

GUIDANCE NOTE ON EMERGENCY TRANSIT FACILITIES

Timisoara, Romania / Manila, Philippines / Humenné, the Slovak Republic

Background

1. The Emergency Transit Facility (ETF) concept was inspired by a number of *ad hoc* experiences where UNHCR was required to provide urgent or emergency protection to refugees in need of resettlement at short notice.
2. In 1999 and 2000, for example, approximately 1,500 Tutsi refugees who were at risk in the Democratic Republic of the Congo (DRC) were evacuated to Benin and Cameroon where they remained temporarily while interviews were conducted by resettlement countries. Similarly, in 1999-2002, an evacuation to Romania was arranged when over 4,500 refugees from Bosnia-Herzegovina and Croatia were relocated to Romania for resettlement processing. This situation was replicated in 2005 and 2006 when the Romanian authorities collaborated with UNHCR to evacuate 450 Uzbek refugees from Kyrgyzstan to Romania. The refugees were all ultimately resettled to other countries.
3. These *ad hoc* operations, while successful, clearly highlighted an acute lack of capacity to evacuate refugees at immediate risk as well as the limited options for emergency departures available with resettlement countries. A more predictable, systematic and expeditious mechanism was clearly needed to supplement resettlement under the Emergency priority and which would allow the transfer to safety of refugees who would otherwise not receive the protection they need in a timely manner.
4. UNHCR responded to the need by broaching with resettlement countries the idea of establishing emergency transit facilities where refugees at serious protection risk could be transferred while pending resettlement processing and onward movement to a resettlement country. At the 2007 Annual Tripartite Consultations, UNHCR presented an Information Note to States and the International Organization for Migration (IOM) on “*Establishing Temporary Evacuation Facilities for Onward Resettlement*”¹ which outlined UNHCR’s objective of such transit facilities for refugees, and encouraged States to engage in responsibility sharing by participating in this venture. The initiative received broad support from resettlement countries and IOM.
5. Two models of emergency transit facilities have been established – an Emergency Transit Centre (ETC) model, as in Romania and the Slovak Republic, which has physical facilities available for housing evacuated refugees, and an Emergency Transit Mechanism (ETM) such as that in the Philippines

¹ The Note “*Establishing Temporary Evacuation Facilities for Onward Resettlement*” is available at: <http://www.unhcr.org/refworld/docid/46822d01d.html>

where refugees are accommodated in a variety of urban housing rather than in a central location. For the purpose of this Guidance Note, the term Emergency Transit Facility or ETF is used to cover both situations.

6. The first Tripartite Agreement (UNHCR, IOM and the State) establishing an Emergency Transit Centre (ETC) was concluded by Romania in November 2008.² This was followed by a similar Agreement with the Government of the Philippines in August 2009.³ An Agreement was also signed with the Slovak Republic in July 2009, albeit for the purpose of evacuating a specific group of Palestinians; this Agreement was extended in December 2010⁴ without restrictions.
7. Since the inception of the ETFs, the use of these facilities has expanded to include situations which are not an emergency as such, but where resettlement countries have difficulties with accessing the refugees concerned, whether due to security reasons in the country of asylum, or for political reasons, thereby requiring the refugees to be moved for purpose of further processing. The ETF concept has already proved to be a significant contribution to refugee protection - over 1,000 refugees have been evacuated to the ETFs in the past two years, and moved on to resettlement countries.
8. Evacuation to an ETF offers benefits and advantages to all involved. While enabling refugees a chance to live in a safe and secure environment in a location where services and assistance are available while awaiting resettlement, it also offers resettlement countries a stable location in which resettlement procedures such as interviews, cultural orientation courses and language classes may be carried out in optimal conditions. In addition, it allows UNHCR, IOM, and Implementing Partners (IPs) an opportunity to provide needed services and assistance to refugees coming from the most precarious situations.
9. An *“Information Note and Recommendations from UNHCR on Emergency Resettlement and the use of Temporary Evacuation Facilities”* was distributed to States in July 2010 at the Annual Tripartite Consultations on Resettlement.⁵ This document reviewed UNHCR’s initial experiences with ETFs and made a number of recommendations with a view to improving the process.

