



Comments on the European Commission Communication on the establishment of a Joint EU Resettlement Programme and the European Commission Proposal for the amendment of Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013

1. Introduction

Resettlement provides a durable solution for refugees when protection cannot be assured in countries of first asylum. Resettlement is sometimes the only possible durable solution, when voluntary repatriation and local integration are not available. In addition, resettlement is an important means of sharing responsibility for the protection and well-being of refugees.

In September 2009, the European Commission presented its Communication proposing the establishment of a Joint EU Resettlement Programme. The Communication was accompanied by a proposal to amend the Decision on the European Refugee Fund (ERF Decision) regarding the funding of resettlement activities. These comments address selected elements of both proposals.¹

UNHCR welcomes the important step forward which the proposed Joint EU Resettlement Programme represents. As the EU embarks on a new phase in the development of the Common European Asylum System under the Treaty of Lisbon, UNHCR looks to the European Union to set a high level of ambition and to increase significantly its engagement in refugee resettlement. UNHCR hopes to see higher targets and coordinated initiatives for resettlement to the EU in the period to come, and is ready to support the EU and Member States in this vital activity.

2. Resettlement and UNHCR's role

In the exercise of its mandated functions, UNHCR identifies refugees who are in need of resettlement. It does this according to carefully designed criteria and procedures which are set out in the UNHCR Resettlement Handbook.² UNHCR communicates regularly with resettlement countries on resettlement needs and priorities, and coordinates resettlement activities worldwide. Through contacts with all stakeholders involved in resettlement, UNHCR seeks to ensure the effective operation of resettlement programmes at all stages of the process, from initial referral to the integration of refugees in their new countries.³

¹ Communication from the European Commission to the European Parliament and the Council on the establishment of a Joint EU Resettlement Programme, <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>; Proposal for a Decision of the European Parliament and of the Council of amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0456:FIN:EN:PDF>.

² The UNHCR Resettlement Handbook, was endorsed by UNHCR's Executive Committee in 1996. It contains: the UNHCR resettlement criteria; relevant considerations for the identification of refugees in need of resettlement; and Country Chapters covering refugee selection and processing modalities, reception arrangements and settlement services provided by resettlement countries. The Resettlement Handbook can be found at <http://www.unhcr.org/refworld/docid/3ae6b35e0.html>.

³ These discussions take place in various fora: (i) the Annual Tripartite Consultations on Resettlement (ATCR) involving States, non-governmental organizations (NGOs), the International Organisation for Migration (IOM) and UNHCR; (ii) the Working Group on Resettlement which meets twice yearly and comprises resettlement States, IOM and UNHCR; and (iii) bilateral meetings between individual resettlement States and UNHCR to confirm specific aspects of program delivery. Each year, UNHCR also holds Regional Strategic Planning Meetings to strengthen coordination at a regional level. Resettlement country representatives are invited to attend these meetings.

UNHCR welcomes moves towards a more prominent EU role in global resettlement activities.⁴ At present, ten Member States have resettlement programmes (Denmark, Finland, France, Ireland, the Netherlands, Portugal, Sweden, the UK, and most recently, the Czech Republic and Romania). Other Member States have offered resettlement places on an ad hoc basis. Through these programmes, Member States have provided protection to many refugees and have demonstrated their solidarity with countries in the developing world, which host most of the world's refugees. Good practices in the reception and integration of resettled refugees have helped to strengthen national reception and integration systems overall, to the benefit of other refugees as well.

UNHCR, governmental and non-governmental actors have been working closely with the European Commission to encourage more EU Member States to engage in refugee resettlement, and to encourage established resettlement countries to increase the number of places available. Despite some progress in this respect, the EU's share of the global resettlement of refugees remains modest.⁵ In 2008, out of 65,850 refugees resettled worldwide, just 6.7% (4,378 persons) were resettled in countries of the European Union.

3. Recommendations regarding the proposed EU Resettlement Programme

UNHCR welcomes the growing importance attached to resettlement as an integral part of the "external dimension" of EU asylum policy. UNHCR also welcomes the general objectives of the proposed EU Resettlement Programme as set out in the Communication, notably the objective of increasing the humanitarian impact of the EU's action in this sphere. UNHCR would like to present the following recommendations for the Programme's adoption and implementation.

a) Expanding resettlement to the EU

The proposed EU Resettlement Programme is an important opportunity to strengthen EU engagement in refugee resettlement. UNHCR supports its principal objective, namely to involve more Member States in refugee resettlement, and in so doing, to provide an opportunity for orderly and secure access to the EU for persons in need of international protection. UNHCR will continue to support countries interested in starting new resettlement programmes and looks forward to intensified cooperation with all parties involved in the framework of the EU Resettlement Programme.

