

Concrete steps towards a European Resettlement Programme

ECRE Resettlement Core Group joint recommendations and guidelines for the shape and functions of a European Resettlement Programme

What is resettlement?

Resettlement in this context is defined as the transfer of refugees from a State in which they have sought asylum to a third State that has previously agreed to admit them as refugees and grant them a form of legal status, normally as refugees with permanent residence with the possibility of acquiring future citizenship.

If a refugee cannot locally integrate in the country where he or she has sought asylum and there is no prospect of repatriation in the foreseeable future, resettlement becomes the only possible durable solution. As well as being one of the three possible durable solutions, alongside voluntary return and local integration, resettlement has two other universally accepted functions: resettlement is an international protection tool to meet the needs of refugees whose life, liberty, safety, health and other fundamental human rights are at risk. Resettlement is also a tangible demonstration of international solidarity and responsibility sharing with the (mostly poor) countries that host the majority of the world's refugees who are languishing in protracted refugee situations where their basic rights and essential needs are not fulfilled for unacceptably long periods of time.

It is important to stress that resettlement in this context is *not* a mechanism of intra-EU reallocation of refugees nor a procedure for protection-sensitive entry (PEP) to a country without the guarantee of a permanent legal status.

Why should Europe resettle refugees?

When considering Europe's role in resettlement, the following are key reasons demonstrating why Europe should resettle:

- Resettlement creates the opportunity to provide protection, especially to those most in need such as the most vulnerable;
- Resettlement is a way for Europe to exercise its solidarity and take its share of its responsibility in the provision of this durable solution to the world's refugees;
- Resettlement provides access to Europe for refugees;
- Resettlement provides the opportunity for good, co-ordinated and quality reception and integration programmes to be developed;
- Resettlement is an important means of facilitating public understanding of all refugees, their plight and the situations they flee.

How many people are in need of resettlement?

The UNHCR estimates annually how many people will be in need of resettlement. For 2009, UNHCR has estimated that there will be approximately 560,000 people around the world in need of resettlement.

What does Europe do on resettlement?

Around 70,000 resettlement places are annually offered worldwide. Currently only eight of the 27 EU Member States have formal resettlement programmes, which offer annual quotas while some other Member States undertake resettlement on an ad hoc basis. In 2007 EU member States collectively resettled approximately 4,000 refugees which equals about 8% of the global total of resettled refugees).

Towards a EU Resettlement Programme

The European Commission announced in its Policy Plan of 17 June 2008 that it would make proposals on developing a "EU Resettlement Scheme" in the course of 2009 (in which Member States would participate on a voluntary basis).

A European Resettlement Programme (ERP) would be a visible expression of European solidarity with the international community, by sharing the responsibility for refugee protection with those countries, which host the majority of the worlds' refugees. In addition, the European Union increased role in resettlement would continue to demonstrate its world leadership in the human rights, the field of development and humanitarian assistance.

It is important that an ERP would be complementary and without prejudice to Member States' obligations to determine asylum claims in fair and efficient procedures and to provide protection in their territories to those in need of protection arriving spontaneously in accordance with Member States' obligations on the basis of international law.

What follows is a summary of the principles and a framework for a European Resettlement Programme as recommended by European and international NGOs with expertise in resettlement.

Added Value

A joint approach of EU Member States towards resettlement can potentially have a strong added value to existing national resettlement activities.

A European Resettlement Programme could help to:

- Offer more resettlement places throughout the European Union;
- Facilitate Member States who do not feel able to establish fully-fledged national resettlement programmes to offer some resettlement places;
- Identify those countries that can best meet specific refugee needs by mapping of resettlement needs and expertise in Member States;
- Prepare and, where present, share existing information on good reception and integration programmes in close cooperation with NGO's to increase integration capacity;
- Increase the strategic use of resettlement: with more places offered an ERP could more effectively help unlock protracted refugee situations.
- Create more cost effectiveness and efficiency as a result of economies of scale, e.g. joint missions would reduce the number of missions field operations must host;
- Foster transfer of knowledge and experience between experienced resettlement Countries and new emerging ones.
- The European Union becomes one of the key players in resettlement commensurate to its major role in the field of development and humanitarian assistance.