² The text of the “Agreement between the Government of Romania and the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement” dated 08 May, 2008, is available at: <http://www.unhcr.org/refworld/docid/4a7c221c2.html>

³ The text of the “Memorandum of Agreement Among the Government of the Republic of the Philippines, the Office of the United Nations High Commissioner for Refugees, and the International Organization for Migration Concerning the Emergency Transit of Refugees” dated 27 August 2009, is available at: <http://swigea56.hcrnet.ch/refworld/docid/4ac49f9f2.html>

⁴ The text of the “Agreement between the Government of the Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration Concerning Humanitarian Transfer of Refugees in Need of International Protection Through the Slovak Republic” dated 22 December, 2010, is available at: <http://www.unhcr.org/refworld/docid/4d1c52412.html>

⁵ The *“Information Note and Recommendations from UNHCR on Emergency Resettlement and the use of Temporary Evacuation Facilities”* is available at: <http://www.unhcr.org/refworld/docid/4bf3adfb2.html>

General Considerations for Transfer

10. While the potential use of the ETF is expanding, caution must be maintained to prevent refugees from becoming stranded at the ETF. To mitigate the risk that a refugee might be refused resettlement, and thus potentially jeopardize the entire ETF scheme,⁶ any transfer to an ETF is pre-conditioned upon a resettlement country agreeing to undertake further resettlement processing in the ETF, even if no guarantee of acceptance is provided at the time of transfer.
11. With regard to transfers to ETFs in Romania and the Slovak Republic, the length of stay should normally not exceed six months as provided in the Agreements, although there is the option to extend the period of stay under exceptional circumstances.
12. Given the lack of specialized medical treatment available at the ETF, refugees with serious illnesses or in need of immediate major medical interventions may not be considered.

Circumstances under which refugees may be considered for transfer

13. Transfer to ETF may be requested for individual cases or groups of refugees.
14. Refugees who are candidates for transfer to an ETF are those who are considered by UNHCR to be in urgent need of resettlement so as to ensure that their physical protection or other specific vulnerability needs are met. Below is a list of examples that could be considered for transfer to an ETF subject to a resettlement country's assurance of further processing:
 - i. Refugees at immediate risk of *refoulement* or facing other acute, life-threatening situations;
 - ii. Refugees in detention conditions which warrant resettlement as the most appropriate form of protection, and swift release from detention requires a transfer out of the country;
 - iii. Refugees whose cases are particularly sensitive or high profile and face imminent or serious protection problems;
 - iv. Refugees for whom resettlement processing cannot be completed in the host country due to inaccessibility to the refugees concerned, such as where resettlement countries are denied entry visas by the asylum country, or where access is restricted due to lack of security;
 - v. Refugees in need of resettlement for whom a resettlement country and/or UNHCR requires that their final destination for resettlement not be disclosed to the asylum country;

⁶ The Tripartite Agreement governing the use of the ETC at Timisoara allows the host country to suspend the arrival of new cases if more than twenty refugees overstay the permitted six month period. As long as the suspension is in operation, regardless of the places that might be available, no additional refugees would be authorized until the number of refugees over-staying drops below twenty persons.

- vi. In situations where it is more expedient and incurs lower costs to process the cases even if the refugees concerned are not necessarily at immediate risk;
- vii. Other situations as appropriate.

Transfer Procedure

15. The complexity of the transfer process varies from one situation to the next, and may involve a greater or lesser number of partners.⁷ Consequently, active coordination of the overall transfer process is required on the part of UNHCR field staff, ETF staff and the Resettlement Service to ensure that emergency transfer movements take place efficiently and in a predictable manner, minimizing unintended negative consequences.

16. In certain types of cases, confidentiality about the evacuation may be of great importance and the offices concerned will need to analyze and address protection risks that could be caused if care is not taken to restrict information about the transfer.

