement is the act of identification and selection of a vulnerable refugee for relocation to a third country for the purposes of ensuring protection and giving the refugee and his/her family a secure future. What the definition does not do, however, is give any insight into the complexity of the concept and its many applications.

Resettlement has been an important "tool" used by UNHCR since the agency was established 60 years ago. It is consistent with its core mandate in so much as it is a means by which UNHCR can secure protection and durable solutions for refugees. As will be explored in the following section, the way in which it has been used and the prominence given to it within UNHCR have varied significantly over time.

As a starting point, it is relevant to note how UNHCR explains the functions of resettlement:[4] Resettlement serves three equally important functions. First, it is a tool to provide international protection and meet the specific needs of individual refugees whose life, liberty, safety, health and other fundamental rights are at risk in the country where they sought refuge. Second it is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration.[5] Third, it can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing states to help share responsibility for refugee protection, and reduce problems impacting the country of asylum.

Without in any way seeking to challenge this application, it would be incorrect to view these as the only ways in which resettlement can be used to further UNHCR's mandate. When used strategically, resettlement not only has many other functions but it also has the capacity to influence far more lives than simply those of the refugees selected for relocation. Resettlement has been used to perform a very wide range of functions including, *inter alia*, that of:

- acting as an incentive for host states to enter into dialogue with UNHCR and other key players;
- strengthening civil society participation and capacity in the area of refugee protection;
- providing an incentive offered to countries of first asylum to keep their borders open in situations of mass influx;

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[3] UNHCR Resettlement Handbook (2011) Page 3.
[4] UNHCR Resettlement Handbook (2011) Page 3.
[5] It is relevant to note that in recent years the notion of a fourth durable solution – transnationalism – has been posited and debate has ensued as to how this sits alongside the traditional "three durable solutions".

- preventing the onward movement of new arrivals;
- preventing the forced return (*refoulement*) of individuals or groups and/or as an inducement to dissuade countries not to *refoule;*
- helping to decongest and/or consolidate camps and thus improve living conditions for those who remain;
- reducing in-country population movements such as those from camps to urban areas;
- inducing host states to open access to livelihood opportunities, health care, education, employment and other rights in countries of first asylum;
- providing a solution for whole groups of refugees for whom neither return nor local integration are options;
- enhancing refugees' self-reliance and well-being through the receipt of remittances from resettled relatives and friends;
- reuniting families separated by war and displacement;
- influencing refugees' behaviour and attitudes, for example through decreasing sexual and gender-based violence, increasing enrolment in education and vocational training, reducing dependency and encouraging participation in livelihood options;
- fostering community cohesion and provide opportunities for services previously only provided to refugees to be made available to the local population;
- strengthening refugee mobilisation and participation in peace-building initiatives;
- providing opportunities for refugees to gain skills, education and experience in resettlement countries that can contribute to rebuilding their home country when the situation allows; and
- forming an integral part of a particular Comprehensive Plan of Action, a concept that will be explored below.

Each of the above functions of resettlement focuses primarily on the country of first asylum and refugees within that context. There are, however, other benefits to be derived from strategic use of resettlement that have a broader geographic range.

In a regional context, resettlement can help balance the burdens and responsibilities of receiving countries, open dialogue about ways to strengthen refugee protection and reduce the influence of people smuggling and trafficking. It can also contribute to reducing the influence of some of the push-pull factors involved in refugee movements.

Resettlement programs have also been demonstrated[6] to benefit the receiving countries in many ways. Those who come, bring with them many skills and attributes that contribute not only to the economy but also to the social and cultural fabric of the country. Furthermore, the support programs put in place for resettling refugees contribute to fostering positive attitudes towards refugees and have flow on effects in terms of supporting asylum seekers.

Further, it is relevant to note that there have been instances, albeit rare, when resettlement has contributed to brokering protection dividends in the source country. Generally, this would be possible only where the country has a relatively stable government which has been prepared (usually under sustained pressure from other states) to participate in multilateral discussions. The involvement of the Government of Vietnam, for example, was critical to the

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[6] For example Hugo, Graeme (2011): Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants. National Centre for Social Applications of Geographical Information Systems, University of Adelaide.

arrangements for the Comprehensive Plan of Action for Indochinese Refugees from 1989 to 1996.

As will be discussed below, the use of resettlement as a protection tool and/or for any of the other functions outlined above has been heavily influenced over time by a variety of factors. While conflict and displacement create the need for resettlement places, they are not the principle determinants of its use. A complex interplay of geopolitical, economic and social factors has, at various times over the decades, dictated who is resettled, in what numbers and from where.

Some history

While people have moved from one place to another in search of protection since time immemorial, the systematic and organised relocation of people only began to emerge as a protection tool in the period between the two World Wars. In the early 1920s some 45,000 White Russians who had fled to China after the Russian Revolution were assisted to relocate when the emerging dominance of the communist regime threatened their continued residence there. A decade later, a range of international organisations were charged with assisting Jews and others facing persecution at the hands of the National Socialist (Nazi) Party to move to safety. It was not until after the Second World War, however, that resettlement as we know it today came into its own.

When the War ended, there were 21 million displaced people throughout Europe. The newly established United Nations set up the International Refugee Organisation (IRO) to deal with the situation. At first, repatriation was seen as the answer but it quickly became apparent that many of those displaced had valid reasons, including fear of persecution, not to return home so other solutions had to be sought. Between 1947 and 1951, the IRO presided over the resettlement of over 1 million refugees (80% to destinations outside Europe) while at the same time, less than 75,000 people were repatriated under IRO's auspices.

By the time the office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1951, resettlement was firmly established as a key protection tool and the fledgling organisation not only took over from the IRO to find durable solutions for the not insignificant residual population of those displaced by the War, it soon found itself using similar arrangements to assist those displaced as the Soviet Union sought to increase its hold over Eastern Europe[7] in the 1950s and '60s.

A number of factors led to the "ease" with which resettlement could be employed. Prominent amongst this was the political environment of the time. These people were fleeing communist regimes and Cold War politics dictated that it was not acceptable to send them home. To have done so would have undermined the international and domestic agendas of prominent Western states. Opportunely too, this was also a time of rapid economic growth in the New World and countries such as the United States, Canada and Australia saw resetting refugees as a way to both replenish labour forces that had been depleted by the War and achieve growth targets.

So from the very outset, resettlement operated within a broader geopolitical environment and thus it has continued to this day.

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[7] In particular those from Hungary in 1956 and to Czechoslovakia in 1968.

The 1970s was the decade during which resettlement moved away from being seen as a solution just for Europeans. First came the need to respond the expulsion of Ugandan Asians in 1972 and then to displacement that followed the *coup d'état* in Chile in 1973. In both cases a significant number of countries both within the affected region and further afield responded by offering resettlement places to some 45,000 people. These were, however, one-off commitments and in few cases did the receiving states think of this a precursor to an ongoing commitment.

As this was going on, developments were unfolding in another region that would have a much more profound impact on how resettlement would be viewed and used thereafter. The imperative to respond to the mass exodus that followed the consolidation of power within the Socialist Republic of Vietnam in 1975[8] fitted neatly into the Cold War politics of the time and this agenda underpinned the evolution of what Troeller referred to as "mechanised immigration-oriented resettlement",[9] developed within a framework of multilateral agreements.

In the case of Vietnam there were actually two separate agreements. The first was reached at the July 1979 International Conference on Indochinese Refugees in Geneva. In essence, this was a *quid pro quo* agreement between Western and South East Asian governments whereby Western states agreed to resettle refugees in exchange for assurances from South East Asian governments that they would grant entry. As a result, over 1 million Indochinese refugees were given temporary asylum in South East Asia and then resettled in the West between 1979 and 1988. Recognition of the inherent failings of this arrangement,[10] not least the fact that increasingly many of those fleeing Indochina were fleeing in the hope of economic betterment and did not meet the definition of a refugee, led to the development of a second and more substantive agreement, the Indochinese Comprehensive Plan of Action (CPA), which was adopted in 1989.[11]

Unlike the previous agreement, the CPA involved case by case status determination and the agreement of countries of origin to facilitate the return in safety and dignity of those found not to be refugees. Meanwhile, the countries of first asylum in the region re-committed themselves to the principle of temporary asylum on the proviso that those found to be refugees would be resettled elsewhere and resettlement countries undertook to resettle those determined to be refugees. In addition, Vietnam agreed not only to facilitate the return of those found not to be eligible for refugee status but also to introduce an "orderly departure programme" for those fleeing the country. By the time the CPA was officially wound up on 30 June 1996, over ½ million people[12] had been resettled under its auspices (taking the total of Indochinese resettled since 1979 to close to 2 million).

While other groups of refugees were being resettled during the era of the Indochinese exodus, it is fair to say that none had quite the same impact on attitudes to resettlement and its relationship to the other durable solutions.

At the time of the 1979 Conference on Indochinese Refugees, resettlement was seen as a durable solution for about 5% of the global refugee population. Local integration was also a favoured and achievable option, especially for refugees within Africa and Latin America. As the years ticked by and the boats continued to come, all of this changed. Growing recognition

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[8] And to a lesser extent, refugee flows from the other Indo-Chinese states (Laos and Cambodia).
[9] Garry Troeller (2002): UNHCR Resettlement: Evolution and Future Direction. International Journal of Refugee Law. Vol. 14 No. I. Oxford University Press. Page 86.

of the mixed motivations behind the exodus from Vietnam was translated into concern about "pull-factors" associated with offering resettlement places and cynicism about the use of resettlement for protection.