Key Elements

In order to achieve a European Resettlement Programme that adds value to existing national resettlement activities these are some key elements that would be crucial.

- An ERP should not complicate existing and well-functioning national resettlement practices.
- All Member States should participate in an ERP in order to achieve maximum added value. Non-EU Member States should also have the possibility to be associated with and participate in an ERP.
- An ERP should not be limited to EU Regional Protection Programmes (RPPs) but be established separately in order not to exclude caseloads in regions and countries where there are no RPPs.
- The Commission should look into existing good practices in the area of resettlement, for instance good pre-departure programmes and post-arrival programmes, including integration programmes, and seek to promote them in an ERP.
- Refugees should be involved in the development of an ERP, for instance with regard to resettlement planning, coordination and evaluation.

Commitments

Multi-year resettlement commitments would be a useful means of ensuring the dependability of national resettlement programmes and a European Resettlement Programme, while facilitating longer-term planning by implementing agencies.

- The ERP could most feasibly consist of a common 'pool' of resettlement places, where the Member States allocate resettlement places to this pool.
- The allocation would preferably be in addition to existing national quotas or new national resettlement programmes by Member States not yet engaged in resettlement.
- To prevent calendar year budgetary constraints and procedures, the European Commission should set multi-year commitments that roll over any unfilled places.
- The multi-year commitments should be based upon the actual global resettlement needs as published annually by UNHCR.
- The commitments should be seen as a minimum and be revisited annually to ensure they are still in line with the resettlement needs as annually published by UNHCR.
- The allocation of commitments for an ERP should be based on a division between specific refugee-hosting regions and the use of all aspects of resettlement (i.e. as a protection tool, a durable solution and as a tool for responsibility sharing).

European Refugee Resettlement Fund (ERRF)

Unlike the physical responsibility for resettlement, which can logically be assumed only by a state, a broader range of actors including private donors should share the fiscal responsibilities for resettlement with states.

- The EU should establish a European Refugee Resettlement Fund (ERRF), as part of the fiscal responsibility sharing, to support the costs of resettlement activities of Member States that have regular resettlement programmes, emerging resettlement countries and other European countries.
- Funding from an ERRF should be used to support an increase of resettlement places, to ensure the inclusion of vulnerable groups in resettlement and to support a higher degree of intra-European coordination with regard to resettlement.
- Funding from an ERRF could also usefully be allocated to training of governments and NGO's especially in emerging resettlement countries, preferably by UNHCR and NGOs that are specialised in resettlement and integration.
- Contributions to the fund could not only come from Member States (including the EU) but also from private donors.
- In the short term, the European Refugee Fund (ERF) funding allocated to resettlement should increase substantially year on year to support Member States' resettlement activities on a national level as well as under an ERP.
- Some ERF reserves should also be allocated to resettlement (up to 2013)
- It is important to stress that under no circumstances should an approach to responsibility-sharing be undertaken in which countries are allowed to circumvent their responsibility to resettle persons physically by increasing their financial contributions and paying other countries to resettle their 'share' of refugees.

EU Structures

Adequate structures are important to ensure that the resettlement process in a European Resettlement Programme is carried out efficiently and can expand with time.

- EU structures to be established for an ERP should make the resettlement process more efficient and not complicate already existing structures.
- A EU Resettlement Office should be incrementally developed in order to support the effective implementation of European resettlement activities. A EU Resettlement Office or its functions could be part of the planned European Asylum Support Office.
- Such a European Resettlement Office should at all times avoid duplication of UNHCR activities and work closely with relevant UNHCR and NGO staff in a tripartite spirit.
- For a EU Resettlement Office the EU should seek advice of (independent) asylum experts. The existing UNHCR-ICMC resettlement deployment scheme could usefully serve to deploy asylum experts to a EU Resettlement Office
- When the European Resettlement Programme reaches a certain size, the EU should also have a permanent representation in the established resettlement hubs: European Resettlement Coordinators. European Resettlement Coordinators could serve as liaison between the resettlement needs in the hubs and the resettlement capacity in Europe and thus make the resettlement process more efficient. They could also provide information on resettlement needs earlier in the process in order for resettlement countries to be better prepared for the reception of resettled refugees, for instance those with medical needs.
- European Resettlement Coordinators would reinforce ongoing resettlement and support UNHCR's activities by ensuring that resettlement and resource needs are promptly identified and met.