17. The basic steps in the transfer process are outlined below:⁸

(A) Making a request for a transfer and deciding on the suitability of the case for a transfer

a. The relevant UNHCR Field Office makes a request by email to the ETF Focal Point in the Resettlement Service, DIP,⁹ and the Bureau overseeing the particular Field Office, for agreement to the proposed transfer. It may be noted that in some situations, the Resettlement Country processing the case may ask for such a transfer, in which case, the relevant Field Office, the Resettlement Service and the relevant Bureau would consult, and if it is agreed that a transfer is appropriate, the Field Office would formally make a request in accordance with these procedures.

b. The Field Office should provide to the ETF Focal Point the following information/documents in support of the request:

- (i) Biodata of the person(s) involved, including name, date of birth, place of birth, family composition and nationality (along the lines of Annex I);

⁷ For example, in the country of asylum, partners for pre-departure formalities may include: **local resettlement country counterparts** who may be working in the local diplomatic missions or, in the case of the US, in **Refugee Support Centers; implementing partners (IPs)**, which are involved in various assistance programs, including resettlement counseling; **ICRC**, which provides travel documents for refugees without valid documentation; **transit countries' governmental authorities**, which need to provide transit facilities; the **asylum country's authorities**, which need to issue exit clearance; **IOM**, which normally provides a number of services including ground transportation, commercial or charter air transportation, pre-departure health checks, provision of escorts on airline flights and transit formality assistance at transit points.

⁸ The concerned Resettlement Hub or UNHCR Regional Office overseeing the resettlement activities of the relevant Field Office should be copied to be kept informed.

⁹ All emails should be copied to the ETF email address: HQDIPETF@unhcr.org. In practice, field offices, their Bureau and the Resettlement Service would have been in consultations as regards the need for and feasibility of such a transfer before a formal request is made.

- (ii) Background of the case, the particular protection risks faced by the refugee and the circumstances considered as warranting a transfer, the resettlement criteria applicable, a comment regarding whether the case has been discussed with a resettlement country and if the resettlement country is agreeable to further processing in the ETF, submission history of the case, any elements which could potentially hamper resettlement options (along the lines of Annex II);
 - (iii) The Resettlement Registration Form (RRF), including the scanned signed Declaration Page, attachments, and the Refugee Status Determination (RSD) notes should be attached.
- c. The Resettlement Service and the Bureau covering the originating Field Office, based on the information provided and the aforementioned criteria, will jointly assess the case as to its suitability for the transfer. Decisions on requests for transfers will normally be given within 24 hours of receiving the request from the Field Office. For contentious, high profile or sensitive cases where there may be questions about the RSD, exclusion or need for evacuation, and where additional information may be required, approval may take longer. Where the Resettlement Service and the Bureau cannot agree on approval within 3 working days the case will be presented to the AHC (P) for decision.
- d. The Resettlement Service will identify the ETF best suited for the transfer in consultation with the Bureau and Field Representation covering the ETFs concerned. Apart from geographic proximity, factors to be considered in this context would include availability of places in the ETF and expediency of processing by the resettlement country concerned.¹⁰
- e. Following the agreement for the transfer and identification of the most appropriate ETF, the Resettlement Service will convey the decision to the originating Field Office and the concerned Resettlement Hub. The Resettlement Service will also forward electronic versions of the RRFs to the UNHCR staff designated for the ETF so that further processing can take place at the ETF.

(B) Submitting the case to the authorities of the country hosting the ETF for entry visa

- a. For purpose of requesting entry visas from the country hosting the ETF, the following documents need to be submitted to the ETF Focal Point:¹¹

¹⁰ For example, if a resettlement country is already processing some cases in an ETF, other cases to be processed by the same resettlement country should be transferred to the same ETF.

¹¹ Care must be taken that the names in all the various documents, including any ICRC or IOM documents, are listed in the same order, that they have the exact same spelling, and all biodata and

- i. List of names and biodata using the template format found at *Annex I*;
 - ii. An individual or group profile that follows the outline provided at *Annex II*;
 - iii. UNHCR Refugee Certificates for each individual.
- b. The ETF Focal Point will ensure that the documents are in order, and will forward them via email attachment to the designated UNHCR staff in the country hosting the ETF for submission to the authorities for issuance of entry permit.
- c. The designated staff member at the ETF reviews the submitted materials and forwards them to the authorities for their approval to grant a visa.
- d. Based on the Agreements, the authorities of the country hosting the ETF would decide on the issuance of the visa and communicate their decision to UNHCR in the host country within seven working days. Additional information may be requested in some instances.
- e. On receipt of a positive decision of the authorities, the designated staff member at the ETF will immediately advise the Resettlement Service, the relevant Bureaus, the RRH/RO and the originating UNHCR Field Office, and will forward to the Resettlement Service a copy of the communication approving the transfer.
- f. The Resettlement Service will contact the authorities of the resettlement country as well as IOM in Geneva forwarding to them a copy of the communication from the authorities of the country hosting the ETF and will provide the details of the proposed movement. The applicability of the Rapid Response Transportation Fund for the particular case will also be clarified with IOM.