By the end of 1990, only about 1% of the world's refugee population had access to resettlement[13] and by the time the CPA was wound up, this had fallen further to 0.25%.[14] Similarly, the Indochinese exodus had an impact on the way local integration was perceived. The intractability of the South East Asian states in relation to their refusal to allow local integration contributed to legitimising the notion that states can refuse to offer a durable solution to those who seek sanctuary in their territory.

It is unfair, however, the lay all the blame for the shifting attitudes towards resettlement and local integration on the Indochinese situation. Global political and economic developments also played a significant role in reshaping the agenda. The end of the Cold War removed the political motivations that had hitherto underpinned a great deal of the thinking around refugee policy and also meant that refugee status was no longer automatically granted according to political stereotypes. In addition, the 1990s was also a time in which economic growth stalled and there was no longer the incentive for resettlement states to look to refugees to fill labour shortages.

It thus became expedient to focus on voluntary repatriation and the 1990s were declared to be the "Decade of Repatriation". Events in many parts of the world enabled a number of large scale returns[15] to occur and there was initial optimism that the end of the Cold War would also mean an end to what Black and Koser[16] refer to as the "refugee cycle" (the cycle of violence, persecution and flight). Attention focused heavily on repatriation, both in policy debate and also at the program delivery level.

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[10] See, for example Alexander Betts (2006): Comprehensive Plans of Action: Insights from CIREFCA and the Indochinese CPA. UNHCR: New Issues in Refugee Research, Working Paper No. 120; or W. Courtland Robinson (2004): The Comprehensive Plan of Action for Indochinese Refugees, 1989-1997: Sharing the Burden and Passing the Buck. Journal of Refugee Studies Vol. 17, No. 3. Oxford University Press.

[11] It is relevant to note that the Indochinese CPA was not the only substantive multilateral agreement negotiated in 1989. The other was the CIREFCA "Concerted Plan of Action". CIREFCA is the Spanish acronym for International Conference on Central American Refugees and at this conference, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico and Nicaragua adopted what eventually became a five-year (1989-94) agreement to find solutions to the problems of uprooted people in the strife-torn region. CIREFCA is not being discussed in this context because, unlike the CPA, its main focus was on repatriation and local integration, with resettlement only playing a minor role.

[12] Figures for the number of Indochinese refugees resettled vary considerably, even from reputable sources. What is clear that many sources fail to clearly specify the timeframe to which they are referring (whether it is just the period covered by the CPA – 1989 to 1995 – or the whole period from 1976) and/or the caseload they are counting (whether it is just Vietnamese or they are also counting Lao – also included in the CPA – or even adding Cambodians who were resettled under complementary agreements).

[13] At end of 1990, UNHCR registered 46,755 departures to the 10 traditional resettlement countries plus 5,240 ad hoc departures, making a total of approximately 52,000 departures (equating to 1% of the global refugee population at that time).

[14] UNHCR registered 27,000 resettlement departures in 1996.

[15] For example, between 1992 and 1996 2.7 million refugees returned to Afghanistan and 1.7 million refugees returned to Mozambique, and there were other sizable returns during this period to Ethiopia and Eritrea (1 million) and Cambodia (370,000). In all, some 9 million people returned to their homeland over this 6 year period.

[16] Richard Black and Khalid Koser (1999): The End of the Refugee Cycle?: Refugee Repatriation and Reconstruction. Berghahn Books.

The lack of political interest in resettlement meant that it was no longer a priority for UNHCR. This is turn lead to a reduction in UNHCR's internal capacity to identify refugees for resettlement, which in turn led to the reduction in the numbers being resettled. As previously mentioned, in 1979 about 1 in 20 refugees were resettled. By 1990 this had fallen to 1 in 100 and by 1996 it was 1 in 400. Furthermore, the reduction in the quotas of major resettlement countries (as shown in the graph below) occasioned comparatively little debate or concern.

Annual resettlement ceilings for government sponsored refugees USA and Canada
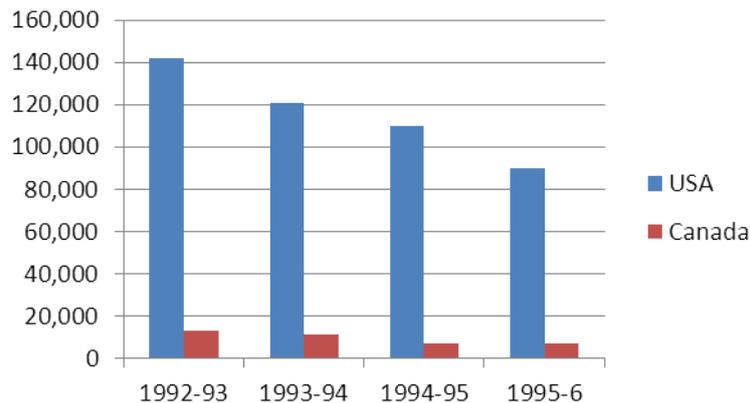
By the end of the 1990s, resettlement was very much viewed as the "third" durable solution – the one that only had relevance when neither repatriation nor integration into the country of first asylum was an option. It lacked champions both within the senior echelons of UNHCR and in the governments that made up UNHCR's Executive Committee.

This is not to say that things were not happening in the resettlement arena, albeit largely at the administrative level. In the mid-1990s, the Working Group on Resettlement was established. This is a consultative group made up of representatives from UNHCR and officials from the governments of countries that partnered with UNHCR to offer resettlement places. It meets up to three times a year "to discuss policy directions on resettlement and steer the partners' efforts to enhance the use of resettlement as a tool of international protection, a durable solution and a responsibility and burden-sharing mechanism".[17] Once a year, in July, an additional meeting, the Annual Tripartite Consultations on Resettlement (ATCR) is convened to which selected NGO partners are invited.

It could be said that the Working Group on Resettlement and the ATCR took a while to "get into their stride". In the early days, the former dealt largely with administrative matters[18] and the latter often lacked substantive discussion and paid only tokenistic recognition of the role of NGOs in the various aspects[19] of the resettlement process. This is not to say that there were no tangible outcomes, the first UNHCR Resettlement Handbook being one and the

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[17] From http://www.unhcr.org/pages/4a16c9246.html.

[18] It would be disingenuous not to acknowledge that some of these "administrative matters" were in fact very valuable, such as the development of the group processing methodology that streamlined processing and paved the way for increasing resettlement capacity.

[19] From identification of vulnerable individuals or groups in countries of first asylum to the provision of services for resettled refugees.

International Conference on the Reception and Integration of Resettled Refugees[20] being another, but these initiatives had little impact on the broader refugee debates of the time.

With the beginning of the 21st Century came a number of initiatives that at once brought resettlement back into the spotlight but which also, inadvertently, served to tarnish its image even further.

In late 2000 UNHCR initiated the Global Consultations on International Protection in an attempt to revitalise the international refugee regime, bring together Northern and Southern states and find some form of convergence between the protection needs of refugees and the interests of states. The consultations lasted for two years and resulted in two major outcomes: the 2001 Declaration of States Parties[21] which reaffirmed UNHCR's mandate, and the Agenda for Protection which was endorsed by the UN General Assembly in 2002.

The Agenda for Protection called for specific action by states, UNHCR and NGOs "to enhance respect for the principles of the 1951 Convention, respond to the security implications of refugee movements, enhance burden sharing with countries of first asylum, make durable solutions more predictable, and address the specific protection needs of refugee women and children".[22] With respect to resettlement, the Agenda for Protection called on states to:

- increase their resettlement numbers;
- diversify the kinds of refugee groups accepted for resettlement;
- introduce more flexible criteria in order to secure more options for durable solutions, especially for refugees from protracted situations; and
- place greater emphasis on gender-related protection needs (in addition to women-at-risk programs) within resettlement schemes.

While comprehensive in scope, the Agenda for Protection did not achieve the desired results. It was perhaps too ambitious for its time, trying to address too many issues. Further, being an aspirational rather than binding document, it needed champions in order to promote it and encourage the relevant players to engage in good faith. Sadly it lacked these, even within UNHCR. Things were further complicated by the transition from one High Commissioner for Refugees, Sadako Ogata, to the next, Ruud Lubbers, with Lubbers coming into office determined to chart his own agenda. As Loescher, Betts and Milner lament in their history of UNHCR, "the status of the Agenda for Protection within the international protection regime remains uncertain and its potential largely unrealized".[23]

Ruud Lubber's initiative was Convention Plus which attempted to develop agreements between states to supplement the Refugee Convention and enhance refugee protection at a regional level. One of the key motivations of Convention Plus was to reconnect with donor states, in particular those within the European Union, to address serious funding shortfalls within the agency and reignite the concept of burden sharing.

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[20] The International Conference on the Reception and Integration of Resettled Refugees was held in Sweden in 2001. It focused on the supports required by resettled refugees and from this conference came the UNHCR Handbook on the Reception and Integration of Resettled Refugees.

[21] The Declaration of States Parties was adopted at the Ministerial Meeting in Geneva in December 2001, marking the 50th anniversary of the Refugee Convention.

[22] UNHCR Agenda for Protection. Page 10.

[23] Gil Loescher, Alexander Betts and James Milner (2008): The United Nations High Commissioner for Refugees: the politics and practice of protection in the twenty-first century. Routledge. p 63.

Convention Plus addressed the issue of resettlement through the Multilateral Framework of Understandings on Resettlement,[24] a non-binding agreement between states adopted at the High Commissioner's Forum in 2004. The aim of this agreement was to "strengthen the international refugee protection system through a more strategic use of resettlement for the benefit of a greater number of refugees" and its purpose "to guide parties to situation-specific multilateral agreements".[25] What it was doing in effect was attempting to recreate "comprehensive plans of action" that had been used 20 years before in SE Asia and Central America.