Role of NGOs

NGOs play an important role in the resettlement process because they are involved in the different stages, in regions of origin as well as in resettlement countries. The consistent use of partnerships with NGOs by resettlement countries around the world demonstrates that the expertise and experience of NGOs (international as well as European) in all different stages of the resettlement process is invaluable. A European Resettlement Programme therefore should involve NGOs where possible.

- There should be significant NGO involvement in an ERP to make full use of NGO experience and expertise in the field of resettlement and ensure its success. This should involve NGOs in countries of origin as well as in receiving countries.
- The experience NGOs have working directly with refugees in regions of origin and resettled refugee communities in Europe means that they have valuable knowledge about the different refugee groups and/or populations that potentially qualify for resettlement through an ERP. The targeting of populations by the EU for to be resettled under an ERP should be informed by a dialogue with NGOs to ensure that decisions are rooted in refugee realities.
- As NGOs typically have a different quality of contact with vulnerable refugees in the field they are often better situated to identify them. The involvement of NGOs in the identification of refugees in need of resettlement should therefore be supported in a ERP, which would not only help identify the most needy cases but would also legitimise the selection process and therefore broaden accountability.
- European NGOs could play a supportive role in the processing stage, for instance by as preparing refugees for interviews and preparing the dossiers required for State decision-making. While UNHCR's oversight of the RSD process would need to be maintained, NGOs could also be usefully involved in core processing activities such as Refugee Status Determination (RSD). Through secondments to UNHCR, NGO staff could undertake RSD up to the referral stage. Furthermore NGO staff could also be sub-contracted by governments to support them during the referral to submission stage of the resettlement process.
- NGOs in countries of origin should be given an active role in facilitating pre-departure activities such as Cultural Orientation on behalf of resettling countries. NGOs could

- also be involved in providing counselling services and information on integration in the resettlement country and facilitating language training.
- NGOs in countries of origin could take on monitoring, such as ensuring that refugees undergo effective medical treatment and are treated for particular diseases prior to resettlement.
 - Another useful role for NGOs in countries of origin could be to serve as a watchdog for the provision of travel documentation and the issuing of exit permits by countries of first asylum, as these are common obstacles that can add unnecessary delays to the process.
 - NGOs can usefully facilitate family reunification of resettled refugees.
 - NGOs in resettlement countries are main actors in carrying out the reception and integration programmes and should therefore be involved to be involved in the reception and integration process under an ERP.
 - NGOs should be involved in informing the local authorities as well as the local population of communities where refugees are resettled and enrolling their support.
 - Existing tripartite consultation processes such as the Annual Tripartite Consultations on resettlement between UNHCR, states and NGOs, should be replicated at the European level. NGOs should therefore be given a formal role in policy development structures and should be invited structurally to meetings on a European level with regard to resettlement.

The role of UNHCR

According to its mandate, UNHCR is charged with the international responsibility for seeking durable solutions for refugees. UNHCR should therefore be given a structured role in a European Resettlement Programme.

- UNHCR should undertake and be resourced to conduct a greater coordinating role in the resettlement process.
- The EU and its Member States could for instance support UNHCR by seconding expert staff to UNHCR resettlement operations to facilitate resettlement to the EU and other countries.

The role of refugees

Refugees themselves are often neglected in the resettlement process, although their experience makes them very well placed to support certain stages of the resettlement process.

- Refugee populations should be given a role in an ERP, for instance with regard to managing refugee expectations and ensuring that more credible information on the functions and limits of resettlement is transmitted within the refugee population.
- Refugees and domestic constituencies with specific understandings of the regions of origin from where resettled refugees will be arriving could and should also be engaged in pre-departure activities.
- Refugees could be consulted on the form and content of cultural orientation courses and refugee community organisations (RCOs) could play a role in their delivery.

Resettlement criteria

Decisions are required about how the established resettlement commitment is to be applied and which refugees benefit from resettlement.