(C) Preparing for the transfer and counseling the refugees

- a. The originating Field Office will liaise with all partners concerned with the transfer to ensure that the necessary steps needed to effect the transfer will be taken, including, as appropriate, ICRC for travel documents, and IOM for transportation, transit visas, visas, and travel escorts if required. The Field Office will also secure exit permits as required.

relationship information is correct to ensure that the cases pass the ETF host country vetting process (including security reviews). In the past, cases have been significantly delayed due to name and biodata discrepancies.

- b. It should be noted that for transfer to the ETC in the Slovak Republic, the Travel Document (passport / ICRC TD) must be valid for a period of three months past the expiration of the stay visa (which is issued for a six month stay), which means that the passport or travel document needs to have a minimum nine-month-validity from the date of issuance of the visa.
- c. The originating Field Office will ensure that refugees are fully counseled about the resettlement process, the reason for transferring to the ETF, the facilities available there, and should also ensure that the mandatory counseling form (*Annex III*) is completed and signed for each adult refugee. In this regard, the originating Field Office may directly contact the UNHCR designated staff at the ETF to provide information about facilities at the ETF, including brochures, photographs, video clips, and other relevant material.
- d. UNHCR staff designated for the ETF may request information from the originating Field Office regarding the refugees. This information will be used to ensure that adequate services and assistance are available at the ETF on arrival.¹²
- e. The Field Office should continue to liaise with all actors keeping them informed of key developments, until the refugees arrive safely at the ETF.

(D) Undertaking resettlement processing at the ETF and pre-resettlement departure formalities

- a. Following the arrival of the refugee(s) at the ETF, the ETF staff will advise all concerned of the arrival. Upon confirmation of arrival, the Resettlement Service or the concerned Hub will inform the resettlement country concerned which will then arrange resettlement interviews with the refugee(s) and other processing formalities.
- b. Resettlement submissions should be processed through regular channels, and key support for resettlement countries processing in the ETFs will be provided by the staff designated for the ETF who will consult closely with the ETF Focal Point.

¹² The ETF may request information that will allow them to provide appropriate services and assistance to the individual or group, including accommodation arrangements. The following are some details that will be useful to know in advance as refugees may remain at the ETF for several months: the refugees' linguistic abilities, food constraints, religious needs (arrangements can be made to escort refugees to mosques and or churches), special needs; SGBV issues if identified; medical concerns, treatments or medications that may be needed; and whether a refugee is pregnant, requires a wheelchair or has other personal mobility issues.

- c. Upon acceptance of the cases for resettlement, pre-departure formalities should be arranged, including cultural orientation, language classes and medical examinations.
- d. Interviews via video-conferencing have been successfully conducted at the ETC in Timisoara and the facilities remain available for any future interviews by video conferencing.

Resettlement Service
Division of International Protection
4 May 2011

ANNEX I

**Format to be used for the name and biodata list
to be used for all refugees destined to an Emergency Transit Facility***

Note: Names and file numbers used in this example are fictitious.

UNHCR REF	Principal Applicant + dependants	First Name of Father	First Name of Mother	Alias	Gender	Date of Birth (dd/mm/yy)	Place of Birth	Declared Identity	Relationship	Country of Origin	Travel Document	Selection Criteria	Medical Condition
ANPAL 1234	Mr. Mohammed Mohammed	Abdullah	Awatif	N/A	M	01-May-84	Baghdad, Iraq	UNHCR Refugee Certificate	Principal Applicant	Iraq	Will travel with ICRC Travel document	SVT	None that we are aware of
	Ms. Ashwaq Mohammed	Mohammed	Kareema	N/A	F	11-May-86	Baghdad, Iraq	UNHCR Refugee Certificate	Wife	Iraq	Will travel with ICRC Travel document	SVT	None that we are aware of
	Mr. Amar Mohammed	Mohammed	Ashwaq	N/A	M	17-Nov-09	Al Anbar, Iraq	UNHCR Refugee Certificate	Son	Iraq	Will travel with ICRC Travel document	SVT	None that we are aware of
BAPAL 2345	Mr. Ibrahim Ibrahim	Ibrahim	Etidal	N/A	M	12-Jan-48	Baghdad, Iraq	UNHCR Refugee Certificate	Principal Applicant	Iraq	Will travel with ICRC Travel document	LPN	Chronic joint infection
	Ms. Etidal Ibrahim	Abd Jumaa	Mabrouka	Ms. Itidel Ibrahim	F	01-Jan-50 (estimate)	Baghdad, Iraq	UNHCR Refugee Certificate	Wife	Iraq	Will travel with ICRC Travel document	LPN	Asthma, hearing and bone problems
	Ms. Dalal Ibrahim	Mohammed Rohi	Etidal	N/A	F	24-Dec-96	Baghdad, Iraq	UNHCR Refugee Certificate	Daughter	Iraq	Will travel with ICRC Travel document	LPN	None that we are aware of