Like the previous agreements, the newly envisaged CPAs were to involve a multifaceted approach to dealing with a particular situation, underpinned by an agreement that would bring together host and donor states as well as the country of origin. The inclusion of resettlement within such agreements was to be expected but it was also strategic. It was seen as a way to draw in new resettlement states and reinstate resettlement as a valid durable solution.

The country selected as the focus for the renewed CPA model was Somalia and efforts to negotiate an agreement went on throughout 2004 and 2005.

The Somali pilot CPA was not a success. It failed for a number of reasons including but not limited to the absence of a central government in Somalia with which to negotiate, lack of engagement by high level staff within UNHCR at crucial times, mixed motivations of donors (many of which were primarily concerned about stopping irregular movement) and ultimately a loss of confidence by all parties in the process:[26]

The failure of the Somali CPA effectively took the CPA model off the table, despite the fact that it was not the model *per se* that was flawed but the choice of location and the way it was implemented. The failure of the CPA also meant that the possibility that this might reinvigorate interest in resettlement (within UNHCR and amongst emerging resettlement states) was lost for many years.[27] UNHCR-initiated resettlement continued to languish at levels well below those of the early 1990s well into the 2000s.

The failure of the Somali CPA was not the only factor that influenced attitudes towards and the management of resettlement at this time. There were two additional complicating factors.

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[24] The text of the Multilateral Framework of Understandings on Resettlement (UNHCR 2004) can be found at http://www.unhcr.org/414aa7e54.html.
[25] Preamble to the Multilateral Framework of Understandings on Resettlement (UNHCR 2004).
[26] For an excellent analysis of the Somali CPA see the work of Loesher, Betts and Milner in Gil Loescher, Alexander Betts and James Milner (2008): The United Nations High Commissioner for Refugees: the politics and practice of protection in the twenty-first century. Routledge.
[27] This being said, it is important not to overlook the fact that while support for the concept of a CPA was eroding on the macro level, a less ambitious but nevertheless significant initiative was unfolding in Latin America. In 2004, at the celebrations held to mark the 20th anniversary of the Cartagena Declaration, various Latin American states identified the need to work collaboratively to address the humanitarian crisis caused the ongoing conflict in Colombia and the substantial burden this had created for Colombia's neighbouring states (in particular Ecuador and Costa Rica), Under the banner of the Mexico Plan of Action (MPA), Brazil, Chile, Argentina, Paraguay and Uruguay committed to offer resettlement places ("resettlement in solidarity") for Colombian refugees in the spirit of responsibility sharing. In recent years, some signatory States have also accepted refugees from further afield. This initiative has not been without challenges, not least due to the lack of capacity within the receiving states to support complex needs of the newcomers, and the numbers involved have been very small (less than 80 refugees were resettled in the region in 2010). The initiative, however, has been a valuable lesson in identifying what is required when a new State embarks on resettlement.

Arrivals in resettlement countries (1993-2011)[28]
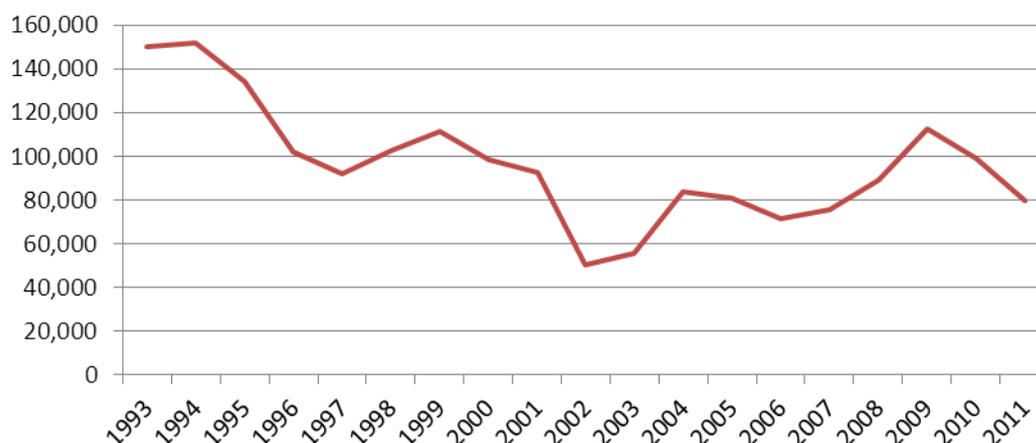
The first stemmed from revelations of corruption within UNHCR. In the early 2000s it was reported that as many as 70 people within UNHCR's office in Nairobi were involved in a complex scheme during the late 1990s to extort money from refugees for access to resettlement. Some of these staff members, plus "accomplices" working in other agencies, were charged with a variety of offences under the Penal Code of Kenya and UNHCR took a variety of measures to enhance fraud awareness and prevention and ensure regular monitoring of decision making. While this was an isolated episode, it had wider ramifications, eroding confidence in the institution of resettlement.

The second thing to influence attitudes to resettlement was of a far more significant nature. This was fallout from the terrorist attacks in the United States on 11th September 2001. Stringent immigration controls were introduced almost overnight. Resettlement numbers plummeted and caseloads deemed to be of particular concern were very hard hit as the following graph shows.

Resettlement departures 2000 to 2006

By the mid-2000s the number of resettlement referrals made by UNHCR was significantly below the capacity of resettlement states. In 2004, for instance, UNHCR made less than 40,000 referrals, despite the capacity of resettlement states being in the order of 100,000. The number of referrals increased slightly in 2005 (to 46,260) and again in 2006 (to 54,182) but still remained well below capacity. At the same time, UNHCR was trying to encourage new countries to become involved in resettlement. The apparent contradiction of this position was not lost on either the existing or potential resettlement states.

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[28] Compiled from UNHCR statistics and data supplied by the Refugee Council of Australia. It is important to note that the figures include all resettlement arrivals (those with and without UNHCR assistance).

Afghanistan and Iraq[29]
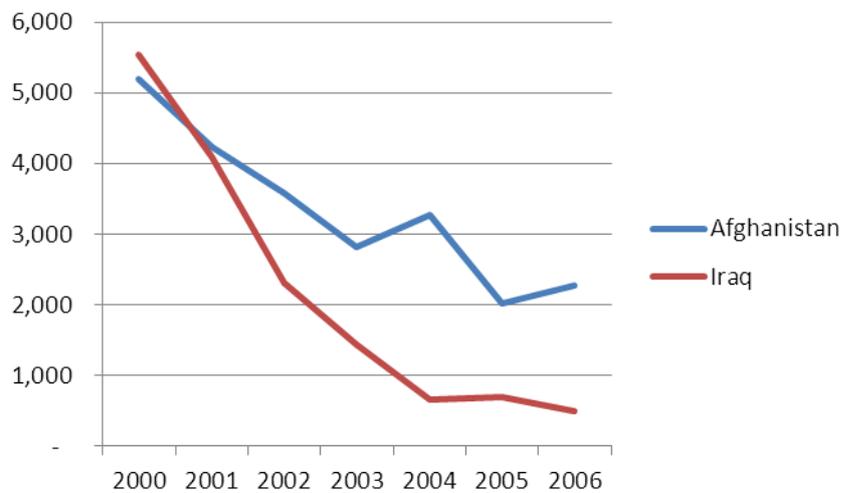
Increasingly states took to bypassing UNHCR for identification, setting up a variety of streams with different criteria. Some had lesser thresholds (e.g. substantial discrimination rather than Convention status), others focused on integration potential and yet others targeted specific groups.

As the following graphs demonstrate, [30] the two largest resettlement states (on a per capita basis), Australia and Canada, both utilised alternative entry streams where referrals come from family members or the community rather than UNHCR[31] to meet their commitment to humanitarian resettlement.

Australia

Canada
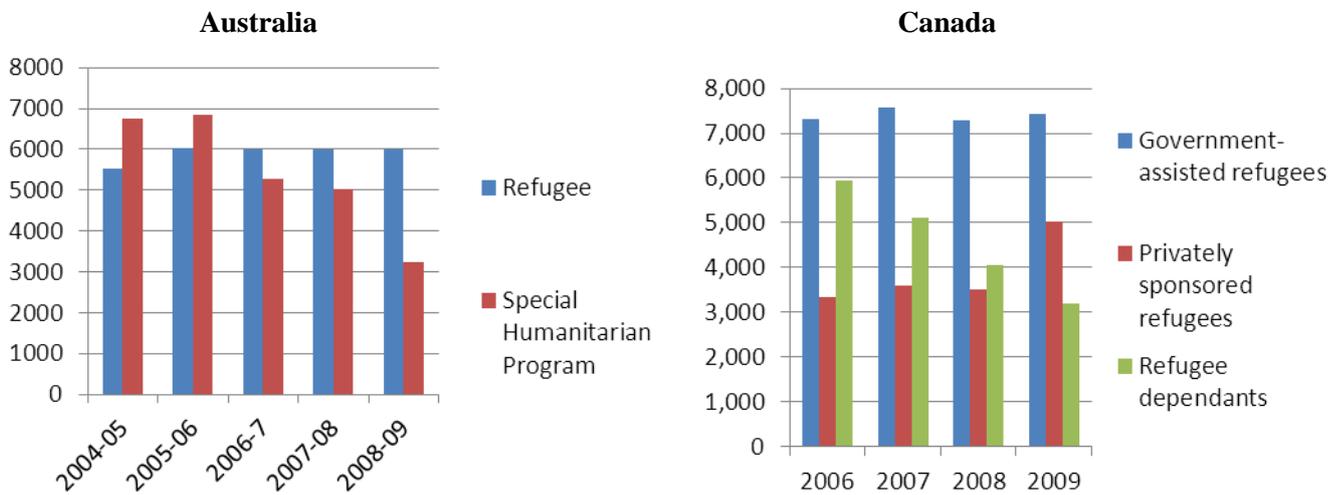
New caseloads were also sought out to compensate for caseloads deemed to be "risky" on security grounds. Providentially, at the same time as security concerns and public perceptions made resettlement from countries such as Iraq, Afghanistan and Somalia more "complicated", a major new source of "safe" refugees became available. For many years

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[29] Compiled from UNHCR statistics.