Although participation remains voluntary, UNHCR believes the Programme has the potential to engage more Member States in resettlement. The Communication suggests that reinforced practical cooperation could lead to lower costs involved in resettlement. This, as well as continued ERF funding for resettlement of designated groups, may encourage more Member States to engage in resettlement.

In order to mobilize public understanding of and support for refugee resettlement, UNHCR would welcome the development of EU-wide public information and advocacy actions.

UNHCR recommends the development of specific initiatives to encourage more Member States to engage in refugee resettlement. This could be realized, for example, through twinning projects, targeted information sharing and training sessions, as well as additional support for setting up the infrastructure for the reception and integration of resettled refugees.

⁴ Background Paper from UNHCR: EU Resettlement (European Commission consultation meeting on the EU resettlement scheme, Brussels, 12 December 2008) <http://www.unhcr.org/refworld/docid/496e19392.html>

⁵ Currently, 747,000 refugees worldwide are projected to be in need of resettlement in the coming years through UNHCR's annual needs assessment. Of these, 203,000 people are prioritized as in need of resettlement in 2010.

b) Strategic use of resettlement

The Communication promotes the strategic use of resettlement, and the integration of resettlement into EU external relations generally. UNHCR believes that coordination of resettlement activities at the EU level could enhance the strategic impact of resettlement, especially if the EU can expand the number of resettlement places available.

Strategic use of resettlement should be understood as the planned use of resettlement in a manner that maximizes its benefits, direct or indirect, other than those received by the resettled refugee. Those benefits may accrue to other refugees, the hosting State, other States or the international protection regime in general.⁶

UNHCR has sought to use resettlement in a strategic manner to enhance protection on a broader scale. These efforts have included negotiated arrangements to improve protection conditions in the country of refuge, such as mitigating the risk of *refoulement*, ensuring that appropriate documents are issued to asylum seekers and refugees or that UNHCR gains access to refugees in detention. In some protracted refugee situations, resettlement has contributed to opening opportunities for the local integration of refugees who are not resettled. Although UNHCR works to maximize the strategic impact of resettlement, this is not a precondition for resettlement. Strategic benefits should be seen as complementary to the primary function of resettlement: protection of and durable solutions for those who are resettled.

While the strategic impact of resettlement can be promoted by a single resettlement country, coordination among resettlement countries will enhance this impact. Such coordination may involve the negotiation of arrangements with the country of asylum; common advocacy for protection dividends arising from resettlement engagement; and multi-year commitments by the international community to sustain responsibility-sharing arrangements. Other efforts may involve assistance to advance local integration or the livelihood of refugees in countries of first asylum.

UNHCR recommends coordination of resettlement activities at the EU level in close consultation with UNHCR, with the aim of maximizing the strategic impact of resettlement. However, such impact should not be a precondition for resettlement activity.

c) Annual priority-setting

In line with the objective of ensuring that resettlement benefits those refugees most in need of it, the Communication introduces a system of financial support according to priorities to be set on an annual basis. These priorities are to be set by the Commission, with input from an Expert Working Group, and based on UNHCR's assessment of resettlement needs. The priorities may reflect refugees' nationalities or hosting areas as well as specific categories of refugees, including those in need of resettlement on an emergency basis. The Commission has thus proposed amendments to Article 13 of the ERF Decision.⁷

UNHCR would welcome a system of annual priority-setting focusing on particular groups or categories of refugees who have been identified by UNHCR as being in need of resettlement. UNHCR believes that priority-setting will help to enable EU resettlement countries to respond to resettlement needs around the world, to achieve greater strategic impact, and to ensure a certain predictability with resulting operational benefits.

UNHCR welcomes the possibility for ERF funds to be committed to the resettlement of refugees from a particular area over a number of years. A multi-year focus on a particular group can have a positive impact on a protracted refugee situation. It can also facilitate cooperation among EU Member States and offer economies of scale.

UNHCR also agrees that categories other than nationality or location should be included in the ERF funding priorities. Many refugees who are identified to be in need of resettlement according to the

⁶ The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement), 3 June 2003, EC/53/SC/CRP.10/Add.1, available at: <http://www.unhcr.org/refworld/docid/41597a824.html>

⁷ See footnote 1.

priorities in the UNHCR Resettlement Handbook have particular vulnerabilities.⁸ Resettlement of these categories could usefully be promoted by systematically including them in the annual funding priorities as a separate category under Article 13 of the ERF Decision.

The Communication also makes reference to emergency resettlement as a potential funding priority. UNHCR supports the inclusion of this category in the funding priorities of the EU Programme. It is a vital protection tool, which responds to the situation of refugees who need resettlement urgently, often within days, due to physical or legal threats.

UNHCR recommends that annual priority-setting take into account the strategic impact resettlement can have, while remaining sufficiently flexible to respond to emerging needs.

To ensure continued support for vulnerable refugees, UNHCR also recommends that refugees defined under UNHCR's resettlement criteria as vulnerable are included as a fixed priority each year. Vulnerable refugees in this category are refugees who are survivors of violence and torture, persons with medical needs, women and girls at risk and children for whom resettlement would be in their best interest, as well as persons with legal and protection needs who are in need of urgent and emergency resettlement. UNHCR recommends that the amended Article 13 of the European Refugee Fund Decision makes a specific reference to these categories as fixed priorities for which funding support will be available.

d) Existing resettlement processes and the Resettlement Expert Group

The Communication acknowledges the key role played by UNHCR as well as other actors in resettlement, in particular the International Organization for Migration (IOM) and NGOs, and expresses the intention to enhance consultations between Member States, the Commission and UNHCR through the UNHCR-led Working Group on Resettlement and Annual Tripartite Consultations on Resettlement. UNHCR welcomes the Communication's recognition of the fora in which resettlement is currently discussed at international level, and agrees that existing processes should not be complicated by the new EU Resettlement Programme.

The Commission's Communication addresses the need for more effective coordination of resettlement activities at the EU level. To fulfill this objective it proposes the formalisation of the current *ad hoc* Resettlement Expert Group.

UNHCR welcomes this proposal, which could enable the Resettlement Expert Group to play an important role in particular with regard to the priority-setting. It supports the proposal to invite all Member States to participate as well as other stakeholders, including UNHCR, IOM, ECRE and other NGOs active in resettlement. As UNHCR underlined in its Background Paper on EU Resettlement,⁹ NGOs play a crucial role in the resettlement process. They can complement Member States' resources, support the reception and integration of refugees, and help to build public support for resettlement. A number of European NGOs have developed strong expertise on resettlement and others are keen to develop this expertise. Several international NGOs are active in the resettlement process in countries of first asylum.

UNHCR recommends that NGOs be involved at all stages of resettlement, from identification and assessment of candidates for resettlement through reception and integration. The EU Resettlement Programme should include processes and measures to promote this.

⁸ The categories of refugees with particular vulnerabilities in the Resettlement Handbook are: survivors of violence and torture, persons with medical needs, women and girls at risk, children for whom resettlement would be in their best interest, as well as refugees with legal and physical protection needs who require urgent and emergency resettlement. The Resettlement Handbook can be found at <http://www.unhcr.org/refworld/docid/3ae6b35e0.html>.

⁹ See footnote 4

e) Practical cooperation

UNHCR expects the European Asylum Support Office (EASO) will help to ensure co-ordination of resettlement activities at EU level, and is ready to assist the EASO in its coordinating role. UNHCR suggests the EASO could coordinate the exchange of information through a network of national resettlement and integration platforms which could include refugee groups, civil society and governmental authorities, including municipalities which often play an important role in reception and integration.

UNHCR firmly believes that resettlement will not provide a durable solution unless it enables the effective integration of resettled refugees in the resettlement country. The Communication notes that cooperation regarding reception and integration is likely to take place in the form of exchange of information and identification of best practices. In this respect, UNHCR will continue to support EU Member States which are not yet established resettlement countries to develop their capacity to engage in resettlement, with specific reference to reception and integration measures. UNHCR stands ready to work with governments to identify and support best practices in this area.

Experience shows that resettled refugees can provide vital feedback to governments on reception and integration measures, and assist them in programme design and delivery. UNHCR strongly encourages such involvement.

Twinning projects have proven to play an important role in the promotion of resettlement. UNHCR is willing to work closely with the EASO in coordinating twinning activities, by helping to match requests and offers between established resettlement countries and those considering engaging in resettlement.

To support emerging resettlement countries, UNHCR can provide information on the characteristics of a refugee population to facilitate preparation of reception and integration programmes. UNHCR is also willing to help Member States develop ways to manage the expectations of refugees who are selected for resettlement.

UNHCR recommends that the EASO ensures that a structured exchange of information takes place on all aspects of resettlement among all stakeholders. UNHCR strongly encourages the involvement of resettled refugees in this information exchange. UNHCR recommends the continued development of twinning arrangements.

f) Emergency Transit Center

The Communication notes that several Member States have demonstrated an interest in the newly established Emergency Transit Centre (ETC) in Romania, which was jointly developed by the Government of Romania, UNHCR and the IOM. The ETC provides a temporary safe location for refugees who have been identified by UNHCR as being in urgent need of resettlement and/ or who cannot remain in their country of first asylum for resettlement processing because of acute problems such as the risk of *refoulement*, or serious impediments to UNHCR's efforts to meet their needs.

UNHCR welcomes the interest of EU Member States in resettling refugees out of the ETC. Because of its location in Europe, the ETC may facilitate engagement in resettlement of Member States which are not in a position to carry out selection missions to distant locations. In addition, the ETC offers opportunities for EU Member States to cooperate on joint procedures for medical screening or pre-departure orientation activities.

UNHCR encourages the Commission to promote resettlement through the ETC in the context of the EU Resettlement Programme.

g) Private sponsorship

One way to build public commitment for resettlement could be through the establishment of private sponsorship mechanisms, which enable refugees to be resettled with the support of private citizens or NGOs.¹⁰ Such programmes have been shown to create bonds between refugees and receiving communities and can take place alongside or in hybrid arrangements with government-assisted resettlement programmes. Private sponsorship programmes can also contribute to the unity of refugee families, in particular when they enable refugees to reunite with extended family members who may not otherwise qualify for admission under family reunification criteria. The EASO could take the lead in developing and promoting discussion on private sponsorship possibilities at EU level. UNHCR is prepared to share its experience with private sponsorship mechanisms.

UNHCR encourages the Commission to include mechanisms for private sponsorship in the implementation of the EU Resettlement Programme.

h) Coordination with EU policies in the external relations field

The Commission's Communication states that increased participation by Member States in resettlement, and more strategic use of resettlement, could increase the EU's effectiveness and credibility in international affairs. The Communication suggests that resettlement activities should be developed in coordination with other elements of asylum policies and EU external actions.

UNHCR welcomes EU initiatives aimed at improving refugee protection capacities in third countries, as this is beneficial for people under UNHCR's mandate. For this reason, UNHCR supports the further development of Regional Protection Programmes (RPPs) and recommends the strengthening of the resettlement element in these programmes. UNHCR agrees with the Commission that this has been a "relatively underdeveloped" component of the first pilot Programmes. Moreover, for the RPPs to have a greater impact, it will be important to develop a stronger involvement and sense of ownership on the part of the governments in the regions concerned.

The Communication calls for coherence with the EU Global Approach to Migration. In this regard UNHCR would like to emphasize that resettlement is a tool for refugee protection and a means of demonstrating solidarity with countries that receive large numbers of refugees. As such, resettlement remains a complement to – and not a substitute for – the provision of protection to persons who apply for asylum in the EU or at its borders. It should also function in tandem with the other durable solutions of voluntary repatriation and local integration.

4. Conclusion

UNHCR welcomes the proposal for a Joint EU Resettlement Programme and hopes that it will result in greater EU engagement in refugee resettlement worldwide. UNHCR welcomes the suggestion for a priority-setting mechanism, and urges the EU to use this as a flexible tool to respond to resettlement and refugee protection needs as they emerge and are identified by UNHCR.

Resettlement can only provide a durable solution if it enables the effective integration of resettled refugees into the social, economic and cultural fabric of the resettlement country. This aspect of resettlement should be given careful attention in the development of practical cooperation. The involvement of NGOs in various aspects of the resettlement process, as well as that of previously resettled refugees, is vital to make resettlement more effective, and to enhance public support for resettlement.

November 2009

¹⁰ Feasibility study of the MPI commissioned by the Commission of 2003 pp. 186-187 and paragraph 4, page viii); UNHCR Comments on the EC Green paper in 2007, p. 45.