- The resettlement criteria as contained in Chapter 4 of the UNHCR Resettlement Handbook should serve as the basis for the determination of resettlement needs for European resettlement activities. The resettlement criteria as contained in Chapter 4 of the UNHCR Resettlement Handbook include the following categories: legal and physical protection needs, survivors of violence or torture, medical needs, women-at-risk, family reunification, children and adolescents, older refugees and refugees without local integration prospects.
- The integration potential of the individual should not be added to the UNHCR criteria in order to maintain the central humanitarian objectives and character of resettlement.

- An ERP should take into account the right to family unity, based on a broad definition as used by UNHCR: the notion of “family” should not be exclusively circumscribed to the so-called “nuclear family”, but should also encompass those dependent family members who are living in the same household in addition, it should encompass not only legally married couples but also couples forming a genuine and stable unit (including couples of the same sex).

Flexible determination of refugee status

In order for the protection function of resettlement to be effectively realized the determination of a protection status for resettlement should be flexible and take account of the UNHCR mandate.

- For the protection function of resettlement to be effectively realised, considerations of the individual's need for international protection should be balanced with their vulnerability in the country of asylum and their need for resettlement.
- The determination of a protection status for resettlement within an ERP should be flexible, involving an inclusive interpretation of both the refugee definition in the 1951 Refugee Convention and of persons qualifying for subsidiary protection according to the EU Qualification Directive. Refugee status determination should also strongly follow the guidance in Chapter 3 of the UNHCR Resettlement Handbook and allow for resettlement to be extended to refugees recognised under the UNHCR mandate, including those recognised under the extended mandate.

Allocation of refugees among Member States

A European Resettlement Programme should contain a mechanism to identify which Member State should receive which caseload.

- Members of one family should not be split between different Member States and family links in a particular country must influence where they are resettled.
- An inventory of specialist competences of Member States in the area of reception of certain groups could be developed and used to identify which Member State is best placed to receive a certain caseload and also to encourage practical cooperation between Member States so that Member States lacking specialist competences can develop them over time.

Emergency Cases / Dossier Cases

Instead of a physical selection mission, states can also select refugees for resettlement on a dossier basis. One area where dossier consideration may be most useful is in the treatment of emergency and urgent cases, as defined by the UNHCR Resettlement Handbook.

- An ERP must, in the light of the protection function of resettlement, include provisions for the treatment of emergency (urgent and medical) resettlement cases.
- Cost effectiveness could also be a consideration for resettlement on a dossier basis.
- A proportion of resettlement places should be allocated on a dossier basis (this would support cost-effectiveness).

Joint Selection Missions

Cost-efficiency and transfer of know-how would require the coordination of joint selection missions.

- National selection missions should be coordinated on a European level for specific caseloads. Preferably those missions should combine resettling countries and emerging or ‘new’ resettlement countries.
- Consideration should be given to involving NGOs in joint selection missions, for instance by giving them a role in the information and interview–sessions to ensure the transfer of information to service providers and advise governments on specific protection needs.

Pre departure activities

Pre-departure activities prepare the refugees who are selected for resettlement for their life in the country that has agreed to resettle them and enhance their integration.

- Pre-departure activities should be included in an ERP as they help with managing expectations and facilitate integration in the resettlement country. Those activities should be carried out by well-trained persons and in cooperation with NGOs in countries of origin.

Facilitation of Integration / Permanent status

After their arrival in their new country resettled refugees should be helped with integrating in their host society.

- In order for resettlement to be ultimately successful the grounds need to be prepared prior to the arrival of resettled refugees, both by NGOs and governments but also by refugees themselves.
- Refugees who are resettled under an ERP should be given a permanent legal status upon arrival in the resettling country in order to start their new life without insecurity about whether or not they can stay in their host country. They should not be made subject to additional requirements on which status can be made conditional.

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ECRE Resettlement Core Group:



Accociación Comisión Católica Española de migración (ACCCEM)



British Red Cross



British Refugee Council



Churches' Commission for Migrants in Europe (CCME)



Danish Refugee Council



Dutch Council for Refugees



Finnish Red Cross



**International Catholic Migration
Commission**



**International Rescue Committee – Belgium
and the United Kingdom**



Portuguese Refugee Council