[30] Australian figures based on the 2010-11 Annual Report of the Department of Immigration and Citizenship. Canadian figures from Citizenship and Immigration Canada's website: http://www.cic.gc.ca.

[31] In the case of Australia, UNHCR referrals are listed as "refugee". For Canada they are listed as "government assisted refugees".

Thailand (and to a lesser extent Malaysia) had resisted approaches to allow UNHCR to gain access to Burmese refugees to process them for resettlement but in the early 2000s, negotiations succeeded in convincing them to change their policy. Whereas only 246 Burmese were resettled in 2002, by 2009 the number had grown to 24,781, a 100 fold increase.

Having languished in the doldrums for over a decade, the status of resettlement within UNHCR began to change in the second half of the 2000s. There were various reasons for this shift: some the result of effective advocacy, some geopolitical and some due to changes within UNHCR.

Building on a body of work undertaken by UNHCR's Evaluation and Policy Analysis Unit,[32] a campaign[33] was launched by the US Committee for Refugees, supported by a number of other NGOs, which sought to draw attention to the plight of people caught up in protracted refugee situations (or to use the term employed by the campaign: "warehoused refugees"). They highlighted the fact that in 2004 more than 2/3 of the world's refugees had been in exile for more than 5 years and the average duration of exile had increased from 9 years in 1993 to 17 years. These were the refugees who did not benefit from the repatriation efforts of the 1990s because the situation in the home countries had not changed sufficiently to enable safe return.

While there has been an appreciable increase in awareness about the situation of protracted refugee situations since the campaign began, and a commitment from states to seek to address this issue, there are still around 7.2 million refugees living in protracted situations. The majority are in Asia (Afghans in Pakistan and Iran, Rohingya in Bangladesh, Burmese in Thailand and Bhutanese in Nepal) and Africa (Somalis in Kenya and the Horn of Africa, Eritreans in Sudan and Burundians in the Great Lakes region).

A second contributor to changing attitudes towards resettlement was the difficulties encountered in a number of major repatriation operations, especially those to Afghanistan, Iraq and South Sudan. In each case, localised violence and endemic poverty undermined reintegration prospects. In the case of Iraq, these were complicated by fears about the implications of the withdrawal of foreign troops.

In 2010, the numbers of refugees returning home hit a 20-year low, with just 197,600 repatriations during the course of the year. As 2011 drew to a close, while many of the Libyans displaced earlier in the year had returned home and some from the Ivory Coast were taking cautious steps to return, in other regions of the world, few of the refugees displaced for much longer periods were repatriating. The optimism that accompanied the 1990s' "Decade of Repatriation" waned and repatriation could no longer be held up as the panacea it once was.

The third factor that influenced resettlement was a much more welcome. For many years, two major refugee caseloads (notably the Burmese in Thailand and Bhutanese in Nepal) had been beyond the reach of UNHCR's resettlement officials due to the policies of their host governments. In the second half of the 2000s, the lengthy negotiations between the host governments and UNHCR reached a successful conclusion, opening up access to resettlement

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[32] See various documents that can be accessed via http://www.unhcr.org/4a1d43986.html.
[33] The seminal document in this campaign was the US Committee for Refugees' World Refugee Survey 2004 – Warehousing Issue.

for hundreds of thousands of refugees for whom this had previously not been an option. Significantly too, most of these refugees did not fall under the same security cloud as did other caseloads and thus were seen as "attractive" to resettlement states.

The final, and possibly most significant factor that influenced changing attitudes to resettlement, was the fact that there were major changes within UNHCR. Key amongst these was the arrival of a new High Commissioner, António Guterres, a former Portuguese prime minister who took office in 2005 and who quickly declared an interest in the operation of the resettlement program. Changes can also be attributed to the formation of a specialised Resettlement Service and to the efforts of senior UNHCR staff who demonstrated a capacity to be both more strategic and more effective in the way they dealt with the various stakeholders, in particular resettlement states. Supplementing these initiatives was a renewed focus on capacity building within UNHCR, including but not limited to the revision of the UNHCR Resettlement Handbook.

In 2009, UNHCR referred more than 128,500 refugees for consideration by resettlement countries, the highest number in 16 years, 6% above the 2008 level and over 3 times the number of referrals in 2004. The main beneficiaries of UNHCR-facilitated resettlement programs in this year were refugees from Iraq[34] (36,067), Burma (30,542) and Bhutan (22,114).[35] After 2009 the number of referrals dropped off (to 108,000 in 2010 and 92,000 in 2011), in part because UNHCR was unable to secure the level of engagement it had hoped for from resettlement states.

At this point it is possibly relevant to reflect on "the numbers game". As previously mentioned, until 2007 the number of persons UNHCR identified as being in need of resettlement was significantly lower than the number of places available. Barring obstacles relating to health, character etc., there was thus a reasonable expectation that all of the identified cases would be resettled. Once UNHCR ploughed resources into identifying people in need of resettlement, however, the pendulum swung. The number of people determined to be in need of resettlement came to exceed the number of places available. This changed the dynamics of resettlement and was further complicated by the creation of a situation where there was no longer a direct relationship between needs, submissions and departures, with the three diverging considerably. This "resettlement gap" is demonstrated in the following table.[36]

2011: Global resettlement needs, submissions and departures

Region of Asylum	Resettlement Needs	UNHCR Submissions	UNHCR Assisted Departures
Africa	56,928	22,267	10,431
Americas	5,060	963	494
Asia & Pacific	56,136	38,404	37,975

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[34] It is interesting to note that after the significant reduction in the resettlement of Iraqis after 2001, the numbers began to climb again in the late 2000s. In 2006, 497 Iraqis were resettled. In 2007 the number had increased to 3,767 and increased even further in 2008 to 17,727.

[35] UNHCR Resettlement Arrivals 1993 to 2009.

[36] Table constructed from figures from UNHCR Projected Global Resettlement Needs 2011 and UNHCR Global Statistical Report 2011.

Europe	18,721	7,716	4,916
MENA[37]	35,462	22,493	7,833
TOTAL	172,305	91,843	61,649

It is also relevant to note that the resettlement gap depicted in the table above continues a trend established years earlier.

2007 – 2011: UNHCR resettlement submissions and departures[38]
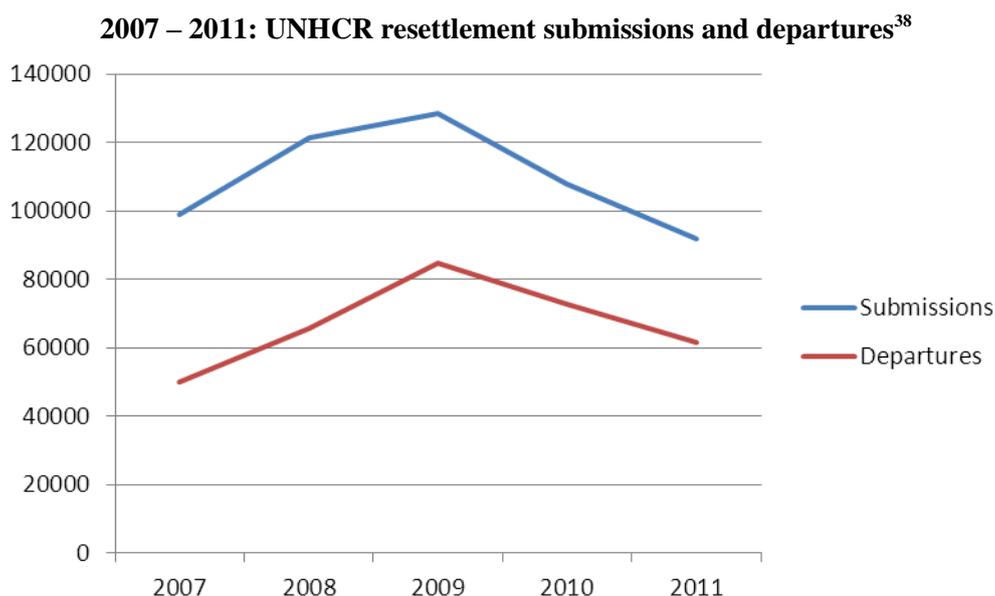
The graph above also highlights the fact that resettlement departures have been progressively decreasing, with those in 2011 being 15% less than those of the previous year. This trend has continued into 2012 and is likely to be replicated in 2013.

Similarly, the resettlement gap is unlikely to narrow. UNHCR has identified 172,196 refugees for resettlement in 2012 yet there are only 80,000 places available. It is thus likely that there will be a shortfall of some 90,000 places this calendar year.[39] UNHCR's Projected Global Resettlement Needs for 2013 indicate that it envisages that some 181,000 refugees[40] will be referred for resettlement during 2013. Once again, there will be a shortfall, this time of over 100,000 places.

A number of factors contribute to this ongoing situation, including but by no means limited to the following:

- void between submission and finalisation that prevents further action being taken. Difficulties in securing an increase in the number of resettlement places: UNHCR has succeeded in increasing the number of states prepared to offer resettlement places

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[37] MENA is the acronym used for "Middle East and North Africa".
[38] UNHCR Global Statistical Report 2011.
[39] It is relevant to note that a resettlement program of 80,000 equates to provision of resettlement for 1 in 130 refugees, based on a global refugee population of 10.4 million.
[40] UNHCR Projected Global Resettlement Needs: 2013. July 2012.

(from 15 to 26 in the last 5 years) but this has not resulted in a significant increase in the number of places available. Most of the emerging resettlement states have very small quotas (for example the quota for Japan is 30 and the five Latin American resettlement states[41] collectively resettle only 230 refugees).

- Profile restrictions some resettlement states have imposed as part of their resettlement criteria: these states have advised UNHCR that they are only prepared to accept refugees from certain locations or that they wish to exclude certain categories of refugees. As there is a degree of commonality in relation to these restrictions, it results in "competition" for the favoured caseloads while those in the excluded groups can be left out in the cold.

- Difficulties many resettlement states have in responding to emergency situations: they operate according to a plan set in advance so that when a crisis develops, such as the situation that occurred when resettlement was urgently required for large numbers of refugees who had fled to Egypt and Tunisia from Libya in 2011, the response was very slow coming. On a macro level, it is relevant to note that during 2011, only 72.7%[42] of cases deemed "emergency priority" that UNHCR submitted to states were accepted. This compares to 86.1% of the "urgent priority" cases and 94.1% of the "normal priority" cases and reflects a situation where refugees with lower protection needs have a greater chance of being resettled in a timely manner.

- States' failure to keep pace with UNHCR's increased referral rate: a number of resettlement states have been slow to make the policy and administrative adjustments that would enable them to process the larger numbers being referred. This is exacerbated for complex cases such as situations where those being referred reside in remote locations, require additional assessment (such as a Best Interests Determination in the case of unaccompanied or separated refugee children) or are determined to be in need of additional scrutiny (such as to mitigate against fraud).

- Increased security checking: in the post-9/11 era, far greater attention has been given to security and clearance procedures are often lengthy and opaque, causing extensive processing delays.[43] At the same time, the rate of rejection on security grounds has increased and many cases have spent long periods in limbo, caught in the

- Resistance on the part of countries of first asylum: some states view resettlement as a stratagem being used by UNHCR and donor/resettlement countries to promote wider access to local integration, something to which they are staunchly opposed.

- Last but by no means least, the complicating factor that resettlement is not universally regarded in positive terms within UNHCR: many staff members feel that it is expensive, time consuming, that it blocks other solutions, encourages fraud and does not necessarily help those who most need it. This can lead to overt and subtle obstructions within the agency at both policy and operational levels.

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[41] Argentina, Brazil, Chile, Paraguay and Uruguay.
[42] Figures from UNHCR Projected Global Resettlement Needs 2013.
[43] The impact on some caseloads, in particular the Somalis, has been greater than others.

These and other unmet challenges confronting UNHCR will be considered a little later but first it is relevant to examine what UNHCR is currently doing in an effort to enhance the effectiveness of resettlement as a protection tool and by which its other agendas can be furthered.

Current agenda

Mindful that 859,305 of the 10.4 million refugees under its mandate will be in need of priority resettlement in coming years, UNHCR has been pursuing a number of initiatives, including those outlined below.

The High Commissioner is now taking a much more active role in identifying "priority caseloads" for resettlement, an action taken in response to a request from the Working Group on Resettlement. The caseloads identified for 2012 are:

> Iraqis in Jordan, Syria and Lebanon
> Iraqis and Iranians in Turkey
> Afghans in Pakistan
> Afghans in Iran
> Somalis in Dadaab Camp, Kenya
> Colombians in South America
> Eritreans in East Sudan
> North Africans displaced from Libya

The purpose in his doing this is to encourage states to focus attention on situations where it was considered that a strategic resettlement operation could leverage benefits for a much larger number of refugees, including creating a better protection environment and opening up the possibility of local integration. UNHCR envisages that with the support of key resettlement states, it might be able to create a "multilateral platform for advocacy"[44] with the host country and/or the country of origin and in so doing, create a comprehensive and durable solution for far more people than the direct beneficiaries of resettlement.

Complementing this is the updated UNHCR Resettlement Handbook which was released in July 2011. It can be argued that the process of revising this had two important outcomes. The first came about as a result of the consultative nature of the revision process. Stakeholders were invited to provide feedback on the draft, a process that required close and considered engagement with the content. Second is the product itself which is practical, accessible and highly informative. Having clearly articulated core principles upon which decisions are to be made is a critical component of ensuring quality decision making. It will also perform the function of being an important educative tool, not least for UNHCR staff and governments.

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[44] An example of this is the Comprehensive Solutions Strategy for Afghanistan which is currently being rolled out to draw up a "multi-year roadmap" of the strategies, partnerships and resources required to address this crisis. This strategy focuses on voluntary repatriation and temporary stay arrangements in Iran and Pakistan but some delegates at a recent conference on the strategy in Islamabad also emphasised the need for third country resettlement.

In addition, UNHCR is pursuing a number of specific initiatives directed at addressing the perceived obstacles to the efficient use of resettlement. These include, *inter alia*:

1. The introduction of various strategies to address the protection gap (the gap between the estimated need and number of resettlement places available). These include endeavouring to increase the European and Latin American states and the use of a Common Pledging Conference;

2. The implementation of various procedural reforms relating to expediting processing times (including security clearances), clearing "overheated pipelines",[45] expanding group processing, increasing the frequency of UNHCR's selection missions and enhancing the streamlining the way in which UNHCR refers cases and shares data with resettlement states;[46]

3. Enhancing fraud detection through updating the Baseline Standard Operating Procedures (SOPs) on Resettlement, enhancing the use of its electronic data management tool, proGres, to ensure proper registration and verification systems are in place and implementing UNHCR's biometrics policy;

4. Complementing its Resettlement Learning Program with a series of e-learning modules, the first of which, "Managing an Effective Resettlement Operation", was launched in 2012. These training modules will be used within UNHCR and made available to partners;

5. Calling "Flash Appeals" such as those instigated by UNHCR in 2010 seeking support from resettlement states to take refugees from Al Tanf and Al Hol camps in Syria and again in 2011 to assist those displaced by events in Libya and in 2012 to assist refugees resident in Syria affected by the conflict in that country;

6. Piloting a pool of emergency resettlement places to be set aside specifically for large-scale emergency resettlement situations. Hitherto, however, the states that have been involved in this pilot have not increased the overall numbers of places they offer so the emergency pool has been drawn from their existing program numbers, with places allocated for use in the event of emergencies being drawn back into the regular program later in the year;

7. Using Emergency Transit Facilities (ETFs) to accommodate emergency cases for whom negotiations with potential resettlement states are not finalised and for cases where the resettlement country is not able to gain access to the country of asylum. Three centres are currently being used: in Romania, Slovakia and the Philippines. To date they have mainly been used for Afghans coming out of Iran and refugees further displaced by the crisis in Libya. In 2011 over 325 people were evacuated to ETFs and 350 left for onward resettlement;[47]

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[45] Situations where the processing capacity of resettlement states has not kept pace with the number of referrals and thus backlogs occur.

[46] These reforms include revision of the resubmission guidelines, establishing a Task Force to go to Africa to enhance staff capacity and provide technical and structural support and introducing global templates for the Resettlement Registration Forms.

[47] UNHCR Resettlement Fact Sheet 2011.

8. Taking steps to ensure a more equitable approach to resettlement by seeking to ensure equity of access for those identified as being in need of resettlement, providing places for smaller, mixed urban caseloads (including those in detention) and employing a protection-based approach to profile requirements;

9. Using the ATCR/WGR process to focus attention on the importance of providing cultural orientation programs for resettling refugees prior to departure and comprehensive reception and integration assistance once they have arrived in their country of resettlement. To this end, twinning arrangements have been established and in February 2012 WGR members met in Australia so as to be able to visit a variety of integration programs;

10. Seeking more systematic approaches to identify refugees in need of resettlement through staff training, reinforcing the use of risk-assessment tools (such as the Best Interest Determination guidelines) to identify those in need of resettlement and expanding opportunities for NGO involvement in resettlement.

The role of NGOs in resettlement has evolved over the years. Prior to the establishment of the ATCR, NGOs were effectively sidelined, with resettlement viewed as a bilateral initiative involving UNHCR and resettlement states. NGOs, it was argued, played other roles (for example the provision of health care, education or other services) and to involve them in the identification of cases for resettlement would compromise their capacity to perform their core work.

Those who challenged this view argued that NGOs are better placed than most to identify the most vulnerable individuals within a refugee population. Slowly, selected NGOs were given a role in the formal identification process. Early examples of this included work by the International Rescue Committee (IRC) in Pakistan, the International Catholic Migration Commission (ICMC) in Guinea and the Hebrew Immigrant Aid Society (HIAS) in Kenya. Stemming from this was the development of UNHCR-NGO Resettlement Toolkit[48], the purpose of which was to set out a framework for greater NGO involvement in a number of areas including:

- flagging cases for consideration by UNHCR;
- completing referrals and submitting these to UNHCR for onward processing;
- referring cases to governments for consideration;
- seconding staff to UNHCR for resettlement-related work; and
- helping identify and delineate groups for resettlement.

By 2010 NGOs were identifying as many as 8,000 cases for resettlement annually, though in many instances they were not flagged as such. Nevertheless, this represents a significant step towards ensuring that especially vulnerable refugees do not miss out on access to resettlement because they are "invisible" to UNHCR's resettlement staff. At the same time, however, it is important not to lose sight of the very real issue of the possible consequences of blurring roles. This is just one of the many challenges that face UNHCR and its partners as they move into the 7th decade of cooperation in the quest to protect refugees.

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[48] See http://www.unhcr.org/4ce54a949.html.

Resettlement challenges: 2012 and beyond

As important and welcome as all of the above developments are, a number of unmet challenges remain. Many of these have at their core the ongoing impact of 9/11 and the "War Against Terror".

For a start, all resettlement states are employing far more rigorous security procedures to vet cases referred for resettlement and this has increased the processing times. The impact of this has been greatest in the case of the USA where it now routinely takes in excess of 12 months to process referrals. The US had long been the "default" state because of its capacity to resettle such large numbers (almost 2½ times the number of the other resettlement states combined) but because of the processing delays, it can no longer be seen as a viable place to which to refer most of the especially vulnerable cases. UNHCR will need to think of other ways to deal with such cases and other resettlement states will have to start picking up some of the cases that would previously have been referred to the US.

The processing delay in the US has also affected UNHCR's ability to respond to emergency situations. Had the displacement of refugees from Libya in 2011 required a large scale urgent response from resettlement states (as foreshadowed by UNHCR issuing a Flash Appeal), it is doubtful whether there would have been a sufficient response. As it transpired, this level of assistance was not required but it begs the question, what will happen the next time it is. One only has to look at how events are currently unfolding in Syria to wonder whether this might be the next target of a Flash Appeal.

Another impact of 9/11 is the way in which certain caseloads have been labelled "difficult". This label has been applied to various groups, including Iraqis and the Royingyas from Burma,[49] but the group that has arguably been the most disadvantaged is the Somalis about whom there are generalised prejudices and public misconceptions about their possible relation to Islamic radicalism. As a result, there is a low acceptance rate of resettlement cases[50] despite the high needs within the refugee population, in particular those residing in Dadaab camp in Kenya.[51]

At the opposite end of the spectrum are the "favoured" caseloads. These are groups of refugees who are deemed to be a low security risk and who are believed to have attributes that make it easier for them to adjust to life in the resettlement country.[52] As previously mentioned, this has led to situations where resettlement states actively compete for some groups of refugees while ignoring others in equally vulnerable situations.

A key consideration when it comes to considering the evolution of the often unacknowledged but nevertheless very real concept of "difficult" versus "favoured" caseloads is the imperative that focus be retained on UNHCR's resettlement criteria and to ensure that political agendas are not allowed to divert the program from this protection focus. BS Chimni speaks about

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[49] In the case of the Rohingyas, the label difficult relates to perceptions about their capacity to adapt to life in the west. This perception is widely rejected in Australia where NGOs and government agencies involved in post-arrival support to refugees report that Rohingya refugees have adapted well.

[50] In 2011 the acceptance rate of submissions of Somali cases was 84.1% compared to the global average acceptance rate of 93.3% (UNHCR Global Resettlement Statistical Report 2011).

[51] UNHCR estimates that 85% of the 150,355 Somali refugees need resettlement are in Kenya. Of these, 17,686 persons were identified for resettlement in 2011, however less than 5,000 were accepted.

[52] The Bhutanese are one such caseload. The acceptance rate for resettlement submissions of Bhutanese in 2011 was 99.5%, well above the global average of 93.3% (UNHCR Global Resettlement Statistical Report 2011).

"the need to be alert to the non-humanitarian objectives which are pursued by these actors from time to time behind the façade of humanitarianism".[53]

A separate but not unrelated challenge is caused by the failure of some of the key resettlement states to look at resettlement as part of their broader policy agenda. It is not integrated into thinking about foreign affairs, aid or even security (when this is viewed in a context broader than merely security clearances). There is often too much siloing and too few connections are drawn. Not enough consideration is given to the strategic integration of various areas of policy. As a result, opportunities to use resettlement more strategically have fallen by the wayside. It is relevant to note, however, that there have been some attempts to address this issue. The Contact Group on Iran, initially led by Norway and now by Sweden, is an example of an initiative which expressly involves different arms of government.

In addition to managing the "security issue", another big challenge facing UNHCR is to increase the number of resettlement places commensurate to its increased identification capacity. There are two ways in which this could be done. The first would be to get existing resettlement states to increase their quotas and the second would be to increase the number of resettlement states. Thus far, the aforementioned security concerns and fiscal constraints resulting from the Global Financial Crisis have thwarted efforts to achieve the former objective and while there has been some success in increasing the number of resettlement states, as previously mentioned their quotas are so small that they have negligible impact on numbers. The reality remains that just three States (USA, Australia and Canada) provide well over 90% of all resettlement places.

It can be argued that European Union (EU) Member States are the major sticking point when it comes to achieving a significant increase in resettlement capacity. Only 11 countries have national annual programs, and they contributed to only 6.6% of the global total number of resettlement places in 2011[54] and even less in the case of particular caseloads.[55] The following graph compares resettlement to the EU with that to other destinations over a 5 year period.

It must be acknowledged that the European Commission is well aware of this deficit and has taken a number of steps to address it. Central to these was the adoption on 29th March 2012 of the Joint EU Resettlement Programme. This statement both confirmed the EU's commitment to resettlement and offered increased financial incentives to member states to increase their resettlement quotas. Also significant is the establishment of the EU Resettlement Network, an initiative co-funded by the European Refugee Fund and involving IOM, UNHCR and ICMC. The objectives of the network include the promotion of information exchange, collaboration, and policy development. Activities undertaken by the Network include stakeholder meetings, training for practitioners and pilots of innovative activities.

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[53] BS Chimni (1999): From Voluntary Protection to Involuntary Repatriation: towards a critical history of durable solutions to refugee problems. New Issues in Refugee Research.

[54] UNHCR Settlement Fact Sheet 2011.

[55] According to information provided to ATCR in 2011 by Johannes van der Klaauw, Senior Resettlement Coordinator in UNHCR's Division of International Protection, the figures are of even greater concern in relation to the resettlement of Somalis: EU Members States accepted only 1.9% of all Somali cases submitted between 2007 and 2009. The EU-27 resettled 104 Somalis, which represents only 2.2% of the total of Somalis resettled by the US (4,170), Australia (317) and Norway (249).

**UNHCR resettlement departures
to the EU and all other resettlement countries, 2007-2011[56]**
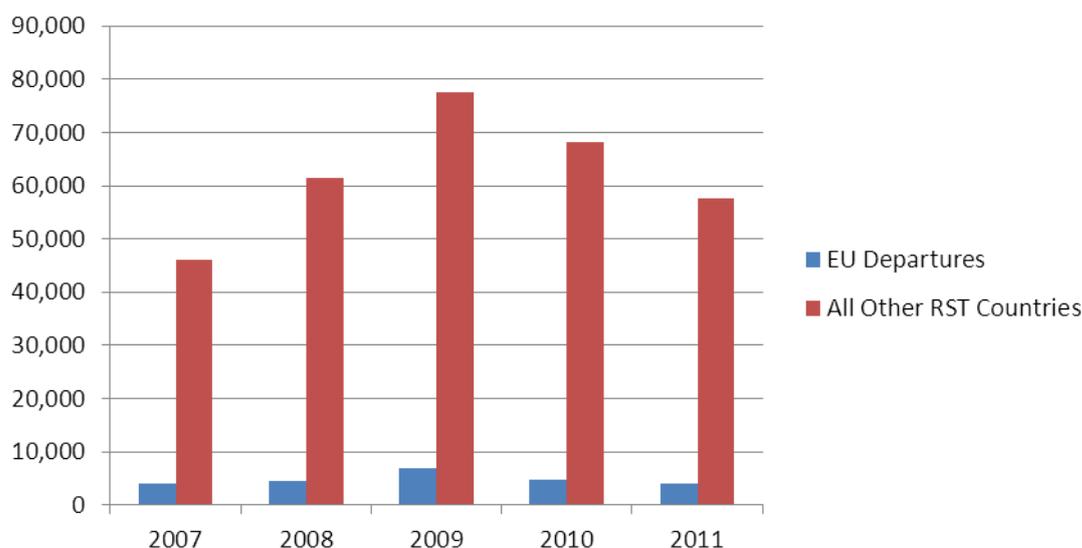
In addition, the Network organised a Resettlement Skills Share Day in Brussels in May 2012 that brought together policy-makers and practitioners in refugee resettlement from 26 countries, including representatives of the EU institutions, central governments, municipalities and regions, NGOs and the business sector, as well as resettled refugees. It has also brought together seven leading agencies (UNHCR, IOM, Amnesty International, CCME, ECRE, ICMC and Save Me) to mount a campaign: "Resettlement Saves Lives". The objective of this campaign is to increase the number of resettlement places offered by EU states to 20,000 by 2020.

It is, however, still early days and it remains to be seen how successful these various initiatives are, particularly in a climate where the EU is struggling to cope with a major financial crisis.

If the efforts to increase resettlement by EU States are successful, it would a long way to bridging the gap between identified need and number of places provided. But it is not a given that this will happen, and even if it does, it is important not to overlook the potential contribution of the emerging resettlement states. As previously mentioned, UNHCR has increased the number of resettlement states from 15 to 26 in the last 5 years. It is true that most have very small programs.

It is also a fact that many are confronting significant challenges in integrating refugees into their communities and providing the type of services specifically needed for forced migrants with traumatic pasts. The emerging resettlement states have much to learn from states that have a long history in this area and work has begun to facilitate this. It can be argued, however, that this is just the beginning and much more needs to be done to ensure that those resettled in emerging states benefit from the acquired wisdom about effective resettlement and are not disadvantaged by being sent to a country ill-equipped to provide for their particular needs.

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[56] UNHCR Settlement Fact Sheet 2011.

Stemming from this are some important questions that must be addressed. Is there a critical mass for resettlement to any one place? Is it viable – or even ethical - to send an individual, family or small group to a country where there is no existing community, little acceptance of "foreigners" and no established support services? Underlying these questions is another: what preconditions should be in place before UNHCR enters into an agreement with a resettlement state? These are difficult questions but not ones that can be overlooked in the quest to increase the number of places available.

Before leaving the issue of increasing capacity, it is possibly worth introducing the concept of "transnationalism". Transnationalism is defined as "the process by which 'transmigrants' build cross-border familial, economic, social, organisational, religious and political activities and networks through sustained contacts and travel across national borders".[57] Some commentators (including Van Hear and Scalettaris)[58] argue that transnationalism should take its place as the "fourth durable solution", offering alternatives to refugees for whom the traditional three durable solutions[59] are not viable. Increased mobility amongst refugee populations, they argue, is a viable option for certain groups of refugees and at the same time, has the potential to address labour shortages, support economic development in the regions to which they go and improve conditions for the wider refugee community through their remittances.

Others, such as Sturridge (2011), accept that transnationalism can be "relevant, constructive and workable"[60] but she goes on to argue that "this viability is ultimately limited, firstly by its variability and inconsistency and secondly by its potential for negative as well as positive implications".[61] While mobility might work for some, as an option it is location specific and has the potential, amongst other things, to exacerbate socioeconomic, gender and cultural inequalities. Thus far the jury is out on the place that transnationalism will take in refugee protection. Soo too will it remain to be seen whether increased opportunities for labour migration might reduce the need for resettlement places.

The third major challenge facing UNHCR is ensuring that the "right" refugees are being resettled. Resettlement is, after all, first and foremost a protection tool and state policies that are not consistent with this have the potential to undermine the integrity of resettlement *per se* and lesson its capacity to assist those in greatest need.[62] There are various ways in which this can be seen to be occurring.

Arguably the most significant of these is the decision by various states to include an assessment of "integration potential" in their selection process. Denmark has even

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[57] Caitlin Sturridge (2011): Mobility and durable solutions: a case study of Afghan and Somali refugees. New Issues In Refugee Research: Research Paper No. 204, page 1.

[58] For example Nicholas Van Hear (2006): Refugees in Diaspora: From Durable Solutions to Transnational Relations. Refuge, Vol. 23 (1), pages 9-14; and Giulia Scalettaris (2009): Refugees and Mobility. Forced Migration Review , pages 58-59..

[59] Repatriation, local integration and resettlement.

[60] Caitlin Sturridge (2011): Mobility and durable solutions: a case study of Afghan and Somali refugees. New Issues In Refugee Research: Research Paper No. 204, page 21.

[61] Ibid.

[62] One instance where it can be argued that it is legitimate to use resettlement in a context that is not directly related to "individual protection" is where it involves the resettlement of people in a protracted refugee situation for whom no other durable solutions are available, such as the current group resettlement operation of Bhutanese from Nepal.

incorporated this into legislation.[63] In this approach, selection is based not only on protection needs but also on age, education, work experience and language skills. Resettling governments justify their position by claiming that focusing on integration potential makes it easier to provide services and that integration will be more successful. These criteria, however, are hard to meet for displaced persons who were born in camps or who have been living there for a long time. They are also likely to rule out some of the most vulnerable refugees, including unaccompanied women with young children, the infirm, the elderly and refugees without protection in the community in which they are living.

Those arguing in favour of "integration potential" are ignoring two salient issues. The first is that resettlement should not be about what the entrants can do for a country but more about what the country can do for them. As previously mentioned, the *raison d'être* for resettlement is and always should be protection. Excluding those most in need of protection for the sole reason that they "might not fit in" undermines the integrity of the program and places lives at risk.

The second issue being ignored is a curious one. Who is to say that people determined not to possess "integration potential" will not settle well? There is ample evidence that this need not necessarily be the case – providing refugees are given the right sort of assistance. One of the more interesting studies in this regard is that undertaken by Graeme Hugo[64] in Australia, a country that does not select on the basis of "integration potential". Professor Hugo concluded that the refugees who have come to Australia have, when taken as a total group, made significant and measurable contributions in all three of the areas studied: population, productivity and participation. Amongst other things:

- refugees have yielded a number of significant demographic dividends, not least in terms of compensating for the naturally aging population and helping to address labour shortages in non-urban areas;
- while initial unemployment rates are higher than for the Australian-born population, over time there is convergence and by the second generation, a clear majority have a higher level of workforce participation than the population average. Moreover, there was also strong evidence of upward mobility between generations;
- refugees display greater entrepreneurial qualities compared with other migrant groups, with a higher than average proportion engaging in small and medium business enterprises. Notably, five of the eight billionaires in Australia in 2000 were from refugee backgrounds;
- refugees develop and maintain economic links with their origin countries and play other roles in their home countries, both of which can have a positive developmental impact and reap dividends for their host country;
- despite the greater challenges of adjusting to life in Australia when compared to other migrant groups, refugees make major contributions across a spectrum of mainstream Australian life: in the arts, sport, science, research, business and community. In addition, there is a strong pattern of engagement within their own communities.

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[63] It is interesting to note that Canada removed integration potential from its selection criteria in the same year as Denmark introduced it.

[64] Graeme Hugo (2011): A Significant Contribution: The Economic, Social and Civic Contributions of First and Second Generation Humanitarian Entrants. Department of Immigration and Citizenship. Commonwealth of Australia.

It can be argued that the key to successful integration is not so much to do with the selection process but rather the quality of assistance refugees receive after arrival and the attitudes of the host community. If refugees are made to feel welcome and are supported to learn the language and customs of the host country, as well as to develop skills that will equip them to enter the workplace, any "deficits" resulting from "poor integration potential" can be overcome.

A second selection-related issue that is also the subject of hot debate is that which is often spoken of as the "brain drain". This refers to the resettlement of refugees who have certain skills (for example as medics or teachers), thus depriving the remaining refugees of their skills. Unlike the debate about "integration potential", there are equally strong arguments on both sides. On the one hand, it is important to avoid a welfare model in which all of the assistance provided to refugees comes from outside; on the other, skilled refugees have a right to be considered for resettlement. This debate will clearly continue, hopefully with recognition that every situation is different.

There is a third selection-related issue that is also worthy of consideration. This goes to the groups that are being identified for resettlement. The following table compares the top 10 refugee caseloads in terms of size[65] to their position in the top ten resettlement caseloads. For example, Afghans were the largest refugee population in 2011 but were 9th when it comes to resettlement. The Burmese, on the other hand, were 7th in overall population size but second in terms of numbers resettled. Some large refugee groups (the Sudanese, Vietnamese, Chinese and Serbians) did not feature at all in the top 10 resettlement caseloads whereas the largest resettlement caseload (the Bhutanese) is from a numerically small community.

**Comparison of size of refugee population
and inclusion in top 10 resettlement departures in 2011[66]**

	Top 10 Refugee Populations				Top 10 Resettlement Departures	
1	Afghanistan	2,664,436		1	Bhutan	18,068
2	Iraq	1,428,308		2	Burma	17,899
3	Somalia	1,077,048		3	Iraq	8,677
4	DR Congo	491,481		4	Somalia	4,636
5	Sudan	491,013		5	Eritrea	2,836
6	Viet Nam	337,829		6	DR Congo	2,032
7	Burma	414,626		7	Iran	1,910
8	Eritrea	220,745		8	Ethiopia	1,269
9	China	190,369		9	Afghanistan	1,206
10	Serbia	161,363		10	Sudan	547

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[65] The largest caseload has been given a score of 10 and the other 9 caseloads ranked accordingly.
[66] Source UNHCR.

It would be wrong to suggest that there should be a direct relationship between the numbers in any one refugee community and the numbers being resettled. There are, of course, many other issues that need to be factored in, not least the conditions in the host country, prospects for return and/or local integration and vulnerabilities within the community. This being said, it is legitimate to ask whether some refugee populations are being overlooked for political, strategic or other reasons such as the where identification is hard (as is the case in some urban caseloads).

One final selection-related issue is worthy of examining before moving on. If one accepts the premise that resettlement is about protecting vulnerable refugees, it is relevant to look at the acceptance rates for various sub-groups within refugee populations.

2011: Acceptance Rates of UNHCR Submissions by Submission Category[67]

Category	Acceptance Rate
Older refugees	100.0%
Family reunification	94.6%
Lack of foreseeable alternative durable solutions	90.3%
Survivor of violence and/or torture	84.9%
Legal and/or physical protection needs	79.0%
Medical	77.7%
Women and girls at risk	76.0%
Children and adolescents at risk	69.8%

Flowing on from all of the above discussion about selection is the issue of how such decisions are made. It can be argued that there is not enough transparency in the rationale behind states' decisions in relation to which groups they select for resettlement. Decisions are made behind closed doors and it is hard for the non-government sector to engage in this process in a meaningful way. This in turn undermines the strength of the tripartite relationship between UNHCR, states and NGOs and hampers the capacity of NGOs to engage in the debate about resettlement, despite the fact that are increasingly being called upon to be partners in resettlement operations. The reality is that NGOs tend to have to play to an agenda set by UNHCR and states and are beholding to them. For as long as there is a failure to recognise the complementarity of the roles of the three sectors and the need for respectful and equitable engagement, the true potential of resettlement will never be realised.

Moving from global issues to national policies, it is relevant to examine the response of one of the major resettlement states to increasing numbers of people arriving by boat and seeking asylum. In August 2012, the Australian Government made dramatic changes to its refugee policy, adding around 6,000 much-needed places to the global resettlement pool. The way in

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[67] Statistics from UNHCR Global Statistical Report 2011.

which was done, however, raises serious questions about the relationship between asylum and resettlement and the way in which resettlement priorities were manipulated to meet domestic political agendas. After years of frenetic and unbalanced national political debate about the growth in numbers of people arriving in Australia by boat and without visas to seek asylum, the Australian Government responded to the loss of around 300 lives at sea in the first six months of 2012 by commissioning an Expert Panel to review the situation.

In its report,[68] the Expert Panel presented 22 recommendations, all of which were immediately accepted by the Australian Government. Included among these was a recommendation for an immediate increase in the size of Australia's humanitarian program from 13,750 to 20,000, with 6000 of the additional places being allocated to UNHCR referrals, and that consideration be given to increasing the number of places in the program to 27,000 within 5 years.[69] Complementing this was a series of recommendations focusing on capacity building and cooperation within the Asia-Pacific region[70] and developing a whole-of-government strategy for engaging with source countries.

The Expert Panel controversially also recommended that Australia revive its former policy of transferring asylum seekers arriving by boat to Nauru and Papua New Guinea for the processing of their asylum claims.[71] They argued that this was a necessary circuit breaker to reduce the flow of asylum seekers reaching Australia by boat and therefore reduce the likely incidence of loss of life at sea. Australia, the Expert Panel argued, should work with its neighbours to encourage people to seek asylum closer to their countries of origin and seek entry to Australia and elsewhere through "regular migration pathways" – in Australia's case, though expanded resettlement and family migration programs. The Australian resettlement program should therefore place much greater emphasis on refugees who might otherwise move on to Australia by expanding resettlement options from South-East Asia, Pakistan, Iran and the Middle East.

Asylum seekers who ignored these policies and moved on to Australia by boat regardless, the Expert Panel said, should be subject to a "no advantage" test which would see them remain in "offshore processing" locations for similar periods of time to those experienced by refugees awaiting resettlement from various parts of Asia. While the greater commitment to resettlement was widely praised, the punitive treatment of asylum seekers was widely criticised.[72] Concern has also been expressed that the Australian policy is based on fundamental misunderstandings about the respective roles of asylum and resettlement and

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[68] Report of the Expert Panel on Asylum Seekers. August 2012. Australian Government.

[69] The Australian Refugee and Humanitarian Program has, since 1996, included resettlement and the protection of refugees through the national asylum process within the one capped program. The number of resettlement places varies from year to year, in line with annual variations in the numbers of asylum seekers recognised as refugees.

[70] This includes both bilateral engagement and supporting the Regional Cooperation Framework (agreed by the 4th Bali Regional Ministerial Meeting on People Smuggling, Trafficking in Persons and Related Transnational Crime in March 2011). In response to recommendations relating to the latter, the Australian Government has committed $A5.2 million over 4 years to fund the establishment of a Regional Support Office in Bangkok and $A2.7 million for funding projects through this office.

[71] The policy of transferring asylum seekers arriving by boat from Australia to Nauru and Papua New Guinea – often referred to as the "Pacific Solution" – was introduced in 2001 but abandoned after a change of government in 2007.

[72] Organisations critical of the Australian policy included the Australian Human Rights Commission (www.humanrights.gov.au) and the Refugee Council of Australia (www.refugeecouncil.org.au). In addition, the High Commissioner for Refugees' advice to the Australian Government on the designation of Nauru as a 'regional processing country' under Australia's Migration Act can be found at: unhcr.org.au/unhcr/index.php?option=com_content&view=article&id=264&catid=37&Itemid=61.

could, if copied by other countries, undermine refugees' access to protection and seriously skew global resettlement priorities.

In addition to the "big" challenges listed above, there are a number of dilemmas that are yet to be resolved. These include but are by no means limited to the following:

1. How should states plan for their resettlement programs? Many states are moving to multi-year planning cycles. This is very useful for UNHCR as it allows for forward planning and is especially useful when dealing with protracted refugee situations. But what happens when there is an emergency and all places have been committed to the resettlement of existing caseloads? One solution is for there to be a surge capacity (or contingency reserve) but this can be hard for countries to deal with at a political level because it requires a level of fiscal flexibility for which permission is difficult to obtain.

2. How do you ensure that the overall resettlement program is balanced? There are many levels on which this might occur based on geography and the nature of the caseload. How do you ensure, for instance, that when large scale camp clearance operations are underway, as is currently the case for the Bhutanese, that small groups and individual protection cases are not overlooked? Or that the protection needs of individuals within caseloads designated "difficult" are not ignored?

3. What is a legitimate way to respond to fraud? Despite work being done by UNHCR to address fraud, the issue is still a concern for many governments and their efforts to contain the instance of fraud within their programs are arguably having a disproportionate impact on their program management. While fraud should never be condoned, if governments become too obsessed with it, the system atrophies. There is a clear need to reconceptualise the issue of fraud (especially when the perpetrators are in highly stressful and often threatening situations) and ensure that responses are rational, proportional and humane.

4. How should states deal with family reunification? Family unity is a fundamental principle of international law and the integrity of the refugee family is both a legal principle and a humanitarian goal. It can also be argued that failure to reunite the family will significantly impede effective integration. Some resettlement states allow for family reunion under their general migration program and some accommodate this (with varying degrees of success) within their humanitarian program but other states make no specific provision for it. Should resettlement states be obliged to make provisions for family reunification? And if so, what constitutes "family"? And should there be restrictions on incorporating family reunification cases within the refugee quota (i.e. accepting such cases over and above people with legitimate protection needs)?

5. Also relevant in the context of family unity is the process of allocating cases to resettlement countries. Many refugee families have found themselves scattered through the diaspora after seemingly random decisions are made as to where various members should be referred What responsibility should UNHCR and resettlement states have to ensure that, as much as is possible, family members are resettled in the same country?

6. Why is it that the acceptance rate of submissions relating to women, children and adolescents at risk has the lowest acceptance rates when it can easily be argued these are

some of the most vulnerable refugees? It is noted that since 2006[73] there has been a renewed focus on women and girls at risk, but what more should be done to enhance the protection of children and adolescents?

7. Is it possible to manage refugees' expectations? Some refugees see resettlement as the ultimate panacea, the answer to all their prayers. They invest all their thoughts and energies into this dream and are reluctant to focus on doing anything to improve things in their immediate environment, no matter how remote the prospect of resettlement might be. There is even a term that is used in Dadaab camp in Kenya (and now further afield as well) to describe this: "*buufis* mad". *Buufis* is an adaptation of a Somali word and is used to refer to a person's desire for resettlement. Being "*buufis* mad" means that this desire has become overwhelming and/or debilitating and there have been cases where it has had pathological consequences.[74]

8. To what extent can the promise of resettlement be ethically used to influence or change behaviours within refugee populations? For example, in some locations refugees are being induced to send their daughters to school by saying that this will be to their advantage when there is consideration about who will be referred for resettlement. While the intention is clearly worthy, might this not be extending the role of resettlement too far and also running the risk of devaluing both the immediate objective (e.g. getting girls into school) and the long term objective (resettlement) if the latter is not achieved?

And there is one final question that is vitally important but which often gets swept under the carpet because it is just too sensitive. What have been the protection dividends of resettlement?

There are many instances in which it has been strategic to ignore this question. Take for instance the large scale resettlement of Bhutanese from Nepal. Can it not be argued that the decision to embark on this exercise means that Bhutan will effectively get away with expelling 1/6 of its population with no consequences and Nepal will not be required to play any long term role, despite its close ethnic ties with the displaced population? And what of the situation in Thailand: what are the protection dividends when new arrivals cannot get access to refugee status determination? Is resettlement having an impact on other durable solutions? If so what? Maybe one has to recognise the cold reality that resettlement involves working with sovereign governments that have other agendas and that in many cases, this limits what can be done, especially as UNHCR has to maintain a non-political stance. This begs one final question that UNHCR must grapple with: should sustained efforts to use resettlement for any one of its many protection functions be stopped on the basis that there might be downsides?

It is clear that there are many questions on the table. These are important questions: questions worthy of close examination and careful deliberation because at the end of the day, the way the international community approaches this issue will have a real impact on real people around the world. It would be nice to think that when the history of UNHCR's 7th decade is written ten years hence that resettlement will feature prominently, not with a list of unmet challenges as it does now but with a list of substantive achievements. For this to happen, the

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[73] UNHCR Executive Committee Conclusion No. 105 (LVII) of 2006 set a target of 10% for this category, a figure that was first achieved in 2011.
[74] See Cindy Horst (2006): Buufis amongst Somalis in Dadaab: the Transnational and Historical Logics behind Resettlement Dreams. Journal of Refugee Studies Vol. 19, No. 2

various stakeholders must commit to working collaboratively to ensure that resettlement provides a robust, global response to maximising protection on a scale that can meaningfully justify its inclusion as one of UNHCR's three durable solutions.