Please contact the Resettlement Service or the ETF in case of questions regarding how to complete this form

ANNEX II

Narrative Format to be used for submitting an application to the Government hosting the ETF for authorisation of a visa

This format should be followed and emailed to the Resettlement Service at HQDIPETF@unhcr.org as well as the Senior Legal Advisor of the relevant Bureau. *Please ensure the information is clear, concise and complete.* Note that the information will be provided to the ETF staff, who will use it as the basis for clearance from the country hosting the ETF.

- 1) Provide names, date and place of birth, nationalities and current location of the persons to be transferred along with key details of their recognition as a refugee
- 2) Detail the protection risks faced in the current host country and grounds for pursuing resettlement along with the resettlement criteria applicable based on the Resettlement Handbook
- 3) Explain the need for an emergency transfer and why local options are not available
- 4) Provide the resettlement status of the person, in particular, whether the case has been previously submitted and refused (along with reasons if known) or is currently under consideration with a resettlement country, and any other resettlement related information
- 5) Note whether local representatives of the resettlement country have agreed in writing to the transfer
- 6) Comment on any factors in the refugee / group personal profile, or any other elements which could potentially compromise or complicate the onward movement of the refugee from an ETF to a country of resettlement (criminal or military history, membership in political / ideological / other groups, in particular any involvement with groups advocating violence, or any personal involvement in fighting or acts of violence must be clearly noted)
- 7) Describe the movements of the refugees upon departure from their country of origin, in particular the countries through which they have transited and broadly, their situation in these countries, which may be relevant to issuing [security] clearances by the country hosting the ETF
- 8) Any other information the office deems pertinent

End

**EVACUATION OF REFUGEES TO THE EMERGENCY TRANSIT FACILITY (ETF)
AT _____**

UNHCR Country Office: _____ **UNHCR File #:** _____

I, _____
(Full name of refugee / printed in English)

NB: The name must match exactly with the Identification Documents and Travel Documents or a complete explanation provided noting the differences.

understand and agree to be resettled to _____
I have been fully counseled regarding the fact that I and my family members will be evacuated from _____ to the Emergency Transit Facility (ETF) located at _____ and that all my questions about the evacuation process, the conditions of my temporary stay at the Transit Facility, and my onward resettlement to _____ have been fully answered.

I hereby indicate that:

1. I voluntarily agree to be evacuated to the ETF.
2. I have read, or had explained to me, the leaflet that describes the Emergency Transit Facility at _____ and the nature of the living conditions there have been explained to me. In particular I understand that I will need to be flexible regarding accommodation arrangements including the fact that families will likely have to share rooms with others and that men and women will have separate sleeping arrangements because of the physical set up of the facility.
3. I commit myself to abiding by the regulations at the ETF and agree that I will remain at the ETF until my resettlement to a third country occurs and I understand that this process may take several months.
4. I will seek authorization before visits outside the facility.
5. I understand that as a refugee I am subject to, and must respect, the Laws and Regulations of the country and must cooperate with the authorities.

I acknowledge that I was informed of the above in a language in which I am proficient, and I understand and agree to the terms above.

Signature of refugee: _____

Place and date:

Name of UNHCR officer _____

Signature of UNHCR officer _____

Place and date:

Name of interpreter (if used) _____

Signature of interpreter (if used) _____

Place and date: