

# RESETTLEMENT HANDBOOK

## DEPARTMENT OF INTERNATIONAL PROTECTION

Geneva, November 2004  
*First Edition July 1997*

United Nations High Commissioner for  
Refugees



UNHCR

**HANDBOOK**

# **RESETTLEMENT HANDBOOK**

## **DEPARTMENT OF INTERNATIONAL PROTECTION**

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## RESETTLEMENT : A VITAL INSTRUMENT OF INTERNATIONAL PROTECTION AND AN ELEMENT OF COMPREHENSIVE SOLUTIONS

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Resettlement serves three equally important functions. *First*, it is a tool to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have 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. *Third*, it can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum.<sup>1</sup>

This chapter defines resettlement in the context of international refugee law and policy, as a mechanism for refugee protection, a durable solution and an element of burden and responsibility-sharing. It outlines the history of resettlement, including references to major resettlement operations under UNHCR auspices. It also explains major conceptual developments from the beginning of the 20<sup>th</sup> Century to contemporary efforts toward redoubling the search for timely and durable solutions for refugees and toward using resettlement strategically for the benefit of as many refugees as possible.

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<sup>1</sup> Quoted from *Strengthening and Expanding Resettlement Today: Challenges and Opportunities*, Global Consultations on International Protection, EC/GC/02/7 of 25 April 2002, (4<sup>th</sup> Meeting).

## 1.1 Introduction

### Definition and concepts

Resettlement involves the selection and transfer of refugees from a 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 should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country.

Over the past fifty years, millions of people have been provided with the opportunity to build new lives for themselves, and their families, through resettlement. Resettlement has also over the years produced secondary benefits other than to the resettled refugees themselves. In some case it has sustained first asylum in the face of a continued influx of refugees, in others it has played a role in achieving comprehensive solutions and often been an expression of burden- and responsibility- sharing. Additionally, resettlement has often engendered support for refugees among the publics of resettlement countries, and resettled refugees have also made important contributions to the countries that have received them.<sup>1</sup>

UNHCR's Statute and subsequent resolutions from the United Nations General Assembly and the Economic and Social Council (ECOSOC) mandate the Agency to provide international protection to refugees and other persons of concern to the Office and – as a consequence - to seek permanent – or durable – solutions to their problem.<sup>2</sup> As indicated above, resettlement plays a vital role in achieving both of these objectives, and furthermore constitutes a tangible element of burden and responsibility-sharing, as confirmed most recently in the *Agenda for Protection* and under the *Convention Plus* initiative (see below for more details on both).

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<sup>1</sup> *The Strategic Use of Resettlement (A discussion paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

<sup>2</sup> The 1950 UNHCR Statute states that UNHCR “shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of *seeking permanent solutions for the problem of refugees* by assisting Governments ... to facilitate the voluntary repatriation of such refugees, *or their assimilation within new national communities.*” (Emphasis added).

Resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or fundamental human rights are at risk in the country where they sought refuge. It is also considered a durable solution for refugees who, although not in need of immediate protection, have compelling reasons to be removed from their country of refuge. The decision to resettle a refugee is normally made only in the absence of other options such as voluntary repatriation and local integration or where resettlement under a comprehensive approach to durable solutions is seen as the optimal solution for the individual or refugee groups in question. It becomes a priority when there is no other way to guarantee the legal or physical security of the person concerned.

Resettlement may be necessary to ensure the security of refugees who are threatened with *refoulement* to their country of origin or those whose physical safety is seriously threatened in the country where they have sought sanctuary.

Resettlement is also used for other refugees at risk, such as survivors of torture and violence, the disabled and other injured or severely traumatized refugees who are in need of specialized treatment unavailable in their country of refuge. It is also appropriate for refugees without local integration prospects, for whom no other solution is available. Furthermore, resettlement is often the only way to reunite refugee families who, through no fault of their own, find themselves divided by borders or by entire continents.

No country is legally obliged to resettle refugees. Only a small number of States do so on a regular basis, allocating budgets, devising programmes and providing annual resettlement quotas. Some countries regularly accept refugees for resettlement, sometimes in relatively large numbers, but do not set annual targets. Recently, States that have not previously accepted refugees for resettlement have established resettlement programmes or expressed an interest in doing so. Accepting refugees for resettlement is a mark of true generosity on the part of Governments and UNHCR welcomes the opportunities that continue to be offered by States for the resettlement of refugees. In turn, resettled refugees could – with the appropriate integration measures in place – eventually prove to be an asset for the resettlement State, through their contribution to society at large.<sup>1</sup>

In accordance with the goals of the *Agenda for Protection*, UNHCR continues to work towards the enhancement of protection through expanding the number of countries engaged in resettlement.

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<sup>1</sup> Under the *Agenda for Protection*, States are encouraged to ensure that resettlement runs in tandem with more vigorous integration policy, see Goal 5, Objective 5, Action Point 5.

In other contexts, the term resettlement is commonly used to describe the transfer of populations from one area within a country to another. International financial institutions may finance resettlement projects to clear areas to be flooded as a result of dam construction. Populations may be resettled in anticipation of a natural disaster. Sometimes, returning refugees are said to be resettling in their former homes.

Closer to UNHCR's specific use of the term, a number of Governments refer to some of their migration programmes as resettlement. These programmes, however, may include persons who meet neither the definition of a refugee under the UNHCR mandate nor the specific UNHCR resettlement criteria detailed in this Handbook.

### **Resettlement as a tool of refugee protection**

Refugees may be denied basic human rights in a country of refuge. Their lives and freedom may be threatened in the country of asylum, or they may have vulnerabilities or special needs which render their asylum untenable. The authorities in the country of refuge may be unable or unwilling to provide effective protection or address special needs. In such circumstances, timely relocation through resettlement becomes a principal objective, and an important means of protecting refugees. Consequently, resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. In the course of the *Global Consultation on International Protection* it was reaffirmed by States and UNHCR that the primary purpose of resettlement must always be the provision of individual protection for those who cannot be provided with adequate protection in a first country of asylum.<sup>1</sup>

Resettlement of refugees should strengthen, not diminish, asylum and protection prospects for the entire refugee population. By offering an appropriate solution to refugees with individual protection or special needs, UNHCR seeks to reinforce asylum in host countries by relieving the strain on them, thereby promoting durable solutions benefiting the entire refugee population concerned. More specifically, agreement may be sought with host countries to enhance their protection capacities for refugees who remain in their territory - e.g. by institutionalizing fair and efficient asylum procedures and granting adequate asylum conditions for refugees - against resettling those with special needs to third countries. The interface with protection capacity building and burden-sharing aspects is evident in such settings.

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<sup>1</sup> *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 8.

## Resettlement as a durable solution

A fundamental objective of resettlement policy is to provide a durable solution for refugees unable to voluntarily return home or to remain in their country of refuge. In the context of the *Global Consultations on International Protection*, the *Agenda for Protection*, and *Convention Plus*, the High Commissioner has emphasised that there can be no meaningful protection without the prospect of a durable solution.<sup>1</sup> Absence of durable solutions for refugees will eventually become a protection concern, and the search for durable solutions, hence, constitutes an element of providing international protection. This does not preclude the application of resettlement as a durable solution for refugees who do not have *immediate* protection concerns in the country of refuge where there are no prospects for voluntary repatriation or local integration.

A decision to use the resettlement option should be based on what difference – if any – this option would make in addressing the immediate and long term problems and needs of the individual refugee or groups of refugees and to what degree it would in fact serve as a durable solution. The aim of this analysis should be to provide a realistic and comparative prognosis as to the viability and the protection impact of each of the durable solutions in the foreseeable future as well as in the longer term. The potential for other durable solutions should be reviewed simultaneously with assessing resettlement as an option. This is the case as the pursuit of one solution at the expense of the two others may result in considerable delays or misdirected efforts in a durable solution.<sup>2</sup>

In efforts to **redouble the search for durable solutions**, the *Agenda for Protection* envisages that voluntary repatriation, local integration and resettlement be integrated into one **comprehensive approach to durable solutions**, which is to be implemented in close cooperation among countries of origin, host States, UNHCR and its partners, as well as refugees.<sup>3</sup> It calls for the expansion of resettlement opportunities through enhancing the number of resettlement countries; through more strategic use of resettlement for the benefit of as many refugees as possible; through the development of capacity building programmes with new resettlement countries; through encouraging increases in resettlement quotas on part of resettlement countries and by diversifying the intake of refugee groups as well as by introducing more flexible resettlement criteria.

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<sup>1</sup> In the Chairman's Summary of the inaugural meeting of the (Convention Plus) Forum, the High Commissioner specified that "[I]n too many places refugee protection is becoming eroded for want of durable solutions. Let us remember that, for the refugee, the ultimate protection lies in the solution."

<sup>2</sup> Ibid.

<sup>3</sup> *Agenda for Protection*, introduction to Goal 5 "Redoubling the search for durable solutions".

Moreover, States are encouraged to ensure that resettlement runs in tandem with a more vigorous integration policy aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country.<sup>1</sup> This is in accordance with the understanding that resettlement also can provide significant potential for the development of professional and skilled personnel who can contribute to the rebuilding of society if they opt to return at one point in the future.

The Working Group on Resettlement has defined the **strategic use of resettlement** as “the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.”<sup>2</sup>

In using resettlement more effectively as a durable solution, States and UNHCR are further asked to examine how to carry out earlier analysis of data deriving from refugee registration to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly resettlement applications particularly in emergency situations. States and UNHCR are also encouraged to ensure the availability of increased resources for resettlement activities, integrated in a balanced way in each geographic operation.<sup>3</sup>

In protracted refugee situations where protection may be available but a durable solution is not, resettlement may be relevant, in particular if it leads to enhanced conditions of asylum for those refugees remaining. In such cases, group resettlement as described in Chapter 7 may be relevant. In some cases resettlement could also be considered for residual caseloads following major voluntary repatriation movements, where certain groups of refugees are not able to return home. In other cases, resettlement may be relevant for certain groups whom due to their ethnic, religious or other affinities, have no prospects for local integration in the country to which they have fled. Caution is warranted, however, in ensuring that resettlement does not contribute to rid societies of unwanted minority groups. In some situations of mass displacement, resettlement may serve to alleviate some of the strain put on the receiving country.<sup>4</sup> Finally, resettlement may in certain instances be utilized in the context of protecting refugee within broader migration movements.

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<sup>1</sup> *Agenda for Protection*, Goal 5, Objective 5.

<sup>2</sup> See *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 6.

<sup>3</sup> *Agenda for Protection*, Goal 5, Objective 6, Action Points 3 and 6.

<sup>4</sup> For a comprehensive list of examples, see *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

In all these situations, resettlement can be said to form part of burden- and responsibility-sharing frameworks, according to which resettlement is used strategically as part of a comprehensive approach to durable solutions.

Efforts towards this end may be channelled through the resettlement strand under the *Convention Plus* initiative.

### **Resettlement as an element of burden-sharing**

UNHCR has been requested by the General Assembly to provide international protection and seek durable solutions for refugees. However, the principal responsibility for providing international protection for refugees lies with States and is in the interest of the entire international community. This is indicated in the fourth preambular paragraph to the 1951 Convention and consistently reaffirmed in a number of ExCom Conclusions.<sup>1</sup> Most recently, the *Declaration of States Parties* recognized that respect by States for their international protection responsibilities towards refugees is strengthened through international solidarity and that the refugee protection regime is enhanced through committed international cooperation in a spirit of effective responsibility and burden sharing among all States.<sup>2</sup>

While departing from a different primary motivation, resettlement to support burden and responsibility-sharing is in essence similar to resettlement as a durable solution. Where a State undertakes to provide a durable solution through resettlement, it also participates in sharing burdens and responsibilities. Equally, when a State agrees to “burden share” through resettlement, it is expected to provide a durable solution.

As mentioned above, resettlement has over the years produced secondary benefits other than to the resettled refugees themselves. In some instances, resettlement has contributed to sustaining of first asylum in the face of a continued influx of refugees; in others it has played a role in achieving comprehensive solutions and often has been an expression of burden- and responsibility- sharing. The *Agenda for Protection* encourages the Working Group on Resettlement to examine further the potential use of resettlement as a burden sharing tool, including the issue of criteria to be applied in mass displacement situation, especially where the prospects of other durable solutions is remote or absent.<sup>3</sup>

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<sup>1</sup> For example: Executive Committee Conclusions No. 52 (XXXIX)- 1988; No. 62 (XLI) -1990; No. 68 (XLIII) – 1992; No. 80 (XLVII) – 1996; No. 85 (XLIX) – 1998; No. 87 (L) – 1999.

<sup>2</sup> Preamble, point 8, *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol* adopted unanimously at the Ministerial Meeting of States Parties on 12-13 December 2001 under Track One of the *Global Consultations*.

<sup>3</sup> *Agenda for Protection*, Goal 3, Objective 6, Action point 2.

While strategic use of resettlement as a burden and responsibility-sharing tool can be promoted by a single State, coordination with other resettlement countries and UNHCR is likely to maximize derivative benefits. Such coordination may involve negotiation of mutually agreeable arrangements between the international community and the State of first asylum, possibly requiring a multi-year commitment by the international community to sustain the burden-sharing, as well as possible assistance to further local integration or enhance life for refugees in first asylum countries.<sup>1</sup> Multilateral agreements of this kind form one element of *Convention Plus*.

## The evolution of resettlement

Although the concept of resettlement was not clearly articulated until the mid-1960s, it has been undertaken in one form or another from the outset of the system of international protection for refugees. Between the two World Wars, resettlement was used as the principal or partial solution for a number of refugee situations. During the early 1920's, for example, some 45,000 White Russians who had fled to China after the Russian Revolution were subsequently resettled elsewhere. In the 1930's, a succession of international refugee organizations were charged with resettling Jews and others who were fleeing Nazi persecution.

Resettlement evolved in the context of the Cold War. The historical effort to help displaced people in the aftermath of World War II matched the desire of Governments to facilitate the movement of certain people for foreign and domestic policy reasons.

When the United Nations replaced the League of Nations in 1945, it established (in 1946) a new body, the International Refugee Organization (IRO). The IRO's mandate was to protect existing refugee groups and one new category - the 21 million or so refugees scattered throughout Europe in the aftermath of World War II. Initially, the IRO's main objective was repatriation, but the political build-up to the Cold War tilted the balance instead towards resettlement of those who had "valid objections" to returning home. Such "valid objections" included "persecution, or fear of persecution, because of race, religion, nationality or political opinions". Over a period of five years, from 1947 to 1951, the IRO resettled well over a million people (four-fifths of them outside Europe), while repatriating a mere 73,000.

The IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1950. By that time, international protection was firmly enshrined as the new organization's principal *raison d'être*.

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<sup>1</sup> *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, section IV, p. 4 ff.



The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office. The most important of these responsibilities are to provide international protection and to seek permanent solutions for the problem of refugees.

Similar to the IRO, UNHCR, during its early years, made extensive use of resettlement as a means of clearing the European refugee camps after World War II. Over the next three decades, voluntary repatriation, local integration and resettlement enjoyed equal status as durable solutions, depending on the circumstances. The Soviet invasion of Hungary in 1956 resulted in 200,000 refugees fleeing to Yugoslavia and Austria, many of whom were later resettled in other countries.

In 1972, President Idi Amin of Uganda expelled most of the country's Asian minority, many of whom were citizens and/or had lived there for decades and had no other country to go to. With the help of UNHCR, the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), and the United Nations Development Programme (UNDP), some 40,000 Ugandan Asians were resettled in a matter of a few months in a total of 25 countries.

Following a coup d'état in Chile in September 1973, another resettlement programme was launched. Refugees from neighbouring countries were faced with a new hostile regime in their country of asylum (Chile) and, fearing *refoulement*, sought sanctuary in churches and embassies. The High Commissioner addressed an appeal to the Chilean Government that refugees in that country be adequately protected and on no account expelled to their country of origin. The High Commissioner simultaneously requested assistance from resettlement countries. By March 1974, nearly 5,000 people had been resettled to a total of 19 countries. Resettlement, mainly to other countries in the region, continued to play a prominent role in Latin America throughout the 1970s and in Central America in the 1980s.

The largest and most dramatic example of resettlement in modern times occurred in South East Asia. A massive exodus from Vietnam followed the collapse of the Saigon regime in 1975. The many that crossed the perilous seas of South East Asia became known as "boat people". By 1979, a major protection crisis had developed as certain asylum countries refused to accept more refugees, prevented boats from landing and in some cases towing them out to the high seas. At the same time, over 200,000 refugees were languishing in camps in the region. Confronted with this political and humanitarian crisis, the international community decided at the first conference on refugees from Indo-China, held in 1979, that Vietnamese boat people arriving in first asylum countries in South East Asia would be allowed to land in the region but would then be resettled in other countries. In the years that followed, nearly 700,000 Vietnamese were resettled.

In 1986, the situation changed dramatically as a result of a sudden and massive increase in clandestine departures from Vietnam. The number of boat people in camps leapt from 31,694 at the beginning of 1986 to 65,349 by early 1989. Since there had not been a significant deterioration in the human rights situation in Vietnam, it was clear that the exodus, while retaining a refugee dimension, was increasingly driven by economic factors. A second International Conference on Indo-Chinese Refugees was convened in June 1989. It adopted a Comprehensive Plan of Action (CPA) in an attempt to address the issue in a global and systematic way.

The CPA did away with blanket resettlement for all boat people and introduced an approach that included the following elements:

- All Vietnamese boat people would be permitted to land in first asylum countries and would be screened for refugee status.
- All boat people who qualified as refugees would be resettled in a third country. Those who did not qualify would have to return to Vietnam under a guarantee, monitored by UNHCR, that they would not be prosecuted for illegal departure.
- A programme would be set up by UNHCR to provide reintegration assistance to the returnees.
- The Orderly Departure Programme (ODP)<sup>1</sup> would be expanded, its criteria liberalized and its procedures simplified to allow easier legal emigration for eligible groups such as family reunification cases and former re-education camp internees.
- A “mass information campaign” would be launched in Vietnam to inform the population of the provisions of the CPA, in order to discourage those who would not qualify as refugees from embarking on a life-threatening journey in the mistaken belief that they would automatically be resettled in the West.

The implementation of the mass information campaign and the beginning of voluntary repatriation to Vietnam brought about a substantial drop in the number of boat people.

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<sup>1</sup> Mainly in an effort to open up the possibility of legal emigration from Viet Nam and so reduce the number of clandestine departures, which had resulted in considerable loss of life at sea, UNHCR helped set up an Orderly Departure Programme, known as the ODP, which provided a safer, officially-sanctioned channel for emigration.

In retrospect, the decision in 1979 to adopt blanket resettlement, while averting the immediate threat of massive loss of life, led to an additional problem as the number of migrants pursuing economic and social opportunities outside of their country of origin or habitual residence outnumbered the number of refugees. Meanwhile, elsewhere in the world, people who were in desperate need of resettlement suffered from lack of available places. By the late 1980s, resettlement – designed as an important solution and protection tool for individual refugees meeting certain specific criteria – had achieved its objective of safeguarding the concept of first asylum by ensuring that refuge continued to be granted in neighbouring countries. But it had also become the chief “pull-factor” in a mass-migration movement where a number of people left their homeland primarily for economic and social reasons rather than for reasons of feared persecution, armed conflict, generalised violence, foreign aggression or other circumstances having seriously disturbed public order.<sup>1</sup>

In the late 1980s, the major focus of resettlement activity shifted to the Middle East where the Iran/Iraq war and repressive regimes lead to significant protection and resettlement needs.

The overthrow of the Shah and the creation of the Islamic Republic of Iran by Ayatollah Khomeini in 1979 unleashed serious religious persecution of Iranian Bahais. In 1979, Bahai centres, cemeteries and holy places were confiscated and the House of the Bab, the most important Bahai location in Iran, was destroyed. In 1980, 10,000 Bahais were banned from government and teaching jobs, and stripped of pension benefits. Bahai children were excluded from universities, and then from schools. Homes, farms and businesses belonging to Bahai were looted, vandalized, and seized. Consequently, during the 1980s, many Iranian Bahais sought asylum in neighbouring countries, such as Turkey and Pakistan, and were later resettled, mainly to the US.

At the beginning of March 1991 – as a result of the first Gulf War - approximately 2 million Iraqis arrived at the borders of Turkey and Iran within a period of scarcely three weeks. Over 450,000 mainly Kurdish people fled to the Turkish frontier. Turkey refused to grant the Kurds asylum, and US-led coalition forces therefore established a ‘safe haven’ for them inside Northern Iraq. Eventually most of these Kurds voluntarily repatriated once the situation had become sustainable. However, some Iraqis already present in Turkey were at risk of *refoulement* and there was no other durable solution available but to submit them for resettlement in a third country.

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<sup>1</sup> This is the broader sense of the term “refugee” as outlined in the 1994 UNHCR Note on International Protection (UN Doc. A/AC.96/830) paras.8, 10-11 and 31-2. It reflects the requests by the General Assembly and endorsement by the international community that UNHCR’s competence be extended generally to all refugees from armed conflict or other ‘man-made disasters’ who do not otherwise come within the terms of the 1951 Convention and its 1967 Protocol.

In 1992, following the first Gulf War in 1991, UNHCR sought to resettle some 30,000 Iraqis from Saudi Arabia after efforts to explore possibilities for voluntary repatriation and local integration had failed. Between April 1992 and June 1997, approximately 21,800 Iraqis had been accepted for resettlement.

Another major challenge arose in 1992 with the need for resettlement of inmates from places of detention in Bosnia and Herzegovina. An emergency operation started on 1 October 1992 under an agreement with the International Committee of the Red Cross (ICRC) who transferred detainees to a UNHCR centre at Karlovac in Croatia. By early July 1993, 22 countries had offered temporary protection or resettlement to the ex-detainees and their families and over 11,000 people had left for third countries. By June 1997, UNHCR had been directly involved in the resettlement of some 47,000 refugees from former Yugoslavia.

In 1999, resettlement was used to support the UNHCR relief operation and “humanitarian evacuation program” (HEP) that took place in FYR Macedonia as a result of the Kosovo crisis. By the end of the emergency, almost 96,000 refugees had benefited from the humanitarian evacuation program in 28 host countries. Some of the host countries utilized their annual resettlement quotas to support this burden-sharing initiative. The Kosovar refugees that were received as part of the HEP but under regular resettlement quotas were allowed to remain in the receiving country permanently.

The civil war in Sudan, which has ravaged its southern provinces for the last 20 years, left scores of refugee children and adolescents without family protection. After experiencing years of deprivation, loss of family, war violence, and life in refugee camps, a large portion of the Sudanese refugee youth in Kenya, or the “Lost Boys”, as they have been called, was resettled in the US in two groups starting in late 2000. One group arrived in the US prior to their 18<sup>th</sup> birthday and was resettled through the Unaccompanied Minors Program. A total of 3500 Sudanese “Lost Boys” were resettled in the US, with approximately 15 % being unaccompanied minors and 85% over the age of 18. Some girls were also included in the group.

Further, UNHCR was involved for over a decade in promoting a durable solution for the over 15,000 Somali Bantu refugee population in Kenya. For several years, UNHCR sought to find a local solution for them; however these efforts were ultimately unsuccessful. It was thus decided to consider resettlement for the population and, in December 1999, the US designated the Somali Bantu as a group of special concern eligible for resettlement consideration. Arrivals began in the spring of 2003 and continue to date. The Somali Bantu represent one of the largest single groups to be resettled from Africa.

History has shown that when the needs are compelling, and the political will exists, resettlement can be arranged quickly and efficiently. With resettlement used strategically and as part of a comprehensive approach to durable solutions the aim is that this option be opened to greater numbers of refugees and that those refugees who are not resettled would nonetheless benefit from the operation, for example through enhanced protection in asylum.

### **Current policy developments and challenges<sup>1</sup>**

As indicated above, policy and practice in relation to resettlement have undergone significant changes in recent years. The popularity of resettlement as a solution waned over the decades following the aforementioned large-scale and systematic processing of Indo-Chinese refugees for resettlement in the late 1970s and 1980s. During the 1990s, resettlement became increasingly used as response mechanism for the protection of individual cases, based on rigorous and individualized processing. In more recent years, the function of resettlement as a durable solution has been regaining prominence, alongside its individual protection dimension. Resettlement today is thus a global programme, benefiting refugees of diverse nationalities and geographical location, with growing emphasis on the identification of caseloads according to group or category.

There has also been a marked increase both in the number of countries engaged in resettlement and in the extent of UNHCR field office involvement. Currently most UNHCR offices in all regions are involved, albeit to varying degrees, in resettlement activities. International fora have also given increasing consideration to resettlement as vital tool within the refugee protection regime. In the past few years, calls to expand the use of resettlement featured prominently both within the conclusions adopted by the Executive Committee and those of other international fora on International Protection.

These important changes in how resettlement is viewed mirror those in the international protection environment. Globalization, the proliferation of conflict-driven displacement, protracted refugee situations with no prospect of timely and safe solutions, and increasing pressures created by international, mixed migratory flows, have all compelled UNHCR to approach the solution of resettlement in a new light.

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<sup>1</sup> See generally *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256

## Agenda for Protection and Convention Plus

While voluntary repatriation may be the preferred outcome for most refugees, donor States and countries of asylum, other solutions, including resettlement, cannot be neglected. Indeed, as confirmed by the *Agenda for Protection* there is a growing recognition of the need for a more comprehensive approach to refugee problems that involves helping different groups of refugees to find appropriate solutions to their plight, according to their individual circumstances, aspirations and the opportunities available. Resettlement is an essential element in a comprehensive strategy of refugee protection, and the strategic use of resettlement forms one part of such a comprehensive approach.

Although the overall number of refugees in need of resettlement has decreased in recent years, the profile of resettlement cases has been increasingly characterized by new and diverse nationalities, and also by more complex cases originating from national armed conflicts and needing specialized attention and treatment, such as victims of torture and women-at-risk. This has generated a variety of challenges for UNHCR and for resettlement countries, ranging from how to better define the standards for resettlement, to responding to the special needs of resettled refugees, to extending support networks in the host communities. The need for broadly-based resettlement programmes may arise again as part of international endeavours to ensure protection and promote durable solutions as well as responsibility sharing.

Certainly, the role of resettlement has gained new impetus with the adoption of the *Agenda for Protection*<sup>1</sup> and the *Convention Plus* initiative, elements of which have been explained above.

In the context of the *Agenda for Protection*, it is sought to expand resettlement opportunities and use resettlement more efficiently both as a protection tool, a durable solution and as a tool of burden sharing. Improvements on the part of UNHCR include better management of its resettlement activities; a more comprehensive approach to the use of resettlement as a durable solution; enhanced partnership in resettlement processing; planning for the use of resettlement in a more strategic manner to maximize the benefits offered by this solution to individuals other than those who are resettled; the inclusion of a proactive planning tool for resettlement in Country Operations Plan (COP) under which all offices are responsible for examining possible resettlement needs within their operation; and the introduction of a Group Methodology.

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<sup>1</sup> The *Agenda for Protection* (A/AC.96/965/Add.1) is the jointly owned product of UNHCR's *Global Consultations on International Protection*, launched in late 2000 to engage States and other partners in a broad-ranging dialogue on how best to revitalize the existing international refugee protection regime while ensuring its flexibility to address new problems. The *Agenda* was endorsed by the UNHCR Executive Committee (ExCom Conclusion No. 92 (LIII) – 2002) and welcomed by the United Nations General Assembly (A/RES/57/187) in 2002. Information on *Convention Plus* is available and regularly updated on <http://www.unhcr.ch>.

The *Convention Plus* initiative provides a framework for the adoption of multilateral special agreements to ensure improved burden sharing. One priority issues for such agreements is the strategic use of resettlement as a tool of protection, a durable solution and tangible form of burden-sharing. A *Framework of Understandings* is being prepared by the core group on resettlement under the Convention Plus Forum. This framework will guide deliberations on the adoption of special agreements. Actions under the Framework are delineated for the designated party or parties within the areas of

- Leadership and coordination
- Registration and documentation
- Selection Criteria
- Family Unity
- Transparency in multilateral resettlement operations
- Integrity of the Process
- Effective Programme delivery
- Integration support
- Sustained and enhanced commitment to multilateral resettlement operations

### **Integration of resettled refugees**

As in the case of the million and more Indo-Chinese who have been resettled in Australia, Canada, France and the United States of America, third country resettlement often entails taking refugees from their country of first refuge, transporting them thousands of kilometres across the world, and helping them to adapt to societies where the culture, climate, language and social structure are unfamiliar. In spite of all efforts, refugees may face problems adapting to such different circumstances. Nevertheless, it is the experience of many Governments and non-governmental organizations that the overwhelming number of refugees successfully overcomes such challenges in order to establish themselves in their new country and community. Many resettled refugees, particularly younger family members, have made an astonishing success of their new lives.

Notwithstanding such success stories, rising xenophobia in many countries traditionally welcoming refugees and/or immigrants has carried with it greater difficulty for refugees, resettled or not, to achieve a durable and sustainable solution to their plight through integration in their new communities. For example, xenophobia may result in employers not wishing to hire refugees, thereby impeding integration through work opportunities. The *Agenda for Protection* calls upon states to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy. Language training, education, vocational training, employment, support for family reunification – these and many other activities are the building blocks of integration.

And while resettlement is a way of protecting refugees and a tangible sign of responsibility-sharing by states, there is no doubt that refugees also make important contributions to their new societies.<sup>1</sup> Such messages may assist in countering hostile sentiments held in some segments of society towards refugees, including those who arrived under resettlement programmes.

### Costs related to resettlement

A point of criticism sometimes advanced against resettlement concerns the expense of this solution. As mentioned above, it involves arranging international transport, providing income support, helping to integrate refugees in the resettlement country and, in some cases, paying for costly follow-up medical treatment and counselling. It is also labour-intensive and requires highly trained staff. While these concerns are recognized, it should also be acknowledged that continued assistance to refugees who cannot find a durable solution, often over long years is also costly both in terms of human and financial terms. In addition, it should be mentioned that increased efforts to promote burden and responsibility-sharing in the field of resettlement form an integral part of the *Agenda for Protection* and is the very rationale for the deliberations undertaken in connection with *Convention Plus*. More specifically, the adoption and application of the *UNHCR Methodology for the Resettlement of Groups* in this regard, may result in a less labour intensive exercise compared to individual processing, thus maximising resources. Chapter 7 of this Handbook deals in detail with group resettlement under UNHCR's auspices.

### The new Resettlement environment<sup>2</sup>

Resettlement activities are inevitably influenced by a number of important factors. External realities and competing pressures in the resettlement environment have to be accommodated in any solutions strategies of which resettlement is an important part. Among them are the following:

Protracted refugee situations and burdens on asylum countries. Today, there are clearly more refugees in need of resettlement than there are places or resources available. A lack of resolution of the root causes of flight and insufficient resources in host countries have resulted in refugees being unable for long periods to either repatriate safely or integrate locally. These severe strains on the protection regime in countries of first asylum lead to extraordinary pressure on the resettlement process.

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<sup>1</sup> *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, UNHCR and the Victorian Foundation for the Survivors of Torture, 2002, Foreword by the High Commissioner.

<sup>2</sup> See *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, paragraph 11 (a-f).



Countries hosting large numbers of refugees for a long period, with no durable solution in sight, have to contend with resulting economic, social or security problems which can be additional burdens on often fragile domestic structures. These countries are increasingly looking to UNHCR to institute burden-sharing measures as well as to expedite solutions.

**Managed Migration and Globalization Trends:** In many parts of the world, the entanglement of migration and asylum has made the work of UNHCR more challenging. Globalisation has inter alia led to a higher degree of mobility. Resulting migration trends have influenced perceptions by governments of the proper role and function of resettlement as a feature of global governance of international migration. Efforts both to limit or indeed to expand labour migration are starting again to impact approaches to resettlement. There is a danger that the unique characteristics of refugees, just as States' obligations under the 1951 Convention, will be obscured in the process.







**Irregular, Secondary or Onwards Movements:** The management of migration through increasingly restrictive measures has contributed to a rise in irregular movements. This has negatively impacted on resettlement, with countries increasingly unwilling to consider accepting refugees who move irregularly, for fear that this will encourage illegal migration, and that the people smugglers who make huge profits from it will be rewarded and encouraged to continue.

**Security Concerns:** Heightened security concerns have led to greater restrictions on refugee admissions in major resettlement countries. While some countries have instituted more restrictive legislation and other requirements for refugees, others have reduced the number of processing locations and increased security checks which have greatly extended the time required for processing. The predictability that once characterized the commitments of resettlement countries has proven most regrettably to be another casualty of recently implemented security measures. In view of the prevailing uncertainties in terms of quotas, criteria and timing, UNHCR offices are hindered in planning their resettlement work, in terms of making the necessary resources available and submitting candidates in a timely way.



**Fraud in the processes:** Refugee status and resettlement places are valuable commodities, particularly in countries with acute poverty, where the temptation to make money by whatever means is strong. This makes the resettlement process quite vulnerable to abuse. It becomes increasingly vulnerable the more restricted the access, and the smaller the resettlement quotas and opportunities. UNHCR has recognized and is acting on its clear responsibilities to tackle forcefully any cases of corruption and fraud. The possibilities for abuse are not, however, a reason for reducing resettlement where the need for it persists.

Security of staff: The aforementioned factors, in particular the smuggling and corruption issues have contributed to creating an increasingly insecure environment for UNHCR field staff and staff of partner organizations. The possibility of resettlement engenders high expectations on the part of many refugees caught in limbo. Action to expose fraud, combined with frustrated expectations in the face of slow moving processes, delayed departures or rejected resettlement applications are resulting in threats to the safety of UNHCR and that of their partners in the field.

ESSENTIAL READING:

-  *Agenda for Protection, A/AC.96/965/Add.1.*
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement, 21 June 2004.*
-  *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement), Standing Committee 27<sup>th</sup> meeting, EC/53/SC/CRP.10/Add.1, 3 June 2003.*
-  *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities, Global Consultations on International Protection, EC/GC/02/7, 25 April 2002.*
-  *New Directions for Resettlement Policy and Practice, Standing Committee Information Note, EC/51/SC/INF.2, 14 June 2001.*
-  *Progress Report on Resettlement, Standing Committee, 30<sup>th</sup> meeting, EC/54/SC/CRP.10, 7 June 2004.*

FURTHER REFERENCE:

-  *Convention Plus at a Glance (as of 14 May 2004), UNHCR, Geneva, 14 May 2004.*
-  *The State of the World's Refugees. Fifty Years of Humanitarian Action, UNHCR. 2000.*

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## COMPREHENSIVE APPROACH TO RESOLVING REFUGEE SITUATIONS AND PROVIDING APPROPRIATE DURABLE SOLUTIONS

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**Resettlement is an essential element in a comprehensive strategy of refugee protection, the attainment of durable solutions, and burden and responsibility-sharing. There is a need for more coherence by integrating voluntary repatriation, local integration and resettlement, whenever feasible, into one comprehensive approach, implemented in close cooperation among countries of origin, host States, UNHCR and its partners as well as refugees.<sup>1</sup> Such comprehensive approach entails, *inter alia*, that the three durable solutions be considered simultaneously in a manner where they complement each other. Thus, it is important to note that there is no hierarchy of durable solutions. In this vein, UNHCR approaches resettlement as part of an international protection “continuum” ranging from the initial contact by the refugee with the Office or a Government in seeking protection to the final achievement of a durable solution, i.e. voluntary repatriation, local integration or resettlement.**

Resettlement should be considered when refugees cannot repatriate and are at risk in their country of refuge or when they are resettled as part of a burden-sharing arrangement. The decision to resettle is taken in light of the prospects for other durable solutions and when there is no alternative and lasting way to eliminate the danger to the legal or physical security of the person concerned.

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<sup>1</sup> *Agenda for Protection*, Goal 5: Redoubling the search for durable solutions, introductory paragraph.

In its engagement to protect refugees and promote durable solutions, UNHCR employs one comprehensive approach in order to find the most appropriate solution for the individual or groups of refugees. While voluntary repatriation in conditions of safety and with dignity remains the preferred solution for refugees, UNHCR is cognizant that local integration and resettlement continue to be applied where appropriate and feasible.<sup>2</sup> At the same time, it is important to note that a refugee who benefits from resettlement or local integration may eventually choose to repatriate.

Furthermore, it should be noted in determining the appropriate durable solution that neither the Statute of UNHCR, nor any other international instrument relating to refugees, sets out a hierarchy of durable solutions. Resettlement, as part of the comprehensive range of responses available to States and to UNHCR, is of equal importance with the other solutions, although the use of one or another of the solutions can vary greatly depending on its appropriateness, desirability and feasibility under the circumstances. UNHCR places emphasis on the use of resettlement worldwide as an integral part of comprehensive protection and durable solutions strategies.<sup>3</sup>

That the three solutions are complementary in nature, and can function simultaneously has been demonstrated in a number of recent programmes, including those for Bosnian refugees during the mid-1990s and for Afghan refugees in the early 2000s. While acknowledging that the need for temporary protection had ended and asserting the primacy of voluntary return for the majority, UNHCR also advocated with States to continue to provide protection to specific groups of refugees from the former Yugoslavia in the form of local integration and resettlement in third countries. States were encouraged to increase or maintain resettlement quotas for such groups while, at the same time, UNHCR was promoting voluntary repatriation for large parts of the refugee population. This same approach has also been taken with refugees from Afghanistan.

## 2.1 Voluntary Repatriation

When conditions prevail that allow return in safety and with dignity, going home is judged to be the most beneficial solution for refugees, as it enables them to resume their lives in a familiar setting under the protection and care of their home country. Improved conditions for voluntary repatriation and strengthened cooperation to make repatriation sustainable are areas identified for further attention under the *Agenda for Protection*. (See Goal 5, Objectives 2 and 3).

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<sup>2</sup> States and NGOs endorsed this position in the *Declaration of States Parties*, Operative Paragraph 13.

<sup>3</sup> *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*. Global Consultations on International Protection, 4<sup>th</sup> Mtg. UN Doc. EC/GC/02/7, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, para. 16.

The High Commissioner has further suggested an integrated approach to repatriation in post-conflict situations known as *Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)*.<sup>4</sup> This approach brings together humanitarian and development actors and funds, and aims at allocating more resources for the creation of a conducive environment inside the countries of origin so as to prevent the recurrence of mass displacement and to facilitate sustainable repatriation. Pilot projects have brought together governments, development actors such as UNDP, the World Bank, UNICEF, and WFP, the donor community and bilateral aid agencies. The possibility of concluding special multilateral agreements in this regard is currently being explored under the framework of *Convention Plus*.

From UNHCR's perspective, the core of voluntary repatriation is return "in safety and with dignity", i.e. return in and to conditions of physical, legal and material safety, with full restoration of national protection the end product.<sup>5</sup>

### **Weighing the possibilities**

When looking at this possible durable solution, it is important to identify the indicators which may determine that voluntary repatriation could be an option in the near or foreseeable future. For example, are peace talks underway in the country of origin, or is there a likelihood they will be in the near future? Have there been any spontaneous returns of refugees or internally displaced persons? Has the security situation in the country of origin improved? Are the minimum safeguards as to treatment upon return and conditions required to promote voluntary repatriation being met in the country of origin? Is continued asylum for those who remain refugees ensured?

These and a number of other factors as delineated in the 1996 UNHCR Handbook on Voluntary Repatriation, determine the involvement of UNHCR in any voluntary repatriation operation as well as with regard to the individual cases. In summary, UNHCR's mandate for voluntary repatriation includes the following:

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<sup>4</sup> *4Rs* constitute, along with *Development Assistance for Refugees (DAR)* and *Development through Local Integration (DLI)*, the so-called *Framework for Durable Solutions*. *DAR* targets protracted refugee situations and aims to equip refugees for any of the three durable solutions through self-reliance as opposed to year-long dependency on humanitarian assistance without a durable solution. The general concept of *DAR* is a better quality of life for refugees and the host community and self-reliance for the refugees. *DLI* is described below in this Chapter.

<sup>5</sup> *Voluntary Repatriation*, Global Consultation on International Protection, 4<sup>th</sup> mtg., UN Doc. EC/GC/02/5, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 225-239, para. 15.

- Verify the voluntary character of refugee repatriation.
- Promote the creation of conditions that are conducive to voluntary return in safety and with dignity.
- Promote the voluntary repatriation of refugees once conditions are conducive to return.
- Facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.
- Create an enabling environment to allow return in physical, legal and material safety and with dignity.
- Organize, in cooperation with NGOs and other agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being.
- Monitor the status of returnees in their country of origin and intervene on their behalf if necessary.
- Raise funds from the donor community in order to assist governments by providing active support to repatriation and reintegration programmes.
- Act as a catalyst for medium and long term rehabilitation assistance provided by NGOs, specialized agencies and bilateral donors.
- Undertake activities in support of national legal and judicial capacity-building to help states address causes of refugee movements

### **Ensuring the durability of the solution**

Voluntary repatriation is clearly a protection function of UNHCR. For this reason, and particularly in the case of mass repatriation, it is important that a legal framework is set up to protect the returning refugees' rights and interests. The task of returnee monitoring by UNHCR should include the fulfilment of any amnesties or guarantees the country of origin has undertaken to implement. The criteria applied are based on the principle of voluntariness, i.e. that refugees should not be forced or coerced to return but are able to make a free and informed decision. It is also imperative that they may return in safety and with dignity with the support and cooperation of the country of asylum and home country. Whenever possible, UNHCR also advocates that returnees should be allowed to return to their place of former residence or any other place of their choice and that property rights are restored. The protection of refugees and returnees must be safeguarded during the process of return and reintegration and involves the continued monitoring of the safety of returnees to ensure that they are not subjected to further persecution or discrimination and that national protection is re-established. This, in principle, is also the case where UNHCR has only facilitated (not promoted) voluntary return, although the conditions for monitoring and intervention in such situations may not be optimal.

## **Comprehensive voluntary repatriation programmes**

UNHCR and its partners need to address the rebuilding and development of the home country for both the short and long-term needs of the returning refugee population and, if so requested and specifically mandated, of other disadvantaged groups like internally displaced persons (IDPs) and affected local populations. Without such structures in place, the chances for successful reintegration are often negligible, and the risk of further displacement increases. Most large voluntary repatriation programmes involve the support of Governments and NGOs who work with UNHCR to ensure that the rights of refugees and returnees are respected and that their reintegration needs are met. Along with protection, essential assistance for those in need will include preparations for travel home, along with assistance in the reintegration process. This may include special longer-term programmes of development aid carried out by the related actors.

## **Advice and assistance**

Refugees may seek assistance to return from the authorities (or UNHCR), either in their country of first asylum or in their country of resettlement, if they have retained their refugee status. In such cases it is important to bear in mind the following points:

- refugees are free and have the right to return to their country of origin at any time;
- the decision by a refugee to return should be voluntary;
- refugees must be provided with objective and up-to-date information on the situation in their country of origin to make an informed decision about repatriation; and
- the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.

Many refugees decide to return to their home country spontaneously. Refugees who express the wish to return home independently of an organized repatriation programme may still require advice and assistance. They may ask the authorities of the resettlement or asylum country, or they may turn to an NGO or to UNHCR.

It should always be remembered that special arrangements should be in place to organize the return of vulnerable refugees (elderly, disabled, medical cases, unaccompanied minors, etc.). Such arrangements include travel and appropriate reception and care facilities on arrival in the home country.






## UNHCR assistance for individual voluntary repatriation





Some resettlement countries have procedures and financial provisions available to assist refugees with voluntary repatriation.

UNHCR Headquarters should be approached for advice and possible assistance for individual refugees living in countries with no special provisions for voluntary repatriation and where the refugee has no access to financial resources, including from NGOs or other actors.

### ESSENTIAL READING:

-  *Handbook Voluntary Repatriation: International Protection*. UNHCR Geneva, 1996.
-  *Voluntary Repatriation*, Global Consultations on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EC/GC/02/5, 25 April 2002.
-  *Handbook for Repatriation and Reintegration Activities*, UNHCR, Geneva, May 2004

### FURTHER REFERENCE:

-  *Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)*, UNHCR, March 2003.
-  *Handbook for Emergencies*, UNHCR, Geneva, Second Edition, June 2000 (chapter 19, *Voluntary Repatriation*).
-  *Annual Theme: Repatriation Challenges*, Executive Committee of the High Commissioner's Programme, 48<sup>th</sup> Sess., U.N. Doc. A/AC/96/887, 9 Sept. 1997.
-  *Voluntary Repatriation (RP 1)*. Training Module. 2nd Edition. UNHCR Geneva, 1996.

## 2.2 Local Integration

Local integration of refugees in the country of asylum is one of the durable solutions to the problem of refugees, particularly if voluntary repatriation cannot be pursued in the foreseeable future. Successful local integration requires agreement by the host country concerned, an enabling environment that builds on the resources refugees bring with them, thereby implicitly contributing to the prevention of secondary movement.

Local integration follows the formal granting of refugee status, whether on an individual or *prima facie* basis, and assistance to settle in order for the refugee to live independently within the community.

### Local integration and refugee self-reliance<sup>6</sup>

Local integration in the refugee context is the end product of a multifaceted and on-going process, of which self-reliance is only one part. Integration requires preparedness on the part of the refugees to adapt to the host society, without having to forego their own cultural identity. From the host society, it requires communities that are welcoming and responsive to refugees, and public institutions that are able to meet the needs of a diverse population. As a process leading to a durable solution for refugees in the country of asylum, local integration has three inter-related and quite specific dimensions.

**First**, it is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host State that are broadly commensurate with those enjoyed by its citizens. These include freedom of movement, access to education and the labor market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of local integration. It is a process which should lead to permanent residence rights and ultimately, the acquisition of citizenship.

**Second**, local integration is clearly an economic process. Refugees become progressively less reliant on State aid or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods, thus contributing to the economic life of the host country.

**Third**, local integration is a social, cultural and political process of acclimatization by the refugees and accommodation by the local communities, that enables refugees to live amongst or alongside the host population, without discrimination or exploitation and contribute actively to the social life of their country of asylum. It is, in this sense, an interactive process involving both refugees and nationals of the host State, as well as its institutions. The result should be a society that is both diverse and open, where people can form a community, regardless of differences.

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<sup>6</sup> *Local Integration*, Global Consultation on International Protection, 4<sup>th</sup> mtg. UN Doc. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 239- 249, Sections III and IV. This working definition may be further amended with the issuance of UNHCR's Handbook on Integration Rights in 2004.

Local integration builds on Article 34 of the 1951 Convention and can only be achieved if there is an enabling environment. This includes the grant of a legal status, temporary but renewable or permanent residence status, access to civil, socio-economic and cultural rights and, to a certain degree, political rights, as well as a viable economic situation, availability of affordable housing and access to land, as well as receptive attitudes within the host community. With the grant of citizenship, a refugee ceases to be in need of international protection and will be considered to be fully, legally integrated.

Article 34 of the 1951 Convention encourages States to facilitate, as far as possible, the naturalization of refugees through expedited naturalization proceedings and reductions of the charges and costs of such proceedings. A similar provision as regards stateless persons is included in Article 32 of the 1954 Convention relating to the Status of Stateless Persons. The *Agenda for Protection* encourages States to “examine where, when and how to promote the grant of a secure legal status and residence rights, which could include the opportunity to become naturalized citizens of the country of asylum, for refugees who have already attained a considerable degree of socio-economic integration.”<sup>7</sup>

Promoting *self-reliance* and reducing the need for external support is in the interests of refugees, host States and the international community generally, **whatever the durable solution may ultimately be**. For the purposes of this Handbook, self-reliance refers to the ability of an individual, household or community to meet essential needs in a sustainable manner and with dignity. Essential needs include food, water, shelter, personal safety, health and education.<sup>8</sup>

Promoting self-reliance helps refugees to seize available opportunities to establish livelihoods. At the same time, self-reliance contributes to the realization of durable solutions at a later stage, since self-reliant refugees have acquired skills and experience that they will be able to put to use wherever they are: in the country of origin upon return; in a country of resettlement; or in the country of asylum, should local integration become the durable solution. The process of local integration is greatly facilitated by refugees becoming self-reliant, since they are better able to interact with the local population economically and socially, and thereby contribute to local development as an asset rather than a “burden”.

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<sup>7</sup> *Agenda for Protection*, Goal 5, Objective 4 (Local integration having its proper place as part of a comprehensive strategy for durable solutions), Action 2.

<sup>8</sup> See UNHCR (DOS), Handbook on *Self-Reliance* (publication forthcoming).

### **Relationship between local integration, self-reliance and local settlement**<sup>9</sup>

Local integration and self-reliance are related but different, one from another. The following distinction can be made. *Local integration* is commonly referred to as one of the three ‘durable solutions’ available to refugees. It is based on the assumption that refugees will remain in their country of asylum permanently and find a solution to their plight in that State. Ideally, that will involve the acquisition of citizenship.

*Self-reliance*, on the other hand, does not presuppose that refugees will find a durable solution in the country of asylum. Rather, it should be seen as the precursor to any of the three durable solutions. In the context of local integration as a durable solution, self-reliance can be seen as part of a continuum, progressively leading to local integration.

*Local settlement* is situated somewhere in between self-reliance and local integration. It was practiced widely in developing countries, particularly in Africa, between the 1960s and 1980s, at a time when large-scale influxes were met in a number of host countries by recognition of new arrivals on a *prima facie* basis, coupled with provision of land where the refugees could establish new settlements, engage in farming and other economic activities. In some instances, locally settled refugees might indeed remain in their country of asylum and become progressively integrated there. But in other instances, local settlement is a temporary phase, allowing refugees to become self-reliant, pending the time when they are able to benefit from the solution of voluntary repatriation.

### **Development towards self-reliance and local integration**

In most developed countries, Governments and NGOs work closely to provide the necessary infrastructure and resources to assist refugees to integrate in their new host society. This includes assistance to regularize legal status, exercise civil, cultural and socio-economic rights, including the right to employment, and to have access to social counselling, language courses and various vocational training. In other parts of the world, UNHCR and NGOs provide material and financial assistance as well as counselling to refugees, enabling them to become self-reliant, whether they are located in urban or rural areas of settlement. This assistance may consist of income-generating, agricultural or community development projects, the latter benefiting the region or local communities.

Development programmes aim to benefit both refugees and local populations and eventually render the refugees self-reliant to reduce dependency upon outside financial assistance.

<sup>9</sup> *Local Integration*, Global Consultation on International Protection, 4<sup>th</sup> mtg. UN Doc. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 239- 249, Section V, paras. 14-17.

This approach is taken under the *Framework for Durable Solutions*, in particular as regards *Development through Local Integration (DLI)*, a strategy proposed by the High Commissioner. Empowerment and enhancement of productive capacities and self-reliance of refugees through *Development Assistance for Refugees (DAR)* would lead equipped and capacitated refugees to either of the durable solutions, including local integration in the country of asylum. *DLI* is based on the understanding that those refugees who are unable to voluntarily repatriate and are willing to integrate locally will find a solution to their plight in their country of asylum. Central to the success of a *DLI* strategy is the commitment and attitude of the host government and local authorities, as well as the commitment on part of the international donor community to provide additional assistance.

Similar to *DAR*, the *DLI* programming approach envisions broad-based partnerships between governments, humanitarian and both multi-and bilateral development agencies. As with *DAR*, *DLI* would be applied in protracted refugee situations where the State opts to provide opportunities for the gradual integration of refugees. By soliciting additional development funds for durable solutions through local integration, better quality of life and self-reliance for refugees would be achieved along with improvements in the quality of life for host communities.<sup>10</sup>

### **Constraints to local integration**





It should be noted, however, that opportunities for local integration in countries of asylum are limited. Some asylum countries are not signatories to universal or regional instruments concerning refugees and/or do not apply practices akin to the rights enumerated under the 1951 Convention. For others, the absorption of refugees into the host community may be economically, socially or politically destabilising, especially in large-scale influxes. UNHCR's efforts to achieve universal accession to the 1951 Convention and its 1967 Protocol,<sup>11</sup> as well as the comprehensive approach to durable solutions adopted under the *Agenda for Protection and Convention Plus* aim at alleviating these constraints to local integration prospects for refugees.

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<sup>10</sup> *Development through Local Integration, DLI- Framework*, UNHCR Core Group on Durable Solutions, 19 March 2003.

<sup>11</sup> *Agenda for Protection*, Goal 1, Objective 1.

**ESSENTIAL READING:**

-  *UNHCR Handbook on Integration Rights* (draft to be issued 2004).
-  *Local Integration*, Global Consultations on International Protection, 4<sup>th</sup> mtg. U.N. Doc. EC/GC/02/7, 25 April 2002.
-  *Development Assistance for Refugees (DAR)*, UNHCR Core Group on Durable Solutions, 19 March 2003.
-  *Development through Local Integration*, DLI-Framework, UNHCR Core Group on Durable Solutions, 19 March 2003.

**2.3 Resettlement in the context of other durable solutions****Voluntary repatriation and resettlement**

As a matter of UNHCR policy stipulating in favour of a comprehensive approach to durable solutions, the possibility of resettlement for certain individuals or for specific groups of refugees is not precluded by voluntary repatriation within a population. At all stages of voluntary repatriation - that is during spontaneous returns, during facilitation or active promotion of voluntary return, and for residual caseloads - there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin or other reasons. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation. Equally, resettlement under UNHCR's Group Methodology (see Chapter 7 of this Handbook) should in principle only be considered where returns are spontaneous or as a means of possibly dealing with residual caseloads. All resettlement criteria would apply in situations of spontaneous returns and with regard to possible residual caseloads, while during facilitated or promoted voluntary repatriation operations the emphasis would, in principle, be on criteria pertaining to legal and physical protection as well as refugees with special needs.<sup>12</sup>

**Local integration, self-reliance and resettlement**

The complementarity of the three durable solutions has been mentioned above in reference to specific groups of refugees from the former Yugoslavia as well as Afghans.

<sup>12</sup> Draft *Parameters for [the] use of resettlement during voluntary repatriation operations*, UNHCR Regional Resettlement Strategic Planning Meeting, Nairobi, Kenya, 6-8 February 2004.

Concerning these caseloads, States were encouraged to increase or maintain resettlement quotas at the same time as local integration was promoted on part of some refugee groups, and voluntary repatriation promoted as regards large parts of the refugee population.

UNHCR offices in the field have reported on some occasions that refugees equate self-reliance with local integration, and erroneously perceive that the pursuit of self-reliance jeopardizes resettlement submissions referring to the absence of “local integration prospects”. See Chapter 4 of this Handbook for details. As has been explained above, *self-reliance* provides the basis for all three durable solutions, and *as such it does not in itself constitute local integration nor does it preclude resettlement*. Inadequate handling of information on resettlement possibilities might lead to wrong expectations and hopes on part of the refugees, and therefore the following points should be borne in mind when communicating with refugee, governments and other partners.

- **Information:** Where resettlement is not an option for refugees, UNHCR must provide clear messages to refugees that this is the case, in order to dismantle unrealistic hopes. In case of rejections of resettlement applications, applicants should be notified in accordance with established standards. See Chapter 6 of this Handbook on basic procedures.
- **Counselling:** Refugees must be appropriately counselled through the various phases of their refugee life on the nature of the different durable solutions. Those with special needs should be counselled on prospects in future host countries, in particular as to their possibilities of being integrated into the labour market. Refugees who have unsuccessfully applied for resettlement should be counselled with a view to reaching alternative solutions, including self-reliance through appropriate schemes and vocational training.
- **Partner organisations:** Provide clear information to partner organisations on resettlement possibilities and provide proper training on resettlement to enable partners to adequately counsel and inform refugees.
- **Tools:** In cooperation with local authorities and refugee community leaders, establish and maintain a refugee skills database aiming at promoting self-reliance projects and enhancing refugees’ capacities to achieve durable solutions, including resettlement where established criteria are met.

## Integration of resettled refugees

The *Agenda for Protection* calls on UNHCR to seek the expansion of the number of countries engaged in resettlement and on States to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy.<sup>13</sup> Language and vocational training, access to education, employment, support for family reunification are examples of activities that are the building blocks of integration. Integration of resettled refugees, in turn, would benefit the host State as empowered refugees more easily can make valuable contributions to their community. The definition of resettlement - as include in Chapter 1 of this Handbook - implicitly suggests measures to be undertaken with a view to integrate resettled refugees as a means of providing a sustainable, durable solution.<sup>14</sup> Moreover, while the comments above on local integration of (non-resettled) refugees are tailored to the situation of refugees in countries of asylum, they generally also apply for resettled refugees.

The success of integration programmes have primarily depended on the political commitment of resettlement countries in this regard, and - consequently - the financial and human resources made available by the host Government. However, attitudes among resettled refugees have to some degree also determined the outcome of integration efforts, sometimes adversely.

Also, a number of countries have set up resettlement programs for the first time, including some located in the same regions as the countries the refugees have fled.

Against this backdrop, the need was identified to provide guidance on the reception and integration of resettled refugees. A Handbook was issued by UNHCR in 2002 to meet this need, as a response to an idea emerging from the 2001 *International Conference on the Reception and Integration of Resettled Refugees*, in Norrköping, Sweden, which was attended by Governments, UNHCR, NGOs and resettled refugees alike.<sup>15</sup> The Handbook on reception and integration of resettled refugees is intended as a resource to help in the development of sound programs for the integration of resettled refugees. It provides practical examples of "best practices" in various areas of integration.

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<sup>13</sup> *Agenda for Protection*, Goal 5, Objective 5, Actions 1 and 5.

<sup>14</sup> "Resettlement involves the selection and transfer of refugees from a 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 should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country."

<sup>15</sup> The handbook is entitled *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, A publication sponsored by the Office of the United Nations High Commissioner for Refugees in collaboration with its governmental and non-governmental partners and resettled refugees, UNHCR and the Victorian Foundation for Survivors of Torture, 2002.



The Handbook is not a “how to”- guide, but is intended to assist any government or community planning to receive resettled refugees and should be particularly useful for countries or communities considering refugee resettlement for the first time.






The Handbook describes integration in the following manner:<sup>16</sup>

- “Integration is a mutual, dynamic, multifaceted and on-going process. From a refugee perspective, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one’s own cultural identity. From the point of view of the host society, it requires willingness for communities to be welcoming and responsive to refugees and for public institutions to meet the needs of a diverse population.” [The section in quotation marks is adapted from the European Council on Refugees and Exiles (ECRE), *Policy on Integration*, 1999.]
- “Integration is “multi-dimensional in that it relates both to the conditions for and actual participation in all aspects of the economic, social, cultural, civil and political life of the country of resettlement as well as to refugees’ own perceptions of, acceptance by and membership in the host society.”[The section in quotation marks is adapted from *Policy on Integration*, ECRE, 1999].
- Opportunities for resettled refugees to become citizens and to enjoy full and equal participation in society represent an overarching commitment by governments to refugee integration.
- Family reunification is crucial to refugee integration. Similarly, relatives and ethnic community networks can play key roles in successful refugee integration.
- A multi-dimensional, comprehensive and cohesive approach that involves families, communities and other systems can help refugees to restore hope and to re-build their lives.





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<sup>16</sup> “Guiding principles”, “Integration”, pp. 12-13.

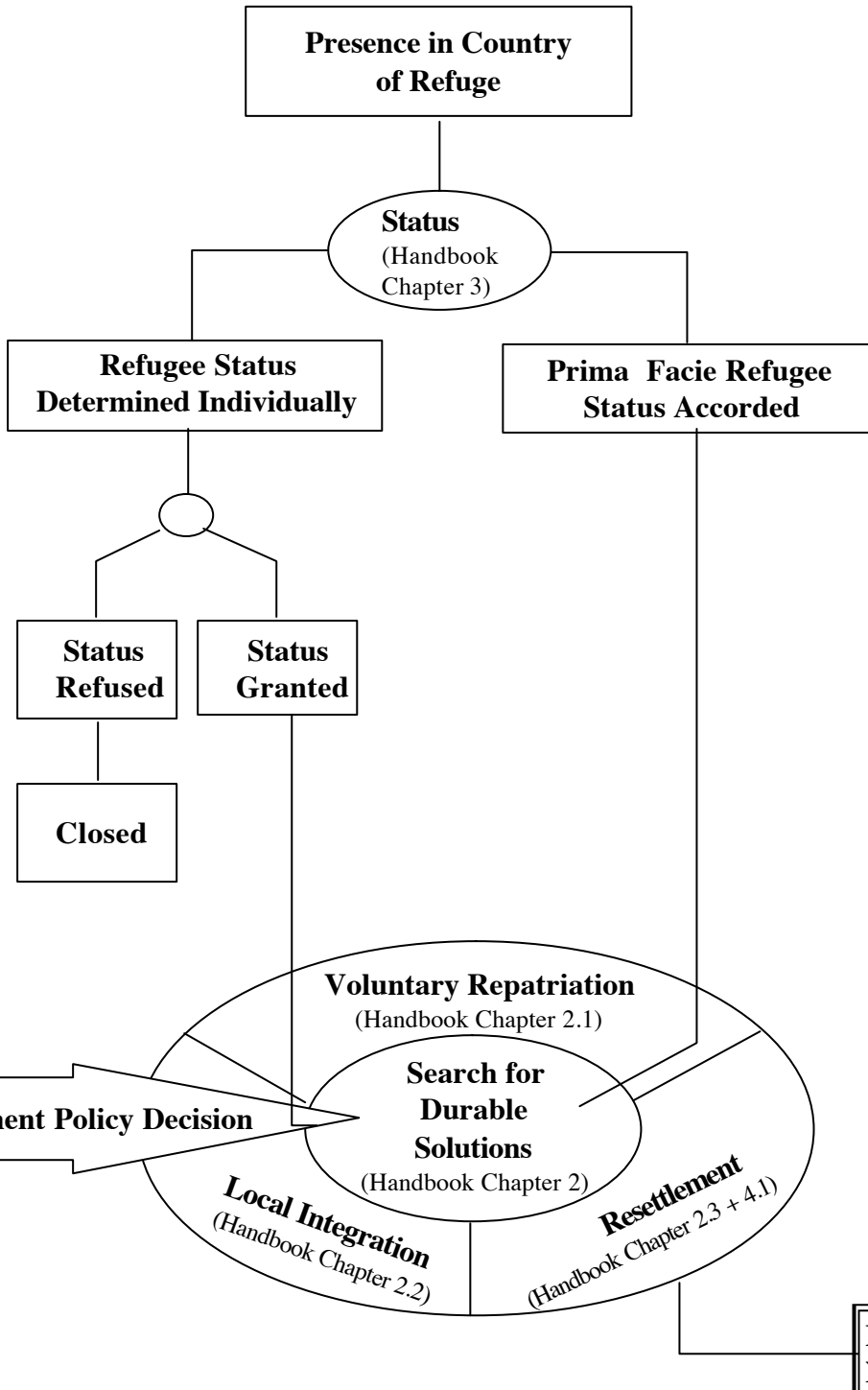
## ESSENTIAL READING:

-  *Agenda for Protection*, A/AC.96/965/Add.1.
-  *Refugee Resettlement. An International Handbook to Guide Reception and Integration. A publication sponsored by the Office of the United Nations High Commissioner for Refugees in collaboration with its governmental and non-governmental partners and resettled refugees.* UNHCR and the Victorian Foundation for Survivors of Torture, 2002.
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement*, 21 June 2004.
-  *Convention Plus at a Glance (as of 14 May 2004)*, UNHCR, Geneva, 14 May 2004.
-  *Progress Report on Resettlement*, Standing Committee, 30<sup>th</sup> meeting, EC/54/SC/CRP.10, 7 June 2004.

## FURTHER REFERENCE:

-  *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities, Global Consultations on International Protection*, EC/GC/02/7, 25 April 2002.
-  *New Directions for Resettlement Policy and Practice*, Standing Committee Information Note, EC/51/SC/INF.2, 14 June 2001.
-  *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, Standing Committee 27<sup>th</sup> meeting, EC/53/SC/CRP.10/Add.1, 3 June 2003.
-  *Progress Report on Resettlement*, Standing Committee, 30<sup>th</sup> meeting, EC/54/SC/CRP.10, 7 June 2004.

# Resettlement Process Flowchart



 Resettlement Policy Decision

Resettlement Need 

# Resettlement Need



## Identification of Resettlement Needs

(Handbook Chapter 6.1)

## Case Assessment and Verification

Resettlement may be an  
appropriate solution  
(Handbook Chapters 6.1 + 6.2)

**Decision by the accountable  
officer  
on the need for Resettlement**

**Resettlement is  
an appropriate  
solution**

**Resettlement is  
not an appropriate  
solution**

**Continued Need  
for Protection**  
(Handbook Chapter 3)

**Seek other  
Durable  
Solution**

**Status  
Refused/  
Withdrawn**

**Status Confirmed**

**Closed**

**Resettlement  
Documentation**



# Resettlement Documentation



Resettlement Interview

Apply Resettlement Criteria

<b>Legal &amp; Physical Protection Needs</b> (Handbook Chapter 4.2)	<b>Medical Needs</b> (Handbook Chapter 4.4+6.5)	<b>Survivors of Violence and Torture</b> (Handbook Chapter 4.3+6.4)	<b>Women-at-Risk</b> (Handbook Chapter 4.5+6.6)	<b>Family Reunification</b> (Handbook Chapter 4.6+6.7)	<b>Children and Adolescents</b> (Handbook Chapter 4.7+6.8)	<b>Elderly Refugees</b> (Handbook Chapter 4.8)	<b>Refugees without Local Integration Prospects</b> (Handbook Chapter 4.9)
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Compilation of Resettlement Registration Form (RRF) and related documentation

Decision by the accountable officer on the quality of the Resettlement submission

To Be Submitted

(Handbook Chapter 6.9)

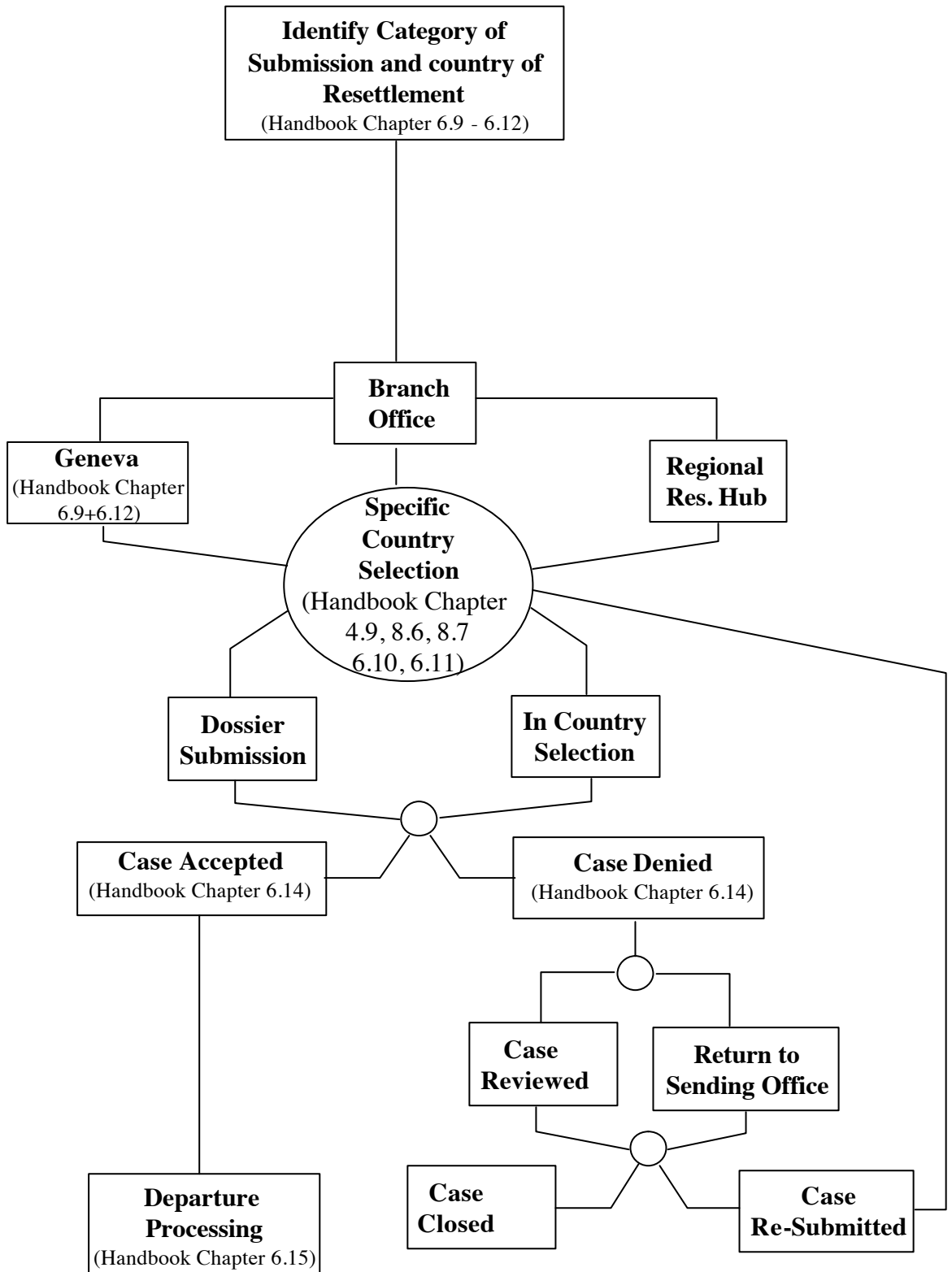
To be Reviewed

Submission

Resettlement Submission Procedure



# Resettlement Submission



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**REFUGEE STATUS AND RESETTLEMENT**

- 3.1 General Considerations**
- 3.2 Mandate Refugee Status as a Precondition**
- 3.3 Convention Status and Mandate Status**
- 3.4 Eligibility under the 1951 Convention and Regional Instruments**
- 3.5 *Prima Facie* Eligibility**
- 3.6 Continued Need for Protection**
- 3.7 Exclusion of Persons Considered to Be Undeserving of international Protection**

## REFUGEE STATUS AND RESETTLEMENT

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**Resettlement under the auspices of UNHCR is strictly limited to mandate refugees who have a continued need for international protection.**

### 3.1 General Considerations

Normally, a decision on the refugee status of an individual should already have been made before resettlement is considered. However, there may be a need to review and clarify this decision before resettlement is pursued. Some key issues are introduced in this Chapter.

A complete discussion of the relevant parts of refugee law and eligibility determination would exceed the scope of this Handbook. Persons dealing with resettlement are therefore strongly encouraged to consider the items under *Essential Reading* at the end of this Chapter, to ensure the necessary comprehensive understanding of the relevant issues.

In practice, resettlement and protection staff needs to cooperate closely to ensure that individuals have been determined to be refugees, be it individually or *prima facie* as a group, and that cases have been adequately documented before resettlement is pursued.



## 3.2 Refugee Status as a Precondition

Resettlement under the auspices of UNHCR is strictly limited to refugees under its mandate. It is therefore essential to ensure that each individual referred for resettlement is determined to fall under UNHCR's mandate. In the family context, particularly in cases of family reunification under resettlement provisions (see Chapter 4.6 for details), it suffices that one family member has been determined to be a refugee within UNHCR's mandate. Resettlement of persons who are not within the mandate of UNHCR should not be undertaken. UNHCR Headquarters should be consulted in case of doubt.

### UNHCR's Mandate

The mandate of UNHCR derives from the Office's Statute, and subsequent resolutions of the United Nations General Assembly and Economic and Social Council (ECOSOC). UNHCR is also institutionally linked to international conventions pertaining to refugees and stateless persons, through e.g. Article 35 of the 1951 Convention, which delineates UNHCR's supervisory responsibility relating to this Convention; and also (indirectly) through Article 11 of the 1961 Convention on the Reduction of Statelessness and Articles 22 and 45 of the 1989 Convention on the Rights of the Child. Moreover, UNHCR acts in accordance with decisions and conclusions adopted by the Executive Committee of the High Commissioner's Programme.

### Mandate Refugees<sup>1</sup>

According to its Statute and subsequent General Assembly and ECOSOC resolutions, UNHCR is mandated to provide international protection and humanitarian assistance to refugees as well as to promote durable solutions to the problem of refugees. Following requests by the General Assembly and endorsement by the international community, the Office's competence with regard to refugees covers all persons who are refugees within the meaning of the 1951 Convention as well as those who are outside their country of origin or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalised violence or events seriously disturbing public order, and who, as a result, require international protection. Resettlement under the auspices of UNHCR can be carried out on behalf of refugees recognized by States as well as refugees recognized by UNHCR pursuant to its mandate.

<sup>1</sup> Refugees that fall within the mandate of UNHCR whether recognized as refugees by States or by UNHCR. According to UNHCR/BOM/49/81, *Categories of persons to whom the High Commissioner is competent to extend international protection*, UNCHR reserves the right not to consider as falling within its mandate any person recognized by a State as a refugee if there are serious reasons to believe that the

### 3.3 Convention Status and Mandate Status

Refugee status at the universal level is governed by the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. These two international legal instruments have been adopted within the framework of the United Nations and are applicable to persons who are refugees as therein defined. The assessment as to who is a refugee, i.e. the determination of refugee status under the 1951 Convention and the 1967 Protocol, is incumbent upon the Contracting State to which the refugee submits an application for recognition as a refugee.

The refugee status of applicants in receiving States party to the 1951 Convention and/or the 1967 Protocol is therefore normally determined by the authorities of those countries. A determination need not, however, be considered binding by UNHCR and in certain circumstances the Office may make its own determination under its mandate. In countries not party to the Convention or the Protocol, the competent UNHCR Field Office is required to determine the status of those being considered for resettlement.

Persons who meet the eligibility criteria of the UNHCR Statute and the 1951 Convention or who fall within UNHCR's broader protection mandate as established by subsequent General Assembly and ECOSOC resolutions, qualify for the protection of the United Nations provided by the High Commissioner, regardless of whether they are in a country that is a party to the 1951 Convention and/or the 1967 Protocol (or, if applicable, a regional instrument) or whether they have been recognised by the host country as refugees under either of these instruments. Such refugees, being within the High Commissioner's mandate, are usually referred to as *mandate refugees*.

From the foregoing, it will be seen that a person can simultaneously be both a mandate refugee and a refugee under the 1951 Convention or the 1967 Protocol. A person may, however, be in a country that is not bound by these instruments, may be denied access to the refugee determination procedure, or may not be eligible for recognition as a Convention refugee by the application of the dateline or the geographic limitation. An application may furthermore be rejected erroneously or for reasons related to application of the refugee definition which, in the view of UNHCR, is not in line with the accepted interpretation of the 1951 Convention. This includes individuals who have been rejected in a refugee status determination procedure on purely formal or procedural grounds (for example, pursuant to the application of time limits for submitting an asylum claim) or on substantive grounds with which UNHCR would not concur (such as in the case of persecution by non-State agents, refugees fleeing persecution from areas of ongoing conflict, persons who fear or suffer gender related persecution, or because of an unreasonably high burden of proof). In such cases, the applicant would still qualify for international protection under the terms of UNHCR's

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person in question does not meet the basic refugee requirements or that the person falls under one of the exclusion clauses.

mandate and thus be eligible for resettlement, provided that the criteria for this solution are met.

### 3.4 Eligibility under the 1951 Convention and Regional Instruments

While UNHCR considers the effects of recognition under the 1951 Convention or a regional instrument to be the same, many States may only consider refugees determined under the 1951 Convention to be eligible for resettlement in their territory.

Pertinent examples of regional instruments are the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and the 1984 Cartagena Declaration on Refugees. Both these instruments contain a broader definition than that found in the 1951 Convention. They include persons who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order, are compelled to seek refuge or who left their country because their lives, safety or freedom were threatened by generalized violence, internal conflicts or a massive violation of human rights.

### 3.5 *Prima Facie* Eligibility

Refugee status must normally be determined on an individual basis, but situations often arise in which large populations have been displaced under circumstances indicating that most members of the population could be considered individually as refugees. In such situations, the need to provide protection and assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of that population. Recourse is therefore made to so-called *group determination* of refugee status, whereby each member of the population in question is regarded *prima facie* (in the absence of evidence to the contrary) as a refugee. In other words, the presumption is that individual members of the population concerned would be considered as refugees in need of protection.

In situations where resettlement is considered for persons who have been accorded *prima facie* refugee status, UNHCR in the past has held the position that it usually would be necessary to conduct an assessment of individual eligibility. However, in practice resettlement countries have, in some instances, accepted resettlement submissions from UNHCR on behalf of *prima facie* refugees. Therefore, it may be sufficient for UNHCR offices, in their resettlement submissions, to simply **substantiate** the *prima facie* recognition, rather than necessarily establishing that individual eligibility criteria have been met, provided the refugee cases do not show evident exclusion elements. Toward this end, the Convention ground(s) relevant for the group recognition, or the reasons to consider a group as mandate refugees *prima facie*, could be referred to in a generalized manner.

The Programme of Action under the *Agenda for Protection* supports this policy approach in calling upon “States to examine how more flexible resettlement criteria could be applied with regard to refugees recognized on a *prima facie* basis in mass displacement situations to which Article 1 F does not apply...”, and in promoting the expansion of resettlement opportunities particularly through “Asking States that offer resettlement opportunities to consider increasing their resettlement quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.”<sup>1</sup> Elsewhere, “resettlement countries are encouraged to harmonize their resettlement criteria with UNHCR’s mandate to allow for due consideration of the unique circumstances and resettlement needs of *prima facie* refugees”<sup>2</sup>.

### 3.6 Continued Need for Protection

If individual refugee status was formally determined in the past, a review of the refugee claim may be advisable to confirm that there is a continuing need for international protection and that none of the cessation clauses stipulated in the relevant instruments have become applicable in the meantime.

A renewed eligibility determination can furthermore ensure that all facts relevant to the case have been established and considered.

<sup>1</sup> *Agenda for Protection*, Goal 3, Objective 6,; and Goal 5, Objective 5, Action 4.

<sup>2</sup> *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, paragraph 16.

A full examination of the individual's refugee claim where the determination has taken place in the past is also recommended as many resettlement countries will conduct their own refugee status determination and thus the facts in the case should be elucidated prior to submission for resettlement. This will help to confirm that the submission is fully substantiated and thereby should expedite processing.

In situations where a refugee recognized as such on a *prima facie* basis is submitted for resettlement, it would also be relevant to establish whether a continued need for protection exists. This should be done by ascertaining whether the objective situation in the country of origin having given rise to the particular exodus of persons continue to expose individual members of the group to danger or other serious consequences, for reasons relevant to the 1951 Convention definition, in the event they return to their home country.

### 3.7 Exclusion of Persons considered To Be Undeserving Of International Protection

Certain acts are so grave as to render their perpetrators undeserving of international protection as refugees. The rationale of the exclusion clauses as enshrined in Article 1F of the 1951 Convention is to deprive persons for whom there are serious reasons for considering that they are individually responsible for acts within the scope of that provision of international protection and to ensure that such persons do not abuse the institution of asylum in order to avoid being held legally accountable for their acts.

It is paramount that Field Offices consider issues relating to (inclusion and) exclusion from refugee status carefully **before making any demarches toward resettlement**. Standard Operating Procedures for the processing of cases involving exclusion considerations are delineated below.

The exclusion clauses should be used scrupulously to protect the integrity of the institution of asylum. At the same time they should always be applied with great caution and only after a full assessment of the individual circumstances of the case given the possible serious consequences of exclusion. They should, therefore, always be interpreted in a restrictive manner.

The *2003 Guidelines and Background Note on Exclusion* set out the relevant standards and principles to guide Field Offices on the application of the exclusion clauses, be it exclusion as part of RSD, revocation of refugee status or cancellation of an erroneous initial recognition decision on the basis of exclusion.<sup>1</sup>

<sup>1</sup> See paragraphs 14-17 of the Background Note for explanation of the terms cancellation and revocation.

As part of developments in the global security environment, particularly since 2001, States are manifesting an increased interest in the issue of exclusion. Whenever the background and/or profile of an individual who is submitted for resettlement raises possible exclusion issues, it is of critical importance that the RRF contain a thorough exclusion analysis explaining why the person concerned has *not* been excluded from international refugee protection.<sup>1</sup>

A question which has received increased attention is that of the treatment of asylum applications of combatants. UNHCR's Executive Committee has defined combatants in ExCom Conclusion No. 94 (LIII) of 2002 as "persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum". Military activities are by nature incompatible with the civilian character of asylum. Therefore, active combatants are not eligible for international refugee protection and assistance. By contrast, former combatants who request asylum should be admitted into asylum procedures once it has been established that they have genuinely and permanently renounced military activities. Their asylum claims should be examined in individual RSD procedures, which should encompass an assessment of the possible application of Article 1F.

The fact of having taken part in armed conflict does not in and of itself constitute a ground for exclusion, nor does it as such establish a presumption of responsibility for acts within the scope of an exclusion clause, although an assessment of the applicant's conduct during armed conflict will be required. Likewise, mere membership in a group or organisation involved in violent crimes is not necessarily a sufficient basis for a presumption of responsibility for excludable acts. However, under certain conditions, a rebuttable presumption of individual responsibility for excludable acts may arise for members of groups or organizations proven to be particularly violent.

Another area receiving increased attention has been that of the applicability of the exclusion clauses to acts commonly considered as 'terrorist'. Guidance on this issue is set out in the *2003 Exclusion Guidelines and Background Note*.<sup>2</sup> In each case, it will be necessary to assess the nature and impact of the acts in question. In many cases, they will come within the scope of Article 1F.

It is also necessary to establish whether the person concerned incurred individual responsibility for such acts. An exclusion analysis is also required for those who have been included in a national or international list of terrorist suspects, or are associated with an organisation designated as 'terrorist' by a State, or an international or regional institution.

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<sup>1</sup> In addition to the guidance contained in the Background Note on Exclusion, Field Offices undertaking RSD should use the RSD Assessment Form to structure their analysis (see RSD Procedural Standards Annex 4.2).

<sup>2</sup> See paragraphs 25-26, 15, 17 and 19 of the *Guidelines*, and paragraphs 79-84, 41, 49, 59-62 and 109 of the *Background Note*.

In certain cases a presumption of individual responsibility for excludable acts may be justified.<sup>1</sup> Consideration of the exclusion clauses is, however, often unnecessary as persons suspected of having committed ‘terrorist’ acts may not meet the inclusion criteria of the refugee definition.

### Exclusion in situations of mass displacement

In situations of mass influx, refugee status is often determined on a *prima facie* basis. This means that all members of a group are presumed to meet the inclusion criteria applicable in the particular context. Where active or former combatants may be mixed with the refugees, any declaration or statement of *prima facie* refugee status, setting out the eligibility criteria to be met by members of the group, should state that the *prima facie* recognition does not apply to either category.

As noted in the section above, active combatants are not eligible for international refugee protection while former combatants who request asylum should be admitted to individual RSD procedures. An exclusion assessment will need to form part of these procedures and must be reflected in the RRF.

Exclusion considerations may also arise in other cases if information comes to light which indicates that an individual among a group of *prima facie* refugees may have committed a crime within the scope of Article 1F. In such cases, the Field Office should carry out cancellation or revocation proceedings as appropriate. The resettlement submission should only be made after the Field Office has established that the exclusion clauses are not applicable.

Upcoming *Guidelines on the Application of the Exclusion Clauses of the 1951 Convention relating to the Status of Refugees in mass influx situations* will set out detailed guidance on legal and practical aspects of exclusion in this regard. However, the standards and criteria governing the application of Article 1F of the 1951 Convention remain those set out in the *2003 Exclusion Guidelines and Background Note*, which apply also in the context of mass influx.

The determination of whether or not a person is undeserving of international refugee protection requires an individualized assessment in all cases, including in situations of mass influx.

The exclusion clauses may never be applied on a group basis. For exclusion to be justified, it must be based on individual responsibility in relation to a crime within the scope of Article 1F.

Standard Operating Procedures relating to Resettlement Submissions following an examination of the Exclusion Clauses

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<sup>1</sup> For further details on the significance of ‘terrorist’ designations, please see paragraph 80 of the Background Note on Exclusion.



Because of the particular serious implications for the individual concerned and the complex criteria that are relevant to the determination, examination of the application of the exclusion clauses in Article 1F should only be undertaken by UNHCR Protection staff who are **knowledgeable about the relevant evidence and principles**. Further guidance on procedures for examining the application of Article 1F, including review requirements, is provided in the *Procedural Standards for RSD under UNHCR's Mandate*, Unit 4, sections 4.8.2 and 4.8.3.











In cases in which exclusion considerations are triggered but Article 1F is found not to be applicable and resettlement is identified as the appropriate durable solution, the following review procedures are required:






1. Before submitting the case for resettlement, the RSD decision should be reviewed by the RSD Supervisor or the Head of Office.
2. Once the RSD decision has been finalized by the UNHCR Field Office it should be submitted, together with the Office's detailed analysis and recommendation, to the Senior Legal Adviser of the relevant Regional Bureau for clearance.
3. In cases which involve complex doctrinal issues related to the interpretation of Article 1F, DIP should be consulted by the Bureau before a final RSD decision is taken.

All of the above-mentioned steps should be taken before the case reaches the Resettlement Unit or Resettlement Hubs as applicable. If these SOPs have not been followed, the Resettlement Unit or Hub will return the case to the Field Office concerned.
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4. Alternative procedures for review of exclusion cases may be adopted in certain RSD operations where the Bureaux and DIP determine that only cases of a specific type or exceptional nature need be referred to HQs.

**ESSENTIAL READING:**

-  *An Introduction to the International Protection of Refugees. Training Module.* UNHCR Geneva. (Draft to be issued 2004).
-  *Guidelines on the Application of the Exclusion Clauses of the 1951 Convention relating to the Status of Refugees in mass influx.* (Draft to be issued 2004).
-  *UNCHR Guidelines on the Cancellation of Mandate Refugee Status.* (Draft to be issued 2004).
-  *Guidelines on International Protection: Religion-Based Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees,* HCR/GIP/04/06, 28 April 2004.
-  *Procedural Standards for Refugee Status Determination under UNHCR's Mandate,* IOM/FOM 44/2003 of 20 November 2003.  
**INTERNAL**
-  *Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* UNHCR, HCR/GIP/03/05 , September 2003.
-  *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees,* September 2003.
-  *Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* UNHCR, HCR/GIP/03/04, July 2003.
-  *Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses),* February 2003.
-  *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* HCR/GIP/02/01 7 May 2002.

-  ***Guidelines on International Protection: “Membership of a Particular Social Group” within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, May 2002.***
  
-  ***Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees, UNHCR, April 2001.***
  
-  ***Addressing Security Concerns without Undermining refugee Protection, UNHCR, November 2001.***
  
-  ***Asylum Processes (Fair and Efficient Asylum Procedures), Global Consultations on International Protection, 2<sup>nd</sup> mtg. U.N Doc. EC/GC/01/12, 31 May 2001.***
  
-  ***Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. UNHCR Geneva, Re-edited January 1992.***

## FURTHER REFERENCE:

-  S. Kapferer, *Cancellation of Refugee Status*, Legal and Protection Policy Research Series, Department of International Protection, UNHCR, PPLA/2003/02, March 2003.
  
-  *Human Rights and Refugee Protection. Part II: Specific Issues (RLD 6)*. Training Module. UNHCR Geneva, 1996.
  
-  *Human Rights and Refugee Protection. Part I: General Introduction (RLD 5)*. Training Module. UNHCR Geneva, October 1995.

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## UNHCR CRITERIA FOR DETERMINING RESETTLEMENT AS THE APPROPRIATE SOLUTION

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**This Chapter describes the UNHCR resettlement criteria and related considerations, which form the basis for the identification of refugees in need of resettlement and the pursuance of resettlement as the appropriate solution. It also provides guidance on specific procedural aspects relating to particular categories of vulnerable refugees and the resettlement process. This guidance is additional to the basic procedures and standards of the resettlement process outlined in Chapter 5 of this Handbook.<sup>1</sup>**

**Individual resettlement countries generally concur with UNHCR's resettlement criteria. Other elements are also applied in accordance with national legislation and practice. The various provisions for countries with resettlement quotas are outlined in the Country Chapters of this Handbook.**

<sup>1</sup> The categories are *Survivors of Torture and Violence*, *Medical Cases*, *Cases of Women-at-Risk*, *Family Reunification Cases*, and *Children and Adolescents*. The guidance included here is essentially identical with Chapter 6 of the 1997 Handbook as updated in 1998 and 2002. Many of the issues raised are complex and the guidance provided here should not be considered exhaustive. The Resettlement Section at UNHCR Headquarters should be contacted if additional guidance is required.

## 4.1 Basic Considerations

UNHCR resettlement activities constitute a means of providing international protection and appropriate durable solutions to refugees. As seen in previous chapters of this Handbook, resettlement also plays a role in sharing responsibilities and burdens of the refugee problem.

Resettlement should be considered when refugees are at risk in their country of refuge or have particular needs as detailed under the various criteria in this Chapter. The absence of (prospects for) another durable solution is also relevant for determining whether resettlement should be pursued. Before a decision is taken to pursue the resettlement of a refugee, first every effort should be made to fully explore the possibility of local solutions. At the same time, the possibility of voluntary repatriation in the foreseeable future (within an acceptable time frame) should also be evaluated.

This approach will ensure that the needs of refugees identified as requiring special attention are met without unnecessarily uprooting them and that scarce resources are adequately and rationally used. This does not, however, imply a mechanical process, where certain steps have to be taken one after the other over an extended period of time. The potential for any durable solutions may be reviewed at the same time and it may not be necessary that various options for local solutions are followed through, if they are not likely to be successful. As mentioned in Chapter 3, a comprehensive approach entails that the three durable solutions be applied simultaneously in a manner where they complement each other.

While it is UNHCR's obligation to ensure the protection of refugees, where necessary by promoting their resettlement, unlike voluntary repatriation or seeking asylum, resettlement is not a right of the individual.

The identification of refugees potentially in need of resettlement and the assessment of cases should be an active and systematic process. Close cooperation among all concerned staff across functional units and when applicable with implementing partners, is of considerable importance. The identification and promotion of resettlement cases should depend on the real needs of individual refugees and should not be influenced by external factors (e.g. availability of resettlement places or quotas).

However, in cases not related to immediate protection concerns, particularly those falling under the criteria of *lack of local integration prospects*, a decision to refer for resettlement may be influenced by the availability of places. Without reasonable assurances that cases will be considered, UNHCR abstains from referring cases because doing so may raise expectations, create an unmanageable demand, and in turn even lead to security problems.

At the same time, the potential of resettlement as a durable solution for certain refugees should be brought to the attention of the Resettlement Section at UNHCR Headquarters, so that steps can be taken with a view to request an increase in quota allocations.

It is important that UNHCR resettlement activities are carried out on the basis of a correct and consistent application of the criteria and considerations detailed in this Handbook. This approach will ensure that all refugees in need of resettlement receive the appropriate attention. It will, in addition, help to avoid frustration and aggression among refugees as well as other negative phenomena, like secondary or onwards movements, often related to inconsistent resettlement activities.

A rational and transparent approach will, furthermore, strengthen the credibility of UNHCR in general and widen the confidence of refugees, resettlement countries and other partners, which in turn should help to ensure that resettlement can be done efficiently and effectively.

Among cases to be promoted for resettlement, priority attention should be given to those refugees with acute legal and physical protection needs and, in particular to the most vulnerable such as women-at-risk and unaccompanied children for whom resettlement has been found to be in their best interests.

While the notion of integration potential should not negatively influence the selection and promotion of resettlement cases, it is important to choose the most appropriate resettlement country for an individual refugee, where such choice exists. For many refugees, moving to a country with a familiar culture, language or climate could make social adjustment and integration much easier. Often, and foremost in cases relating to protection problems, the main objective is, however, the timely relocation of the refugee at risk. Educational level, for example, or other factors considered to be enhancing the prospects for integration, should not be determining factors when submitting cases for resettlement.<sup>1</sup>

Resettlement should not be pursued because individual refugees have become a burden or because of their behaviour or solely in response to action undertaken by refugees to draw attention to their demands - for example, violent or aggressive action towards office staff or hunger strikes.<sup>2</sup>

<sup>1</sup> In the context of the *Global Consultations on International Protection* it has been stated that “Integration potential” should not play a determining role in the consideration of protection resettlement cases”, see *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4<sup>th</sup> mtg., EC/GC/02/7, 25 April 2002.

<sup>2</sup> Please refer to the *Guidelines on Security Incidents (OMS 2)* and *Guidelines on Security (PER 2)* for further information related to these issues.








While such individuals may have concerns which need to be heard and require an appropriate response, resettlement should only be considered if the case meets UNHCR's criteria.

Resettlement should again not be promoted merely for reasons of pity for a refugee's plight, because of the individual's impressive qualifications or previous professional status or as a reward for a "deserving" individual.

Decisions on whether or not to promote resettlement should not be clouded by value judgements. This is equally true for efforts to reach a decision on an *individual's need* for resettlement. A distinction should be drawn between a refugee's *need* for resettlement and the possible *desire* of that person for this durable solution. Some may maintain that offering the possibility of a *better* quality of life, which is assumed to be provided by developed countries, is inevitably in the best interests of a refugee from a developing country. Others may share, with equal conviction, an assumption that resettlement in a third country is always a traumatic and undesirable experience which should only be contemplated as a last resort. Furthermore, refugees, some claim, are not always welcome in the resettlement countries and have serious difficulties integrating thereby eventually representing a long-term problem for the receiving nations. Particularly when resettlement is considered as a durable solution for reasons other than individual protection needs, there is a risk that decisions may be driven by such value judgements.

The particular criteria outlined in the following Sub-Chapters should be seen as dynamic. In many cases, criteria may overlap and cumulative effects should be considered and emphasized in a resettlement submission.

#### **FURTHER REFERENCE:**

-  *Guidelines on Security Incidents (Sample Indicators and Scenarios) (OMS 2)*. UNHCR Geneva, December 1992.
-  *Guidelines on Security (PER 2)*. UNHCR Geneva, December 1992.
-  *Security Recommendations*. UNHCR Geneva, 1995.
-  *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003.
-  *Guidelines for Handling Protests, Demonstrations and other Group Disturbances*, 12 May 2004.
-  *A Framework for People Oriented Planning in Refugee Situations Taking Account of Women, Men and Children*. UNHCR Geneva, December 1992.
-  *People Oriented Planning at Work*. Using POP to Improve UNHCR Programming. UNHCR Geneva, December 1994.



## 4.2 Legal and Physical Protection Needs

As an instrument of international protection resettlement is, first, a guarantee for the legal and physical protection of refugees. Resettlement may offer the only means to preserve human rights and to guarantee protection when refugees are faced with threats which seriously jeopardize their continued stay in a country of refuge. The legal and physical protection needs of refugees may differ depending on personal characteristics of the individual concerned, such as their sex, age, disability, or other characteristic.

Gender may play a role in determining both the nature of the threat and the required responses and/or preventative measures needed. For instance, in the case of refugee women and girls, the threat to physical safety may take the form of sexual violence, including rape, trafficking for the purposes of sexual slavery, and forced marriage. These acts can be committed at the hands of persons in authority, paramilitary groups, quasi-state actors, fellow refugees, members of the local population, or even nationals or residents of the refugee's country of origin who have easy access to the country of asylum due to porous borders or otherwise.

It is the responsibility of any country to provide protection to and ensure the safety of refugees on its territory or at its borders.

It is UNHCR's responsibility to intervene with the authorities of the country of refuge with a view to ensure that such protection is provided. Only if all means of intervention have been exhausted or at least evaluated, should resettlement based on individual protection needs be considered. In certain instances, careful consideration has to be given in deciding on resettlement or not, weighing in the balance the need for resettlement against the interest of prosecution of culprits by the appropriate authorities or enforcement of legal remedies.

**Resettlement is linked to legal and/or physical protection when a refugee's situation meets one or more of the following conditions:**

- Immediate or long-term threat of *refoulement* to the country of origin or expulsion to another country from where the refugee may be *refouled*.
- Threat of arbitrary arrest, detention or imprisonment.
- Threat to physical safety or human rights in the country of refuge, rendering asylum untenable.

#### **4.2.1 Threat of *refoulement*, expulsion and arbitrary arrest and/or detention**

In some circumstances refugees may be refused entry to the country to which they have been trying to flee or may be threatened with expulsion. Such a scenario is most likely to occur when the potential country of asylum believes that the refugees concerned would threaten its political, social or economic stability if they were allowed entry or to remain. Refugees may also be under threat of deportation, possibly combined with prolonged arbitrary detention, in situations where the Governments of the country of origin and the country of refuge enjoy a close political relationship and share a mutual antagonism towards the exiles concerned, or insist there is no reason to flee from the country of origin.

In some countries which are not signatories to the 1951 Convention or its 1967 Protocol, asylum-seekers or even refugees who are recognized under UNHCR's mandate are subject to detention and prosecution, if not deportation. In order to ensure that refugees will not be *refouled* or deported to a country where their life, safety and freedom may be endangered, resettlement may be the only option. A number of countries offer asylum to refugees only on a temporary basis, on condition that they are subsequently resettled, sometimes within a specific time frame. Where UNHCR in principle should promote state responsibility for refugee protection, including the provision of a durable solution, resettlement may be resorted to in such cases if the alternative would be that protection of the refugee would not be available.

Where asylum seekers or refugees are subjected to detention, prosecution and or deportation in countries that *are* State Parties to the 1951 and/or its 1967 Protocol, UNHCR should advise the State to live up to international standards for refugee protection. In such situations resettlement should normally not be considered. However, in practice resettlement may in fact be the only solution.




#### **4.2.2 Threat to physical safety or human rights in the country of refuge**

Where a direct, current threat to the life and/or personal safety of a refugee exists, resettlement may be the only solution. The threat must be real and direct, not accidental or collateral. While past harassment, especially when repetitive, may provide such an indication, it is not a prerequisite. The threat may be targeted at an individual, but it also can be aimed at a group - such as a family or neighbourhood. The threat must still exist. Past harassment, even if repetitive, would normally not be enough, although an assessment of the appropriateness of resettlement would depend on the circumstances.

In situations where it has been established that the denial of human rights by the authorities of the country of asylum places the refugee at risk and renders asylum untenable, resettlement should be pursued after all other efforts have been exhausted or at least considered.

In other situations, refugees who have been admitted to a country of asylum may be threatened not by the authorities of that State, but by other hostile groups or Governments. If under such circumstances the host country is not willing or able to provide protection from such threats, resettlement may be the only solution. This may exceptionally include cases of domestic violence, blood or family feuds where the physical safety or human rights of the refugee is threatened in the asylum country. In addition, such circumstances would also need to be deemed as rendering asylum untenable before pursuing resettlement as an option. Re-establishment of protection by the authorities or relocation internally in the country of asylum where feasible should be pursued prior to submission for resettlement.

#### **FURTHER REFERENCE:**

-  *An Introduction to the International Protection of Refugees*. Training Module. UNHCR Geneva. (Draft to be issued 2004).
-  *Human Rights and Refugee Protection. Part I: General Introduction* (RLD 5). Training Module. UNHCR Geneva, October 1995.
-  *Human Rights and Refugee Protection. Part II: Specific Issues* (RLD 6). Training Module. UNHCR Geneva, 1996.

## **4.3 Survivors of Violence and Torture**

### **4.3.1 Eligibility for resettlement under this criterion**

Basic guidance on how to recognize people who have been subjected to severe forms of violence and how to interact with them may be obtained from the WHO/UNHCR publication *Mental Health of Refugees*.

The 1984 *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* defines torture in the following manner:

“Article 1(1). For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third persons has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

Article 16 refers to acts of cruel, inhuman or degrading treatment or punishment.

Where resettlement is determined to be the appropriate durable solution, torture survivors submitted either for protection reasons or compelling medical reasons, should be given priority.

#### **4.3.2 Specific Aspects in Cases of Survivors of Torture and Violence**

In dealing with resettlement cases considered under the present criterion, specific aspects – procedural and otherwise - need to be taken into consideration:

Survivors of torture or other severe forms of violence will require coordinated medical care, counselling and other types of special assistance, in particular when they suffer from physical and/or serious psychological problems. Not all torture survivors develop medical conditions which are easily identifiable. In cases of refugees who sustained torture but do not show obvious consequences of it, one should always consider the risk of latent effects.

It is important to remember that the families of the survivors may have complex feelings of trauma, guilt and helplessness and may in turn need special care and attention. Furthermore, information on how a particular community reacts to trauma, loss, grief and mental illness will have to be considered and included in the resettlement file. This is particularly relevant in cases of sexual violence, including rape, where the victim and the victim's spouse and family may face further victimisation and/or ostracism by their community.





Violence and torture may be experienced differently by women and men and they may have different coping mechanisms that are particular to their sex. The forms of violence and torture may also vary, depending on the sex or age of the victim. In the case of women and girls, violence may be inflicted through rape and other forms of sexual assault.

The report of a qualified physician having examined a refugee's physical condition is required. Qualified observations and comments by a psychologist or psychiatrist on a refugee's psychological state are also important. If it is not feasible to have such reports, observations and comments prepared by qualified medical personal (which might not be available in some locations), this should be explained in the RRF. If no symptoms or injuries are evident, it is particularly important to ensure that the RRF is properly documented so that the receiving country will have as much relevant information on the refugee's background as possible. In cases of refugees who sustained torture but who do not show obvious consequences, the resettlement country to which they are presented should be informed of the history of torture in order that appropriate services can be provided.

Care must be taken that survivors of violence and torture are resettled to locations where adequate services, both medical and psychological, will be available to meet their needs.

Good communication with Headquarters, Field Offices in resettlement countries and where appropriate, with officials of resettlement countries, will help ensure that such persons receive appropriate assistance in the country of resettlement. It should, however, be noted that UNHCR cannot guarantee that the refugee will always have access to required counselling and support services.

**ESSENTIAL READING:**

-  *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, UNHCR, Geneva, May 2003.
-  *Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations (Report of Inter-Agency Lessons Learned Conference Proceedings, 27-29 March 2001, Geneva)*.
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *Draft Guidelines: Evaluation and Care of Victims of Trauma and Violence*. UNHCR Geneva, December 1993.

## 4.4 Medical Needs

Before considering a person for resettlement on the basis of medical needs, special care must be exercised by all staff concerned to ascertain whether the basic considerations outlined in Chapter 4.1 have been fully applied. Medical cases must be approached on a case-by-case basis. It is essential that qualified medical personnel be consulted when determining whether to recommend resettlement of a medical case. The resettlement of persons with medical needs is challenging, and resettlement opportunities are limited. It is essential that UNHCR identify cases with the most serious problems that can only be addressed through resettlement.

#### 4.4.1 Specific determination criteria

To specifically determine that resettlement is the appropriate solution to the medical needs of a refugee, the following conditions must be met:

- o The health condition is life-threatening without proper treatment; or
- o There is a risk of irreversible loss of functions; or
- o The health condition presents a significant obstacle to leading a normal life and achieving self-sufficiency;

and

- o Adequate treatment is not available in the country of asylum, due to lack of medical facilities and expertise;

- o Adequate treatment cannot be ensured through temporary medical evacuation<sup>1</sup>;

- o In the case of a disability, the situation in the country of asylum prevents the individual from becoming well adjusted and from functioning at a satisfactory level;

and

- o There is a favourable prognosis that treatment and/or residence in the country of resettlement would successfully address the health problem and, if possible, given the expected state of health after treatment/relocation, enable the individual to gain partial or total independence; or
- o The particular situation in the country of asylum is the reason for, or significantly worsens, the health condition;

and

- o It is the expressed wish of the individual, after having been counselled in particular with regard to the social, cultural and psychological adaptation required in a new community.

#### 4.4.2 Setting priorities

Among cases meeting the above conditions, priority should be given to the needs of persons whose medical condition is directly related to their persecution, flight or exile (see also 4.3 Survivors of Violence and Torture).

Priority should furthermore be given to children and to women alone or with children/dependants.

#### 4.4.3 Family unity

Both married and single persons are eligible and the disabled or sick person must be resettled with the family/ dependants.

<sup>1</sup> See UNHCR/FOM/58/96 dated 18 July 1996 on Guidelines for International Medical Referral of Refugees under Project VAR/LS/401. Only limited funds are available under this project.

If resettlement is done on emergency and urgent cases basis, measures should be taken to ensure that family members/dependants of the resettled refugee be reunified with him or her in the country of resettlement.

#### **4.4.4 Disabilities**

Disabled refugees who are well-adjusted to their disability and are functioning at a satisfactory level are generally not to be considered for resettlement. For example, deaf and mute refugees who have learned sign language and who are able to exercise a profession, or who can benefit from training in the country of refuge, would not need resettlement. Conditions which can be properly addressed through the provision of such things as hearing aids or prosthetics should be treated in the country of refuge whenever possible. Only when such disabilities are untreatable locally, and when they seriously threaten the person's safety or quality of life, should resettlement be explored.

#### **4.4.5 Diseases and other medical conditions**

Cases in which a disease or medical condition can be adequately addressed by medication, a change in diet or environment, or through other treatment available in the country of refuge, should not be referred for resettlement. Where it is believed that a medical condition might be amenable to treatment elsewhere, it should be determined if indeed such treatment is available locally, and whether medical evacuation or other alternatives to resettlement might be feasible.

#### **4.4.6 Considerations in dealing with refugees with HIV/AIDS**

The fact that a refugee has HIV/AIDS should not adversely affect a resettlement claim based on other grounds such as family reunion, protection, or other special needs.

In some circumstances, the awareness among other refugees, the local population, or government authorities that a refugee has HIV/AIDS might result in risk to the person's physical safety, or jeopardize the individual's asylum status. Such cases, although presenting a medical problem, may need resettlement based on legal/protection grounds.

UNHCR has developed a policy on refugees and HIV/AIDS<sup>1</sup> which provides guidance on issues such as medical considerations, voluntary counseling and testing (VCT), and confidentiality of information.

<sup>1</sup> UNHCR Strategic Plan (2005-2007): HIV/AIDS and Refugees)

UNHCR and IOM have issued a joint policy which opposes mandatory HIV screening and/or restrictions based on a refugee's HIV status. Nevertheless, a few resettlement countries have adopted mandatory HIV testing as part of the pre-departure medical screening. These resettlement countries undertake such screening in order to ensure that appropriate services are in place prior to the person's arrival, or to evaluate whether related health-care costs may prove a bar to resettlement. It is UNHCR's position that where HIV seropositivity or AIDS constitutes a bar to resettlement, the person concerned should be granted a waiver as a matter of course<sup>1</sup>; however this position has not been accepted by all resettlement countries.

States should advise refugees regarding the legal options for persons with HIV/AIDS, e.g. waiver procedures, exceptions, etc.

While UNHCR recognizes that HIV testing in the context of resettlement may not be strictly voluntary, when required by resettlement countries, such testing must be carried out in line with international standards and best practice.<sup>2</sup> UNHCR must closely monitor medical screening practices to ensure that appropriate pre- and post- HIV test counselling is provided and that confidentiality is maintained when the refugee concerned is notified of test results.<sup>3</sup> Notification of results should be in the context of post-test counseling so that appropriate advice and referral to support services can be ensured. States may also require that the applicant be officially notified of test results in writing; this should not occur in advance of notification by the physician or relevant counselor during post-test counseling<sup>4</sup>.

A key area of concern is the need to respect an individual's right to privacy and to confidentiality of all information relating to his or her HIV status. Procedural safeguards should be put in place to ensure that HIV test results are kept confidential and are only shared with 3<sup>rd</sup> parties, including family members, implementing partners and UNHCR staff, after having obtained the informed consent of the concerned individual.<sup>5</sup>

<sup>1</sup> Please see the relevant country chapters for procedures on medical screening and waivers.

<sup>2</sup> In addition to the documents cited above on *HIV/AIDS and Human Rights*, see also, for example: *Opening up the HIV/AIDS epidemic: Guidance on encouraging beneficial disclosure, ethical partner counseling & appropriate use of HIV case-reporting*, (Geneva, November 2000). Available at: [http://www.unaids.org/html/pub/Publications/IRC-pub05/JC488-OpenUp\\_en\\_pdf.pdf](http://www.unaids.org/html/pub/Publications/IRC-pub05/JC488-OpenUp_en_pdf.pdf)

<sup>3</sup> See Article 17 of the International Covenant on Civil and Political Rights. See also UNAIDS/OHCHR *HIV/AIDS and Human Rights: International Guidelines* (Geneva, 23-25 September 1996), available at: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.1997.37.En?Opendocument#guidelines](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.1997.37.En?Opendocument#guidelines); as well as UNAIDS/OHCHR, *HIV/AIDS and Human Rights: Revised Guideline 6*, available at: <http://www.unhcr.ch/hiv/g6.pdf>

<sup>4</sup> Panel physicians conducting medical screening on behalf of resettlement countries, in addition to their contractual obligations under that agreement, are usually bound by strict ethical guidelines on VCT issued by their national professional body (i.e., non-adherence could affect registration with a professional council).

<sup>5</sup> See UNHCR's Confidentiality Guidelines of August 2001 (IOM/71/2001-FOM/68/2001) and UNHCR Policy and Guidelines regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS)" (IOM/82/92-FOM/81/92 of 12 November 1992).



In cases where a child has tested HIV positive, it should be noted that there is an obligation to protect confidentiality of the test results consistent with the child's right to privacy. Information on the HIV status of children should not be disclosed to third parties, including parents, without the child's consent, unless the best interests of the child so demand. Counselling and testing services must pay due attention to the evolving capacities of children taking into consideration the standards set out in the Convention on the Rights of the Child.<sup>1</sup>

In view of the complicated nature of HIV testing in the context of resettlement, Offices in the field which become aware of a denial (or non-acceptance) based on HIV status may wish to contact the Resettlement Section at UNHCR Headquarters for advice and guidance on general requirements for waivers or exceptions. Similarly, incidents where pre- and post-test counseling has not been provided to an individual, or confidentiality has not been maintained in notification of results, including when the responsibility for notification falls erroneously to a UNHCR Officer, Offices should inform authorities from the concerned country as well as UNHCR Headquarters (Resettlement Section).

#### 4.4.7 Specific Aspects in Medical Cases



For submissions under the medical need criteria, the following should be borne in mind:

- The Resettlement Registration Form should always be completed with the head of family as the Principal Applicant, and not the sick/disabled family member (if not at the same time the head of the family).
- The UNHCR Medical Assessment Form should be used. It should be fully completed by the examining physician.
- If the UNHCR form is not used by the attending physician, the report provided should include details of:
  - the medical history;
  - the diagnosis;
  - the prognosis, including recommended treatment; and
  - the follow-up required.
- The Medical Assessment Form and/or other medical reports should be *legible*.
- All documents should be signed and dated.
- X-rays, CT scans, photographs, etc., if available, should be included in the file.










<sup>1</sup> See, *inter alia*, Articles 3, 12, 13, and 16 of the Convention on the Rights of the Child, as well as General Comment by the Committee on the Rights of the Child on "HIV/AIDS and the rights of the child", No. 3 (2003).

The Resettlement Section at Headquarters will continue to receive and facilitate medical referrals.

#### ESSENTIAL READING:

-  *UNHCR Policy and Guidelines Regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS)*, 12, Nov. 1992
-  *UNHCR Policy Regarding Refugees and Acquired Immune Deficiency Syndrome (AIDS)*, UNHCR/IOM/78/98, UNHCR/FOM/84/98, 1 Dec. 1998.

#### FURTHER REFERENCE:

-  *Refugees and HIV/AIDS*, Executive Committee of the High Commissioner's Programme, Standing Committee, 20<sup>th</sup> mtg., UN Doc. EC/51/SC//CRP.7, 15 Feb 2001.
-  *Assisting Disabled Refugees. A Community-based Approach*. UNHCR Geneva, May 1996 (Second Edition).
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *IOM Medical Manual 1993*.
-  *UNHCR Strategic Plan (2005-2007): HIV/AIDS and Refugees)*
-  *Opening up the HIV/AIDS epidemic: Guidance on encouraging beneficial disclosure, ethical partner counseling & appropriate use of HIV case-reporting*, Geneva, November 2000.
-  *UNAIDS/OHCHR HIV/AIDS and Human Rights: International Guidelines*, Geneva, 23-25 September 1996.
-  *UNAIDS/OHCHR, HIV/AIDS and Human Rights: Revised Guideline 6*
-  *General Comment by the Committee on the Rights of the Child on "HIV/AIDS and the rights of the child", No. 3 (2003)*.

## 4.5 Women-at-Risk

Like other refugees, refugee women and girls may face physical and legal protection problems in the country of refuge. In this respect, they need to be safeguarded against *refoulement*, arbitrary arrest or other forms of human rights violations. They also require a legal status that accords adequate social and economic rights and access to such basic necessities as food, shelter and clothing. In addition, they may face unique or gender-related forms of persecution or violence, as a result of their sex. These particular protection challenges faced by women and girls often require specific responses.

Historically, this is one of the reasons why certain countries introduced special resettlement quotas and/or programmes for refugee women.

In a given refugee context, women refugees may be more vulnerable than other refugees, finding themselves separated from their family members or traditional support mechanisms, or isolated from their communities. They may have to assume new roles and status as a result. In addition to coping with the impelling reasons for their flight, they may be confronted with new challenges, such as providing for themselves and their children in situations of particular hardship, as well as new forms of violence and risks, in the country of refuge.

While resettlement opportunities for women exist equally under the other resettlement criteria, the complexity of their individual situations and/or the particular nature of their protection needs may necessitate a specific response. The Women-at-Risk resettlement criterion is one of these responses.

An accurate and gender-sensitive assessment of the refugee's protection needs and particular vulnerabilities in the country of refuge can sometimes be critical in determining her eligibility for resettlement. In this regard, it is important to bear in mind the role that gender can play in refugee status determination and resettlement eligibility interviews.

#### **4.5.1 The rationale for the Women-at-Risk criteria:**

- To provide international protection and assistance through resettlement to refugee women who face particular protection problems, as a result of their sex.
- To obtain priority processing and accelerated departure for those refugee women considered "at-risk".
- To ensure that refugee women-at-risk receive specialized care, if needed, and appropriate support upon arrival in the country of resettlement with a view to achieving socio-economic integration and self-sufficiency.

#### **4.5.2 Identifying Women-at-Risk for Resettlement**

In the context of displacement and refugee flight, in either refugee-camp or urban situations, women and girls may experience special protection problems as a result of their sex. Risks of abduction, rape, sexual abuse, harassment and exploitation are just some of the problems experienced by refugee women, *whether they are single, widowed, or accompanied by a male family member.*

In particular instances, past traumatic experiences in the country of origin and circumstances of severe hardship in the country of refuge may magnify or exacerbate the protection problems of refugee women and add to the precariousness of their situation. Early identification and assessment of these protection problems is critical for a correct application of the Women-at-Risk criteria.

### **Definition of a Women-at-Risk**

For the purposes of resettlement, UNHCR considers as women-at-risk those women or girls who have protection problems particular to their gender, whether they are single heads of families, unaccompanied girls, or together with their male (or female) family members. Refugee women or girls may be at risk of or have suffered from a wide range of protection problems, including expulsion, *refoulement* and other security threats, sexual violence, physical abuse, intimidation, torture, particular economic hardship or marginalization, lack of integration prospects, community hostility, and different forms of exploitation. Such problems and threats are often compounded by the effects of past-persecution sustained either in their country of origin or during flight. The trauma of having been uprooted, deprived of normal family and community support systems and cultural ties, the abrupt change in roles and status, the fact or threat of violence, or the absence of male family members (while not an absolute condition), may render some refugee women or girls particularly vulnerable. These are contributing factors in determining whether resettlement is the appropriate solution.

### **4.5.3 Precarious security situations**

Refugee women may suffer from a wide range of threats to their personal security, including risk of expulsion, *refoulement*, or sexual and gender based violence, such as sexual harassment, domestic violence, abuse, torture, trafficking for the purposes of sexual slavery or exploitation or forced labor, and other forms of exploitation. The fact of displacement often exacerbates these threats. Such threats may be derived from the host community, local government or military, other armed elements, or from within the refugee community itself. Members of her family or community may prove unable to address her concerns, or may even be unwilling to offer assistance due to social or cultural attitudes which do not recognize the rights of refugee women. UNHCR and other aid agencies may also be unable to address these issues in the short-term in any effective way, due to the endemic nature of the problem or the difficulty in changing long-held cultural values. Strict social codes in the refugee community can mean that the physical protection of refugee women is further jeopardized.

The victimization and stigmatization of women victims of rape, abuse, or other forms of violence, is not uncommon, particularly in traditional societies, and can require the immediate removal of such victims, possibly by way of third country resettlement.

Specifically as regards cases of domestic violence considered for resettlement under the Women-at-Risk criterion, a number of practical and legal aspects may appear to be insurmountable to field offices and hence comprise a *de facto* obstacle to resettlement. For example, it may be required to move the woman and any children in the relationship to a secure location pending emergency resettlement. It may be necessary to change that location for security reasons. Moreover, if the partner of the woman becomes aware of the involvement of UNHCR and/ or other organizations, this may lead to security concerns for staff members. The office may also need to address complex legal issues relating to the custody of children and to marriage law of the country in question.

In principle, UNHCR should not stop short of exercising its mandate by using resettlement as a means of protection in cases involving domestic violence. This also applies where child custody or other rights of the husband or partner become relevant in the course of pursuing resettlement for the woman and child(ren). Where children are involved, BID principles should be applied, see Chapter 5.1 of this Handbook.

As these issues may, however, be contentious and complex, and put the office under some strain as a result, Headquarters should be consulted and kept informed of the case(s) in question. Moreover, it is crucial that *national authorities in the country of asylum and authorities in the potential resettlement country have indicated their willingness to accept resettlement as a solution and offer their full cooperation throughout the procedure.*

#### **4.5.4 Specific needs arising from past persecution and/or past trauma**

Past persecution may affect a refugee woman's protection situation in the host country and her ability to cope with the challenge of displacement. The assessment of past persecution provides important indicators of the needs of refugee women and the required response or preventive action required.

Very often, refugee women who have already been severely traumatized in their country of origin are more vulnerable to being re-traumatized. Latent psychological effects of past torture or trauma, coupled with adverse circumstances in the country of refuge, are likely to exacerbate their state of mental health. Such women may require mental, psychological or social counseling or rehabilitation or qualified medical care for any meaningful recovery, and such opportunities may not be readily available in the country of refuge.

Past trauma may also negatively affect a refugee's capacity and willingness to locally integrate in the country of refuge and to provide for her own children.

It is equally important, in the search for solutions, to ensure the protection of secondary victims, often her children or family members. In the case of women victims of sexual violence, specific medical assistance may be needed in order to address the consequences of, for example, self-practiced abortion, sexually transmitted diseases including HIV/AIDS, or other related health problems.

#### **4.5.5 Circumstances of severe hardship**

For some refugee women, severe hardship in the host country, combined with a precarious legal and social status, may result in further exposure to the risk of abuse and exploitation/extortion. Some women may be subjected to extremely difficult living conditions and forced to sell their personal possessions to provide for themselves and their children, or they may be forced into prostitution.

Circumstances of hardship may be particularly acute in the context of urban settings, where access to humanitarian assistance and income-generating activities is often minimal. Women who have managed to find employment may suffer from discrimination and harassment by their local employers because of their sex, ethnicity or uncertain legal status. In the context of a precarious legal regime, some refugees may face eviction from their homes and forced to live in abject poverty. To overcome these difficulties, some refugee women may be induced or forced to rely on "local protectors" in exchange for material assistance, accommodation, personal documentation and/or residence permits. Protracted situations of severe hardship may result in higher levels of physical and mental illness for refugee women and/or their families, as well as increases in domestic violence.

#### **4.5.6 Changes of social status as a result of suspension or deviation of social norms**

Social norms are often spontaneously suspended in times of civil conflict and refugee displacement. Suspension of social norms, customs, laws and values under refugee conditions often leaves women unprotected and subject to various violations of their human rights. The perpetration of particular crimes, such as rape or other forms of sexual aggression, increases significantly in situations of displacement compared with non-refugee-situations, due to the break-down in traditional or legal protection and conflict resolution mechanisms, leaving women particularly vulnerable and perpetrators free from prosecution or sanctions.

Suspension of traditional norms brings changes in the prevailing social mores, including the attitude and the perception of the 'proper' role of women. In some instances, this triggers a positive redefinition of traditional notions of sex and gender in women's favor and results in an improvement of women's self-definition.

New and creative mechanisms such as women's associations or networks may replace traditional protection structures and provide alternative reference points and different systems of support. In other cases, however, traditional mechanisms of protection and social norms remain in place but deviate substantially within the refugee context thus becoming a threat to refugee women. Shifts in cultural values, in fact, may lead to clashes within the refugee's family or the extended community and this often results in instances of serious domestic violence or stigmatization of the refugee woman by her community. In the case of victims of sexual or gender-related violence within the refugee community, the implementation of community-based customary practices to settle the offence may result in serious violations of a woman's basic human rights.

#### **4.5.7 Refugee Girls**

Resettlement under the Women-at-Risk criteria is equally open to refugee girls facing particular types of protection concerns. Where these factors exist, special attention should be given to refugee girls, who, because of their age and level of maturity, may be at increased risk of violence, abuse or exploitation, and may be less able to cope with any associated trauma, or their circumstances of displacement. Young girls without adult supervision due to separation from family members, or death of parents, often find themselves responsible for younger siblings. In such cases, the burden on young girls is particularly severe, with access to school limited due to other household and family responsibilities, and heavy responsibility for younger family members who may also be at risk of various protection threats. Girls in foster care also often face deprivation of their rights to participate in community life, including school, and may face threats of exploitation. Such girls may need to be separated from their foster families. Refugee girls may also face forced or early marriage; they may be at risk of female genital mutilation to which they object, or sexual slavery, as well as at greater risk of exploitation. Such cases should be considered for resettlement under the Women-at-Risk criteria.

**Resettlement of refugee women or girls to be considered when:**

- She faces precarious security or physical protection threats as a result of her sex.
- She has specific needs arising from past persecution and/or traumatization.
- She faces circumstances of severe hardship resulting in exposure to exploitation and abuse, rendering asylum untenable.
- There has been a change in the social norms, customs, laws and values resulting in the suspension of or deviation from traditional protection and conflict resolution mechanisms and the lack of alternative systems of support and protection. Consideration should be given to resettlement under such circumstances if this places the refugee woman or girl at such risk that it renders asylum untenable.

**4.5.8 Identification of refugee Women-at-Risk: Operational guidelines****Accurate assessment of the refugee protection situation**

A proper and correct identification of refugee Women-at-Risk begins with an accurate, systematic and early assessment of the overall protection situation in the country of refuge. Close and regular monitoring activities should be engaged by protection, field and resettlement staff, as well as community, social and medical services staff. Other partners such as religious leaders, local hospitals, local charitable organizations, and in particular refugee groups, should be involved in the process, in particular, refugee women's groups and leaders. A multi-sectoral approach is essential to the early and effective identification of the protection needs of refugee women.

Through systematic monitoring, cases of Women-at-Risk will be identified, after which, an assessment of their immediate protection needs, followed by their longer-term protection needs, should be undertaken. Resettlement is not necessarily the solution in all cases of refugee women facing particular protection problems, but in line with the Women-at-Risk criteria, together with the other resettlement criteria, an assessment of her resettlement needs should include the *intensity* of one or more of the factors mentioned above, as well as the *urgency* of the case, as well as any specific follow-up action in the country of resettlement should be determined.



#### 4.5.9 Counseling of refugee Women-at-Risk

Because of the sensitivities often associated with the protection needs of refugee women, discrete and confidential counseling services should be provided to refugee women identified as “at risk” by qualified female staff.

Each refugee woman qualifying for resettlement should be counseled prior to the submission of their case to a resettlement country, as well as in preparation for departure. All family members and particularly the refugee’s husband where applicable, should receive appropriate counseling.

**A uniform and consistent approach for submissions under the Women at-Risk criteria is promoted.**





#### 4.5.10 Specific Aspects in Cases of Women-at-Risk

Submissions of cases under Women-at-Risk criteria may be made directly by a Field Office. As basic documentation, the *Special Needs* section of the Resettlement Registration Form (RRF) must be completed by the UNHCR Field Office or its implementing partner. A complete narrative, including reasons why the refugee is considered a woman-at-risk, should be contained in the submission.







The completeness of submissions in this special category is important in order to avoid processing delays.

Useful guidance for the assessment of cases of women refugees is provided in the documents reproduced in Annex 6. In addition to the information already provided in this Chapter 4.5, please refer to Annex 7 for more details on the specific submission requirements under the special women-at-risk programmes. Australia, Canada and New Zealand have special programmes to address the resettlement of women-at-risk. Other countries which do not have specific AWR programmes also accept women-at-risk.

**ESSENTIAL READING:**

-  *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, UNHCR, Geneva, May 2003.
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999. (Especially Unit 9: Helping victims of rape and their communities).
-  *Guidelines on the Protection of Refugee Women*. UNHCR Geneva, July 1991.
-  *UNHCR Policy on Refugee Women*. UNHCR Geneva, 1990.

**FURTHER READING:**

-  *Procedural Standards for Refugee Status Determination under UNHCR's mandate*, specifically unit 3.4.4 on *Women with Special Needs*, and unit 4.3 on *The RSD Interview*.
-  *Refugee Women*, Global Consultations on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EC/GC/02/8. 25 April 2002.
-  *A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff*. UNHCR Geneva, 1996 (Draft).
-  UNHCR Training Module RLD4 *Interviewing Applicants for Refugee Status* (1995) generally, and specifically, Chapter 4 on *Interviewing Women Refugee Applicants*.
-  UNHCR Training Module RLD3 *Interpreting in a Refugee Context* (June 1993) generally, and specifically, pages 34-38: *Interpreting for Refugee Women*.
-  *A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff*. UNHCR Geneva, 1996 (Draft).

## 4.6 Family Reunification

The importance of resettlement as a tool of international protection extends to cases where it preserves or restores the basic dignity of a refugee's life, for example, through family reunification. When refugees flee their country of origin, family members are frequently left behind or dispersed during flight. In some cases, refugee families are separated when a family member has not been able to accompany the rest of his or her family to a country of resettlement.

In such situations, separation leads to hardship and sometimes has tragic consequences. It may also create serious obstacles to a refugee's integration in a new country. Indeed, the realization of family unity is considered an important aspect of local integration in the country of refuge.<sup>1</sup> This is also the case where the issue is integration of resettled refugees. Otherwise, resettlement runs the risk of not being a meaningful, durable and sustainable solution. Guided by both humanitarian and practical considerations, and pursuant to its responsibility under the Statute to provide international protection to refugees, to promote measures designed to improve the situation of refugees and to facilitate their integration within new national communities, UNHCR seeks to ensure the reunification of refugee families separated as a result of their persecution or flight.

The criteria and policies set out in this Handbook are to be followed by UNHCR staff in handling family reunification cases, despite the fact that UNHCR criteria may not always correspond with those applied by the State to which applications for family reunification are submitted.

#### 4.6.1 The right to family unity

UNHCR's action in promoting family reunification is supported by the principle, set forth in both the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State."<sup>2</sup>

In its Final Act, the Conference of Plenipotentiaries which adopted the 1951 Convention relating to the Status of Refugees, unanimously approved the following recommendation on the subject of family unity in the case of refugees:

*"The Conference,*

*Considering* that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and

*Noting* with satisfaction that, according to the official commentary of the *Ad Hoc* Committee on Statelessness and Related Problems the rights granted to a refugee are extended to members of his family,

*Recommends* Governments to take the necessary measures for the protection of the refugee's family, especially with a view to:

<sup>1</sup> *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, para. 6.

<sup>2</sup> See Annex 2 for additional references to relevant international provisions.

- (1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,
- (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.”

The need to promote the reunification of dispersed families was also underlined by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts of 1977.<sup>1</sup>

Family reunification was also considered by the Executive Committee of the High Commissioner's Programme (EXCOM) which has adopted Conclusions on this matter on several sessions.<sup>2</sup>

The 1989 Convention on the Rights of the Child (CRC) reaffirms that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.” Articles 9 and 10 of this Convention concern children separated from their families and emphasize that the reunification of children with their parents should be dealt with in a “positive, humane and expeditious manner.”<sup>3</sup>

#### **4.6.2 State approaches to family reunification**

Governments have adopted a variety of approaches with regard to the reunification of refugee families across international borders. Some States consider such cases within overall resettlement quotas; others have created separate quotas for the purpose of family reunification; still others process applications for family reunification on an individual basis under general provisions of their immigration laws. Corresponding to these approaches, countries apply varying types of procedures and criteria. There are also differences in the type of status the person may receive, for example, a family member may be granted a residency status that provides less protection against deportation, possibly amounting to *refoulement*, than does refugee status.

Some resettlement countries do not provide for family (re)unification of refugee families where a resettled refugee marries or finds a partner outside of the resettlement country subsequent to the arrival in the resettlement country.

<sup>1</sup> Article 74 of Protocol I Additional to the Geneva Convention of 1949, reproduced in Annex 2.

<sup>2</sup> See Annex 1.

<sup>3</sup> These and other relevant articles of the CRC are reproduced in Annex 2.

In these situations, the question as to whether or not the spouse should be permitted to enter the State to establish or reestablish family life would generally be determined by the domestic law normally applied to non-nationals in the State.

Sometimes refusal to allow entry would present a serious impediment to (re)establishing family life, bearing in mind in particular that the refugee cannot be returned to his or her country of origin. If, in such situations, it would be practically impossible for the refugee to live outside the country of asylum, then any interference in the right to family unity and to marry and found a family<sup>1</sup> would need to be proportionate to the legitimate aim pursued by the State. To make this assessment, it would be necessary to bear in mind the refugee's particular situation, which precludes return to the country of origin, and to assess whether family life could be established elsewhere, including whether refugee status would be maintained with no danger of *refoulement* in the alternative country. Other relevant factors include

- the situation of the spouse/partner;
- the degree of family members' economic and social integration and prospects for the future in each State;
- the State in which the greater number of family members resides;
- the duration of residence in each State; and/or
- the likelihood of maintaining a livelihood and of achieving effective protection, including access to durable solutions.

#### **4.6.3 UNHCR activities to promote refugees' family unity**

One of the main functions of UNHCR in facilitating family (re)unification is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and resources permitting reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and orderly resolution of family reunification cases is a normal part of UNHCR's international protection activities. Besides promoting liberal admission policies, the Office seeks, whenever appropriate, to ensure that family members are granted the same legal status and accorded the same standards of treatment as refugees.

In seeking to promote the reunion of separated refugee families (as well as the family unity and right to marry and found a family of resettled refugees)

<sup>1</sup> According to the Human Rights Committee, "[t]he right to found a family implies, in principle, the possibility to procreate and live together ...". See Human Rights Committee, General Comment No. 19 on Article 23 of the 1966 International Covenant on Civil and Political Rights (ICCPR), 1990, paragraph 5. The right to marry and found a family is contained in Article 16 of the 1948 Universal Declaration of Human Rights (UDHR); Article 23 of the 1966 ICCPR; Article 5 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (providing that "States Parties undertake "to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of... the right to marry and choice of spouse"); Article 17 (2) of the 1969 American Convention on Human Rights (ACHR); and Article 12 of the 1950 European Convention for the Protection of Fundamental Rights and Freedoms (ECHR).

UNHCR is guided by basic humanitarian considerations and also by its Statute of the Office which entrusts the organization, *inter alia*, with the functions of improving the situation of refugees and facilitating their assimilation<sup>1</sup> within new national communities. In its 1977 Conclusion No. 9 on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunion and reaffirmed the coordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with inter-governmental and non-governmental organizations.<sup>2</sup>

#### 4.6.4 Eligibility for UNHCR assistance with family reunification

UNHCR promotes and assists the reunification of families of persons who are refugees within its mandate. In addition, UNHCR may extend such assistance to displaced persons outside their country of origin who are considered to be of concern to the Office by virtue of applicable UN General Assembly Resolutions.

Except for certain special programmes,<sup>3</sup> eligibility for UNHCR assistance with family reunification requires that at least one person within the family unit which is to be reunited must be a refugee under UNHCR's mandate or a person otherwise of concern to the organization.<sup>4</sup>

In a case where a non-refugee is being resettled in order to join a family member who is a refugee, UNHCR considers that it is the refugee who is the recipient of the Office's assistance.

In a mass influx situation, where circumstances may appear to render the reunification of families temporarily impractical, Field Offices should consult with UNHCR Headquarters as to the course of action to be followed.

#### 4.6.5 Family reunification cases outside the competence of UNHCR

UNHCR Offices sometimes receive requests for help with family reunification or travel with respect to persons not eligible for assistance under the established criteria and procedures.

<sup>1</sup> While both Article 34 of the 1951 Convention and UNHCR's Statute make reference to "assimilation", the international community has otherwise generally rejected the notion that refugees should be expected to abandon their own culture and way of life, so as to become indistinguishable from nationals of the host community. See *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, para. 5, footnote 3.

<sup>2</sup> EXCOM Conclusions Nos. 1, 9, 24, 84, 85 and 85 each reaffirm States' obligation to take measures which respect family unity and family reunion, see Annex 2.

<sup>3</sup> One example is the Orderly Departure Programme (ODP) from Vietnam, where UNHCR was requested to undertake special programmes which may even benefit persons not within its mandate who are in need of assistance with family reunification.

<sup>4</sup> See also Chapter 5.2 of this handbook as regards the possibility of resettling non-refugee stateless persons.

Such requests may involve persons not within the mandate of the Office, relatives not belonging to the family unit, or family members wishing merely to visit the refugee family in the country of asylum. They often relate to the completion of formalities, obtaining visas and travel documents, or even the financing of travel. When it is determined that a request is outside the mandate of UNHCR, an applicant should be advised that UNHCR cannot assist and should be directed to the relevant embassy, immigration office or non-governmental organization, where appropriate. An applicant may be advised to contact IOM for information about the latter's subsidized migration schemes.

#### 4.6.6 Who can be a family member?

A *nuclear family* is generally accepted as consisting of husband and wife, their minor or dependent, unmarried children and minor siblings.

Beyond this, the concept of dependency is central to the factual identification of family members. Dependency infers that a relationship or a bond exists between family members, whether this is social, emotional or economic. For operational purposes, with regard to the active involvement of UNHCR offices in individual cases, the concept of *dependant* should be understood to be someone who depends for his or her existence substantially and directly on any other person, in particular for economic reasons, but also taking social or emotional dependency into consideration. The relationship or bond between the persons in question will normally be one which is strong, continuous and of reasonable duration. Dependency does not require complete dependence, such as that of a parent and child, but can be mutual or partial dependence, as in the case of spouses. Dependency may usually be assumed to exist when a person is under the age of 18 years, or if the individual (over the age of 18) in question is not financially independent, for example because he or she is a full-time student. Dependency should be recognized if a person is disabled and incapable of self-support, either permanently or for a period expected to be of long duration. Dependency can also include dependent elder members of the family, such as grandparents.

#### 4.6.7 Setting priorities

UNHCR offices should give priority attention to the reunification of family members mentioned in Section (a) below and, in particular, to unaccompanied minors.

#### 4.6.8 Types of family reunification promoted by UNHCR

In accordance with the principles referred to above, the following types of family reunification should receive the support of UNHCR:

**(a) Reunification of the *nuclear family***

There is a consensus in the international community concerning the need to reunite members of the *nuclear family*. In this respect and in addition to the general definition provided above, the following points should be noted:

**Husband and wife**

Besides legally married spouses, couples who are actually engaged to be married, who have entered into a customary marriage, or couples who have formed a household of reasonable duration are eligible for UNHCR assistance. Principles of non-discrimination also indicate that same sex partnerships should be included in the definition of family.

The same applies in principle to spouses in a polygamous marriage, if it was contracted in a valid manner. However, most resettlement countries will only accept one spouse in view of their own national legislation forbidding polygamy. In such cases, it is better not to risk splitting up the family by requesting that one spouse be chosen. It would normally be more appropriate to explore the possibility of reunification in a country which would allow the family to be resettled together.

On the other hand, estranged spouses who do not intend to live as a family unit in the country of resettlement are not normally eligible for UNHCR assistance for reunification with each other; they may, however, qualify for reunification with their children.

**Parents and children**

Although some countries of asylum make a distinction between minor children and those who have come of age, it is UNHCR policy to promote the reunification of parents with dependent, unmarried children, regardless of age, who were living with the parents in the country of origin. This would include adopted children, whether adopted legally or on a customary basis.

**Separated and unaccompanied children and parents or siblings**

The special needs of children and adolescents for a stable family environment mean that the reunification of separated and unaccompanied children with their parents or guardians should be treated as a matter of urgency. In addition, reunification of an unaccompanied child with another sibling should also be accorded priority because of the importance of the support that siblings can give to each other. Family reunification may not, however, always be the best solution for a child/adolescent. In all situations involving separated or unaccompanied children, an assessment should be made based on the best interests of the minor (see Chapter 5, Special Issues, of this Handbook).



The quality of the relationship between the child and the parent(s) and whether the parents will be able to offer guidance, support and emotional care are among the issues which must be assessed.

If a child has arrived first in a country of asylum, the right to family unity requires that the child's next-of-kin be allowed to join him or her in that country, unless it is in the best interests of the child under the circumstances to join the relative in the country where the relative resides or in a third country.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee or displaced separated or unaccompanied children as well as issues related to the tracing of family members are treated in separate chapters of this Handbook (see Chapters 4.7 and 5.8).

### **(b) Reunification of other dependent members of the family unit**

It is UNHCR's position that the reunification of the following categories of persons of particular concern is also required by the right of family unity:

#### **Dependent parents of adult refugees**

Based on humanitarian and economic considerations, reunification should be carried out for dependent parents who originally lived with the refugee or refugee family, or who would otherwise be left alone or destitute.

#### **Other dependent relatives**

Where persons such as single/lone brothers, sisters, aunts, uncles, cousins, etc. were living with the family unit as dependants in the country of origin, or where their situation has subsequently changed in such a way that they have become dependent upon refugee family members in the country of asylum (e.g., by the death of a spouse, parent or wage earner/breadwinner), they should also be considered eligible for family reunification. Unaccompanied children may be considered for family reunification with relatives who are not part of the nuclear family when this is in the child's best interests, and when it will not interfere with family tracing.

#### **Other dependent members of the family unit**

Sometimes families have taken in and cared for other individuals, such as friends or foster children, with whom there is no blood relation. If these individuals are in the same situation as the relatives mentioned under *Other dependent relatives* above, they should also be considered eligible for UNHCR assistance with reunification. Particular care should be taken to verify the true situation and circumstances of such persons.

With regard to foster children, arrangements should be made to maintain records and notify all concerned of the child's location, in order to ensure that the child can be easily located if tracing efforts are successful.

Due consideration should be given to any implication the reunification may have on the legal status or nationality of the child, in particular where the child is a national of the asylum country.

### **(c) Other relatives who may be considered for resettlement**

In certain cultures, the basic family unit also includes grandparents, grandchildren, married brothers and sisters, their spouses and children, etc. For practical reasons, however, it is not the policy of the Office to actively promote the reunification of members of an extended family or other relatives, unless they come within the categories of persons defined above.

UNHCR nevertheless strongly supports the adoption by States of broad and flexible criteria for family reunification with respect to the selection of refugees for resettlement. Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who need to be resettled in countries where they have relatives or other personal ties.

#### **4.6.9 Specific Aspects in Family Reunification Cases**

Family reunification is undertaken, in accordance with the basic criteria of Chapter 4.6, with a view to respecting basic rights as well as improving the prospects for integration upon resettlement.

Several mechanisms exist for family tracing and reunification, including direct processing by resettlement countries and immigration procedures initiated by family members either in the country of resettlement or from abroad. Some Governments have established separate quotas for family reunification cases under humanitarian categories. Others do not limit the number of family reunification cases.

International organizations, such as International Committee of the Red Cross (ICRC) and IOM, and various NGOs implement projects supporting family tracing and family reunification.

#### **Particular scenarios encountered**

In practice, the issues which arise when seeking to reunite a refugee family vary depending on the circumstances. The main scenarios encountered are outlined below:

- One part of the family has reached a country of resettlement, while the rest of the family is still in the country of origin. This is a common situation in which UNHCR assistance with family reunification is warranted. It may be necessary to intervene with the respective authorities in order to obtain authorization for the departure of family members from the country of origin and/or for their entry into the country of resettlement.
- One part of the family has reached a country of resettlement, while the other is in a country of refuge. Although in this case all members of the refugee family have left the country of origin, reunification sometimes still presents problems. Difficulties or delays may be encountered in obtaining admission of the remaining family members into the country of resettlement and UNHCR intervention in this respect is often necessary.
- Members of the same family have reached different countries of temporary refuge. In such cases, Field Offices should where possible promote the reunification of the family members in one of the countries of temporary refuge while awaiting a durable solution. Where there are specific concerns, resettlement should be coordinated between relevant UNHCR offices, Governments and partners to allow for eventual family reunification in the same country of permanent asylum. This could be the case in circumstances where urgent relocation of one or both parts of the family is necessary under other UNHCR resettlement criteria, e.g. if particular physical, legal and material protection needs arise.
- Members of the same family are separated in different parts of the same country of temporary refuge. This often occurs when refugees are confined in camps in situations of mass influx. The Office should promote reunification of family members as soon as this is feasible.
- Members of the family find themselves in different countries of resettlement. Owing to the absence of precise rules concerning which part of a family should join the other, problems may arise if the authorities of the countries of resettlement concerned refuse entry because each is of the opinion that reunification should take place in the other country. Sometimes personal disagreements between individual family members, especially with respect to living conditions or job opportunities, prevent such families from reuniting. Although dependants can normally be expected to proceed to the country where the head of the family is resettled, a different solution may be appropriate under certain circumstances, e.g. when the prospects for the successful integration of the family in that country are poor or when the family has much closer links elsewhere.

#### **4.6.10 UNHCR activities**

##### **(a) Promoting the adoption of appropriate national policies**

One of the functions of UNHCR in facilitating reunification of refugee families is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and measures permitting such reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and regular resolution of family reunification cases is a normal part of UNHCR's international protection activities which must be undertaken vis-à-vis both countries of asylum and countries of origin. In its 1977 Conclusion No. 9 (XXVIII) on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunification and reaffirmed the co-coordinating role of UNHCR with a view to promoting the reunification of separated refugee families through appropriate interventions with Governments and with inter-governmental and non-governmental organizations. See also ExCom Conclusion No. 88 of 1999.

##### **Promotion of inclusive family reunification**

In many cases, a refugee's next-of-kin remain behind in the country of origin, or in a country of first refuge, because they are not considered by the prospective country of reception to belong to what is known as the "nuclear family", that is to say father, mother and minor children. While there is justification in giving priority to safeguarding this basic unit, the exclusion of members of a refugee household, who have been deprived of their social and economic support as a result of the break-up of the family unit, often results in hardship. While it may not always be possible to reunite entire groups which, in the country of origin, formed part of a family in the broad or traditional sense, Governments should be encouraged to give positive consideration to the inclusion of those persons - regardless of their age, level of education or marital status - whose economic and social viability remains dependent on the nuclear family. This concept of dependency is set out in greater detail in section 4.6.6 above.

##### **Requirements for documentary evidence**

A related problem is that of determining the marital or civil status of family members for admission purposes. While every effort should be made to establish parentage and filiations, the particular circumstances existing in the refugees' country of origin or in their country of refuge may need to be taken into account. These circumstances may make it difficult or even impossible for a refugee to meet formal requirements or to bring the documentary evidence normally required before family reunification can be authorized. UNHCR should therefore encourage government's to adopt legislation and practice on family reunification which does not per se require documentary proof of the formal validity of a marriage or of the filiations of children.

### Special measures

Family reunification is often prevented or delayed by the operation of general domestic immigration regulations requiring that individuals sponsoring applicants be able to provide accommodation and support them. Refugees are often unable to fulfill such requirements especially if family members are experiencing economic, employment or housing problems in the country of resettlement. As it is known that prolonged separation creates serious social problems for both sides of split families, it is highly desirable that in such cases receiving States adapt their legal provisions in this respect or take special measures to assist refugees to accommodate their dependants, thereby facilitating early reunification.

### Status of joining family members

The status provided for refugees under the relevant international instruments and national legislation has as one of its principal aims to facilitate their integration in new national communities and to help them to cease being refugees as rapidly as possible. In order to promote the smooth and timely integration of refugee families in the country of settlement, it is necessary to grant joining family members the same legal status and facilities as those family members already present. Unless their personal situation expressly excludes them (e.g. due to formal consideration, such as a different citizenship, or the application of exclusion clauses), the family members concerned should have their status as refugees regularized, if they so wish.

### **(b) Types of UNHCR assistance in individual cases**

The Office encourages members of dispersed families to take the first steps towards reunification and to initiate the necessary formalities, whenever this is possible without risk to themselves or other family members. In such cases, the role of the Office is limited to informing refugees of the procedures to be followed and monitoring the process. In many cases, however, the help of UNHCR is required to bring about reunification. UNHCR assistance may extend to the following fields:

#### Tracing family members

When the whereabouts of relatives is unknown, it may be necessary for UNHCR to facilitate tracing. The Central Tracing Agency of the ICRC and its national counterparts have special competence in this area and may be of assistance. Recourse may also be had in certain circumstances to country-level UNHCR bio-data systems, or to the records of the authorities of countries of resettlement. Experience has shown, moreover, that the efforts of refugees themselves, using their own contacts, are often a most effective method of tracing. When special problems arise, such as the tracing of the families of separated or unaccompanied children involuntarily separated from their parents, UNHCR Headquarters should be consulted.

Caution should be had as regards contacting the country of origin for tracing purposes as this may violate UNHCR policy on confidentiality and international principles on data protection.

### Travel documents

When it is not feasible for family members to use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of a visa from the authorities of the destination country may suffice. Often, however, a more formal travel document is needed. Certain countries of temporary stay may be willing to issue a special, or aliens, passport. In States party to the 1951 Convention and/or its 1967 Protocol, a Convention Travel Document shall be granted to family members who also qualify for refugee status. When no other travel document is available and the family members are outside their country of origin, an ICRC Travel Document may be obtained. UNHCR Headquarters should be consulted if assistance is needed.

### Entry visa

Refugees residing in a country of settlement who wish to be reunited with other family members who are still in the country of origin or in third countries should be advised, in the first instance, to apply to the competent authorities for the necessary entry visas or immigration authorization for their family members.

Should difficulties arise, the competent UNHCR Field Office may have to intervene with the Government concerned in order to seek permission for such reunification, pointing where necessary to the relevant international instruments and to the Executive Committee Conclusions on the subject. (See above and EXCOM Conclusion No. 24 (XXXII) of 1981 on family reunification.) Where countries make admission contingent upon the fulfillment of conditions which the refugee cannot meet, or refuse altogether to authorize certain types of family reunification, such difficulties should be reported to UNHCR Headquarters. Since the objective is reunification of the refugee family, the Office should ensure that any visa issued allows indefinite stay.

### Exit visa

In many cases, family members are required to make a formal application for authorization to leave the country of origin or temporary refuge. Where this is feasible, family members in the country of origin should try to obtain these authorizations themselves provided they can do so without placing themselves or others at risk. When in such cases UNHCR assistance becomes necessary, it should be kept in mind that interventions may be a very delicate matter and are not always successful. Family members should be counseled in advance to this effect.

### Travel arrangements

Unless travel is arranged within the framework of an ongoing resettlement operation, making travel arrangements is in principle the responsibility of the refugee family. Nevertheless, some countries make and meet, usually through IOM, the costs of travel arrangements for the individual family reunification of refugees.

UNHCR would provide assistance only if needed, as, for example, in the case of separated or unaccompanied children. Family members may, however, be advised to contact IOM for more information about its subsidized migration schemes. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements. IOM has concluded special tariff agreements with the airline industry which allow for considerable reductions in air fares and may also provide an increased free baggage allowance. Where direct communication between family members and IOM is not possible, UNHCR Field Offices may be requested to help.

### Financial assistance

As with travel arrangements, the financing of the travel of family members from abroad is in principle the responsibility of the refugee family, unless travel is arranged within the framework of an ongoing resettlement operation.

UNHCR funding of costs relating to family reunification cases may be considered once the case has been thoroughly assessed to identify whether it meets *all of* the following conditions:

- all family members concerned are eligible for family reunification under the established criteria (see Chapter 4.6); in particular:
- at least one of the family members has been determined as a refugee under UNHCR's mandate;
- the separation of the refugee family was involuntary and related to persecution or flight;
- the granting of assistance is appropriate under UNHCR guidelines (see Chapter 5.4 on Onward or Secondary Movement); and
- the family members are in need and therefore unable to meet the travel expenses themselves; and
- no other source of funding is available (e.g. from the receiving country, relatives, sponsors or charitable organizations); and
- adequate financial resources under the project are available.

Where UNHCR Field Offices do not have travel funds placed under their direct responsibility, prior authorization from UNHCR Headquarters must be obtained.

All requests for financial assistance for family reunification cases to the Resettlement Section at UNHCR Headquarters should be submitted together with a completed Family Reunification Questionnaire and a recommendation for travel assistance. The family members in the anticipated country of resettlement should be requested to complete this form - Part A, while family members in the country from which the movement is to take place should be asked to complete Part B of the questionnaire (sample reproduced in Toolkit, Annex 2). UNHCR offices responsible for the respective countries should exchange copies of these forms. Where UNHCR Headquarters involvement is required, copies of both parts should be provided to the Resettlement Section.

Upon approval of the request, UNHCR Headquarters will liaise with IOM Geneva to make travel arrangements or alternatively authorize the Field Office to arrange travel locally, charging the appropriate resettlement project. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programmes. Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

Family members should be advised of the possibility of directly procuring air tickets at reduced fares through IOM, without involvement of or approval by UNHCR.

### Resettlement processing

When members of a refugee family are in one or more countries of temporary refuge, it may be necessary for UNHCR Field Offices in those countries to intervene so as to ensure their admission to the same country of resettlement in accordance with the right to family unity. Such intervention is often required to prevent the separation of foster children, adult dependants, fiancé (e)s, or other relatives forming part of the basic family unit. The assistance of UNHCR Headquarters should be requested when the matter cannot be resolved by the Field Offices concerned.

### Separation due to admission criteria

A refugee family may be separated because a family member has not been able to accompany the rest of the family to a country of resettlement because he or she does not meet that country's criteria for admission. In such cases, it is often necessary for the Office to approach the authorities of the resettlement country with a view to the family member being admitted on humanitarian grounds or on the basis of international obligations.






### (c) Considerations in cases of unaccompanied minors




Problems related to family reunification have assumed considerable importance with regard to the situation of unaccompanied minors, especially infants and young children. Unaccompanied children and adolescents are a priority concern of UNHCR. Particularly in refugee emergencies, there will usually be minors who are separated from their families.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee unaccompanied minors as well as further issues related to the tracing and reunification of family members are treated in a separate chapter of this Handbook (see Chapter 4.7).

#### ESSENTIAL READING:

-  *Guidelines on International Protection: The Right to Family Unity and Family Life*, UNHCR, Geneva (Forthcoming).
-  *Summary Conclusions on Family Unity*, Global Consultation on International Protection, Geneva Expert Roundtable, 8-9 November 2001.
-  *Background Note for the Agenda Item: Family Reunification in the Context of Resettlement and Integration. Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*, Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001.

#### FURTHER REFERENCE:

-  *Report on Family Reunification. Overview of Policies and Practices in IGC Participating States*. Secretariat of the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). Geneva, March 1997.
-  *UNHCR Guidelines on Reunification of Refugee Families*, July 1983.
-  *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, 1979, Re-edited 1992, Chapter VI, Paragraphs 181-188.

## 4.7 Children and Adolescents

Under the Convention on the Rights of the Child, children and adolescents are “entitled to special care and assistance”. Their developmental needs, their dependency, and the questions of their “lesser” legal and social status make this special attention essential. This Section will discuss how resettlement criteria should be applied to minors.

The *Convention on the Rights of the Child* (CRC)<sup>1</sup> applies to everyone below the age of eighteen years unless, under the applicable law, majority is attained earlier (article 1). In other words, it applies to all minors. The terminology of the CRC causes confusion, however. Article 1 says that, “For the purpose of the present Convention, a child means ...” Confusion is caused because the word *child* in the treaty is being used in an unusual way. According to the dictionary, a *child* is a person who has not yet reached puberty or sexual maturity, and in common usage it is not applied to anyone over 14 or 15 years. A person who is no longer a child but not yet an adult is an adolescent. It is helpful to remember that article 1 of the CRC is defining a word in a legal text, and is not defining real life human beings. In lawyers’ jargon, the term *child* is a *legal fiction*, that is, an artificial definition in a legal text.

### Who is a child?<sup>2</sup>

For operational purposes, UNHCR takes the definition of a child given in Article 1 of the CRC, which defines a **child** as any person under the age of 18, unless under the (national) law applicable to the child, majority is attained earlier.

**Separated children** are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

**Unaccompanied children** (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

**Orphans** are children, both of whose parents are known to be dead. In some countries, it should, however, be borne in mind that a child who has lost one parent is called an orphan.

<sup>1</sup> The CRC is the treaty which sets the most standards concerning children. While the CRC is not a refugee treaty, refugee children are covered because all CRC rights are to be granted to all persons under 18 years of age (article 1) without discrimination of any kind (article 2). Selected articles of the CRC are reproduced in Annex 2.

<sup>2</sup> These definitions are taken from the *Inter-Agency Guiding Principles on Unaccompanied and Separated Children* of January 2004, p. 13.

### 4.7.1 Unaccompanied or separated minors are a priority concern to UNHCR

Experience has shown that in emergency situations refugee children may be with an extended family member, therefore “accompanied”, but they may still face risks similar to those faced by unaccompanied refugee children. To ensure that all such children benefit from efforts to trace and to reunify them with their previous primary caregivers, UNHCR, UNICEF, ICRC, the International Save the Children Alliance and other organizations have adopted the broader concept “separated children”.<sup>1</sup>

Separated children are defined as children under 18 years who are separated from both parents or from their previous legal or customary primary caregiver.<sup>2</sup>

The terms *unaccompanied minor* or *separated minor* should be distinguished from *orphan*. A person is an orphan only if both parents are dead. This always requires careful verification and must never be merely assumed.

It may be difficult for an unaccompanied minor to establish refugee status using the same refugee criteria and procedures applied to adults. When a child is unable to articulate a claim, or it is not possible to determine the refugee status of a minor, a decision should be made as to what durable solution would be in the minor’s *best interests*.<sup>3</sup> In the context of resettlement, it should be borne in mind that some countries require that every individual, including children, meets the refugee definition. UNHCR encourages countries to consider the best interests of the child when determining the refugee status of a minor, and to determine refugee status using the broadest possible interpretation. See also Art. 22 of the CRC.

UNHCR has developed comprehensive guidelines on protection and care of refugee children which set forth clear principles and procedures to ensure the protection and care of all refugee children including the most vulnerable, namely those who are unaccompanied. In the context of a determination as to whether resettlement is the appropriate solution for an unaccompanied minor, the following issues have to be considered:

<sup>1</sup> *Refugee Children*, Global Consultations on International Protection, 4<sup>th</sup> Meeting, UN Doc. EC/GC/02/9, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p.266, para.5.

<sup>2</sup> Use of the term “unaccompanied children” has declined. It was used to define those who are separated from both parents and are not being cared for by any adult who, by law or custom, is responsible for doing so. The definition of “separated children” is included in EC/50/SC/CRP.7 of 7 February 2000 and sought and received wide support by the UNHCR Standing Committee.

<sup>3</sup> For details on the *best interests rule* see Chapter XX5 (Special Issues) of this Handbook as well as Chapter 8 of *Refugee Children: Guidelines on Protection and Care*.

- ❑ Any intervention on behalf of unaccompanied minors, particularly their movement, must *follow the existing guidelines* given in UNHCR's *Refugee Children: Guidelines on Protection and Care*<sup>1</sup>. It must be ensured that the best interests of the child are met.
- ❑ Resettlement of unaccompanied or separated minors should be considered carefully only where other solutions are not appropriate. Decisions concerning durable solutions for unaccompanied or separated refugee children must, ideally, be taken by competent bodies that include *experienced child welfare personnel*. The possibility of voluntary repatriation should always be given full consideration in the first instance, particularly if the minor has family remaining in the country of origin.
- ❑ The procedure should permit the *effective participation of the refugee child* and, as with status determination, arrangements should be made for the minor to be represented. It should be ensured that the *minors be informed* that what is happening affects their future. Too often, things are done to, for or on behalf of children and adolescents, ostensibly in their interest, but without letting the minors know. Where possible, the views of the parents, or others who perform this role, should be obtained.

Unaccompanied or separated refugee minors over the age of 16 are usually mature enough to make their *own decisions* about long-term solutions and some even at an earlier age. Depending on their degree of maturity, children over the age of nine or ten may be able to make rational choices if provided with adequate information. Their preferences should, therefore, receive consideration.

Children below nine or ten years of age may not be sufficiently mature to make an independent judgement; but they should always be given the chance to express their views. In each case, a minor's evolving mental maturity must be determined in the light of the personal, family and cultural background.

- ❑ Where the resettlement, local integration or repatriation of a *family caring for a child or adolescent other than their own* is being considered, the nature and durability of the relationship between the minor and the family must be carefully assessed by an experienced child welfare worker to determine whether they should remain together. There must be assurances that the family will continue to provide for the minor. It is important to balance the minor's need for continuity of care and the degree of attachment to the foster family against the possibility of ultimate family reunification.

<sup>1</sup> See in particular Chapters 10 and 11.

Resettlement may be determined as the appropriate solution for an unaccompanied minor if the basic considerations outlined in Chapter 4.1 are met and the child or adolescent falls within the categories outlined in the following.

#### **4.7.2 Basic principles of child protection**

Experience globally shows that the vast majority of unaccompanied or separated children and adolescents do in fact have parents or other relatives alive who can be located through tracing activities and who are able and willing to care for the minor. Recognition of this fact is fundamental to the approach to helping unaccompanied minors and to the basic principles listed below.

Most of these principles are in accordance with provisions laid out in the 1989 Convention on the Rights of the Child (see Annex 2). All policies and actions regarding unaccompanied minors should be in keeping with international provisions and relevant national child welfare legislation. In case of refugee children and adolescents, the provisions of the 1951 Convention and the 1967 Protocol also apply. Minors in countries other than their own are entitled to care, protection and representation regardless of their legal status.

##### **(a) Basic rights of children and adolescents**

###### **Best interest**

The best interest of the minor is the overriding consideration in all decisions and actions concerning young persons separated from their families. When tracing is successful, an assessment must still be undertaken to determine whether family reunification is in the best interest of the minor. For details see Chapter 7.1 of this Handbook.

###### **Protection**

All minors, including those who are separated from their families, are entitled to protection of their personal security and rights under national and international law, to provision for their basic subsistence and to care that is nurturing and appropriate to their age and individual needs.

###### **Participation**

Children and adolescents of all ages, in keeping with their degree of mental, emotional and social maturity, have the right to express their views and have those views taken into account in decisions regarding arrangements for themselves and their siblings.

###### **Legal representation and rights**

Unaccompanied or separated minors have a right to physical and legal protection as their individual circumstances require. This includes legal representation and designation of guardians, where needed, and securing land and other inheritance rights when all immediate family members have died.

### Family unity

All children have a right to a family, and families have a right and responsibility to care for their children. All reasonable measures should be taken to help families stay together and to reunite families which become separated. Action should never be taken if it might encourage family separations or make family tracing and reunification more difficult.

### Reunification of separated families

Unaccompanied or separated minors have a right to be reunited with parents, guardians, siblings or extended family members. Those intervening on behalf of unaccompanied minors have an obligation to assist them to find, communicate with and rejoin family members through tracing and other services. Family tracing is pursued as a priority for all children and adolescents separated from their families.

## **(b) Appropriate care**

### Safety and well-being

Pending family reunification, unaccompanied minors should be cared for in ways which assure their safety, protect them from abuse and exploitation, and meet their individual emotional and developmental needs as well as their physical needs.

### Community integration

Separated minors should be integrated with the rest of their communities, their needs met and services provided to a similar level and, to the extent possible, in the same manner available to other young persons.

### Stability and continuity

Continuity should be preserved as much as possible in separated minor's relationships with adults and other youngsters, and in their cultural and religious traditions. Sibling groups should be kept together. The care of unaccompanied minors should be provided by members of their own community wherever

### Community responsibility

Communities and local authorities have a responsibility for assuring the protection and care of unaccompanied minors, and assisting family reunification.

### No separate evacuation

Separated minors should be evacuated from an area only if it is deemed necessary to evacuate all young persons living in the area or community concerned. However, this is not an absolute policy in all situations. Some, albeit rare, situations call for the evacuation of unaccompanied or separated minors before the evacuation of the community.

### No early adoption

Separated minors shall not be considered for adoption during an emergency or before extensive tracing efforts have been made without success, normally over a period of at least 2 years. For further information on tracing and adoption, reference is made to Chapters 4.7.4 and 4.7.5 below.

## 4.7.3 Best Interests of Children and Adolescents

The *best interests rule* is one of the fundamental rights in the 1989 Convention on the Rights of the Child (CRC).<sup>1</sup> But while the phrase *best interests of minors* is a simple expression, applying it to real life situations is not so easy. This section presents a framework for the application of the *best interests rule*.

### A framework for applying the *best interests rule* to refugee minors

The best interests rule is contained in article 3 of the Convention on the Rights of the Child. It states that:

“In all matters concerning [minors], whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of [minors] shall be a primary consideration.”

The best interests rule covers all persons under the age of 18 years, or the age of majority (legal adulthood) in any country where majority is attained earlier. Because the CRC has been almost universally ratified, the best interests rule should be considered to apply in any State’s decision that affects a minor who is present in that State, and this includes all refugee or asylum seeking minors. Furthermore, because UNHCR has adopted the CRC as its *normative frame of reference* the rule should be applied in any decision made by the Office which affects a minor of concern to UNHCR.

The best interests rule was originally devised to guide judges when they decide custody disputes during divorce cases or petitions for adoption. Under the “traditional” best interests rule, the welfare of the minor must be *the primary* or *the paramount* consideration, that is, the interests of the minor must over-ride the interests of either parent, or prospective parents, in these types of cases.

The best interests rule in article 3 differs from the “traditional” rule in family court cases in several respects. Because our framework for applying article 3 is based on the traditional rule, and because many people have at least some familiarity with the traditional rule in the context of custody disputes, it will be helpful to begin by comparing article 3 and the traditional rule.

<sup>1</sup> Selected articles of the CRC are reproduced in Annex 2.

First, article 3 not only applies to decisions that have an impact on an individual minor, it also applies to decisions that affect a group of minors. This complicates matters because sometimes the interests of an individual minor will conflict with the interests of a group of minors.

Second, article 3 *expands* the traditional rule because it applies to *all* decisions that a Government makes that may affect minors, and is not limited to just divorces and adoptions. This expansion further complicates matters because the interests of minors can sometimes conflict with the interests of other groups in society.

Third, article 3 *contracts* the traditional rule: Article 3 only requires that the best interests of minors be “*u* primary consideration”, in contrast to the traditional rule which requires that their interests be *the* primary consideration. Under article 3, a Government must actively take into account the interests of minors, but their welfare does not automatically override all other societal interests. The complication here is that the best interests rule in article 3 does not tell us how to resolve conflicts between interests; it does not tell us when to give priority to the interests of an individual minor or group of minors.

Fourth, the requirement in article 3 that the best interests of minors be “a primary consideration” is only a minimum standard. There will still be categories of situations where a minor’s interests will need to be given priority, as in the case of adoptions (e.g. CRC article 21).

Sometimes the traditional rule is criticized because it does not contain any standards by which judges can evaluate what course of action will be best for a young person. While this objection is superficially correct, judges do employ principles or standards in deciding custody and adoption cases. It is by identifying these underlying principles that we can construct a framework for applying the best interests rule of article 3.

In essence, **the best interests rule is composed of four elements.**

The rule is:

- a set of principles about the developmental needs of children and adolescents;
- a set of attitudes that a decision-maker needs to have;
- a set of procedures that a decision-maker needs to follow; and
- various institutional structures to help ensure rationality and fairness in the decision-making process.

The rest of this Section will outline the contents of these four elements.



**(a) Principles relating to developmental needs of minors**

- psychological and social needs must be given equal importance to physical needs;
- children and adolescents need to feel wanted and valued;
- there must be continuity of a minor's emotional bonds with the "psychological parents";
- we need to consider the infant's and young child's "sense of time";
- socialization, or the learning of social and cultural values and skills, is essential;
- minors must be prepared for adulthood: earning a living, parenthood, and citizenship;
- continuity of a minor's sense of identity should be maintained;
- participation in decision-making is important to healthy development.

**(b) Attitudes that a decision-maker needs to have**

The decision-maker must have willingness to:

- separate the interests of the minor(s) from the interests of all others, including the parents, other adults, social groups, institutions, and the State itself.
- subordinate the interests of all others in favour of the minor's welfare.
- take the thoughts and feelings of a young person seriously.
- perceive children and adolescents as bearers of human rights.

**(c) Procedures that a decision-maker needs to follow**

- conduct an impact-assessment on how a course of action may affect decision-making must be individualised whenever possible.
- minors need to participate in the decision-making process;
- there should be an independent assessment of the minor's best interests; and
- there must be an opportunity for the decision-maker to receive input from persons who are experienced in child- or adolescent-welfare issues.

**(d) Institutional structures**

Suggestions for governmental structures include:

- an ombudsman for children and adolescents;
- an office responsible for minors' issues, at the appropriate level of Government;
- inter-ministerial and inter-departmental committees on minors;
- independent advisory panels;
- systematic data collection and research focused on children and adolescents;

- a yearly “state of the nation’s youth” report;
- dissemination and training on the CRC;
- forums and procedures for the participation of minors;
- procedures for on-going consultations with citizens’ groups concerned with the rights and welfare of minors.

#### **4.7.4 Identification of unaccompanied or separated minors and tracing activities**

##### **(a) Identification**

Searches and inquiries should be organized within each community to identify minors who are unaccompanied or separated, but in a way that does not disrupt existing care arrangements or encourage families to abandon children. Community social workers, volunteers, community and religious leaders should be mobilized to do this early in an emergency. All youngsters who appear to be unaccompanied or separated must be immediately screened to determine whether or not they are indeed separated from their families and, if they are, whether there is another adult with whom the child has been living who, with some support, could continue providing appropriate care. Only young persons who will be without continued care should be placed in emergency care.

For each minor who cannot be immediately reunited with parents or members of the extended family, immediate action should be taken to register information concerning the minor, including where and when the minor was found, who brought the minor to the attention of UNHCR or who the minor was with when found, photographs, details of accompanying siblings, and circumstances of the separation. It is also necessary to provide each minor with an identity bracelet or an identity card and to arrange a health check and psychological screening.

Similar arrangements are needed to record documentation on parents who have lost their children and are searching for them. A central database is established, normally by ICRC, to receive and store data in a standard format on both children and parents. In recent emergencies, it has been agreed between UNICEF, UNHCR and the main participating NGOs that ICRC would maintain the database on unaccompanied or separated children and information from the database would be accessible to all users.

##### **(b) Tracing**

As soon as a minor is identified as unaccompanied or separated, tracing efforts are started. All tracing activities are carried out in a manner that protects the personal security of the minor and family members concerned. No action is taken that may hinder eventual family reunification, such as adoption, change of name or movement to places far from the likely locations of family reunification. Usually, “passive” and “active” tracing efforts are simultaneously implemented by organizations working at the local level. Passive tracing involves comparing records of children and records of parents searching for lost children in order to match them.

This is done both centrally and at the local level by each organization involved in the registration and documentation of separated family members. Active tracing involves actually pursuing investigations concerning the identity of the minor, the identity and location of parents or other close family members.

During the tracing process, co-ordination and information sharing between ICRC and organizations dealing with unaccompanied minors is essential. All parties involved in providing care and protection for unaccompanied or separated minors participate in efforts at local level, but common standards and systems of notification or verification should be agreed upon, as well as a common approach concerning confidentiality and the best interests of the minor. Where host Governments have the right of access to information on unaccompanied minors, this should only be done in the best interest of the minors.

In cases of refugee minors, tracing activities must be closely co-ordinated between the country of asylum and the country of origin. Arrangements must also be made for the reunification of youngsters with their families found in another country, and for the continuation of care for and tracing of minors among the population groups returning to their country of origin as part of a voluntary repatriation programme. This requires close co-operation and joint planning between Governments, UNHCR, ICRC, UNICEF and implementing agencies in both countries.

#### **4.7.5 Family reunification, alternative long-term placements and adoption**

When tracing is successful, an assessment is undertaken to determine whether family reunification is in the best interests of the minor. If assistance with family reunification is granted, follow-up with the reunited family should be undertaken by UNHCR or other qualified agents, including the host government departments. However, alternative long-care arrangements should be made when family reunification proves not to be possible within a reasonable period and when it is considered that reunion would be harmful to the minor's interests.

UNHCR decisions concerning family reunification or alternative long-term care arrangements should be made on a case-by-case basis on the advice of trained child welfare personnel, within the framework of statutory or customary law, taking account of:

- the wishes and rights of the parents;
- the age and wishes of the child or adolescent;
- the length of separation (especially in the case of infants and very young children);
- the strength of the minor's psychological attachments to the present care-givers (i.e. foster parents);
- the wishes of the present care-givers;
- the previous family/child relationship.

The safety, immediate well-being, and the long range developmental needs of the minor are always the overriding concerns, but decisions are not always easy; the young person and adults may not agree on what is in the young person's best interests.

In order to avoid occurrences where private foster care services make the critical decisions regarding the minor's placement or future, reunification programmes should be monitored for compliance with the law and child welfare principles. The rights of children and adolescents to be with their families and to have all decisions made in light of their best interests must always prevail.

With regard to foster children, arrangements should be made to maintain records and notify all concerned of the minor's movement so that the young person can be located in the event that family tracing is successful.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee or displaced unaccompanied or separated minors, as well as issues related to the tracing of family members, are treated in separate chapters of this Handbook.

Adoption is not normally thought of as a resettlement possibility because in almost all cases where a child needs to be adopted there will be extended families members, others from the child's community of origin, or from the country of asylum, who can fulfil this need. If efforts are made to locate these persons, and perhaps to provide some initial support services, then there is rarely a need for international adoption.

In the resettlement context, adoption might be sought by extended family members or by persons who are unrelated to the child. In such cases, strict compliance with legal standards must be observed. The Convention on the Rights of the Child requires that "the best interests of the child shall be the paramount consideration", that is, the welfare of the child must never be compromised by competing interests, including those of the proposed adoptive parents. Furthermore, the Convention requires, among other things, that all necessary steps are taken to "ensure that the adoption of the child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary". (CRC article 21(a))

The Convention also requires that "due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background" (CRC article 20.3). This article does not prohibit inter-ethnic, -religious, or -racial adoptions. Instead, all factors must be considered, with the final judgement made on a case-by-case basis, with the child's best interests being the paramount consideration.

International adoption is also regulated by the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption with respect to State parties to the treaty.<sup>1</sup>

Based on its experience, UNHCR has adopted standards which are applicable to all minors of concern whenever adoption is being considered.







*Refugee Children: Guidelines on Protection and Care* states:

“It is UNHCR’s policy that children in an emergency context are not available for adoption. Any adoption of an unaccompanied child of concern to the High Commissioner must be determined as being in the child’s best interests and carried out in keeping with applicable national and international law. It should not be carried out if:






- o there is a reasonable hope for successful tracing and family reunification in the child’s best interests;
- o a reasonable period (normally at least two years) during which time all feasible steps to trace the parents or other surviving family members have been carried out has not elapsed;
- o it is against the expressed wish of the child or the parent; or
- o voluntary repatriation in conditions of safety and dignity appears feasible in the near future and options in the child’s country of origin would provide better for the psycho-social and cultural needs of the child than adoption in the country of asylum or a third country” (pages 130-131).





<sup>1</sup> UNHCR’s policy on intercountry adoption is elaborated in UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children dated 22 August 1995. This document also contains relevant articles of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the Recommendation concerning the Application to Refugee Children and other Internationally Displaced Children (1994) of this Convention. See also, *Refugee Children*, Global Consultations on International Protection, 4<sup>th</sup> Meeting, UN Doc. EC/GC/02/9, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p.267 f., para.9, recommendations 6 and 7.

**ESSENTIAL READING:**

-  *Refugee Children*, Global Consultation on International Protection, 4<sup>th</sup> mtg., U.N. Doc. EX/GC/02/9, 25 April 2002.
-  ***Refugee Children: Guidelines on Protection and Care*. UNHCR Geneva, 1994.**
-  ***Guidelines for Interviewing Unaccompanied Refugee Children and Adolescents and Preparing Social Histories*. UNHCR Social Services Section, April 1990.**
-  ***Adoption of Refugee Children*, UNHCR/IOM/59/95-FOM/62/95, 22 August 1995.**
-  *Best Interest Determination Guidelines in the case of Sudanese Unaccompanied and Separated Children in the refugee camps in western Ethiopia*, UNHCR-RTSS, DRAFT November 2002.
-  *Action for the Rights of Children Resource Pack, Foundations, International Legal Standards*, September 2002, pp.16-17, and *Foundations, Child and Adolescent Development*, April 2001, topic 6, pp. 36-41

**FURTHER REFERENCE:**

-  *UNHCR Policy on Refugee Children*. UNHCR Geneva, August 1993.
-  *Interviewing Applicants for Refugee Status (RLD 4)*. Training Module. UNHCR Geneva, 1995 (in particular Chapter Five: Interviewing Children).
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children* dated 22 August 1995.
-  *Evacuation of Children from Conflict Areas. Considerations and guidelines*. UNHCR/UNICEF. Geneva, December 1992 (Edited by Everett M. Ressler).

-  *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum.* UNHCR Geneva, February 1997.
-  *Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.* General Assembly Resolution A/RES/41/85, 3 December 1986.
-  *Working with Unaccompanied Minors in the Community. A Family-Based Approach.* UNHCR (PTSS/Community Services) Geneva, 1994 (especially Chapter 3: Communication and Documentation).
-  *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,* UNHCR, Geneva, re-edited January 1992 (paras. 213-219).

## 4.8 Older Refugees

Older refugees may be particularly vulnerable when confronted with the causes and effects of becoming a refugee. Some may have been separated from family, friends or community during their flight, or have witnessed the killing of family members. The physical hardship of exile may well take its toll on the older refugees, who, if already frail, may not have the strength to ward off disease and illness. The stresses of being forced to flee and then having to adapt in a new environment during the first stages of exile, particularly for those without the support of family, place untold demands on the coping ability of many older refugees.

There is no fixed age to define an older refugee as *elderly*, largely because life expectancy differs among groups, and the process of ageing is affected by a number of factors, such as an individual's physical and psychological health, along with family and social support, cultural background, living conditions and economic situation.

It should be noted that some resettlement countries set age limits for the admission of older dependent parents under family reunification criteria or otherwise strictly apply dependency criteria.




Whenever possible, older refugees should be reunited with their family or members of their community.

If the family members of an older refugee cannot be traced in the country of refuge (or in the country of origin), an appropriate foster family should be found. It should be remembered that most refugee communities have great respect for their older members. They should participate in planning and implementing of community programmes.

Unless an individual has his/her own claim to resettlement under other criteria outlined in this Handbook, resettlement of the older should only be considered in the context of family reunification and elderly dependants should be included in resettlement submissions. It should, however, be understood that older refugees are sometimes reluctant to uproot themselves and leave an asylum country either with or to join family members who are already living in a resettlement country. In such circumstances, their interests and needs should be taken into account before a decision on resettlement is reached.

Further considerations and criteria related to family reunification are summarized in Chapter 4.6.

#### **FURTHER REFERENCE:**

-  *Age and gender dimensions in international Refugee law*, Alice Edwards in *Refugee Protection in International Law*, UNHCR's Global Consultation on International Protection, Erika Feller, Volker Türk and Frances Nicholson (Eds.), Cambridge University Press, 2003.
-  *Older Refugees: Looking Beyond the International Year of Older Persons*, Executive Committee of the High Commissioner's Programme, Standing Committee, 17<sup>th</sup> mtg. UN Doc. EC/50/SC/CRP.8, 7 Feb. 2000.
-  *The Situation of Older Refugees*, Executive Committee of the High Commissioner's Programme, Standing Committee, 48<sup>th</sup> Sess., UN. Doc. EC/48/SC/CRP.39, 14 Aug. 1998.

## **4.9 Refugees without Local Integration Prospects**

Resettlement may be considered for refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational backgrounds.



Resettlement may be promoted under such circumstances when it can be established that a refugee, unable to return home in the foreseeable future, is also not able to integrate locally. In this regard, the quality of asylum and the level of social prospects inherent in it should play a key role in the assessment of resettlement needs.

Under the broad concept of seeking resettlement as a durable solution when resettlement for immediate protection reasons is not necessary, UNHCR may consider promoting resettlement for specific individual cases or even groups. However, resettlement of refugees without local integration prospects, as distinguished from the more immediate need of resettlement for reasons of protection, should be promoted by UNHCR only when specific conditions are met, as specified below.

The concept of “local integration” as a durable solution is defined above in Chapter 2 of this Handbook, as is the relationship between local integration, self-reliance and local settlement. As a concept, local integration sets explicit legal, economic, social and cultural standards for its attainment. The resettlement criterion of “lack of local integration prospects”, in fact, is *future-oriented*. It balances the quality of asylum in a given country at a given moment against the prospects of enhancing asylum and prospects of local integration within a specific timeframe. The major challenge for UNHCR in this respect is to continue upholding its protection principles by resettling refugees who objectively are without local integration prospects in the host country, while at the same time working towards expanding and strengthening the quality of asylum and the refugees’ local integration prospects in that same country. This comprises the rationale for the premise that all resettlement efforts, in particular resettlement as a durable solution, should be incorporated into a broader, comprehensive, protection framework that provides for a clear strategy in this regard.

It should be recalled that *self-reliance* is promoted by UNHCR at all times, and provides the basis for any of the three durable solutions. *As such it does not in itself constitute local integration nor does it preclude resettlement*. Field Offices should reflect this in communicating with refugees, governments and other partners, in order to address any misperceptions and to ensure a correct understanding of the applicability of the resettlement criterion ‘lack of local integration prospects’, see below for details.

In submitting a case for resettlement based on a *lack of local integration prospects* as the primary criterion, it is paramount to include adequate justification in the RRF. A blanked reference to lack of local integration prospects does not suffice. In the assessment and justification, the indicators and preconditions listed below would need to have been considered carefully in reaching a decision.

#### 4.9.1 Basic considerations and methodology

The basic considerations outlined in Chapter 4.1 have to be fully applied and met. Moreover, in order to facilitate implementation and ensure consistency, a methodology is required.

- The first step in such a methodology would be the *profiling of a resettlement caseload*. Application of the present criterion is greatly facilitated by the undertaking of the “mapping needs exercise” described in Chapter 8.3 of this Handbook, which identifies groups or categories of refugees with common resettlement needs and characteristics. Understanding the needs of the refugee population, and instrumentalizing the provision of appropriate solutions to their specific problems, is the primary means of realizing the *complementarity* of the three durable solutions, an element that is of particular importance in ascertaining the potential applicability of the resettlement criterion “lack of local integration prospects”.
- Second, in determining whether a refugee or a group of refugees are without local integration prospects, the formulation and application of a set of *objective indicators related to different areas of protection* is crucial. These are set out below and count indicators related to legal protection and durable solutions, conditions of asylum, socio-economic considerations, and psycho-social considerations.
- Third, it should be noted that an individual-level analysis may identify case-specific grounds for utilizing this resettlement criterion, thereby adding a subjective element to the use of the indicators.
- Fourth, as it will be apparent the objective indicators provided below are of an interrelated, general and non-exhaustive nature. Therefore, UNHCR field offices are encouraged to develop additional, country specific indicators as needed and appropriate.

#### 4.9.2 Setting Objective Indicators

All the indicators that local integration is not an option, which have been listed below are to be met in order for a refugee or a particular refugee category to be considered for resettlement under this criterion.

##### 4.9.2.1 Indicators relating to Legal Protection and durable solutions

###### (a) Legal, social and economic protection in the country of asylum

The definition of local integration, as included under Chapter 2 of this Handbook includes as a key element a “*legal process*, whereby refugees are granted a progressively wider range of rights and entitlements by the host State

that are broadly commensurate with those enjoyed by its citizens”.<sup>1</sup> Broadly speaking, this can be translated into the question as to whether the host country – at the minimum - provides a protection regime which complies with the principles enshrined in the 1951 Convention with regard to the treatment of refugees as well as with basic international human rights instruments. In the affirmative, the refugees in question would not be a resettlement priority at the moment.

Where, however,

- *refugees are at best only tolerated in the country of refuge and/or considered as “illegal immigrants”, or*
- *their stay in the host country is based on a temporary protection regime, which is discretionary in nature,*

the lack of local integration criterion would still be an option and application of the remainder of the indicators would need to be analysed.

#### (b) Prospects for voluntary repatriation in the foreseeable future

A determination of whether voluntary return to the country of origin is feasible in the foreseeable future is necessary. While this assessment needs to take into account individual socio-economic and psycho-social aspects (see below), an analysis of mere objective factors may lead to the assumption that

- *voluntary repatriation in safety and with dignity is still precluded for the specific category of refugees under consideration, and*
- *there are no indicators that the situation in the country of origin will improve in the foreseeable future for any category within a refugee population.*

Both would be indicators that the lack of local integration prospects criterion for resettlement might remain an option for the refugee(s) in question.

Voluntary repatriation does not necessarily foreclose the possibility of resettlement for certain individuals.

In situations where spontaneous voluntary repatriation takes place or when voluntary repatriation is actively promoted, there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation. In consultation with UNHCR Headquarters, a determination should be made as to whether resettlement is warranted in such cases, provided resettlement places are available.

<sup>1</sup> *Local Integration*, Global Consultations on International Protection, 4<sup>th</sup> mtg., UN DOC. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p. 240, para. 6.

(c) Do refugees have meaningful prospects of local integration in the country of refuge ?

This may not be the case where local authorities despite efforts on part of UNHCR, refugees themselves and other actors remain firmly opposed to the facilitation of, even limited, integration opportunities for the refugee population in general or the category/nationality under consideration.

Indications of meaningful integration prospects include (but are not limited to) issuance of work permits, inclusion of refugees in local apprenticeship schemes, significant number of marriages between refugees and the members of the local population and an inclination on part of the authorities to grant citizenship to refugees of a specific nationality/category.

An individual refugee's case for resettlement should, furthermore, be examined in light of conditions faced by other refugees similarly situated. This includes a realistic evaluation of how best to address the needs of other refugees in a similar category or those in identical circumstances in the country of refuge or neighbouring countries. For these purposes and to ensure regional consistency, close consultations should be held among UNHCR offices with a refugee population of a similar profile.

#### **4.9.2.2 Indicators relating to Conditions of Asylum**

(a) Length of stay in the country of refuge

There is no definite length of stay in a country of refuge after which it can be said that a refugee lacks a durable solution. The emphasis in this regard is on the careful assessment of the local integration prospects of the individual or group rather than on hard and fast rules relating to time frames.

However approximate time-frames can be set out as a yardstick in determining local integration prospects, under the basic assumption that the longer the stay without having been provided with a durable solution, the lower the potential for eventually being allowed to locally integrate. The indicators below include such approximate time frames, in noting situations under which the application of the criterion 'lack of local integration prospects' is relevant:

- Refugees have been staying in the country of refuge for a protracted period of time (more than six years). Refugee children and adolescents born in the country of refuge have never known any other environment (refugee camp, urban area) nor seen their homeland. Given their overall situation these children/adolescents are at risk of becoming a "lost generation".

- Refugees have been in the country of refuge *between two and six years*. Refugee children born in the country of refuge have completed a primary cycle of education and there is still potential for them to recover from the negative consequences of their prolonged refugee situation.

#### (b) Refugees' living conditions in the country of refuge

Where refugees are located

- in *closed camps*, or
- in an urban setting in *below standards living conditions* (i.e. with an income below the minimum wage of local daily labourers in the host country),

this would indicate that local integration prospects are limited. If refugees, on the contrary, are based in open camps with freedom of movement from/to the camp and opportunities for interaction with the local population this would represent the opposite assumption. This also applies for refugees living under reasonable living conditions in an urban setting (meaning that they reach the minimum wage of local daily labourers in the host country).

#### (c) Refugees' living conditions within the region compared to refugees of the same group/category

In the event that living conditions in the country of refuge are worse or similar to those of refugees in other countries within the region, resettlement should be maintained as an option. For example, if refugees of a particular profile (ethnicity, nationality etc.) are hosted in closed camps in one country but enjoy freedom of movement in neighbouring country this would call for further analysis of the potential for usage of the 'lack of local integration prospects' criterion.

### 4.9.2.3 Socio-Economic Indicators

#### (a) Access to fundamental services.

In the instance that refugees do not have access to basic services (essentially constituting certain human rights), indications are that resettlement may be relevant. The pointers listed below are indicative of lack of local integration prospects:

##### Education

- Refugee children do not have access to primary public education facilities
- Refugee children and/or adults do not have access to the secondary public education or vocational training schemes

### Medical services

- Refugees have no access/limited access to public medical facilities:
  - because they are refugees
  - because as refugees belonging to a minority they have poorer facilities or limited access to general facilities

### Access to work

- Refugees do not enjoy the right to employment or access to other economic activity because, for example, they are prevented from trading in local markets or vulnerable to harassment or detention when pursuing economic opportunities in urban areas.

### Access to property

- Refugees are *de jure* or *de facto* prevented from renting or buying property. A *de facto* obstacle may derive from discrimination against the refugee category or population generally and take the form and shape of, for example, an obligation to pay higher prices than the local population.

### (b) Overall living standards for local population in a similar situation

Where refugees, compared to the local population in a similar situation, are discriminated against with regard to access to services and/or accommodation, as a matter of government policy, and such treatment cannot be justified under the 1951 Convention or international human rights instruments, this may indicate that resettlement should be pursued if other indicators equally point to this solution.

### (c) Resettlement opportunities for the particular refugee category within the region.

The below listed assumptions indicate that resettlement might be appropriate:

- Resettlement under this criterion is carried out consistently for the same category of refugees within the country of refuge, whether in camps or in urban areas.
- Refugees belonging to the category under consideration have equal resettlement opportunities within the region.
- Resettlement for the refugee category under consideration is carried out as part of a regional integrated approach that aims at attaining local integration for other categories among the same refugee constituency (e.g. refugees married to local citizens; refugees with the same cultural and linguistic background).

## (d) Family support and integration into the refugee community

This indicator goes more to the subjective level of the individual refugee. It should be established whether the refugee individual/group is: Separated from close family members; or has lost close family members; or s/he is single. In addition, s/he has no support from the refugee community. If it is concluded that family or community support is absent, resettlement should be considered.

## (e) The refugees' individual socio-economic profile

- The refugee individual/group is excluded from refugees' predominant social, economic and community networks. (*Note: This is particularly relevant in urban contexts, where refugees are known to survive thanks to the support of community-based networks and the sharing of resources among members of the same clan or community*).
- The refugee individual/group is entirely dependent upon UNHCR's assistance and is inactive for external reasons (e.g. a Government's restrictive approach to refugees).

In these cases, resettlement should be considered.

**4.9.2.4 Psycho-Social Indicators**

## (a) The refugees' past history of persecution and circumstances of flight

As with other indicators listed in this section, if the subjective indicators outlined below are met, resettlement should be considered in so far as all the other indicators also apply.

- The persecution history of the refugee individual/group is relatively more severe than that of other refugees/groups in a similar situation. *Without meeting the requirements for submission under special needs categories*, the circumstances of the refugee's/the group's flight have resulted in a negative impact on his/her/its motivation, emotional capacity and strength to cope with the challenge of integrating in his/her/its present country of refuge.
- The refugee individual/group has a several-year multiple flight history behind him/her/them (e.g. Refugees who were uprooted from their home country at a very young age and have not stopped fleeing ever since then).
- This has strongly affected the refugees' emotional stability and their opportunities for self-development (education and training). Refugees under this category are considered socially and economically disadvantaged.

(b) Efforts made on part of the refugees to improve their personal situation

- The refugee individual/group has demonstrated self-initiative and resourcefulness in trying to improve his/her/its own situation in the country of refuge by taking advantage of all existing opportunities (e.g. community work, self-education, language-training).

#### 4.9.3 Adverse effects

When a determination is made of the need of an individual or group of refugees for resettlement because of a lack of local integration prospects, it is important to ensure that there will be no negative effects on other areas such as the prevailing asylum conditions and the standards of protection in the region for other individuals or groups of refugees.

Particular care must be taken so that “pull-factors” do not compromise or overwhelm a specific initiative.

#### 4.9.4 Consultation process

Identification of cases without local integration prospects should take into account the likelihood of resettlement countries accepting such cases. For this reason, UNHCR Field Offices should consult with UNHCR Headquarters when considering the promotion for resettlement of such caseloads in order to determine resettlement countries’ criteria and capacities in this regard. This will help inform the decision-making of UNHCR Field Offices so that a realistic assessment of resettlement possibilities can be made. It may be necessary to promote a *broad-based* approach, involving several resettlement countries.




In the context of such consultations, and *prior* to initiating resettlement interviews or indicating to refugees that resettlement is a possibility, a resource assessment of the availability of resettlement places, financial requirements and the processing capacity of all parties involved has to be undertaken. This includes detailed planning and negotiations with countries of resettlement, UNHCR Headquarters, and interested and experienced NGOs.



#### 4.9.5 Setting priorities

Individuals or groups should be assisted only where the opportunity (resettlement quota/places being offered) arises, and if resources (including staff and funding) are available. It is recognized that such cases have an on-going, not an urgent, need for resettlement. When resettlement places are limited, or adequate resources for conducting resettlement activities are not available, cases related to urgent protection concerns will *always* take precedence.

##### **FURTHER REFERENCE:**

-  *Global Consultations on International Protection, 4<sup>th</sup> meeting, 25 April 2002, EC/GC/02/6, Local Integration.*
-  *Refugee Resettlement: An International Handbook to Guide Reception and Integration, 30 Sept. 2002.*
-  *Framework for Durable Solutions for Refugees and Persons of Concern (DAR, 4Rs, DLI), Core Group on Resettlement, UNHCR Geneva, May 2003.*

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## SPECIAL ISSUES

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### 5.1 Stateless Persons

#### 5.1.1 UNHCR's mandate and activities

A link between statelessness and displacement has been established for some time, given that statelessness often, though not necessarily, occurs in the context of refugee flows. UNHCR has concisely defined responsibilities for stateless *refugees* flowing from paragraph 6 (A)(II) of the Statute and Art. 1 (A) (2) of the 1951 Convention.

The *1954 Convention relating to the Status of Statelessness* outlined for the first time a legal framework to ensure a legal status and basic standard of treatment for all *non-refugee* stateless persons. Art. 1 of this Convention defines a stateless person as follows: “For the purpose of this Convention, the term “stateless person” means someone who is not considered as a national by any State under the operation of its law” (*de jure* stateless). However, the Final Acts of both Conventions recommend that persons who are stateless *de facto* should as far as possible be treated as stateless *de jure* to enable them to acquire an effective nationality.

The 1961 Convention on the Reduction of Statelessness was adopted with view to provide a new framework for avoiding future cases of statelessness. The Convention provides for acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through factors of birth on the territory or descent from nationals.

The protection of nationality once acquired and nationality determination in cases of the succession of States are also addressed. As such, the Convention addresses both nationality issues within the jurisdiction of a State and offers solutions to nationality problems that might arise between States. To this end, the principles outlined in the Convention have served as an effective legal framework within which to resolve issues of statelessness on the national, regional and international levels. When this instrument entered into force in 1974, UNHCR was designated by the United Nations General Assembly, pursuant to Art. 11 of the Convention, as the body to which a person claiming the benefits of the Convention may apply for the examination of her or his claim and for assistance in presenting it to the appropriate authorities. As such, UNHCR has a specific role to play in advising States parties to this instrument on how to resolve a case of statelessness.

In 1995 and early 1996, UNHCR's Executive Committee and the United Nations General Assembly<sup>1</sup> requested UNHCR to broaden its activities as regards statelessness to include *all* States, by

- promoting accession to the 1954 and 1961 Statelessness Conventions;
- provide legal advice on the preparation and implementation of nationality laws to all interested States;
- to cooperate closely with States and partners to ensure that problems of statelessness can be identified and effectively resolved;
- to disseminate information on the problem of statelessness globally;
- to train staff and government officials; and
- to report back regularly to the Executive Committee on these activities.

It is the sovereign right and responsibility of each State to determine, through the operation of national law, who are its citizens. UNHCR *has no authority to make declarations concerning nationality status*. The office, rather, acts as a catalyst to encourage States to make their determinations of nationality status in accordance with international conventions, international custom and the principles of law generally recognized with regards to nationality<sup>2</sup>, which stipulate against the creation of statelessness.

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<sup>1</sup> ExCom Conclusion No. 78 (XLVI) - 1995 as endorsed by the UNGA through its Resolution 50/152, 9, February 1996.

<sup>2</sup> The 1948 Universal Declaration of Human Rights declares in Article 15 that everyone has the right to a nationality and no one should be arbitrarily deprived of nationality or of the right to change nationality. The 1966 International Covenant on Civil and Political Rights proclaims that every child should be registered immediately at birth and has the right to acquire a nationality. The 1989 Convention on the Rights of the Child has a similar provision and also states that the child's right to preserve his or her identity, including nationality, shall be respected. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women stipulates that women should have equal rights with men with regard to acquisition, change and retention of nationality, and that women should be given rights equal to those granted to men in passing their nationality to their children. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination provides that there is a right to equality before the law without discrimination, including as regards the right to a nationality. Regional treaties, such as the 1961 American Convention on Human Rights, the 1990 African Charter on the Rights and Welfare of the Child and the 1997 European Convention on Nationality also underline the need of every person to have a nationality, and seek to clarify the rights and responsibilities of States in ensuring individual access to a nationality.

Access to the protection of a State is clearly not available for persons who do not have a legal bond of nationality with reference to the laws of any State. Hence, such persons normally are excluded from access to basic political, economic, social and cultural rights in the country where they live. Travel may be impossible, and many stateless persons have no documents to indicate their identity.

The 1954 and 1961 Conventions provide valuable guidance for States in the protection of stateless persons and the avoidance of future cases of statelessness. Application of the provisions of these instruments improves international relations and stability by avoiding and resolving cases of statelessness, and by providing legal clarity concerning the status of stateless persons, decreasing the potential for unrest or displacement. Support for these instruments by way of accession assists those covered by the Conventions, and improves international relations by developing legal principles related to the status of stateless persons, the reduction of statelessness and, in turn, strengthens the international protection regime. Despite this extensive legal framework a gap remains in the international protection of stateless persons.

### **5.1.2 Resettlement of non-refugee stateless persons**

In the refugee context it has to be acknowledged that stateless refugees, because of their lack of nationality and absence of future availability of national protection, may be more vulnerable than refugees who have a nationality. UNHCR undertakes resettlement of stateless refugees, when advisable and under stipulated conditions.

In its General Conclusion on International Protection No.95 (LIV) of 2003, the Executive Committee of UNHCR recommends that States consider resettlement of *non-refugee stateless* persons under certain exceptional circumstances.





States are encouraged "...to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious"

Field Offices considering resettlement of non-refugee stateless persons in these circumstances should confer with the Resettlement Section in UNHCR Headquarters prior to submission. Certain stateless persons can be in a situation whereby they are persecuted on the grounds provided by the 1951 Convention but have not left the country of origin and cannot therefore be formally recognised as refugees.

In other situations, despite repeated efforts made by the international community, it is clear that neither the present State of residence nor an eventual former State of residence or of nationality will in the foreseeable future grant its nationality or enable the stateless person to live in a manner in which his basic rights are guaranteed.

Ideally, the status to be given to resettled non-refugee stateless persons should be similar to that of resettled refugees, i.e. a status that provides the person in question and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals, and the opportunity to eventually become a naturalized citizen of the resettlement country. At the very minimum, a status as a stateless person under the 1954 Convention relating to the Status of Stateless Persons should be provided, encompassing rights and obligations enshrined in this instrument<sup>3</sup>.

#### **FURTHER REFERENCE:**

-  *Executive Committee Conclusion No. 78 (XLVI) – 1995 on Prevention and Reduction of Statelessness and the Protection of Stateless Persons.*
-  *UNHCR's Activities in the Field of Statelessness: Progress Report, EC/53/SC/CRP.11, 3 June 2003.*
-  *Information and Accessions Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, UNCHR, Division of International Protection, June 1996, Revised Jan. 1999.*
-  *Evaluation of UNHCR's role and activities in relation to statelessness, UNHCR, Evaluation and Policy Analysis Unit, EPAU/2001/09, July 2001.*

## **5.2 Returnees**



UNHCR's responsibilities include a substantive involvement in securing protection and providing assistance to returnees in the country of origin. Where there are indications or evidence that the freedom or security of returnees is at risk due to a lack of adequate State protection, UNHCR, as part of its returnee monitoring activities, should do whatever it can to remedy the situation and relieve the plight of the returnees. UNHCR must intervene where human rights abuses or severe discrimination come to light. The form UNHCR's intervention takes will vary, but may include seeking remedial action and/or making a formal protest at the local/central level and making formal representations to regional or international bodies.

<sup>3</sup> The 1954 Convention contains provisions regarding stateless persons' rights and obligations pertaining to their legal status in the country of residence which are similar to the legal regime provided by the 1951 Convention relation to refugee status. These rights include access to courts, property rights, which are, at a minimum, equal to those granted to aliens generally, and freedom to practice their religion. Obligations include conformity to the laws and regulations of the country. The Convention further addresses a variety of matters that have an important effect on day-to-day life, such as gainful employment, public education, public relief, labour legislation and social security.

Where problems and abuses are not isolated and there appears to be a risk of future occurrences, UNHCR should not promote further repatriation until the problems are rectified.

If UNHCR's intervention fails to solve the problem and fails to prevent the risk of further harm, and such risk is serious and imminent, measures may have to be taken by suitable actors to ensure that the affected returnees can leave the country to seek safety as refugees once again. These actions may, in special cases, include consideration of resettlement.

**FURTHER REFERENCE:**

-  *Handbook Voluntary Repatriation: International Protection*. UNHCR Geneva, 1996.
-  *Returnee and Displaced Person Monitoring Framework (RMF), Inter-Agency Memorandum of Understanding (MOU) Between the United Nations High Commissioner for Refugees (UNHCR) the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the Organization for Security and Cooperation in Europe (OSCE), and the European Community Monitoring Mission (ECMM)*, 2 February 1999.

### 5.3 Irregular, Secondary or Onward Movement

UNHCR and Governments are faced with the issue of “irregular”, “secondary” or “onwards” movements in several regions, and it is also a predominant topic in the urban refugee dynamic. Resettlement can have a positive, mitigating influence on secondary movements when it is implemented across regions and in all countries on the basis of clear and consistent criteria, and when it is used as a tool to reinforce protection in countries of first asylum.

In a number of situations around the world, where refugees lack local integration prospects, host countries expect UNHCR to facilitate resettlement of these refugees (see Chapter 4:9 for details on this resettlement criterion). When resettlement is undertaken in such contexts, there is an evident risk that additional asylum seekers and refugees will be attracted to the country or city concerned, leading to the growth of an unmanageable (urban) caseload. In its discussions with authorities, UNHCR should point out that an approach exclusively promoting resettlement may increase rather than diminish the numbers of refugees residing in the country.

#### **The concept of irregular, secondary or onward movement**

ExCom Conclusion No. 58 (XL) on the *Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection* provides the following definition of Irregular Secondary Movement:

“...refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which *they have already found protection*, in order to seek asylum or permanent resettlement elsewhere...” (Emphasis added).

Similarly, according to the *1997 UNHCR Policy on Urban Refugees* (paragraph 13) “the movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as “irregular movement, and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection.”

Compelling and legitimate reasons for onward movement include specific protection or security problems in the country that the refugee concerned left, for example risk of refoulement, arbitrary detention, physical assault and other serious human rights violations. It also includes the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement. Systematic and discriminative material deprivation may also legitimize onward movement.

Moreover, onward movement for the purpose of reunification with close family members may also be justified if the refugee in question has exhausted all available means of doing so, and if UNHCR’s efforts to facilitate family reunion have proved unsuccessful within a reasonable period of time.

### **UNHCR’s response to cases of irregular movement**

If a refugee or asylum seeker has moved from a country of first asylum with valid reasons, as defined above, the person should be treated like any other refugee for assistance and resettlement purposes.

However, if a refugee or asylum seeker has moved from a country of first asylum *without legitimate reasons*, the person *should not normally be considered for assistance*, with the obvious exception of life-saving assistance that is not available in a timely manner from another source. Refugees and members of refugee households whose security and protection are compromised by material deprivation may also be considered for assistance, in particular with regard to children, elderly and disabled people.

All asylum seekers, refugees and other person of concern to UNHCR are entitled to the protection of the organization, irrespective of their location and the means (including the legality) of their movement. Therefore, protection is inviolate and not affected by irregular movement.





One of the reasons for secondary or onward movement to occur is that refugees may be looking for resettlement opportunities. The resettlement of refugees who have engaged in onward movement without a legitimate reason often encourages additional movements of this type and takes place at the expense of refugees who have remained in their country of first asylum.



Therefore, refugees who have engaged in onward movement without valid reasons should ***normally not be considered or presented for resettlement***. Exceptions to this principle may be made in situations where resettlement is required for:

- Life-saving security or medical reasons;
- Situations in which it is determined that the person(s) concerned would have met the criteria for resettlement if they had remained in their country of first asylum and they have not found protection in a second country of asylum; and
- Cases where the person concerned have close relatives in resettlement countries who they wish to join for family reunification purposes.

#### ESSENTIAL READING:

-  *Executive Committee Conclusion No. 58 (XL) - Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection.*
-  *Summary Conclusions on the Concept of “Effective Protection” in the Context of Secondary Movements of Refugees and Asylum-Seekers, Global Consultations on International Protection, Lisbon Expert Roundtable, 9 and 10 December 2002.*

#### FURTHER REFERENCE:

-  *Executive Committee Conclusion No. 8 (XXVIII) - Determination of Refugee Status.*
-  *Executive Committee Conclusion No. 15 (XXX) - Refugees without an Asylum Country.*

## 5.4 Stowaways



Refugees who have stowed away on boats or other international transport should not automatically be considered for resettlement. Field Offices should first establish that the individual is of concern to UNHCR and then look at the possibilities of either voluntary repatriation to the country of origin, or alternatively to his or her return to the country of first asylum or previous port of call so that asylum procedures may be initiated.

When neither of these options is available, initial efforts should be made to ensure protection of the refugee in the country of disembarkation, rather than seeking resettlement.


ExCom Conclusion No. 53 “reaffirms the necessity of giving proper attention to the need of stowaway asylum-seekers including arranging for their disembarkation, determining their refugee status and, whenever required, providing them with a durable solution”. States and UNHCR are recommended to “take into account the following guidelines when dealing with actual cases of stowaway asylum-seekers:

1. Like other asylum-seekers, stowaways must be protected against forcible return to their country of origin.
2. Without prejudice to any responsibilities of the flag State, stowaway asylum-seekers should, whenever possible, be allowed to disembark at the first port of call and given the opportunity of having their refugee status determined by the authorities, provided that this does not necessarily imply durable solutions in the country of the port of embarkation.
3. Normally UNHCR would be requested to assist in finding a durable solution for those found to be refugees, based on all relevant aspects of the case.”

**ESSENTIAL READING:**

-  *Executive Committee Conclusion No. 53 (XXXIX) - Stowaway Asylum-Seekers.*
-  *UNHCR Practical Guidelines relating to stowaway asylum-seekers, 17 January 1992*

**FURTHER REFERENCE:**

-  *Trafficking of Women for Sexual Exploitation: A Gender-based Well-Founded Fear? An examination of refugee status determination for trafficked prostituted women from CEE/CIS countries to Western Europe – A research paper submitted to the University of Pavia ESAS-CS by Jenna Shearer Demir, January 2003.*

## 5.5 Criminal Records

Refugees who have been convicted of severe or multiple criminal offences will normally not be accepted for resettlement by resettlement countries. If such cases are identified and all possible local options are exhausted, further advice should be sought from the Resettlement and Special Cases Section at UNHCR Headquarters. Refugees who have served their sentences should, in principle, not be denied the possibility of resettlement if they otherwise meet UNHCR's criteria.

It should be noted that cases of the above-mentioned nature may give rise to exclusion considerations under Article 1F of the 1951 Convention, either during RSD or as the basis for cancellation or revocation. The applicability of the exclusion clauses enshrined in Article 1F must be established in proper procedures and according to the standards set out in the *2003 UNHCR Exclusion Guidelines and Background Note*. See also Chapter 3.7 of this Handbook on Exclusion of Persons Considered as Undeserving of International Protection. It is paramount that in determining whether a person is a refugee under UNHCR's international protection mandate, Field Offices consider issues relating to both inclusion and exclusion carefully **before making any demarches toward resettlement**. Standard Operating Procedures for the processing of cases involving exclusion considerations are set out above under Chapter 3.7.

## 5.6 Ex-combatants

In its Conclusion No. 94 (LIII) of 2002, UNHCR's Executive Committee has defined combatants as persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum. While active combatants are not eligible for international refugee protection on account of the incompatibility of their activities with the civilian nature of refugee status, asylum claims of former combatants should be examined in individual RSD, which should include a thorough assessment of the applicability of Article 1F. Please see Chapter 3.7 of this Handbook for guidance on how to deal with such cases.

Some resettlement countries do not accept ex-combatants for resettlement. The interpretation of what constitutes a combatant varies from one country to another.

Where a former combatant has been found to be a refugee, as a result of proceedings in which both inclusion and exclusion aspects of an asylum claim were examined, and resettlement has been identified as the appropriate durable solution for that person, Field Offices should clarify the policy of potential resettlement countries with regard to ex-combatants prior to submitting the case for resettlement. As a first step, the relevant country chapters of this Handbook should be consulted. If these do not contain pertinent information, Field Offices should approach the authorities of the resettlement countries concerned and, if necessary, UNHCR Headquarters.

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## BASIC PROCEDURES TO BE FOLLOWED IN FIELD OFFICE RESETTLEMENT OPERATIONS

### 6.1 Overview of Basic Resettlement Procedures

Resettlement is a vital instrument of protection and a durable solution for refugees whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. The decision to resettle a refugee is normally taken, with priority, when there is no alternative way to guarantee the legal or physical security of the person concerned. UNHCR resettlement criteria aim not only at resolving possible immediate danger to a refugee's life and security. Resettlement, as a tool of international protection, is also directed at addressing the special needs of a refugee which cannot be met adequately in the country of refuge. Finally, resettlement is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration.

#### 6.1.1 *Range of resettlement contexts*

UNHCR's resettlement activities have expanded significantly in the recent years. This expansion has resulted in both the diversification of nationalities resettled and in the diversification of the contexts within which resettlement activities take place.

UNHCR resettlement activities currently take place in almost all contexts of UNHCR's work, with urban refugee populations, in refugee camps, and in refugee settlements.

Resettlement may be undertaken in field operations where refugees systematically undergo individual status determination procedures. In other cases, UNHCR undertakes resettlement activities in *prima facie* refugee situations.

Resettlement activities are both possible and potentially necessary in any and all of these circumstances. Given the diversity of field contexts, however, the individual procedures of various Offices will likely differ, according to their capacity and resettlement needs. At the same time, it is recognized that the detail of an Office's procedures will be a reflection of the scale of its on-going resettlement activities.

### **6.1.2 Stages in the resettlement process**

Regardless of the field context, all resettlement activities must conform to basic standards. The preparation of individual resettlement submissions must pass through the following common stages of the resettlement process:

1. **Identification** of refugees in need of resettlement consideration
2. **Assessment** of individual resettlement need
3. **Preparation** of a resettlement submission
4. UNHCR **submission** decision
5. Resettlement **country decision**
6. **Departure** arrangements and monitoring

The purpose of this Chapter is to specify the potential roles that UNHCR Field Offices have to play in each of these stages and to provide guidelines on how these roles may most effectively be met. This Chapter will also introduce a number of practical tools designed to facilitate the implementation of these standards that Field Offices may develop to their particular resettlement needs.

## **6.2 Standards, Accountability and Safeguards in the Resettlement Process**

Given the diversity of field contexts, specific resettlement procedures will differ from Field Office to Field Office. It is neither possible nor desirable to have a single, universal set of Standard Operating Procedures (SOPs) to be followed by all UNHCR Field Offices. Instead, each Field Office should review their capacities and resettlement needs and determine a resettlement process appropriate to their context and in adherence with the basic standards contained in the Resettlement Handbook.

The High Commissioner's IOM/25/2002 – FOM/24/2002 dated 15 March 2002 (included in Annex 11) clearly specifies the importance of the effective management of all protection activities, including resettlement. While Chapter 8 addresses the more general question of managing resettlement activities in Field Offices, this Chapter illustrates that there are a number of safeguards that must be incorporated into the resettlement process at each stage to ensure its integrity and credibility.

These safeguards include:

**Standards** – All resettlement submissions prepared in a Field Office must be processed according to established and objective standards and procedures. These standards must be developed to address the needs and capacities of individual Field Offices, and in adherence with the basic standards contained in this Handbook.

IOM/25/2002 – FOM/24/2002 outlines the responsibility of each Field Office to develop Standard Operating Procedures (SOPs), as addressed in Chapter 8.1 of the Resettlement Handbook.

**Transparency** – All resettlement decisions must be taken in a transparent manner. The most effective means of ensuring transparency is through the documentation of all stages of the resettlement process. The file belonging to a refugee under consideration for resettlement must contain sufficient documentation justifying the decisions taken on that individual case. All documentation contained in a file must be signed and dated.

It is also important that the resettlement process be transparent *vis-à-vis* refugees and resettlement partners. In this regard, information meetings may be held to inform refugees and resettlement partners of the standards and procedures governing the resettlement process in a given Field Office. Such transparency will serve to enhance the credibility of resettlement, and is an important foundation for greater co-operation and confidence in the resettlement process.

This external transparency should not, however, extend to disclosure of the names of UNHCR Staff responsible for taking decisions in the resettlement process, and must not extend to sharing the contents of an IC's file (Please see UNHCR's *Guidelines on the Sharing of Information on Individual Cases*).

**Authorization and Accountability** – In all Field Offices, the UNHCR Representative must designate an officer accountable for resettlement activities. Designating an officer accountable for all resettlement activities is an important first step in ensuring the effective management of resettlement activities within a Field Office. The decision to both process and submit a refugee's case to a resettlement country for their consideration must be authorized by the officer accountable for resettlement activities. (Please see Chapter 8.1.2)

***Oversight*** – Resettlement activities must benefit from the oversight of a designated officer within individual field offices. The preparation of resettlement submissions should benefit from periodic random checks to ensure that individual submissions are prepared according to the criteria contained in this Handbook and as a means of ensuring quality control. Oversight of the resettlement process should also result in an on-going review and improvement of the process as needs resettlement needs and Field Office capacities change over time.

At the same time, the resettlement process in an individual Field Office may benefit from oversight by external or regional UNHCR Officers, in the same way that the accuracy and credibility of financial procedures are ensured through external oversight.

***Combating fraud and corruption in the resettlement process*** – Safeguards must be incorporated into every step of the resettlement process to combat fraud and corruption. Such steps include, but are not limited to:

- verifying registration details and refugee status prior to the preparation of a resettlement submission;
- paying particular attention to family compositions;
- ensuring that photographs of each member of the resettlement case are included in the refugee's file and attached in a tamper-proof manner;
- sensitizing the refugee population to the potential consequences of fraud;
- conducting identity checks at key stages in the resettlement process; and,
- ensuring that all decisions relating to resettlement are documented, dated and signed

While combating resettlement fraud and corruption is addressed more comprehensively in Chapter 8.4, various elements of fraud and corruption prevention will be proposed through the steps outlined in this Chapter.

As emphasized by the High Commissioner's IOM/25/2002 – FOM/24/2002, resettlement activities are particularly vulnerable to fraud because of the benefits they offer. Incorporating safeguards into the resettlement process minimizes fraud possibilities, protects refugees from further victimization, protects innocent staff from false allegations, and contributes to the overall credibility and effectiveness of UNHCR's resettlement activities.

The only way to effectively combat fraud and corruption in the resettlement process is proactively through the development and implementation of accountable and transparent resettlement procedures. Field Offices must not wait until allegations emerge before undertaking measures to combat fraud and corruption in the resettlement process.



### 6.3 Step 1: Case Identification

EXCOM Conclusion 90 (LII) – 2001 acknowledged that resettlement “is a process beginning with the identification and assessment of refugees requiring protection...” Identification is arguably the most crucial and challenging aspect of the resettlement process. Failure to identify a refugee in need of resettlement in a correct and timely manner will result in an unnecessary continuation of insecurity for that refugee. Incorrect identification of a refugee for resettlement could result in the development of unobtainable expectations.

These challenges are especially acute in protracted *prima facie* refugee situations. In such situations, identifying refugees in need of resettlement, without the benefit of early and effective registration and individual refugee status determination, is an essential but complex task.

Active and systematic case identification among UNHCR offices in the field and with operational partners in the field, as well as co-operation between the relevant sections *within* a given Field Office, are essential in order to ensure that cases in need of resettlement are identified.

Resettlement needs should be identified proactively and as part of UNHCR’s standard assessment of protection and durable solutions needs, rather than reactively through the demand of an individual. For this reason, resettlement must be employed as part of a comprehensive protection strategy to address the needs of refugees in a country of asylum and include an *identification and referral system* to facilitate the active identification of cases.

The initial registration of refugees should ensure the early identification of specific categories of refugees who may have special needs. Such categories will include unaccompanied children and the physically or mentally disabled, single women and single parents. Officers working directly with refugees will furthermore be in a position to identify individuals and families for resettlement consideration.

Early and effective registration coupled, where possible, with individual status determination procedures provide the most effective means of identifying refugees in need of resettlement consideration in a pro-active and on-going basis.

It should, however, be noted that the identification of a refugee as being vulnerable in their country of asylum does not necessarily mean that the refugee is either eligible for or in need of resettlement. Resettlement is one possible tool at the disposal of field offices to address a refugee’s particular vulnerability.

In addition to the identification carried out by UNHCR directly, information from other organizations, especially those dealing with medical and social services, may prove useful. It is important to utilize structures within a refugee population to identify individuals who may need special attention.

It is not, however, advisable to ask persons like refugee community leaders who they would select or recommend for resettlement. While refugee community leaders can play an important role in identifying persistent protection concerns and in disseminating information on resettlement, involving them in the referral of refugees for resettlement is a process that has proven to be problematic.

### **6.3.1. Identification actors and procedures**

While various actors may be engaged in the initial identification of a refugee in need of resettlement consideration, it is essential that these activities are closely managed by the officer accountable for resettlement activities, that the identification process is well documented, and that cases are followed-up in a timely manner. It is also important that transparent identification procedures are developed and implemented in all Field Offices.

The focus of this section is the identification of individual refugees in need of resettlement consideration. The identification of groups or populations in need of resettlement consideration is addressed in Chapter 7.3 of this Handbook.

The identification of an individual refugee in need of resettlement consideration is typically the result of a referral received from within UNHCR, from an organization external to UNHCR working with refugees, or from refugees themselves. The most effective and responsive resettlement procedures will include consideration of referrals from all three sources.

By considering referrals from all three sources, Field Offices may also ensure effective access to the resettlement process for those most in need. Ensuring access to the resettlement process should be seen as a priority, especially as those refugees who are most vulnerable are often the least visible and the least vocal. Effective identification and referral mechanisms should concentrate on ensuring access to the resettlement process for those most in need in a proactive way.

### **6.3.2 Internal referrals**

Various sections within a Field Office may be well-placed to make resettlement referrals on the basis of their day-to-day contact with refugees. The Protection Unit will be well-placed to identify refugees with persistent protection problems that cannot be addressed in the country of asylum. The Community or Social Services Unit may identify vulnerable refugees according to the criteria established in Chapter 4 of this Handbook, most particularly Women-at-risk, Survivors of Violence and Torture, Unaccompanied Minors and refugees with particular Medical Needs.

Co-ordination and training are essential within a Field Office to ensure that internal referrals are effective in identifying refugees in need of resettlement consideration. Field Office staff must be informed on the nature and limitations of resettlement to ensure that only appropriate referrals are made, and to ensure that unrealistic resettlement expectations are not raised.

Standard procedures must be developed in all Field Offices governing the referral of refugees in need of resettlement consideration from other Sections. **All referrals must be in writing**, and contain the following basic information:

- basic bio-data of the Principal Applicant and all dependents;
- the basis of the referral;
- the immediacy of the need;
- the name and title of the referring staff member; and,
- the date of the referral

A **focal-point** should be identified within all field offices for receiving internal referrals. This focal-point would be responsible for documenting receipt of the referral in the resettlement database or registry, retrieving any file or documentation held by the Field Office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

The task of making, receiving and assessing internal referrals has been greatly facilitated in a number of UNHCR Field Offices through the development of a standard referral form. A “Sample Referral Form” is included in Section 2 of the Resettlement Tool-Kit. This form may be adapted by individual Field Offices to suit their particular context and needs.

### **6.3.3 External referrals**

Actors external to UNHCR can also potentially play a valuable role in the identification of individual refugees in need of resettlement consideration. This is especially true when considering the involvement of non-governmental organizations (NGOs) working directly with refugees. (For more information on the role of NGOs in global resettlement efforts, please see Chapter 10.)

Using the criteria contained in this Handbook, there is great potential for NGO involvement in the identification process. In many field operations, NGOs have a greater degree of qualitative contact with refugees on a day-to-day basis through the particular nature of their projects. As outlined in *Protecting Refugees: A Field Guide for NGOs*, NGOs can, on the basis of such contact, identify refugees with special concerns who may be in need of resettlement.

There are three primary arrangements through which NGOs may play a role in identifying potential resettlement cases:

- 1. Formal arrangements:** Through a specific sub-agreement, NGOs may run pre-screening programs to assess protection and other needs in large refugee populations. Such sub-agreements should not be concluded at the field level, but the potential benefits of such an arrangement, especially in the context of large, protracted *prima facie* refugee situations, could be raised with the Resettlement Section in UNHCR Headquarters.
- 2. Partnerships with secondary protection functions:** Refugee assistance programs benefit greatly from the contribution of partners who, by the terms of their sub-agreement with UNHCR, provide certain services in refugee camps and settlements. The possibility of writing protection and resettlement-identification functions into these sub-agreements, especially in the case of NGOs working with particular groups of vulnerable refugees, could be explored at the field level. The development of any such arrangement must, however, be the responsibility of the officer accountable for resettlement in a given Field Office, in consultation with UNHCR's Country Representative, and with the agreement of the NGOs country representative, where applicable.
- 3. Case-by-Case NGO referrals:** In many field operations, NGOs working with vulnerable refugees may not wish to incorporate formal protection components into their programs for fear of compromising the integrity of the original program. In such cases, however, mechanisms could still exist to facilitate informal referrals on a case-by-case basis.

The success of these three possible approaches, individually or as part of a combined approach, will depend on the field situation, the urgency of resettlement need, the nature of resettlement need, and the field capacities of NGOs and UNHCR. All three approaches do, however, hold significant potential and are, to a certain degree, already employed in various forms.

The formal development of any external referral mechanisms must be authorized by the officer accountable for resettlement activities and must incorporate a number of important elements:

- **Training:** Any resettlement-referral mechanisms involving actors external to UNHCR must be preceded by appropriate training on resettlement procedures and criteria.
- **Accountability and oversight:** Any referral mechanism must be formalized to the extent that it operates according to accountable and transparent standards. To this end, all arrangements must specify, **in writing**, guidelines on the specific roles and responsibilities of the NGO and UNHCR, responsibilities of feedback to the NGO and to the refugee, a definition of the relationship between the NGO and UNHCR, and recognition of the criteria contained in the Resettlement Handbook. Oversight must also be ensured through regular meetings between representatives of the NGO and UNHCR to discuss activities and concerns, and to conduct spot-checks on the referral activities.
- **Standardization:** A separate set of Standard Operating Procedures (SOPs) must be developed detailing the referral, reception, treatment and follow-up on NGO-referred cases, and measures must be implemented to ensure that all cases are referred according to these SOPs.
- **Safeguards:** In the interest of maintaining the integrity of not only the resettlement activities of the Field Office, but also the original NGO program, safeguards must be incorporated into the mechanisms to ensure that possibilities for abuse are reduced.
- **Managing expectations:** Any increase in identification activities will likely result in heightened resettlement expectations within the resettlement population. As such, a common strategy must be developed for the management of resettlement expectations (Please see Chapter 8.5).

A **focal-point** should be identified for receiving external referrals. Where appropriate, multiple **focal-points** may be identified for receiving external referrals, depending on the nature of the external referral source. These focal-points would be responsible for documenting receipt of the referral in the resettlement database or registry, retrieving any file or documentation held by the field office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

These focal-points would retain responsibility for liaising with the external referral source throughout the resettlement process, and providing the referral source with regular updates on the status of the resettlement case.

Depending on the capacity of a given Field Office, the focal-point for external referrals may be the same individual as the focal-point for internal referrals.

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

#### **6.3.4 *Dealing with unsolicited requests***

While priority should be placed on the identification of refugees in need of resettlement consideration through internal and external pro-active referral mechanisms, Field Offices should also develop procedures for responding to unsolicited resettlement requests from individual refugees. These requests, typically – but not exclusively – written requests, have become a common feature of resettlement activities in most UNHCR Field Offices around the world.

While the credibility of written resettlement requests, including unsolicited requests sent by e-mail, may be considered questionable, they have proven to be both an effective means of identifying vulnerable refugees and providing refugees with direct access to the resettlement process. When dealing with written requests for resettlement, it is important that the contents of the request are not taken at face-value, but are independently confirmed through either an interview, a home-visit or a file study.

The difficulty with treating unsolicited requests is the bias it often has against refugees who are not capable of expressing their protection needs in writing. It is for this reason that resettlement activities must never be based exclusively on the treatment of unsolicited resettlement requests.

Dealing with unsolicited requests can prove to be an exceptionally time-consuming task, and Field Offices should ensure that time dedicated to the treatment of unsolicited requests is not at the expense of the treatment of internal and external referrals.

Central to the effective treatment of unsolicited requests is managing the expectations of refugees sending such requests. Refugees submitting resettlement requests must be advised that the submission of a request will not necessarily result in the opening of a resettlement case, and will certainly not necessarily result in the resettlement of the refugee (Please see Chapter 8.5).

Refugees submitting unsolicited requests for resettlement should also be advised on the processing times for such requests or if, in fact, all unsolicited requests will receive a response. These issues should be decided, in advance, by the officer accountable for resettlement in consultation with the Senior Staff responsible for Protection.

Refugees may request resettlement in response to a need that can and should be met by other Units within UNHCR. Unsolicited requests should consequently be screened upon receipt to possibly identify a Unit within UNHCR that would be better suited to address the need conveyed by the refugee – typically the Protection Unit or the Community or Social Services Unit.

A **focal-point** should be identified within all Field Offices for dealing with unsolicited requests. The focal-point, under the supervision of the accountable officer, would be responsible for screening unsolicited requests for resettlement and directing non-resettlement requests to the relevant Units of the UNHCR office. The focal-point would then be responsible for documenting receipt of the resettlement-related request in the resettlement database or registry, retrieving any file or documentation held by the Field Office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

Depending on the capacity of a given Field Office, the focal-point for unsolicited requests may be the same individual as the focal-point for internal and external referrals.

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

## 6.4 **Step 2: Case Assessment and Verification**

Organizational structures and the availability of human resources vary among Field Offices. The recommendations provided in this Section, therefore, will have to be adapted to the specific circumstances of a particular Field Office.

All refugees identified as being in need of resettlement consideration must pass through two stages before a resettlement submission may be prepared:

1. Resettlement-Needs Assessment
2. Verification of registration details and refugee status

These stages are designed to ensure the credibility and need of the individual case, and to ensure consistency in the Field Office's resettlement activities. The introduction of these stages need not necessarily add to the processing time of individual cases if Field Office's develop efficient and effective mechanisms and procedures appropriate to their field context. The Resettlement Tool-Kit contains a number of sample forms that will assist Field Offices in developing such procedures.

#### **6.4.1 Resettlement-Needs Assessment**

Under the supervision of the officer accountable for resettlement activities, resettlement referrals should be assigned, according to the urgency of resettlement need, to UNHCR staff with designated resettlement responsibilities for a **Resettlement-Needs Assessment**. This assessment should be conducted on the basis of the information contained in the referral (internal, external or unsolicited) and any relevant information contained in the refugee's file.

The **Resettlement-Needs Assessment** should be a written assessment of the refugee's need for resettlement based on the information provided, and should include, at minimum, the following information:

- Source and date of the referral
- Name of the Principal Applicant (PA)
- Country of birth (and nationality if different)
- Date of birth
- Family size and composition
- Information on family links abroad
- Remarks on protection environment and vulnerability in country of asylum
- Brief assessment of resettlement need
- Basis of the referral according to the criteria of Chapter 4
- Recommended follow-up action
- Priority of case
- Name of staff member conducting Assessment
- Date of assessment

A sample Resettlement-Needs Assessment form is included in Section 2 of the Resettlement Tool-Kit. The Tool-Kit also contains the Resettlement Needs Assessment as a Microsoft Word template, to facilitate completing the form in electronic format and the later transfer of this information directly to the Resettlement Registration Form (RRF).

On the basis of the analysis of the assessment, one of three possible follow-up actions may be recommended:

- The resettlement referral appears **founded**, and should proceed to the verification stage;
- **Additional information** is required from the referral source; or,
- The resettlement referral appears **unfounded**, and the referral source should be notified that the refugee will not be considered for resettlement referral at that time.



If the assessment indicates that the resettlement referral appears **founded**, then the Resettlement-Needs Assessment Form and the refugee's file should be forwarded to the relevant Unit for **verification**.

If the assessment indicates that the resettlement referral appears **unfounded**, the assessment should be forwarded to the officer accountable for resettlement for authorization. If the assessment is authorized, the referral source should be notified **in writing** that the refugee will not be considered for resettlement at that time and outline the basis of this assessment. A copy of this notification should be kept in the refugee's file.

The referral source may request UNHCR to **reconsider this assessment**. Such requests must be made in writing, and should be considered by the Field Office in light of the priorities of other pending resettlement cases. Senior Staff responsible for Protection should be consulted on the development of a mechanism for considering requests to reconsider resettlement assessments appropriate to the given field context.

If the assessment indicates that **additional information** is required from the referral source, the assessment should be forwarded to the officer accountable for resettlement for authorization. If the assessment is authorized, a letter requesting additional information should be sent to the referral source.

Both forms of notification should be in writing, and signed by the officer accountable for resettlement. The original letter should be sent to the referral source, while a copy of the letter, along with the Resettlement-Needs Assessment, should be retained in the refugee's file.

Sample texts for these letters are included in Section 2 of the Resettlement Tool-Kit.

In situations where individual case files are not maintained by a Field Office, an interview with the refugee may be required to gather sufficient information to adequately complete the Resettlement-Needs Assessment. Such interviews should be scheduled in consultation with the officer accountable for resettlement.

It is important to emphasize that the completion of a Resettlement-Needs Assessment does not necessarily mean that a refugee will be found to be eligible for a UNHCR resettlement referral. As such, special care should be taken not to raise resettlement expectations at this stage in the process.

#### **6.4.2 Verification of registration details and refugee status**

If the **Resettlement-Needs Assessment** indicates that the resettlement referral appears **founded**, then the the following elements of the refugee's file should be verified:

- That the **registration details** contained in the refugee's file are current, with particular emphasis on family composition, and **include a recent photograph of the Principal Applicant and all dependants**; and,
- That the refugee has been recognized, at minimum, as a refugee under UNHCR's Mandate as the result of an **individual status determination** procedure, and that this assessment is still valid. Any details regarding protection concerns that the refugee may face in the country of refuge should also be noted. (Please see Chapter 3 of the Resettlement Handbook)

These two elements should be confirmed in a **non-resettlement context** (i.e. through a home-visit, or an interview with a protection assistant where resettlement is not mentioned directly with the refugee). This precaution is important for two reasons. First, it ensures that the details contained in the file, especially family composition, are accurate and not biased by resettlement considerations. Second, it does not raise premature resettlement expectations on the part of the refugee.

The UNHCR staff who conducted the initial assessment maintains responsibility for the case through the verification process, and is specifically responsible for ensuring that the verification is conducted in a timely manner.

If all elements are current and contained in the refugee's file, the confirmation should be noted in the relevant field of the Resettlement-Needs Assessment Form, dated and signed by the UNHCR staff member responsible for that element of the verification.

Once all elements of the Assessment and Verification stage have been completed, the Resettlement-Needs Assessment requires the authorization of the officer accountable for resettlement activities before a resettlement submission may be prepared.

If any of these elements are missing from the refugee's file, the officer accountable for resettlement should forward the file to the relevant Units of the Field Office to complete the necessary sections, and assign a caseworker to follow-up in a specified time-frame.

#### **6.4.4 Regular Resettlement Meetings**

A number of Field Offices have adopted the practice of holding regular resettlement meetings, chaired by the officer accountable for resettlement, to discuss the assessments of Resettlement-Needs Assessments and, as discussed below, the subsequent submission of resettlement cases.

These resettlement meetings, with the participation of relevant staff from the Protection and Community or Social Services Units, may provide an effective forum for discussing and approving individual resettlement cases and for reviewing resettlement practices and procedures.

Resettlement meeting may, however, result in a bottle-neck in the resettlement process if cases are strictly required to pass through a resettlement meeting for authorization. While resettlement meetings can provide a useful forum for discussing particular or difficult resettlement cases, they cannot replace the authorization of the officer accountable for resettlement activities.

The responsibility of authorizing the progress of cases through the resettlement process remains with the officer accountable for resettlement activities.

Once authorization has been granted, the designated UNHCR staff member may pursue follow-up activities. It is important that the decision be recorded in writing in the refugee's file and that the referral source be notified of the progress of the case at this stage.

#### **6.4.5 Use of specialist staff**

Care must be taken to identify and prepare cases for resettlement submission with particular regard to recording specifics on all medical cases. Even in Field Offices with medical and community services staff, recognized and qualified experts (surgeons, psychologists, etc.) may have to be requested to provide a specialist opinion. For this purpose, recognized UN doctors should be given preference.

In the same way, the preparation and submission of Unaccompanied Minors for resettlement requires a Best Interest Determination according to the standards and procedures outlined in Chapter 8.1 of the Resettlement Handbook. Given the particular expertise required for conducting Best Interest Determinations, specialist staff should be involved.

Should the situation arise where there is no access to specialist staff or for any reason there are unusual delays in preparing necessary reports, the Resettlement Section at UNHCR Headquarters should be consulted for advice.

#### **FURTHER REFERENCE:**



*UNHCR Handbook for Social Services*. UNHCR Geneva, 1984.

## **6.5 Conducting Interviews**

### **6.5.1 *Preparing and conducting an interview***

Interviews may play an important role in the preparation of a Resettlement-Needs Assessment, and will **always** be necessary during the preparation of a resettlement submission.

It is important to be fully prepared for interviews, and be fully versed in the contents of the refugee's file, in addition to the current conditions in the country of origin and country of refuge.

It is also important that the Principal Applicant and all dependants be present for the initial and final resettlement interview, and that the identity of all dependants be verified before the start of the interview.

The documents referred to under "Essential Reading" contain important information on how to prepare and conduct interviews in a refugee context. Of particular relevance is the Training Module on Interviewing Applicants for Refugee Status in which issues pertaining to the effects of trauma (Chapter Three), interviewing women refugees (Chapter Four) and interviewing children (Chapter Five) are elaborated upon.

### **6.5.2 *Security recommendations when conducting interviews***

Regrettably, hostile acts against persons conducting interviews sometimes occur. Therefore it is crucial that security measures are guaranteed prior to meeting or interviewing individuals or groups.

The following recommendations are meant to enhance the safety of UNHCR officers and staff of partners involved in the interview process:

- all interviews should, where possible, be by appointment;
- trained guards should control access to the building and the main entrance to the interview area. If deemed necessary, the guards should carry out searches of individuals seeking access to the building or use a metal detector;
- the interview area should not be exposed visually to the waiting room;
- only a minimum number of people should be allowed into the waiting area at any one time;

- any known record of violent behavior should be noted on the individual's file. This will alert the interviewer to take precautionary measures if deemed necessary;
- there should be no objects in the interview room which could be used as weapons (e.g. heavy paper weight, letter opener, stapler, etc.);
- no wall lights or electrical wires should be exposed as these might be used as a weapon or for suicide attempts;
- procedures to evacuate an interview room should be established and a mechanism or procedure should be in place for summoning help;
- furniture in the interview room should be arranged to give protection to the interviewer. Interviewers should have their chair located so as to provide easy access to the door. Doors to the interview rooms should be lockable from the outside only;
- in the case of security incidents, serious consideration must be given to bringing to justice any individual who assaults an interviewing officer.

The following additional recommendations should be considered when conducting interviews in remote field locations:

- interviews should be conducted in a discreet location so as not to attract undue attention;
- ground transportation should remain on stand-by at all times;
- arrangements should be made to ensure proper communications at all times (radios or walkie-talkies);
- several staff should travel together and arrangements should be made with local authorities for assistance to be provided if needed;

Concerning precautions and practices to be followed in specific locations, it is suggested that advice be sought from specialized security personnel, especially the Field Security Advisor.

### **6.5.3 Working with interpreters**

Interpreters play a vital communication role in interviews with refugees. The majority of interviews are held with the assistance of an interpreter. Interpreting is a skill, and interpreters should have access to special training so they may carry out their task more efficiently and professionally.

Interpreters should always:

- receive an adequate briefing before the interview;
- have a clearly defined role;
- have the support of the interviewer;
- work with accuracy;
- be treated with respect.

It is also essential that interpreters understand the confidential nature of all protection interviews, and resettlement interviews in particular. Interpreters must agree, in advance, to the following conditions:

- that they will not share the contents or nature of any interview in which they assisted;
- that they will not share the contents or nature of any documents they handle within the UNHCR premises related to their duties as an interpreter;
- that they will not solicit or accept any fee, either directly or indirectly, from refugees;
- that they will not provide advice or guidance to any refugee about the resettlement process, either during interviews or outside their official functions;
- that they will uphold the highest standards of efficiency, competence and integrity in their work;
- that they will be dismissed from their duties as an interpreter if they breach these conditions.

Many Field Offices have adopted the practice of having all interpreters sign an undertaking prior to the start of their first interview. A sample of such an undertaking is included in Section 1 of the Resettlement Tool-Kit.

It is important to be sensitive to a refugee's culture and background when selecting an interpreter. Remember that a woman refugee will likely be more comfortable speaking through a female interpreter to a female interviewer. Many women refugees are unwilling to speak to male interpreters and interviewers.

There may also be occasions when a male refugee would be more at ease with a male interpreter and a male interviewer.

When working with children and adolescents, care should be exercised to select interpreters who have the necessary skills. Interpreters should be both neutral and objective in their role.

Given the importance of an interpreter's neutrality and objectivity, Field Offices should avoid using refugee interpreters. Where refugee interpreters are used, it is important to ensure that they are not in any way related to the refugee, either through family relationship, or other ties such as political associations. In the same way, interpreters must indicate if they have a conflict of interest related to the refugee being interviewed before the start of the interview.

To ensure the independence of the interpreter, it is also recommended that, where possible, the interpreter for a resettlement interview should not be the same interpreter that was used during the refugee status determination interview.

Before starting an interview, it should be ensured that the interpreter is properly briefed and understands his or her role and the purpose of the interview. Confidentiality for the refugee is of the utmost importance and should be stressed, even though a trained interpreter will be aware of this. An interview should begin by introducing the interpreter to the refugee and explaining his or her role. It is also important to assure the refugees of their right to confidentiality, and that both the interviewer and the interpreter will respect this.

Questions should be directed to the refugee, and not to the interpreter. The interpreter should translate precisely what is said by the interviewer and the refugee, and not summarize, elaborate or attempt to provide an explanation of what is said. The interpreter should also be trained to take notes during the interview. This will assist in recording all the information accurately, especially important facts such as dates, names of persons and places. All notes taken by the interpreter during an interview should be kept in the refugee's file.

Refugees should also be advised that they may stop the interview or refuse the services of a given interpreter if they are not satisfied with the interpretation.

Special attention should also be paid to the security of interpreters. Cases have been reported where interpreters have been threatened and even attacked by refugees not referred for resettlement. Interpreters may be blamed for influencing the outcome of the resettlement interview, and consequently the resettlement process. It is for this reason that special attention must be paid not only to the selection and training of interpreters, but also arrangements to ensure the personal safety and security of interpreters involved with the resettlement process. In this regard, it is suggested that advice be sought from specialized security personnel, especially the Field Security Advisor.

#### **6.5.4 *Conducting interviews in places of detention***

In some circumstances one may be obliged to conduct an interview in a place of detention, which means that an applicant is not free to leave a place under official control. This could include airport detention centers, prisons, or police stations. Conducting interviews in such locations should, if at all possible, be avoided. However, authorities may not allow access to the individual in any other location.





It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum seekers who are detained be provided with an opportunity to contact UNHCR, or in the absence of such office, available national refugee assistance agencies. In countries without a UNHCR office, but with UNDP representation, the latter usually assists in interviewing asylum-seekers and refugees and in documenting their cases.

The following precautions should be taken if an interview is to be conducted in a place of detention:

- the interviewer and any accompanying personnel should have proper identification documents when attending to an interview. It is also important to seek prior authorization from the competent authorities to access the detention center. The person to be interviewed should be given advance notice of the appointment;
- the interpreter should be provided by UNHCR and be briefed on the circumstances of the interview, including the interview environment;
- the interview should be conducted in a private room. If this is not possible, no other persons (such as guards, other detainees, etc.) should be present or able to overhear the interview proceedings;
- before beginning the interview, a brief discussion should be held with the applicant to create a calm and reassuring atmosphere;
- when taking notes during the interview, it should be considered whether they may be confiscated or photocopied by the authorities upon leaving the detention center. If this is a possibility, only brief notes using key words should be made during the interview and full notes prepared immediately after leaving the premises.





**ESSENTIAL READING:**

-  *Interviewing Applicants for Refugee Status (RLD 4). Training Module.* UNHCR Geneva, 1995.
-  *Interpreting in a Refugee Context (RLD 3). Training Module RLD 3.* UNHCR Geneva, June 1993.
-  *Guidelines on Security Incidents (Sample Indicators and Scenarios) (OMS 2).* UNHCR Geneva, December 1992.
-  *Guidelines on Security (PER 2).* UNHCR Geneva, December 1992.

\* These resources are contained in Resettlement Tool-Kit

**FURTHER REFERENCE:**

-  *Interview Management. "A Reader".* UNHCR Geneva, October 1995.
- Training Video: *Interpreting in a Refugee Context.* UNHCR Geneva, 1995.
-  *Security Recommendations.* UNHCR Geneva, 1995.

## 6.6 Step 3: Preparation of a Resettlement Submission

On the basis of a **Resettlement-Needs Assessment**, the officer accountable for resettlement may authorize the preparation of a resettlement submission. Each submission *must* include a **Resettlement Registration Form (RRF)**, with a special needs assessment and medical reports prepared by a *Community Services Officer* or a *Health Coordinator* if appropriate, drawing on the information and recommendations provided by competent UNHCR Staff.

In addition to a substantiated explanation of the need for resettlement, it is important that the RRF include a comprehensive outline of the refugee claim and of the UNHCR determination of the case. This is of particular relevance as the majority of resettlement countries will, as part of their decision-making process, carry out an eligibility determination, either through selection missions or on the basis of the case file received in capitals (see Chapter 3 of this Handbook). For the compilation of relevant additional information gathered during the case assessment, the section of the RRF entitled *Special Needs* and the Medical Assessment Form may be used. Photocopies of supporting documents should be attached.

The electronic version of the Resettlement Registration Form (RRF) allows for initial referrals to be made by e-mail. Submissions by e-mail must be followed by the submission of hard copies of the RRF, including photographs and signatures (see below). The system also includes built-in links to the Resettlement Handbook and other useful information concerning resettlement policies and activities.

The electronic versions of the RRF and the Resettlement-Needs Assessment are also compatible. To save time in the preparation of resettlement submissions, the assessment completed in the Resettlement-Needs Assessment may be transferred to the RRF, on the condition that the information is prepared according to the standards presented in this section.

Two templates of the RRF are contained in Section 3 of the Resettlement Tool-Kit. Version 1 is the standard format for resettlement submissions of 7 individuals or less. Version 2 is the standard format for resettlement submissions of 13 individuals or less. Guidance should be sought from the Resettlement Section in UNHCR Headquarters for the submission of resettlement cases including more than 13 individuals.

Section 3 of the Resettlement Tool-Kit also contains templates of the supplemental *Medical Needs* and *Social Assessment*.

### **6.6.2 The Step-by-Step User Guide**

In December 2001, the Resettlement Section in UNHCR Headquarters issued the *Step-by-Step User Guide* for completing the RRF. This Guide is an invaluable resource, and is included in Section 3 of the Resettlement Tool-Kit.

Ensuring a high standard in the RRF is essential to ensuring a high level of acceptance of resettlement cases as the RRF is the primary tool at UNHCR's disposal to represent the needs of individual refugees to resettlement countries.

The *Step-by-Step User Guide* was prepared to provide objective standards for the preparation of individual submissions. To increase the quality of individual submissions, thereby increasing the probability of acceptance by resettlement countries and reducing the number of returned RRFs, it is important that the standards of the Guide are adhered to by all Offices.

All UNHCR staff members responsible for preparing resettlement submissions should, therefore, be fully versed in, and adhere to, the standards presented in the *Step-by-Step User Guide*.

Ensuring quality control for the preparation of RRFs will make resettlement activities more efficient, as fewer RRFs are returned for questions and corrections, and more credible, as RRFs received by resettlement countries will be more consistent.

It is the responsibility of the officer accountable for resettlement to ensure that all RRF submitted from their Field Office conform to the standards established in the *Step-by-Step User Guide*.

### 6.6.3 **Additional RRF controls**

**RRFs must be filled out by UNHCR staff and not by the refugee.** There can be *no exceptions* to this standard.

**RRFs should be typed and not hand-written.** Corrections by hand should be avoided. If corrections by hand are absolutely necessary, they should not be made with white-out. Instead, the old information should be crossed-out, the new information written above in pen, and the date and initials of the individual changing the information should be noted next to the correction.

**Electronic versions of RRFs must be stored on a limited access computer drive or be password protected.** Electronic versions of partial or completed RRFs must be stored in a way that prevents unauthorized access and/or alterations. In cases where RRFs are stored on a network drive, safeguards should be implemented to ensure that accesses to those documents are password protected. In cases where RRFs are stored on a computer's hard-drive, it should be ensured that access to that drive is strictly limited.

**A photograph of the Principal Applicant and all dependants in Section 2 of the RRF must be attached to the RRF in a tamper-proof manner.** Each Field Office should develop their own means of ensuring that the photos affixed to the RRF cannot be subsequently altered without proper authorization. Such means might include the use of the UNHCR dry embosser, the use of serial-issued codes, the use of special backgrounds in the photographs, and the use of wet-stamps. The name, date of birth and registration number of the individual in the photo should be written on the back of each photograph. In the same way, a photograph of the Principal Applicant and all dependants must be attached in the refugee's file for future verification and to prevent the substitution of family members. Where possible, Field Offices should consider the possibility of using digital cameras.

### 6.6.4 **The Special Needs section of the RRF**

The purpose of a special needs assessment is to provide valuable background information concerning the particular needs of refugees in order to assist the resettlement country in the selection process and in post-arrival service delivery.

While all cases submitted for resettlement would benefit from a special needs assessment, a duly completed Special Needs section of the RRF is compulsory for:

- survivors of violence and torture;
- medically-at-risk/disabled refugees;
- women-at-risk;
- unaccompanied minors;
- elderly refugees; and
- other cases deemed to have special needs or be at-risk.

Information provided in the Special Needs section should include:

- simple description of the refugee;
- family situation;
- living conditions;
- daily activities;
- prospects for self-reliance;
- efforts made to promote local integration or voluntary repatriation.

The Special Needs section of the RRF should be completed on the basis of an assessment by UNHCR staff, preferably a Community Services Officer, or by qualified implementing partners.

For cases submitted under the Medical Needs criteria (see Chapter 4.4), a Medical Needs Assessment form must also be completed.

#### **6.6.5 Country-specific guides for RRF preparation**

A number of Field Offices have prepared country-specific guides for completing RRFs, intended to provide specific guidelines on issues related to the particular contexts of that office. Such guides may address particular recurring concerns relating to family relations, presentation of names, validity of travel documents or period of detentions. Such guides typically make reference to issues particular to that field context that would affect a significant number of refugees submitted for resettlement.

The preparation of such country-specific guides is a useful practice, but should be undertaken mindful of the standards contained in the *Step-by-Step User Guide* and in consultation with either a Regional Resettlement Officer or with the Resettlement Section in UNHCR Headquarters.

#### **6.6.6 Family Composition**

As emphasized in the *Step-by-Step User Guide*, Section 2 of the RRF may prove to be a difficult section to complete, especially when working with refugee populations containing complex family relationships. Particular care should be taken when completing this Section as it is on this basis that the composition of the resettlement case will be determined by the resettlement country.

The fraudulent representation of family compositions has also been found to be among the most common forms of fraud in the resettlement process (Please see Chapter 8.4). While this misrepresentation may be unintentional, the resettlement case may be rejected by the resettlement country if the family relations presented in Section 2 are found to be lacking in credibility.

Following is a list of interview techniques developed to facilitate the process of “figuring out families” for Section 2 of the RRF. The questions below should be asked in a sensitive, non-threatening, conversational way. The goal of this process should be to ensure that all individuals who are legitimately a part of a family structure, **whether by blood or custom**, are considered together for resettlement. If relationships are not part of the nuclear family, the nature of the dependency, both economic and emotional, should be documented in Section 15 of the RRF.

- Confirm that all persons to be included on a case are physically present for interview. Sometimes people are included in the submission but are not at the same location. As a general rule, unless the case has urgent needs, postpone interviewing for submission until the entire family can be seen.
- Check available identity documents and record information for each family member who has identification.
- Ask the family relationship for each individual on the case.
- Verify the full name, date and place of birth for all family, present and not present.
- Confirm what family members are living and deceased, left in the country of origin, physically present in the country of asylum, as well as in the same location.
- Record the parents for Principal Applicant and spouse and verify that both father and mother are birth parents, not stepparents.
- Take care to confirm whether the Principal Applicant and spouse have any prior marriages or polygamous relationships. If father and/or mother have more than one partner, record the names of all partners, as well as whether the marriage is legal or informal.
- For siblings, confirm that both father and mother are the same. If the sibling has a separate father or mother, record the names and note the relationship.

- For children, confirm that these are the children of both husband and wife. If the children are the children of only the husband or the wife, record the names of the other natural parent, note the relationship to the person on the case, and ensure that the location of the other parent is recorded.
- If the child is not the natural child of either the father or mother, determine the names of the natural mother and father, and ask what the relationship is to the family and how long the child has been with them and how the child came to live with them. (Verify this against community service and registration records.)
- Ensure that you ask whether “family” members are blood relatives, neighbors, members of the same clan or tribe. (That is, define “brother,” “sister,” “cousin,” “aunt,” “uncle,” etc. by asking if the mother of the aunt is the same as the mother of their mother.)
- Be sure to go back at least to the name of the grandfather for each person, since in many naming systems that will establish the family structure.
- Establish whether others were living in the same household in the country of origin, noting whether that means under the same roof, in the same compound, or as part of the household economic unit.
- Establish whether persons who were living in the same household in the country of origin are part of the same household in the asylum country, and if not, where they are.

For additional information on addressing complex family compositions or addressing concerns relating to the fraudulent representation of family compositions, contact the Resettlement Section in UNHCR Headquarters.

#### **6.6.7 Guidelines for signing the RRF**

The signing of the RRF is a significant stage in the overall resettlement process. If handled incorrectly, the signing of the RRF may result in unrealistic expectations on the part of refugees. If handled correctly, the signing of the RRF can be a useful occasion to manage resettlement expectations, address concerns about fraud and counsel refugees on the meaning of resettlement.

It is important to ensure that the RRF is signed at the correct time, in the correct way, and that the correct information is conveyed during the signing of the RRF. The RRF Declaration should only be signed once the entire RRF has been completed, and should be according to the following ten steps:

- The information contained in the completed RRF should be read by the refugee, or interpreted to her/him, and any errors corrected.
- The refugee should be counseled that they are responsible for the information contained in the RRF, and that their case will be rejected and likely closed if that information is later found to be fraudulent.
- The refugee should be given the opportunity to change any information in the RRF they know to be incorrect, including family composition.
- The refugee should be counseled that signing the RRF does not guarantee that they will be resettled, that UNHCR does not resettle refugees, and that the final decision remains with the resettlement country.
- The refugee should be counseled that the signing of the declaration authorizes UNHCR to share the information contained in the RRF with resettlement countries and that UNHCR is authorized to receive information and documents from the resettlement country relating to the refugee's resettlement.
- The refugee should be given the opportunity to ask questions and consider these implications before signing the RRF.
- If the refugee is in agreement, the refugee, the UNHCR interviewer and the interpreter (where applicable) should all sign the RRF.
- All parties should sign the declaration at the same time.
- The refugee should be counseled on the next steps in the resettlement process.

Refugees are entitled to copies of some section of their completed RRF. According to UNHCR's Guidelines on the Sharing of Information of Individual Cases, "the IC is in principle entitled to obtain information s/he has provided. The same applies to the duly authorized representative of the IC. Other individuals must have legitimate reasons. Staff safety considerations are often an important factor in this context." (Part 2(I), page 7). In the context of the RRF, this is taken to mean that a refugee may have a copy of the information they provided for the preparation of the RRF, but is not necessarily entitled to a copy of UNHCR's analysis of refugee status (final element of Section 12 of the RRF) nor UNHCR's analysis of resettlement need (Section 13 of the RRF).

Please contact the Resettlement Section in UNHCR Headquarters for additional guidance.

## 6.7 **Step 4: UNHCR Submission Decision**

In Field Offices, the decision to resettle an individual should be taken in full consultation among professional staff and be cleared by the UNHCR Representative or the delegated responsible officer. It is for this reason that all resettlement submissions must normally pass through the Branch Office for final approval.

The decision to submit a refugee for the consideration of a resettlement country should be taken according to objective criteria and is a decision that should be taken in a transparent way.

### 6.7.1 **Threshold for submission decisions**

Two questions must be asked before the decision is taken to submit a refugee for the consideration of a resettlement country:

- Should this case be submitted for resettlement?
- To which resettlement country should this case be submitted?

These two questions should be taken in order, and the second question should not, strictly speaking, influence the outcome of the first question.

When determining **if the case in question should be submitted for resettlement**, five conditions must be met:

1. The case in question must, at minimum, have been recognized as a refugee under the Mandate of UNHCR, according to Chapter 3 of the Resettlement Handbook.
2. The case in question must have been found to be eligible for resettlement according to the criteria outlined in Chapter 4 of the Resettlement Handbook.
3. The prospects of other durable solutions must have been given full consideration and resettlement identified as the most appropriate durable solution.
4. The refugee's file must contain evidence that the resettlement process was followed in accordance with the standards contained in this Chapter, including:
  - A documented initial referral
  - A completed and authorized Resettlement-Needs Assessment
  - Verified registration and refugee status
  - A completed and signed RRF
  - All necessary supporting documentation



5. The *universal imperative* must be applied: If the Field Office submits this case for resettlement, it should, as a general rule, be willing to submit all cases with a similar profile.

If the case is found not to meet any of these five requirements, the officer accountable for resettlement activities must suspend the case and address the requirements that were not met.

If, after careful consideration, it is concluded that resettlement referral appears **unfounded** and that the refugee in question is not eligible for resettlement, the referral source should be notified in writing that the refugee will not be considered for resettlement at this time. This notification should contain a justification for this decision, and a copy of this notification should be kept in the refugee's file.

The referral source may request UNHCR to **reconsider this assessment**. Such requests must be made in writing, and should be considered by the Field Office in light of the priorities of other pending resettlement cases.

If the case is found to meet all five of these requirements, then the case should be submitted for resettlement.

### **6.7.2 Transparency and the submission decision**

As with the approval of Resettlement-Needs Assessments, the submission decision must be taken with the authorization of the officer accountable for resettlement activities. The decision and justification for submission must be documented, and included in the refugee's file.

The transparency of the submission decision is also reinforced by the fourth requirement: that all necessary documentation is included in the refugee's file, and that it has been confirmed that the resettlement process was correctly followed before a resettlement submission can be made.

As concerns about resettlement submissions do not end once a particular case has been submitted, or even accepted, for resettlement, it is important that the documented justification for submitting a case for resettlement remains in the Field Office long after the individuals involved in the case have left. In the event of secondary review, or in the event of future family reunification, documentation must be contained in the refugee's file to justify the decisions taken at every stage of the resettlement process.

Given the responsibility associated with a resettlement submission, it is essential that submissions are made only with the authorization of the officer accountable for resettlement activities at the Branch Office level.

When making a resettlement submission, RRFs and supporting documentation should be accompanied by a covering memo from the officer accountable for resettlement activities authorizing the resettlement submission. The memo should specify, *inter alia*:

- the recognition date of the refugee
- the composition of the case
- the submission criteria
- the prioritization of the submission
- any particular vulnerabilities of the case
- any recommendations of resettlement country

A copy of this submission memo should be kept in the refugee's file, along with the original signed RRF. A photocopy of the signed RRF should be included in the physical submission, in addition to photographs of all individuals included in sections 1 and 2 of the RRF.

When multiple RRFs are submitted at the same time, a single memo should be prepared with a submission table listing the above details for each case.

### **6.7.3 Identification of a possible Resettlement Country**

Once it has been decided that a particular case should be submitted for resettlement, it will be necessary to ask **to which resettlement country** should the case be submitted.

Major considerations on the basis of which a suitable resettlement country should be identified include:

- selection criteria of countries
- admissibility priorities of countries
- family links
- health requirements/ availability of treatment
- language
- culture
- nationality
- education background
- skills
- family configuration
- proximity to the home country
- status of country (regional) annual quota

Cases of individuals in need of resettlement are usually referred to one of the principal resettlement countries. These countries have established refugee resettlement quotas or ceilings which allow for referral of such cases.

Other countries accept resettlement cases on an *ad hoc* basis and some maintain special programs benefiting refugees with special needs. Efforts are underway to increase the number of countries which may consider candidates for resettlement.

All Field Offices should avail themselves of every opportunity in their dialogue with officials from resettlement countries to promote understanding of UNHCR goals and flexibility on selection decisions. Resettlement selection missions of specific countries also offer an opportunity to represent the interests of cases meeting UNHCR criteria, even if they do not meet the standard admission criteria of the country concerned.

Field Offices should also ensure that refugees are counseled on the resettlement country to which their case has been referred. This is an important aspect of managing resettlement expectations (see below).

Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who should be resettled to a country where they have relatives or other personal ties.

While family links or other links to prospective resettlement countries may clearly indicate where submissions should be made, the issue of where to direct submissions may not be clear for many cases. When in doubt, Field Offices should consult with the Resettlement Section at UNHCR Headquarters.

#### **6.7.4 Routing of resettlement submissions**

All resettlement submission routes should be confirmed by consulting the updated Country Chapters contained in this Handbook.

Field Offices should file submissions for *Australia, Canada and the United States of America* directly through local embassies, provided that there is an immigration representation with a designated procedural role. The same applies to submissions for countries without annual resettlement programs.

In regions with Regional Resettlement Hubs, all resettlement submissions must be routed through the Regional Resettlement Officer to ensure the quality and integrity of the resettlement process.

For decisions regarding the resettlement of emergency cases, a recommendation should be forwarded by the Field Office to UNHCR Headquarters, again in full consultation with other professional staff and cleared by the officer accountable for resettlement. Action will then be taken by UNHCR Headquarters and communicated to the Field Office.

Similarly, in case of submissions for *Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland*, the dossiers have to be forwarded by Field Offices to UNHCR Headquarters, which will take the final decision and make arrangements for the submission of the case to a Government. Submissions for *New Zealand* should be routed through the UNHCR Regional Office in Canberra.

For all cases in which Field Offices anticipate problems with local submissions, UNHCR Headquarters should be requested for guidance and assistance.

All selection missions from capitals should be coordinated through UNHCR Headquarters.

### **Regular Submission**

With regard to direct submissions, UNHCR Headquarters does not require copies of the case files that are submitted or accepted locally. It is, however, the responsibility of the Field Office to ensure that statistical data concerning submitted, pending, accepted and departed cases is accurately recorded and reported (See Chapter 9).

### **Multiple submissions**

Cases should not be submitted to more than one country at a time owing to the self-evident risk to the credibility of the Office if a case is accepted by more than one country. If, however, owing to unique protection problems, a Representative feels obliged to exceptionally submit a case to a second country while the case remains under consideration by another country, the Field Office must inform both countries as well as the Resettlement Section of the dual submission and immediately advise all parties of an acceptance.

### **Countries with annual resettlement programs**

Field Offices should file local submissions for *Australia, Canada and the United States of America* directly through local embassies, provided that there is a regular immigration representation with a designated procedural role. Where this is not the case, offices with designated regional resettlement functions may be requested to facilitate submissions.

In the case of submissions for *Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland*, files must be forwarded by Field Offices to UNHCR Headquarters. Headquarters will in turn submit them to the relevant authorities in the capitals either directly or via the Permanent Missions to the UN in Geneva. It is advisable for the Field Office to inform the local embassy of submissions, as an embassy may be requested by the capital to follow up.

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Where exceptional circumstances/procedures prevail due to special resettlement operations, Field Offices may, in consultation with the Resettlement Section at UNHCR Headquarters, submit cases directly to local embassies or capitals. Submissions for *New Zealand* should be routed through the UNHCR Regional Office in Canberra.

### **Countries without annual resettlement programs**

Submissions should be made by the Field Office through the local embassy or UNHCR Headquarters. The UNHCR Office responsible for the resettlement country should be advised of the submission and be provided with a copy of the submission letter.

### **Urgent and Emergency Submissions**

All those countries offering a specific number of emergency resettlement places draw them from existing quotas. However, some have introduced accelerated procedures for emergency needs. Other countries, while not specifying emergency sub-quotas, will consider emergency resettlement submissions and can and do respond rapidly when circumstances warrant. Others announce no quotas for resettlement but can and do respond rapidly to emergency cases if so called upon.

UNHCR Headquarters must be kept informed of any emergency submissions made locally.

### **Strict categorizations of resettlement priority**

Emergency resettlement must be used selectively and on the basis of a thorough and objective assessment of both refugee status and urgency of removal, in order to preserve credibility.

**Resettlement needs under the emergency** category are defined as those in which the immediacy of security and/or medical threat faced by the refugee necessitates his or her removal from the threatening conditions within a very few days, if not within hours. For the sake of clarity a notional limit of a maximum of five days is understood.

Refugees who face conditions requiring their expeditious resettlement but within a less limited time-frame than indicated above, are categorized as **urgent** cases. Urgent cases as such require close and early follow-up with resettlement Governments to ensure their consideration before regular cases, which can sometimes remain pending many months. Field Offices may request Headquarters' support, if it is not already involved in the original submission. Staff are reminded to consider carefully the appropriate categorization and to proceed accordingly. Clearly, abuse of the emergency category will erode the credibility of UNHCR's judgment concerning such submissions, thereby reducing the effectiveness of these channels.

### **Emergency resettlement procedures**

With the limited number of emergency places available and the consequent need to avoid overburdening certain resettlement countries with emergency submissions, it is necessary for UNHCR Headquarters to coordinate submissions within this category. Nevertheless, in some circumstances, submissions may have to be made by Field Offices, though in prior consultation with UNHCR Headquarters. The majority of resettlement Governments' emergency resettlement procedures require submission through UNHCR Headquarters.

When faced with an emergency resettlement requirement, time available for investigation of a refugee's statement may be severely limited. Nevertheless, such time as may be available before departure must be used to the maximum with a view to checking the veracity of the story and its consistency.

The following information should be conveyed to Headquarters immediately:

- full name, date of birth, place of birth, sex, nationality and ethnic origin;
- details on status determination (Convention or mandate);
- whether accompanied by family (if so, size);
- details of each dependent to accompany the candidate;
- brief explanation of need(s) for resettlement;
- brief justification for emergency categorization, and required time-frame for departure;
- whether valid travel documents held by all refugees concerned;
- in case of medical emergency: diagnosis, prognosis, current condition of refugee (family members), whether escort needed;
- recommendation on countries of resettlement and reasons, including third country links.

A full submission, including the RRF and supporting documentation, must follow by the fastest means available.

Once a resettlement submission has been made, a **focal-point** should be designated to follow-up on the particular case, thereby ensuring that the case proceeds in a timely manner and that all unnecessary delays are avoided.

## 6.8 Step 5: State Decisions

Resettlement depends on the willingness of the resettlement country to accept a refugee for legal stay in its territory, in accordance with the laws and regulations of the resettlement country. It is the resettlement country, therefore, that makes the decision on whether a refugee will be accepted for resettlement. Each resettlement country has its own regulations and procedures in respect to the resettlement of refugees, as detailed in the Country Chapters of the Resettlement Handbook.

UNHCR has no decision-making authority on resettlement cases. While UNHCR may recommend cases for resettlement, it cannot guarantee that the recommendation will be accepted.

According to its regulations and procedures, resettlement countries may consider resettlement requests in a dossier basis in their capital, and not require a direct interview with the refugee. In such cases, the importance of the UNHCR resettlement submission cannot be overstated.

In other cases, resettlement countries, by either discretion or law, conduct individual resettlement interviews with refugees under resettlement consideration. Such interviews are typically undertaken as part of a resettlement selection mission.

### 6.8.1 Selection missions

UNHCR is a partner in global resettlement activities, along with resettlement countries, their missions abroad, NGOs and the International Organization for Migration (IOM). Each of these actors has a potential role to play in the planning and support of resettlement selection missions to the field to adjudicate on submitted cases.

UNHCR Field Offices capacities vary, and not all Offices will be able to support resettlement mission in the same way. What is possible, however, is an early evaluation of what the Field Office can and cannot provide in support of a resettlement mission.

Field Offices are encouraged to conduct an early assessment of the support they can provide to selection missions, and to communicate these capacities either directly to the resettlement country or through the Resettlement Section in UNHCR Headquarters as early as possible, and preferably more than two weeks prior to the start of the selection mission.

An early statement of possibilities and limitations will enable resettlement countries to make alternate arrangement to ensure that they have the support they require during their resettlement selection missions.

Early planning will inevitably result in more successful missions, and Field Offices should be proactive in identifying what support they can and cannot provide.

The requirements of selection missions to the field may include, *inter alia*:

- Entry visas
- Airport reception
- Ground transportation
- Accommodation
- Interview space
- Interpreters
- Clerical support
- Access to a photocopier
- Notification of refugees to be interviewed
- Briefing papers on conditions on the country of origin and asylum
- Typical case profiles

Where selection missions are co-ordinated by capitals through UNHCR Headquarters, the Resettlement Section will:

- liaise with the relevant Field Office and the capital to clarify dates for the mission, which may cover more than one country in the region;
- request the Field Office to identify relevant case files and advise the Field Office of the selection mission's interests in terms of refugee group composition and numbers;
- advise whether copies of the case files or information concerning details of the processing are required;
- send, where required, the case files selected by the Field Office for the selection mission for pre-screening directly to the capital of the country concerned after identifying cases with special needs;
- advise the Field Office of the cases pre-screened and selected for an interview by the country capital.

Where selection missions are organized directly between authorities of a resettlement country and a Field Office, the Resettlement Section at UNHCR Headquarters and Field Offices in the region should be kept informed. This will help to better co-ordinate missions and avoid overlaps or delays of missions to countries in the region.



In most cases, it is useful to hold an initial briefing with the selection mission shortly after their arrival and prior to their interviews to discuss the mission schedule and logistics, current conditions in the country of refuge and country of origin, and common profiles of UNHCR-referred cases under consideration. A debriefing may also be useful at the end of the selection mission. Field Offices should offer an initial briefing and a debriefing to selection missions.

### **6.8.2 Requests for additional information**

During both selection missions and dossier considerations, representatives from the resettlement country may ask for additional information contained in the refugee's file. In such circumstances, the officer accountable for resettlement should consult UNHCR's *Guidelines on the Sharing of Information on Individual Cases* to determine which elements of the refugee's file may be shared with the resettlement country. The officer accountable for resettlement should also be mindful of the terms of the waiver contained in the text of the RRF Declaration, which authorizes UNHCR to share information or documents pertaining to the refugee with resettlement countries in the context of a resettlement submission.

According to UNHCR's *Guidelines on the Sharing of Information on Individual Cases*, "IC information may be shared with countries of resettlement for specific purposes providing the IC has given her or his consent." (Part 2(IV), page 11) The Guidelines state that, as a general rule, no further documentation on the IC, other than the RRF and the Medical or Social Assessment Forms, needs to be shared with countries of resettlement, and that internal UNHCR assessments should not be shared with external parties.

If additional guidance is required, the officer accountable for resettlement should consult with the Senior Staff responsible for Protection in the Field Office or with the Resettlement Section in UNHCR Headquarters.

### **6.8.3 Rejection**

If a case which was submitted locally is rejected, the local Field Office should follow up to establish:

- the reason for the denial; and
- if reconsideration by the country is feasible.

At the same time, the case should be reviewed in order to ascertain if the Field Office's initial assessment of the case was correct or if resettlement remains the most appropriate durable solution, particularly if the case has been pending for a long time. If a case is continually rejected after submission to a number of countries, the originating UNHCR Office may consider suspending the case pending developments in the case.

The advice of UNHCR Headquarters should be sought in this regard. Prior to the re-submission of a case, all relevant information should be checked in order to verify whether the dossier needs updating or amendments.

#### **6.8.4 Acceptance**

In the case of submissions through UNHCR Headquarters, the Resettlement Section will notify the Field Office of the acceptance of a submission and request liaison with the relevant embassy for collection of visas and travel documents.

#### **6.8.5 The importance of counseling throughout the process**

Counseling is of utmost importance from the beginning of UNHCR's contact with a refugee and should take the form of an open dialogue between the refugee and UNHCR, in close collaboration with Government and NGO staff involved in the process.

Owing to the traumas connected with departure from the country of origin and/or problems in the country of asylum, refugees may harbor unrealistic expectations in terms of both the ease of obtaining a resettlement place and the opportunities awaiting them in the country of resettlement. In fairness to the refugees, staff involved in resettlement should explain as realistically as possible the challenges of resettlement.

If more than one actor is involved in counseling, the information to be provided should be clearly agreed upon prior to counseling the individual. As appropriate, counseling on the other durable solutions, namely voluntary repatriation and local integration, should precede any discussion with the refugee on resettlement.

Once resettlement has been identified as the appropriate solution, utmost transparency as to criteria, procedures and prospects of acceptance as well as what is to be expected in the resettlement country are called for.

As in voluntary repatriation operations, only an informed decision based on full knowledge of all relevant facts will do justice to the individual refugee's needs and circumstances. During the counseling process, it needs to be pointed out that resettlement takes place based on set criteria and follows defined procedures. Realistic expectations on the part of refugees will avoid undue frustration, and in the worst case, aggression or violence on the part of those whose expectations are not met.

All family members (with the exception of small children) should receive appropriate counseling. It is not enough to counsel the head of the family since the perceptions, expectations and needs of refugee women and girls may differ substantially from those of their male family members.

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Their concerns and needs have to be addressed in a gender- and age-sensitive manner.

Particular effort should be made to avoid the perception on the part of the refugee that a choice exists in terms of prospective resettlement countries (the “travel agency” syndrome). Refugees must understand that there is a very limited choice of resettlement countries owing to several factors, including quota availability, admission criteria as well as the refugee’s own background including family, cultural, linguistic, education and work experience. It must also be noted that distant family links or friends already resettled in certain countries may not be taken into consideration by resettlement countries.

Moreover, accommodation in countries of resettlement for those newly arrived may be modest and employment opportunities limited. The same may be said with regard to prospects for education, especially higher education. Failure to communicate the foregoing may result in false expectations and unnecessary frustrations for persons designated for resettlement. Gender- and age-sensitive counseling is important in order to facilitate cultural adaptation of refugees once resettled.

### **Counseling Refugees in Preparation for Resettlement**

When counseling individual refugees in preparation for resettlement, it is important to explain clearly the process involved in the preparation and submission of the applicant’s case file. Information may be provided in various forms: by pamphlets, poster, by letter or by a personal interview. Refugees often believe that the process of resettlement will be more rapid than it usually is, and that obtaining a resettlement place is automatic, once the case has been submitted. It is, therefore, important to explain that the process takes time due to the processing procedures of resettlement countries. It should be made clear that acceptance is not automatic. Refugees should be counseled regarding the resettlement process, anticipated processing times of resettlement countries and UNHCR’s involvement in follow-up.

Refugees should also be informed of how and when the outcome of the case will be communicated to them. Care should be taken not to build up the refugees’ hopes and/or expectations and not to make promises that UNHCR cannot fulfill.

A refugee may clearly state a preference for a particular resettlement country. There may be valid reasons for expressing a country of choice; for example, family members may already be settled there. Close family links should always be considered for the purpose of family reunion. Distant family links, friends or even political allies in the country of resettlement are not necessarily deemed to be reasons for resettlement by resettlement countries.

It is important to explain to refugees that while family links may be given priority by UNHCR for submission, they do not guarantee acceptance by the resettlement country.

In preparation for interviews by Government representatives, the procedure should be explained to the refugees. It is particularly important to advise refugees that they must be prepared to articulate their refugee claim. Case files should be up-to-date and information clarified if necessary.

In some instances, refugees may refuse to go to a country despite an offer of resettlement. It is important to explain to them that they cannot have a choice and “shop around” for the country of their preference. The constraints which accompany the processing of resettlement places should be explained carefully. A deadline for reflection should be given, but it must be made clear that refusal to go will, depending on the particular circumstances, either result in no further processing for resettlement or a deferment of the case. Cases of this nature should usually be re-assessed.

Many refugees have unrealistic expectations about resettlement. They may associate the resettlement country with a “get rich quick” lifestyle. The reality may be in stark contrast. On arrival, for example, they may find themselves in modest reception facilities along with other refugees and with no immediate prospects for employment or higher education. Learning a new language may be the starting point in their new life. It is also important to realize that refugees who have remained in a camp for a prolonged period may be unable to cope with a new life which will require them to return to everyday decisions, and very often in a different culture and surroundings. It is also important to explain that the integration process may be difficult and that its success will very much depend upon the individual refugee’s personal motivation and willingness to succeed.

Refugees should have as much information as possible of what awaits them upon arrival in the resettlement country. Their active participation will be indispensable. If possible, refugees should be given information concerning the language, culture, climate and population of the country. Some countries provide information or even orientation courses for refugees prior to departure. It is strongly recommended that, where feasible, counseling be done in close collaboration with the Government which has accepted the refugees for resettlement.

Many Country Chapters of this Handbook provide details of counseling material available from resettlement countries. Additional information may be requested from the Resettlement Section at UNHCR Headquarters. Special reference should also be made to the forthcoming *UNHCR Handbook on Reception and Integration of Resettled Refugees*.

## **Counseling Refugees whose Application for Resettlement has been Rejected**

A refugee whose case has been rejected, sometimes on several occasions, is often depressed or angry. It is important to inform a refugee promptly and if possible directly once a case is rejected. If possible, the reasons for the rejection should be explained. Whatever the behavior, the refugee is probably feeling very dejected and should be informed of any further action proposed. Cases which have continually been rejected should always be reassessed to see if resettlement is the most appropriate solution. If voluntary repatriation has become a realistic option in the meantime, the refugee should be counseled accordingly.

Refugees may undergo a range of feelings and behaviors depending on their experiences. Anger, aggression, denial, depression and loss of interest are common behavioral traits. Social counseling can assist refugees in coming to terms with their situation and to address their future.

## **6.9 Step 6: Departure Arrangements and Monitoring**

### **6.9.1 Supporting departure arrangements and the importance of oversight**

Once a refugee is accepted for resettlement, a number of formalities will have to be undertaken prior to departure. Departure formalities differ from country to country. The length of time taken to complete these formalities will differ considerably according to where the refugee is located. Cases which have been submitted and accepted under the emergency procedures should have travel arrangements expedited.

Regardless of the particular field contexts, refugees remain under the Mandate of UNHCR until they benefit from the effective protection of another State. In real terms, this means that UNHCR must maintain its responsibility for refugees during departure arrangements and processing.

Depending on the presence of other resettlement partners in a given country, especially an office of the International Organization for Migration (IOM), UNHCR may have greater or fewer specific responsibilities in arranging the departure requirements for refugees accepted for resettlement.

To ensure that this oversight function is effectively carried-out, a **focal-point** should be identified in all Field Offices to assume the responsibility of monitoring the departure arrangements and processing.

This focal-point would be specifically responsible for ensuring that post-acceptance and pre-departure identity checks are conducted, that pre-departure formalities are conducted as expeditiously as possible, and that refugees benefit from UNHCR's protection until they travel under the protection of the resettlement country.

### **6.9.2 *Follow-up with Governments***

The follow-up on cases is essentially the responsibility of the UNHCR Office which made the submission. Local submissions are therefore the responsibility of the Field Office, and follow up should be effected directly through the local embassy. UNHCR Headquarters or the relevant Field Office in the resettlement country may be asked to assist. The time required for processing varies from country to country, depending on the procedures.

### **6.9.3 *Withdrawal or suspension of resettlement cases***

In certain circumstances, UNHCR may withdraw or suspend cases; for example, if the refugee disappears and can no longer be contacted in the country of refuge, if urgent protection problems suddenly arise requiring an urgent resolution to a case which remains pending with a country, or if there are allegations of fraud relating to a specific case. A case may also have to be withdrawn when the reasons for the submission substantially change or cease to exist. This could, for example, be the case when, during the often long processing periods, the situation in the country of origin changes and voluntary repatriation becomes a viable option or when a woman submitted under a Women-at-Risk program changes her family status or situation and she is no longer considered at-risk.

In all such circumstances, a written explanation should be provided to the resettlement country explaining the withdrawal or suspension of the case. Where the priority of a case has to be upgraded, it should be clarified whether the country could accommodate the submission under the new terms. If a case has been suspended due to allegations of fraud or corruption, the resettlement country should be specifically advised on the expected duration of the investigation and the date by which a decision may be reached on either proceeding with or withdrawing the case.

Cases may only be suspended or withdrawn with the authorization of the officer accountable for resettlement, the UNHCR Representative, the Regional Resettlement Officer, or the Resettlement Section in UNHCR Headquarters.

#### **6.9.4 *Updating of information***

Information on changed circumstances, including changes in the family composition (e.g. through births, deaths, divorces, etc.), should immediately be brought to the attention of the resettlement country to which a submission was made. Refugees should also be advised that they are responsible for advising UNHCR of any change in their circumstances so that UNHCR may inform the resettlement country.

#### **6.9.5 *Mandatory medical screening***

Some resettlement countries insist on mandatory medical screening of candidates for resettlement. In many countries, IOM is responsible for medical screening, processing and treatment of refugees prior to resettlement. The protocols for these activities are defined by the resettlement country. In general, the intention of medical screening is to identify disease at an early stage, and should therefore ideally always be followed by treatment or cure. Resettlement countries may use medical screening to exclude refugees, for fear that their health problems will pose a financial burden, create excessive demands on existing national health services, or to prevent the introduction of communicable diseases and protect public health.

Mandatory HIV testing for resettlement has created very sensitive ethical problems, particularly as most refugees might not receive any form of counseling and a cure for HIV/AIDS is still not available. For this reason, UNHCR and IOM formulated guidelines for pre- and post-test counseling which provides refugees with information on HIV, including means of prevention as well as personal and family concerns.

Throughout its experience in medical screening world-wide, IOM has developed technical expertise in a number of areas, including diagnosis and management of TB and leprosy, psychiatric services and the implementation of effective immunization programs. Field Offices may therefore liaise with local IOM offices if such health issues become relevant to the resettlement processing.

#### **6.9.6 *Language training and cultural orientation***

In order to facilitate resettlement, language and cultural orientation courses may be considered, to provide refugees with basic skills in the language and customs of the receiving country. These can range from pre-departure training and employment readiness to post-traumatic stress counseling with an aim to prepare refugees for integration in the host country.

### **6.9.7 Travel documents**

As refugees should not use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of visa from the authorities of the destination country may suffice. Often, however, a more formal travel document is needed. Certain countries of refuge may be willing to issue aliens passports.

In States party to the Convention and/or the Protocol, a Convention Travel Document may be a possibility for persons who have been granted refugee status. When no other travel document is available, an ICRC Travel Document may be obtained locally or by ICRC Geneva via UNHCR Headquarters upon completion/receipt of an application form and photographs, signed by the applicant. UNHCR Headquarters should be consulted if assistance is needed.

### **6.9.8 Visas**

#### **Entry visa**

Some receiving countries will inform the Field Office directly or through UNHCR Headquarters of the consular post to which the visa authorization will be forwarded. If there is no local consular representation, UNHCR Headquarters will request the receiving country to send visa instructions either to a suitable consular post nearby or alternatively to their United Nations Mission at Geneva to be forwarded to UNHCR Headquarters for onward transmission to the Field Office.

#### **Transit visa**

Transit visas, if required, should be obtained from the appropriate local embassy. IOM has special agreements with a number of Governments and airlines to waive transit requirements.

#### **Exit visa**

In some countries, residents including recognized refugees are required to make a formal application to the competent authorities for an exit visa. In such cases, UNHCR intervention with the authorities of that country may be necessary.

### **6.9.9 Travel expenses**

Unless travel is arranged within the framework of an ongoing resettlement operation, the organization and financing of the travel is in principle the responsibility of the refugee, with UNHCR providing assistance only if needed. Travel costs for most resettlement cases



are met by the receiving country either in total or under a Government loan scheme. Other sources of funding may come from NGOs or loan schemes administered by IOM.

When a refugee is not able to meet travel expenses and when no other source of funding is available, UNHCR will normally provide funding and authorize IOM to make the necessary arrangements by charging costs to a UNHCR project. Where, in such cases, the UNHCR Field Office does not itself administer a project for resettlement travel, prior authorization must be obtained from UNHCR Headquarters. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programs.

Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

#### **6.9.10 Transportation**

In many countries, IOM makes transportation arrangements on behalf of UNHCR or the resettlement country concerned. If there is a local IOM office, the UNHCR Field Office should arrange travel directly through them, once the refugee is ready for travel and final destination and suitable date of reception are confirmed by the receiving country.

The special IOM fares benefit all categories of persons assisted under the auspices of the Organization and allow for considerable reductions in air fares and provide also an increased free baggage allowance. Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation may be arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

Note should be taken that during peak periods, usually holiday seasons, the booking of air tickets at special IOM tariffs may not be possible or at least not without considerable advance notice. For special cases, in particular when medical needs of refugees have to be accommodated during air travel, an advance notice of at least 2-3 weeks is required. If there are “no shows”, i.e. persons booked who do not show up for departure, the Field Office should inform the responsible IOM office immediately in order to effect re-bookings or cancellations. In this respect, any unused ticket must be forwarded to IOM to enable them to obtain a refund from the air carrier.

Where IOM is not present or where agreements with IOM are limited to certain functions, the UNHCR Field Office may have to cover the following tasks:

- Field Offices may be required to arrange the movement of refugees from camps or other areas to points of departure. If this necessitates transfer to another country, the Field Offices involved should liaise to obtain entry permission from the Governments concerned and if required with UNHCR Headquarters so that travel may be arranged for minimum stopover period.
- Field Offices should advise the Resettlement Section at UNHCR Headquarters when the individuals are in possession of the necessary travel documents and visas and are ready to travel, so that IOM Geneva may book appropriate flights. UNHCR Headquarters will then confirm flight details to the Field Office and the receiving country. In cases processed via UNHCR Headquarters:
- The Field Office should confirm flight arrangements to UNHCR Headquarters, in order to advise the receiving country accordingly, enabling them to arrange the reception. IOM, when involved, will usually also advise the receiving country.
- Field Offices should confirm a refugee's departure to UNHCR Headquarters. It is important that a confirmation of the departure is also forwarded to the responsible IOM office.
- If for some reason a person is unable to travel as scheduled, the Field Office should inform UNHCR Headquarters immediately, so that IOM may be requested to make re-bookings and keep the receiving country informed in good time in order to arrange reception.

#### **6.9.11 Medical preparations and escorts**

In order to secure safe travel for refugees with medical conditions and to ensure that airline requirements are met, IOM can perform pre-embarkation checks and, when needed, provide medical escorts. The necessity for medical escorts and the medical judgment as to refugees' fitness to fly is based on IATA regulations.

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## GROUP RESETTLEMENT : EXPANDING RESETTLEMENT OPPORTUNITIES AND USING RESETTLEMENT STRATEGICALLY

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The concept of resettling refugee groups has been introduced into UNHCR's operations with a view to expanding resettlement opportunities and contributing to a more efficient, comprehensive and strategic use of resettlement. The *UNHCR Methodology for Group Resettlement* provides a new framework for the identification and processing of refugee groups by UNHCR, in partnership with resettlement partners and countries, without the submission of individual Resettlement Registration Forms (RRFs). Hence, the methodology for group resettlement allows for an increase in the number of beneficiaries through a simplified and accelerated UNHCR process where appropriate. It should be noted, however, that the group methodology or "group resettlement" is not intended to replace the responsibility and accountability of UNHCR offices in the field for the identification and processing of individual resettlement cases based on established resettlement criteria and procedures.

### 7.1 Purpose

In keeping with the Goals of the *Agenda for Protection*, UNHCR has expanded its efforts to create more resettlement opportunities for refugees by designing an approach for the identification and processing of groups for resettlement consideration. UNHCR's Group Methodology is intended to assist in integrating and systematizing enhanced resettlement efforts into UNHCR office operations and durable solutions planning.

In this respect, it is intended to supplement and serve as an additional component of UNHCR's resettlement and durable solution activities. Key to the success of UNHCR's Group Methodology is involving resettlement countries and partners in various case processing tasks under UNHCR's leadership and direction. Implementation of the Group Methodology is also fundamental to facilitating UNHCR's involvement in designing and implementing multi-lateral initiatives, such as *Convention Plus*, which have as their goal increased burden sharing, and the comprehensive resolution of protracted and other refugee problems through the complementary use of the various durable solutions.

As will be detailed below, UNHCR's new group methodology is mainly built around the: 1) *Conceptualization* and 2) *Evaluation and Analysis* of certain types of information, followed by the preparation of a 3) *Group Profile and Proposal Document*, followed by the 4) *Submission*, or initial presentation of the proposed group to one or more resettlement countries and partners, and a 5) *Group Processing Plan of Action*, which details the roles and responsibilities of all partners in relation to case preparation and other procedures, as well as the fraud and security safeguards and communication strategies developed to deter associated refugee movements. 6) *Verification* is the final ascertainment of preliminarily identified individuals who qualify for inclusion in the group, followed by 7) *Group Resettlement Processing*, which will benefit from incorporating the gains made by UNHCR in developing and implementing effective registration of refugee populations.

## 7.2 Methodology

The *UNHCR Methodology for Group Resettlement* is included in Annex 2 to Chapter 7 (below). The Methodology was distributed as a UNHCR IOM/FOM by the Director of the Department of International Protection in October 2003 and it has been incorporated into the annual Country Operations Plan (COP).

The Group Methodology intends to enhance and systematize the identification of refugee populations for whom resettlement may be an appropriate durable solution, in the context of a UNHCR's comprehensive protection strategy. Group resettlement contemplates processing by a resettlement country without the submission by UNHCR of individual RRFs. However, it is important to note that resettling groups of refugees is intended to supplement UNHCR's traditional resettlement activities. Group resettlement does not replace the responsibility and accountability of UNHCR Offices for the identification and processing of individual resettlement cases based on established resettlement criteria and procedures.

The methodology is implemented through a series of steps that may vary depending on the complexity of the caseload and issues associated with the decision to employ group processing methods. A summary of the steps is provided below in Annex 1 to Chapter 7.

## 7.3 Tailored Approach

### Developing a Group Profile: How is “a group” defined?

The IOM/FOM on Group Methodology contains some guidance with respect to general parameters that may assist in identifying a potential group for resettlement.

As indicated, members of a group should ideally have the same nationality; share common characteristics; be clearly delineated and finite; its location(s) should be known and established; and ideally group-members should possess some form of identification, photo or otherwise.

Group members who have been identified for resettlement also typically share a common refugee story or claim. They may have fled during a similar period and for similar reasons, received similar treatment or had a particular and common experience in a country of origin or country of asylum. They also may share the same need for resettlement.

Preferably, the characteristics that are used to define group membership can be verifiable by some concrete or objective data. Frequently facts or criteria, such as for example, nationality, date of arrival, residence in a certain camp during a certain period of time, can be determined from materials UNHCR develops or maintains in a non-resettlement context.

It is also helpful to keep in mind that a group profile, which can be thought of as a “group RRF” should address the general issues and questions a selection officer from a resettlement country typically must examine in the context of a resettlement selection interview.

### Other Important Considerations

Other important considerations in group processing include the type of information that will be presented in case files for group members. Typically there will be a need for UNHCR to present to resettlement countries bio-data information, information concerning family composition, and photographs. It may however, be possible for this information to be compiled with the help of resettlement partners, working under the leadership and supervision of UNHCR. Standards should be put in place to ensure that uniform information is presented in each case file. Care should be given to ensure that only those cases that meet the definition of the group are presented for consideration to a resettlement country.



How and by whom the list of members will be prepared, and maintaining confidentiality with respect to the criteria for group members until relevant decisions have been taken, are other important matters to keep in mind in developing a resettlement group proposal, as fraud prevention measures.

Once group criteria are defined, and, for example, a preliminary list of group members or a foundation for group membership is established, there may be a need to conduct an additional verification exercise. Although UNHCR in a group resettlement operation is

not providing individual RRFs for individual group members, the verification exercise determines that the cases presented in fact meet the profile that has been established.

This verification exercise also provides an opportunity to seek any additional information or requirements of resettlement processing. Standard questions and forms can be helpful in this regard.

**FURTHER REFERENCE:**

-  *IOM/FOM 67/2003 on the Methodology for the Resettlement of Groups.*
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement, June 21, 2004.*

## **Annex 1: Operational Framework for Group Resettlement**

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IOM/FOM 67/2003, dated 16 October 2003, Methodology for the Resettlement of Groups (see Annex 2) introduced the general concepts, procedures and materials to be used when considering or undertaking the resettlement of groups. As noted in the IOM/FOM the group methodology was an initial effort to develop a practical tool for this purpose. Since the issuance of the IOM/FOM a number of group resettlement activities have occurred within the context of the Group Methodology. The Resettlement Section held a workshop 12-13 October 2004 for the purpose of identifying best practices and synthesizing lessons learned during this first year's experience. The workshop also sought to address other issues that have arisen during the past year that relate to the resettlement of groups. One such issue was the use of expedited individual processing procedures and its relationship to group resettlement. In addition, the workshop reviewed developments in Project Profile with a view toward its impact on future group resettlement activities.

As a result of the workshop, the following framework refining operational guidance was prepared. Field offices are encouraged to apply this operational framework to assist in the identification of resettlement opportunities as part of their comprehensive durable solutions strategies. This in turn will allow UNHCR to consolidate improvements in its global management and planning of resettlement.



## Operational Framework

The framework encompasses the following stages:

- 1) Conceptualization
- 2) Evaluation and Analysis
- 3) Feasibility and Preparation of Group Profile and Proposal Document (GPPD)
- 4) Submission
- 5) Group Processing Plan Of Action
- 6) Verification
- 7) Resettlement Processing

### 1. Conceptualization

Conceptualization is the first stage of the group resettlement process and has itself several stages.

The basic concept of what constitutes a group is defined in the IOM/FOM 67/2003 on the Methodology for Resettlement of Groups.

As indicated, group resettlement should be systematically incorporated into field office strategic planning efforts, including the preparation of Annex 6 to the Country Operations Plans (COP) and other protection and strategic planning documents of an office.

Sources for flagging the potential existence of groups may be:

- **internal** (through profiling of the refugee population and COP preparation exercises, annual protection reporting, UNHCR special protection initiatives, and needs identified through Refugee Status Determination (RSD), community services and other field activities;
- **external** (host governments, NGOs, embassies or in circumstances such as camp closure or emergency interventions); and
- **joint activities** (the Working Group on Resettlement, Annual Tripartite Consultations on Resettlement, and the Global Indications Conference).

Once a caseload, or part of a caseload, is considered as a possible group for resettlement and the preliminary consideration has received the endorsement of the head of office, a brief preliminary group proposal document (approximately two pages) should be prepared and should include:

- a basic description of the potential group, including estimated size;
- the protection rationale for proposing the resettlement of the potential group;
- identification of the commonalities of the group;
- nature of the common refugee claim;
- possible constraints to successful resettlement;
- preliminary resource implications for UNHCR and resettlement country(ies);
- recommended processing modality (group, expedited processing such as short referral forms instead of RRFs, other local arrangements or regular RRFs);
- suggested countries for submission.

### *Best Practice: Use of Preliminary Group Proposal and Profile Document (Annex 3)*

## **2. Evaluation and Analysis**

The preliminary group proposal is submitted to the Resettlement Section (RS) at Headquarters for preliminary feedback, analysis and evaluation. The Resettlement Section will share the proposal with the Regional Bureau and other actors at Headquarters. As the result of this preliminary evaluation, one of the following five possible responses will be proposed to the field by the RS:

1. The caseload should be pursued as a “group” (proceed to feasibility stage).
2. The caseload requires additional information before its feasibility can be determined. This may include field, Resettlement Hubs, RS or interagency exploratory missions, or gathering of additional information as requested by Headquarters.
3. The caseload should be processed according to other processing modalities (see above).
4. The caseload should be prepared as individual RRFs.
5. The proposal is not appropriate for further action and resettlement of the caseload should not be pursued.

In determining which of the above responses is the most appropriate, the following considerations should be taken into account:

- size of the caseload (groups tend to be large);
- impact that group submission would have on office’s protection strategy (strategic value of resettlement in comprehensive solutions strategy); Convention Plus considerations
- commonality of claims (resettlement countries emphasize common claims);

- complexity of claims (very complex claims may not be appropriate for group submission);
- quality and freshness of registration (recent registration makes group processing more feasible);
- whether or not the caseload had undergone RSD;
- stable or fluid nature of the population;
- resources required for verification (level of assistance required by field office);
- potential for pull factors;
- security concerns, (as well as access to population by UNHCR and resettlement partners);
- nature of local cooperation between UNHCR and embassies/IOM/Overseas Processing Entity (OPE) (extent of cooperation, existence of established expedited processing mechanisms, processing capacity);
- which modality (group or expedited processing) is most efficient and economical (in terms of time and resources);
- existence of alternatives to group submission;
- resettlement country preferences;
- consistency with regional approach to a given caseload;
- capacity of resettlement country to absorb.

### 3. Feasibility and Preparation of Group Profile and Proposal Document (GPPD)

Following a response by the Resettlement Section to pursue the caseload as a group, a Group Profile and Proposal Document (GPPD) should be prepared by the field office. Although thoroughness and cogency are important, the GPPD is an evolving, working document and will be elaborated upon throughout the various phases of its preparation.

Depending on the needs identified in the GPPD, an exploratory interagency mission (potentially including staff from country offices or Regional Resettlement Hubs, resettlement countries, IOM, settlement agencies or others) may be proposed. Findings from such missions would be incorporated into the final version of the GPPD.

Upon finalization of the GPPD itself, the field office will be requested to draft an **abstract** setting out the following:

- a readable, compelling summary of the group submission, tailored as may be necessary to individual resettlement countries;
- an identification of the resources (funds, deployees, technical assistance) required by all partners implicated in the group submission;

- a clear (though preliminary) timeline for the processing and out-processing of the group (it is especially important to establish the out-processing timeline in writing and achieve resettlement country agreement).

The GPPD, with the abstract attached, would then constitute the document that the field office sends to Headquarters for final clearance.

In some cases, the completion of the GPPD will only be possible where a Plan of Action (see below) has also been elaborated (for example where the plausibility of the submission is highly dependent on access to the group or logistical concerns or funding or a registration exercise required). In most cases, however, the Plan of Action will be prepared at a later stage.

Once the field office has forwarded the GPPD to the Resettlement Section and the Bureau, the Resettlement Section will meet with the Bureau, for final decision on the group proposal. The results of this meeting would then be shared by the Resettlement Section with the field office through a Note for the File. Further clarification may be sought from the field, as necessary.

#### **4. Submission**

An official submission occurs when the Chief of the Resettlement Section sends the cleared and completed version of the GPPD, including an abstract, to the appropriate resettlement country(ies). The submission fixes for statistical reporting purposes the number of persons included in the submission. This is adjusted subsequently by RS following the verification of the group (which may result in either a smaller or larger number of persons being submitted than originally counted).

While in many cases the completion of the GPPD is preceded or attended by detailed discussions between UNHCR (both field and RS) and the resettlement country(ies), such discussions are certain to occur after submission.

#### **5. Plan of Action for Group Processing**

The field office with input and direction from Resettlement Section finalizes a Plan of Action setting out in detail the proposed group resettlement operation\*. Local circumstances will of course largely determine the precise exercise but all plans should contain:

- Number and nature of personnel required;
- Logistical support, including transportation and other arrangements;
- Timeline and work plan for verification exercise;

- Agreement concerning contents of individual files;
- Agreement with resettlement countries concerning the definition and process for dealing with issues of dependency (to protect against the splitting of families or creation of unaccompanied minors);
- Strategy for handling rejected cases.
- Costing and budget.

In all cases, the Plan of Action should give special attention to the best interests of separated children. Similarly, possible reception and integration issues peculiar to the group should, where possible, be flagged for the attention of the resettlement country(ies).

\* No single format for the Plan exists, though several examples are contained in the CD entitled Group Resettlement Resource Material available from the Resettlement Section.

*Best Practice: Plan of Action/Provisional Timeframe for the Canadian Pilot Project (Annex 4a) and Budget. (Annex 4b)*

## **6. Verification**

Verification is the final ascertainment of preliminarily identified individuals who qualify for inclusion in the group. The timing of this exercise may vary depending on the circumstances of the caseload as well as the group definition and criteria.

The sophistication of the verification exercise is likely to vary depending on how recently registration was conducted and the commonalities of the refugee claims. Where comprehensive, accurate, recent registration has taken place and group members can be identified through this information, verification exercises may not have to be elaborate.

The verification exercise is generally jointly undertaken by UNHCR and one or more partners: host governments, IOM, Overseas Processing Entity (OPE), resettlement countries. While the respective roles of the actors in the verification exercise is set out in the GPPD abstract, it will likely be supplemented by local meetings and agreements, which should be put in writing and kept on file.

*Best Practice: Operational Plan, Procedures (Annex 5a) and Questionnaire for Verification, UNHCR Kenya. (Annex 5b)*

## **7. Resettlement Processing**

Following the verification exercise, a final number of persons to be submitted for resettlement is arrived at. The Resettlement Section adjusts its statistics based on this.

UNHCR provides resettlement countries with the materials that constitute the case files for each individual/case in the group. These materials or case files normally include the verification forms, digital photographs, and historical registration data, as per the specific Plan of Action.

Transparency as a principle should guide field office's presentation of materials to resettlement countries, particularly in relation to issues identified during the verification process relating to discrepancies with the group definition and possible excludability concerns.

UNHCR's involvement does not cease following the transfer of case files to the receiving country. In addition to monitoring the results of the resettlement processing and handling issues associated with rejected cases, it is also highly recommended that the local office undertake a post-submission analysis of the operation. Such an analysis would briefly identify whether the strategic and other objectives of the group resettlement were achieved and document lessons learned.

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Inter-Office Memorandum No 67/2003  
Field-Office Memorandum No 67/2003

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**To/à:**           **All Representatives and Chargés de Mission in the Field,  
All Directors and Deputy Directors of Bureaux and Divisions  
All Chiefs of Sections and Heads of Units/Services at Headquarters  
All Heads of Desks and Desk Officers  
All Protection and Resettlement Officers at Headquarters and in the  
Field**

**From/de:**       **Erika Feller, Director, Department of International Protection**

**Ref. / réf.:**     **ADM-01-01**

**Date/date:**     **16 October 2003**

**Subject/objet: Methodology for the Resettlement of Groups**

1. Consistent with the High Commissioner's objective to enhance the use of resettlement as a protection tool and a durable solution, I am pleased to forward to you the attached [methodology for the profiling of refugee groups for resettlement](#). This document has been prepared by the Resettlement Section with in-puts from protection and resettlement staff in the Bureaux and a number of field locations.

2. The aim of the methodology is to enhance and systematize the identification of refugee populations for whom resettlement may be an appropriate durable solution and establish a common basis for decision making on proposals received for the resettlement of groups. I am aware that despite resource constraints, field offices in a number of locations have already made significant progress in the identification of refugee groups for resettlement. It is hoped that the attached document will further facilitate the work of UNHCR offices in the resettlement of groups.

3. The Group Methodology will also be an important aid in our discussions and negotiations with resettlement countries in establishing more predictable and efficient frameworks for group submissions and processing.

4. It should be viewed as a first effort to develop a practical tool in this area. The methodology will be further refined on the basis of experience accrued in the field in its implementation and additional comments from field offices.

**TOP**

**SHORT GROUP PROFILE WORKSHEET - Oct 2004**

<b>Group</b>	<b>Population Size</b>	<b>Location</b>

**Why do they need resettlement?**

**What makes them a group (commonalities)?**

**How might we identify individuals who belong to the group?**

**What is the legal basis or foundation of the Group's common refugee claim?**

**What are the strategic benefits of resettling this group?**

**What are the resources/implications for HCR and Resettlement countries?**

**Recommended modality and Resettlement country/ies?**



**PROVISIONAL TIMEFRAME FOR THE CANADIAN PILOT PROJECT**  
**Group Verification in Dadaab (May/June 2003)**

DATE	ACTION	ACTION BY	NOTES
<b>PREPARATION PHASE</b>			
01 MAY 2003 (Thursday)	Meeting with CHC, AHC, IOM and UNHCR at BO Kenya (Nairobi)	UNHCR Nairobi	
02 MAY 2003 (Friday)	Meeting with GOK National Registration Bureau to discuss availability of GOK data to assist verification exercise	UNHCR Nairobi	
07 MAY 2003 (Wednesday)	Meeting with IOM to discuss timelines, clarify division of responsibilities and flag budget issues	UNHCR Nairobi / IOM Nairobi	
08 MAY 2003 (Thursday)	Dadaab finalises list of beneficiaries	UNHCR Dadaab	
09 MAY 2003 (Friday)	Decision / proposal on verification site	UNHCR Dadaab IOM / UNHCR Nairobi	
12 May 2003 (Monday)	Letter sent to Permanent Secretary, Ministry of Home Affairs and copy list of beneficiaries sent to GOK Registration Bureau	UNHCR Nairobi	
12 MAY 2003 (Monday)	Scope the availability of Somali and Sudanese interpreters at Dadaab	UNHCR Dadaab	
12 MAY 2003 (Monday)	Advertise for Somali and Sudanese interpreters at Dadaab - previous work experience with UNHCR / NGOs essential - do not mention the nature of the exercise	UNHCR Dadaab	
13 MAY 2003 (Tuesday)	Meeting: UNHCR / IOM to confirm budget requirements	UNHCR Nairobi / IOM Nairobi	

<b>14 MAY 2003 (Wednesday)</b>	<b>Confirmation by UNHCR Dadaab on verification site</b>	<b>UNHCR Dadaab</b>	
<b>16 MAY 2003 (Friday)</b>	<b>Interview / provisionally select Somali and Sudanese interpreters</b>	<b>UNHCR Dadaab</b>	
<b>16 MAY 2003 (Friday)</b>	<b>Finalisation of database design</b>	<b>UNHCR Nairobi</b>	
<b>19 MAY 2003 (Monday)</b>	<b>Data entry commences</b>	<b>UNHCR Nairobi</b>	
<b>20 MAY 2003 (Tuesday)</b>	<b>Meeting IOM / UNHCR / CHC to finalise budget requirements and operations plan</b>	<b>UNHCR Nairobi / IOM Nairobi</b>	
<b>23 May 2003 (Friday)</b>	<b>Finalisation of verification SOPs and formats</b>	<b>UNHCR Nairobi / Dadaab</b>	
<b>23 May 2003 (Friday)</b>	<b>Finalisation of information strategy</b>	<b>UNHCR Nairobi / Dadaab</b>	
<b>23 May 2003 (Friday)</b>	<b>Verification team identified / administrative arrangements</b>	<b>UNHCR Nairobi / Dadaab IOM Nairobi CHC / AHC Nairobi</b>	
<b>23 May 2003 (Friday)</b>	<b>Receive data from GOK Registration Bureau</b>	<b>UNHCR Nairobi</b>	
<b>23 May 2003 (Friday)</b>	<b>Finalisation of security / emergency plan</b>	<b>UNHCR Dadaab</b>	
<b>26 May 2003 (Monday)</b>	<b>Verifiers' meeting in Nairobi</b>	<b>UNHCR / IOM Nairobi</b>	
<b>26 May 2003 (Monday)</b>	<b>Special Operations Meeting at Dadaab</b>	<b>UNHCR Dadaab</b>	

## PROVISIONAL TIMEFRAME FOR THE CANADIAN PILOT PROJECT

DATE	ACTION	ACTION BY	TICK
<b>IMPLEMENTATION PHASE</b>			
27 May 2003 (Tuesday)	Somali Midgan meeting (Hagadera) – post interview list	UNHCR Dadaab	
28 May 2003 (Wednesday)	Somali Midgan meeting (Ifo and Dagahaley) – post interview list	UNHCR Dadaab	
31 May 2003 (Saturday)	Verification Team travel to Dadaab by Minibus (35 Seater)	IOM Nairobi	
01 June 2003 (Sunday)	Orientation workshop for Project Team	UNHCR Dadaab	
01 June 2003 (Sunday)	Preparation of verification site (Hagadera)	UNHCR Dadaab / Project Team	
01 June 2003 (Sunday)	Trouble shooting / dry run	UNHCR Dadaab / Project Team	
02 June 2003 (Monday) <b>HAGADERA</b>	<ol style="list-style-type: none"> <li>1. Verification at Hagadera Transit Centre (Somali Midgan at Hagadera) - 91 cases / 352 pax (commencing at 09:00 hrs)</li> <li>2. Data entry: Somali Midgan</li> <li>3. Sudanese refugees information meeting (Ifo and Dagahaley)</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project Team</li> <li>2. UNHCR Dadaab / Project team</li> <li>3. UNHCR Dadaab</li> </ol>	
03 June 2003 (Tuesday) <b>HAGADERA</b>	<ol style="list-style-type: none"> <li>1. Verification at Hagadera Transit Centre (Somali Midgan at Hagadera) – 91 cases / 352 pax (commencing at 09:00 hrs)</li> <li>2. Data entry: Somali Midgan</li> <li>3. Sudanese refugee information meeting (Hagadera)</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project Team</li> <li>2. UNHCR Dadaab / Project team</li> <li>3. UNHCR Dadaab</li> </ol>	
04 June 2003 (Wednesday) <b>IFO</b>	<ol style="list-style-type: none"> <li>1. Preparation of IFO verification site (IFO Transit Centre) – AM</li> <li>2. Verification at IFO Transit Centre (Somali Midgan at IFO) – 43 cases / 141 pax (commencing at 10.00 hrs)</li> <li>3. Data entry: Somali Midgan</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> <li>3. UNHCR Dadaab / Project Team</li> </ol>	

DATE	ACTION	ACTION BY	TICK
05 June 2003 (Thursday) IFO	<ol style="list-style-type: none"> <li>1. Verification at IFO Transit Centre (Somali Midgan at DAGAHALEY) – 27 cases / 116 pax (commencing at 09.00 hrs)</li> <li>2. Data entry: Somali Midgan</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> </ol>	
06 June 2003 (Friday) IFO	<ol style="list-style-type: none"> <li>1. Verification at IFO Transit Centre (Sudanese at DAGAHALEY) – 99 cases / 223 pax (commencing at 09.00 hrs)</li> <li>2. Data entry: Midgan and Sudanese</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> </ol>	
07 June 2003 (Saturday) IFO	<ol style="list-style-type: none"> <li>1. Verification at IFO Transit Centre (Sudanese at IFO) 208 cases / 427 pax (commencing at 09.00 hrs)</li> <li>2. Data entry: Sudanese</li> </ol> <p>(NB: increase number of verifiers to 15 persons)</p>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> </ol>	
08 June 2003 (Sunday)	FREE DAY	FREE DAY	
09 June 2003 (Monday) IFO	<ol style="list-style-type: none"> <li>1. Verification at IFO Transit Centre (Sudanese at IFO – cont.) 208 cases / 427 pax (commencing at 09.00 hrs)</li> <li>2. Data entry: Sudanese</li> <li>3. (NB: increase number of verifiers to 15 persons)</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> </ol>	
10 June 2003 (Tuesday) HAGADERA	<ol style="list-style-type: none"> <li>1. Preparation of HAGADERA verification site (AM)</li> <li>2. Verification at HAGADERA Transit Centre (Sudanese at Hagadera) – 128 cases / 322 pax (commencing at 10.00 hrs)</li> <li>3. Data entry: Sudanese</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> <li>3. UNHCR Dadaab / Project team</li> </ol>	
11 June 2003 (Wednesday) HAGADERA	<ol style="list-style-type: none"> <li>1. Verification at HAGADERA Transit Centre (Sudanese at Hagadera) – 128 cases / 322 pax (commencing at 09.00 hrs)</li> <li>2. Data entry: Sudanese</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project team</li> <li>2. UNHCR Dadaab / Project team</li> </ol>	
12 June 2003 (Thursday)	<ol style="list-style-type: none"> <li>1. Finalisation of data entry and QAP</li> </ol>	<ol style="list-style-type: none"> <li>1. UNHCR Dadaab / Project Team</li> </ol>	

<b>15 June 2003 (Sunday)</b>	<b>Finalisation of data entry and QAP</b>	<b>UNHCR Dadaab / Project team</b>	
<b>16 June 2003 (Monday)</b>	<b>Verification team travel to Nairobi (special air charter or by road)</b>	<b>UNHCR Dadaab / UNHCR Nairobi</b>	
<b>18 June 2003 (Wednesday)</b>	<b>Submissions sent to CHC / AHC</b>	<b>UNHCR Nairobi</b>	
<b>18-30 June 2003</b>	<b>Finalisation of residual cases and decline letters dispatched</b>	<b>UNHCR Nairobi / UNHCR Dadaab</b>	

**PROVISIONAL BUDGET PROJECTION FOR THE IMPLEMENTATION OF THE CANADIAN PILOT PROJECT**

SECTOR	EXPENSE / ACTIVITY	QUANTITY	UNIT COST (KSH)	KSH	USD
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**INFRASTRUCTURE**

Repairs	Hagadera site / pit latrines (superstructures)	06 Pit Latrines	5,000	30,000	428.57
Repairs	Hagadera site / improvements to fencing for crowd control		10,000	10,000	142.86
Labour	Hagadera site / labour to mend pit latrines and fencing		10,000	10,000	142.86
Repairs	IFO site / pit latrines (superstructures)	06 Pit Latrines	5,000	30,000	428.57
Repairs	IFO site / improvements to fencing for crowd control		10,000	10,000	142.86
Labour	IFO site / labour to mend pit latrines and fencing		10,000	10,000	142.86

**STATIONERY**

Stationery	A4 Paper for Interview Forms	600 x 10 pages = 6,000 pages	KSH 330 / 500 pages	3,960	56.57
Stationery	A4 Paper for GOK Registration Data	600 x 2 pages = 1,200 pages	KSH 330 / 500 pages	792	11.31
Stationery	A4 Paper for Submission Forms	600 x 10 pages = 6,000 pages	KSH 330 / 500 pages	3,960	56.57
Stationery	A4 Paper for Copies of Submissions to CHC	600 x 20 pages = 6,000 pages	KSH 330 / 500 pages	7,920	113.14
Stationery	A4 Note Pads for Project Team	20 x note pads (A4)	KSH 55.00	1,100	15.71
Stationery	Box Files	30 x Box Files (600 cases: 10 pages / case, 200 p	KSH 120.00	3,600	51.43
Stationery	Pens for Protect Team	30 x black pens and 20x red pens	KSH 300 / 50	300	4.29
Stationery	Permanent Markers for Notices / Photo ID	10	85	850	12.14
Stationery	Whiteboard Markers for Notices	10	100	1,000	14.29
Stationery	Ink for ink Pads	15 bottles	75	1,125	16.07
Stationery	Ink Pads for Thumb Prints	15 (Pads)	82	1,230	17.57
Stationery	Staplers	5	300	1,500	21.43
Stationery	Paper Punch	5	350	1,750	25.00
Stationery	Ink Cartridge for Laser Printer	2	10,900	21,800	311.43
Stationery	Ink Cartridge for Laser Printer (GOK Registration)	2	10,900	21,800	311.43
Stationery	Ink Cartridge for Photocopier (Dadaab and Nairobi)	2	6,500	13,000	185.71
Stationery	Miscellaneous: staples / rubber bands / erasers / paper clips etc.	Unknown	Contingency	7,000	100.00
Stationery	Computer Discettes	20 (2 boxes)	190	380	5.43

**REGISTRATION DATA**

GOK Registration Data	Photograph, Thumbprint and Biodata from GOK	1,600 Persons Covered by the Pilot Project		-	0.00
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**MISCELLANEOUSS**

Refreshments	Snacks and juice drink for approximately 500 refugees	unknown			500.00
Misquito Nets	Mosquito nets for project team members	12	2x 420 and 10x400	4,840	69.14

**SATURDAY (7 JUNE 2003) - PROJECT TEAM TRAVEL TO DADAAB**

Transport	Charter Flight to Dadaab	2.4 hours at \$635 per hour	USD 635		1,524.00
Transport	Landing and Navigation Fees		USD74		74.00
Transport	Fuel for Charter Flight				242.00

**SUNDAY (08 JUNE 2003) - PROJECT TEAM ORIENTATION / BRIEFING AND PREPARATION OF SITE**

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	Drive UNHCR 4 x 4	2,066 per day	2,066	29.51
Fuel	#1 UNHCR 4 X 4 (5 people)	1x return trip to camps	1,000	1,000	14.29
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	Drive UNHCR 4 x 4	2,066 per day	2,066	29.51
Fuel	#2 UNHCR 4 X 4 (5 people)	1x return trip to camps	1,000	1,000	14.29
Labour	Truck Driver	1x Driver	2,066 per day	2,066	29.51
Fuel	UNHCR truck return trip to camp	1x round trip to camp	2,000	2,000	28.57
Labour	Refugee incentive to assist with tables and tents	6 refugees recruited at Dadaab	200 per person	1,200	17.14
Fuel	Police escort to camp	1x round trip to camp	1,000	1,000	14.29
Police	Incentive for special escort expenses for day	5 Officers	100 per Officer	500	7.14

**MONDAY (09 JUNE 2003) - SATURDAY (14 JUNE 2003) - 6 DAYS**

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	1x driver x 6 days	2,066 per day	12,396	177.09
Fuel	#1 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 6 days	1,000	6,000	85.71
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	1x driver x 6 days	2,066 per day	12,396	177.09
Fuel	#2 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 6 days	1,000	6,000	85.71
Labour	Truck Drivers x 2	2x drivers x 6 days	2,066 per day	24,792	354.17
Fuel	2x UNHCR trucks return trip to camp	3x return trips to camps x 2 trucks x 6 days	2,000	72,000	1,028.57
Fuel	Police escort to camp	6x round trips to camp x 6 days	1,000	36,000	514.29
Police	Incentive for Police in transit center and escort	20 persons x 6 days	100 per Officer	12,000	171.43
Refreshments	Snacks for 61 Persons (Staff 21; Interpreters 12; Drivers 3; Police 25)	61 Persons x 6 days	70	25,620	366.00
Labour	Interpreters	12 persons x 6 days	450	32,400	462.86

**SUNDAY (15 JUNE 2003) - QAP AND DATA ENTRY - REST DAY**

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**MONDAY (16 JUNE 2003) - FRIDAY (20 JUNE 2003) - 5 DAYS**

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	1x driver x 5 days	2,066 per day	10,330	147.57
Fuel	#1 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 5 days	1,000	5,000	71.43
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	1x driver x 5 days	2,066 per day	10,330	147.57
Fuel	#2 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 5 days	1,000	5,000	71.43
Labour	Truck Drivers x 2	2x drivers x 5 days	2,066 per day	20,660	295.14
Fuel	2x UNHCR trucks return trip to camp	3x return trips to camps x 2 trucks x 5 days	2,000	60,000	857.14
Fuel	Police escort to camp	6x round trips to camp x 5 days	1,000	30,000	428.57
Police	Incentive for Police in transit center and escort	20 persons x 5 days	100 per Officer	10,000	142.86
Refreshments	Snacks for 61 Persons (Staff 21; Interpreters 12; Drivers 3; Police 25)	61 Persons x 5 days	70	21,350	305.00
Labour	Interpreters	12 persons x 5 days	450	27,000	385.71

**FRIDAY (20 JUNE 2003)**

Transport	Chater Flight - UNHCR to absorb costs			-	0.00
Labour	Refugee incentive to assist with tables and tents	6 refugees recruited at Dadaab	200 per person	1,200	17.14

				<b>KSH</b>	<b>USD</b>
<b>PROJECT TOTAL</b>				<b>650,079</b>	<b>11,626.84</b>



Resettlement Unit  
UNHCR Kenya

**DRAFT**

# **OPERATIONAL PLAN AND PROCEDURES**

**UNHCR VERIFICATION OF THE SOMALI BENADIR REFUGEES  
AT THE DADAAB REFUGEE CAMPS FOR RESETTLEMENT TO  
THE UNITED STATES OF AMERICA**



## **CONTENTS**

- 1. Introduction**
- 2. Purpose of the Verification Exercise**
- 3. Location of the Verification Site**
- 4. Pre-Screening at the Refugee Camps**
- 5. Transport to the Verification Site**
- 6. Verification Procedures**
- 7. Interpreters**
- 8. Data Entry**
- 9. Casual Labour**
- 10. Security Arrangements**

## **ANNEX**

- i UNHCR Group Resettlement Submission***
- ii Verification Questionnaire***
- iii Pre-Interview Statement***
- iv Interview Agreement***
- v Eligibility Assessment***
- vi Group Management User Manual***
- vii Staff List***
- viii Budget***

## 1. Introduction

- 1.1 The UNHCR Office in Kenya has embarked on a project whereby the Government of the United States of America seeks to resettle approximately 2,500 refugees from the Dadaab refugee camps in conjunction with UNHCR. The project seeks to achieve a durable solution for refugees under the mandate of UNHCR. The refugees who have been identified for possible resettlement to the United States of America are a group of Somali Benadir who were not previously identified for resettlement and for whom voluntary repatriation is not a viable option in the foreseeable future; see *Group Resettlement Submission* attached in the annex.
- 1.2 Pursuant to the above, the project seeks to achieve the following objectives: (i) to provide resettlement as a durable solution for vulnerable refugees as stipulated in the UNHCR mandate; and, (ii) reiterate the United States' position and willingness to assist UNHCR and the Government of Kenya by offering durable solutions for vulnerable refugees in Kenya.
- 1.3 The verification of the Somali Benadir refugees at Dadaab is scheduled to commence on 7 June 2004, with a series of interviews spanning about two weeks. Actual resettlement for approved individuals will take place over the following 12 months. To qualify for consideration under this verification exercise, the refugees must be registered with UNHCR as belonging to the identified group. Further, the refugee's civil status, fingerprint, photograph and signature – recorded by the National Registration Bureau in year 2000 – should be matched against the individuals who present for interview.
- 1.4 The Somali Benadir refugees who will be eligible to attend the verification interviews have been identified through the UNHCR registration database (RAPID). The list of eligible candidates was “closed” when the registration database was downloaded by the Resettlement Unit in April 2004. To further ensure the integrity of the process and orderly implementation, UNHCR has maintained the highest level of confidentiality concerning the project, especially at the camp level to avoid raising expectations which might compromise the smooth running of the project.
- 1.5 This *Operational Plan and Procedures* sets out the basic steps for the operation, human resource requirements, budgetary issues and time frame for implementation. However, it must be stated that this is a major resettlement operation involving collaboration between UNHCR and its partner agencies, which by necessity requires the cooperation of different organizations and functional units within UNHCR. A delay imposed by any of these key partners could significantly delay the project. Accordingly, the timeframe must be viewed as flexible.

- 1.6 An important requirement of the verification exercise involves the Joint Voluntary Agency (JVA). The JVA is a non-governmental organization that routinely screens refugees for resettlement to the United States. The JVA will send a small team to Dadaab – under the auspices of UNHCR – to assist in the verification of these refugees. The collaboration between UNHCR and other partner agencies will ensure that the verification is completed in a professional and timely manner and in accordance with the partnership arrangement that has been agreed between UNHCR and the United States.
- 1.7 For the purpose of this *Operational Plan and Procedures*, 600 cases will be used as the planning figure. It should be noted that “cases” in this context means ration cards. A ration card could contain up to ten individuals. Generally, a ration card represents a nuclear family unit. However, experience has shown that sometimes a ration card is for unrelated individuals who were registered at the same time. In addition, a family can be split across several ration cards. The construction of the family unit is one of the primary purposes of the verification exercise. For planning purposes it will be assumed that each ration card represents a separate family unit.

## **2. Purpose of the Verification Exercise**

- 2.1 The verification exercise is principally intended to determine whether the UNHCR believes that the refugee who presents for interview is the rightful holder of the ration card and her/his dependants are likewise genuine. It should also verify whether or not the refugee meets the criteria for inclusion in the group resettlement submission to the United States. In the process of the verification, a relatively large amount of information about the refugee’s family composition will be gathered. The questions in the *Verification Questionnaire* (see attached) were arrived at through discussions with JVA and the US Department of Homeland Security. However, the information gathered is not simply for use by the US Government. The information will assist UNHCR to verify the actual family composition and determine whether or not the case genuinely belongs to the Benadir group for resettlement submission to the United States.

### 3. Location of the Verification Site

- 3.1 The verification site is where the UNHCR / JVA verifiers will interview refugees and take their fingerprints and photographs. For reasons of security, fraud prevention as well as for the convenience of the staff, it has been determined that the verification interviews should be held away from the three main camps at Dadaab. Accordingly, the verification site will be situated at the *Borehole*, which is located within the UNHCR compound at Dadaab. This means that refugees would be shuttled from the camps to the verification site.

### 4. Pre-Screening at the Refugee Camps

- 4.1 Prior to the refugees' arrival at the verification site, they will be pre-screened at the refugee camp transit center<sup>1</sup> by a UNHCR officer. This officer is referred to as the *Intake Officer*. This function, which is an essential part of the verification process, takes place at the camps where the refugees first arrive to board the vehicle for travel the verification site. The Intake Officer will be responsible to detect any imposters or substituted family members who attempt to infiltrate in the verification exercise. This is the first point of interdiction and requires a firm approach. The Intake Officer will be equipped with biometric data from the Government of Kenya as well as UNHCR registration data. Each refugee who approaches the pre-screening point will be asked a series of questions – the answers to which will be checked against available data. In addition, those for whom photographic and fingerprint records are available will have their identity checked accordingly. An *Intake Specialist*, who provides language and cultural expertise, will help inform the decisions of the Intake Officer.
- 4.2 To further mitigate the risk of imposters and substituted family members, the list of cases to be verified each day will be posted only 2-3 days prior to interview. Only ration card numbers will be posted for public view. Details concerning the family composition will not be posted. UNHCR will divide the daily caseload into eight groups of approximately 45 refugees, which is the capacity of the transport vehicle. Accordingly, there will be eight transport movements from the transit centre to the verification site each day.

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<sup>1</sup> The Associate Field Safety Advisor will approve the location of the pre-screening site. If the transit centers are deemed insecure or otherwise inappropriate, the Sub-Office will select another location such as the Field Office compound in each camp. However, for planning purposes the transit center will be used as the pre-screening site.

- 4.3 As aforementioned, the Intake Officer will screen each refugee at the entrance to the transit centre. The transit center will be secured by fencing and a police presence. The head of family with all of the dependants listed on her/his ration card will approach the Intake Officer and present their ration card. The Intake Office will check the card against the intake list and biometric data, as may be available. The data on each individual case will include a printout of the UNHCR registration data, which includes civil data for each family member, and – in the case of most adults – biometric data (including photograph, fingerprint and signature) from the Government of Kenya.
- 4.4 The Intake Officer will ask family members separately to identify themselves. The officer will look at the database information to determine if the individual appears to be the same age as the registration data indicates. For those cases with biometric data, the Intake Officer will look at the photograph and make a preliminary determination whether the refugee appears to be the same person. In the case where a signature or fingerprint is available, the officer may ask the refugee to sign her/his name or even provide a fingerprint; equipment will be available at pre-screening area to facilitate this.
- 4.5 The Intake Officer has the responsibility to interdict any imposters and prevent their admittance to the verification site. In borderline cases, where the Intake Officer is unable to make a firm judgment concerning the person's identity (i.e. absence of biometric data), notes will be recorded for follow-up at the verification stage. These notes will be sealed together with the travel manifest and will be carried by the *Escort Officer* from the pre-screening area to the verification site. The verifier will, therefore, have the benefit of this information at the time of interview.
- 4.6 The Intake Officer has the responsibility to prevent imposters from infiltrating the verification exercise. The Intake Officer also has the responsibility to ensure only the correct family members (i.e. those listed on the ration card) are permitted to enter the transit centre and board the vehicle to the verification site. Still, the Intake Office should exercise a degree of flexibility as concerns newborn children or spouses who may not be listed on the registration data. In such cases, the refugee should hold valid documentation to confirm the change in family status. In addition, the Intake Officer should record details of any case that fronts-up with different family members to those listed on the registration data. Ideally, photographs and fingerprints should be taken of additional family members who are not permitted to the verification stage. This will serve as a useful record in the event of any future requests for family reunification.

- 4.7 All eligible refugees will proceed through the pre-screening area to the transit centre for onward travel to the verification site. Borderline cases, which may include imposters but for whom a firm decision is not possible without an interview, will be permitted to proceed to the verification site. Again, the Intake Officer should take notes of such cases to alert the verifying officer. This policy was developed for several reasons. First, the initial contact at the pre-screening area is not deemed sufficient to make a determination of eligibility in all cases. Only after a full interview by a verifier should such a determination on borderline cases be made. Further, by allowing the individuals to go through the process a record of any imposters will be made, as all refugees who are verified will be photographed and fingerprinted.
- 4.8 Refugees will be advised that only properly registered refugees will be permitted to participate in the verification exercise; except, for example, a newborn infant who is unregistered.<sup>2</sup> This restriction is objective and the refugees generally accept it. However, some refugees will bring unregistered family members to the pre-screening area. The Intake Officer is responsible to ensure non-admittance of unregistered individuals.
- 4.9 The Intake Officer will know whether an individual is unregistered because the name of the individual will not appear on the UNHCR registration data. The Intake Officer will advise the individual that only registered refugees qualify for the verification. The head of family will be advised to tell the truth at the verification concerning family members living with them who are not registered. The word “family” in this context also includes defacto relatives like adopted children or non-nuclear family members (i.e. nephew or niece) who are dependent on the family. As in previous verification exercises, refugees will be advised during the information campaign that UNHCR and resettlement countries have family reunification guidelines that can allow for the resettlement of other family members at a later stage. Still, they will be advised that resettlement countries are not necessarily obliged to consider other family members.
- 4.10 It should be noted, however, that the UNHCR has an obligation to promote the unity of the family. Accordingly, any case not ready for submission due to outstanding issues of family composition will only be submitted to the US following consultation with PRM and DHS. Although relatives may be able to apply for family reunification at a later stage, this might lead to a separation of family members for an extended period, which would be problematic in the case of dependent relationships.

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<sup>2</sup> *In cases of newborn infants who have not been registered, the UNHCR would allow entry because it is reasonably possible that infants less than one month may not have been registered with UNHCR. Still, the parents of the newborn child must be able to provide evidence of birth registration in order to confirm the relationship. In certain cases, mothers of the newborn child may be required to undergo a medical examination to establish maternity.*

This is especially acute in the case of minors. It is envisioned that a certain number of cases will be submitted with outstanding issues of family composition; however the most compelling cases will be re-interviewed by UNHCR under a separate process to clarify and finalize the case composition prior to submission. In exceptional cases, individuals who are not registered with UNHCR will be added to the case to preserve the unity of the family and ensure protection principles are upheld.<sup>3</sup>

**Staffing Requirements: Pre-screening<sup>4</sup>**

Functional Title	Number
<i>Intake Officer</i>	1
<i>Intake Specialist</i>	1
<i>Field Assistant</i>	1
<i>Field Clerk</i>	1
<i>Security Officer</i>	1
<i>Police Officers</i>	10
<b>Total</b>	<b>15</b>

**5. Transport to the Verification Site**

5.1 As aforementioned, the refugees are inspected by the Intake Officer at the transit center, following which they board the vehicle for onward travel to the verification site. When the vehicle reaches its passenger capacity (approximately 45 persons) it will depart for the verification site. The Kenyan police will escort the vehicle. Under the United Nations security regulations, an armed escort is mandatory in a *Phase 3* security area. The escort has a minimum of four police officers. The departure of the police officers to escort the movement should not deplete the security levels at the pre-screening area. At all times, the pre-screening area will have sufficient police presence.

<sup>3</sup> *It should be noted that the refugees are generally aware of the verification procedures due to previous activities of this nature. It could be argued that their knowledge of this could prompt some refugees to claim bogus family members. However, they are also aware that additional interviews result in delays in their resettlement and there is a high likelihood of rejection by UNHCR and the resettlement countries when credibility issues arise. The principal applicant will be given one opportunity to declare any bogus family members at the beginning of the verification interview without penalty. Thereafter, following separate interviews with all adult family members (and minors in some cases), if anyone is found to be an imposter the entire case will be declined by UNHCR.*

<sup>4</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.

As two transport vehicles are envisioned, the Intake Officer will continue to screen individuals and invite them to board the second vehicle. When the first vehicle returns, the second vehicle will depart for the verification site. Each day, approximately eight round trips are anticipated.

- 5.2 The refugees will be transported to the verification site in UNHCR vehicles. Where the families are large, a vehicle may only carry a few cases at a time (e.g. five cases of ten individuals). With the number of verifiers envisioned (i.e. 12 officers), it is important to have two vehicles for the operation.
- 5.3 During normal operations at Dadaab, the UNHCR has difficulty meeting its operational needs with regard to drivers. Hence, it will be necessary to recruit two truck drivers and one driver for a Toyota Landcruiser. The Landcruiser would be used to transport vulnerable refugees who cannot comfortably travel by truck. Accordingly, the UNHCR Sub-Office will hire three drivers for the project. This will be charged to the RE500 project.

**Staffing Requirements: Transport <sup>5</sup>**

<b>Functional Title</b>	<b>Number</b>
<i>Truck Drivers</i>	<i>2</i>
<i>Landcruiser Driver</i>	<i>1</i>
<i>UNHCR Escort Officer</i>	<i>1</i>
<i>Police Escorts</i>	<i>4</i>
<b>Total</b>	<b>8</b>

**6. Verification Procedures**

- 6.1 The verification site, at the *Borehole* within the UNHCR compound, will be divided into three sections: (i) a waiting area at the point of disembarkation on arrival from the pre-screening area; (ii) an interview area, which includes several sub-areas for the separation of family members, interviews and photography; and, (iii) a waiting area for individuals pending return the camp at the completion of the verification, which is outside the *Borehole* and, therefore, physically separated from all other areas.

<sup>5</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.



- 6.2 When the refugees arrive at the verification site, they will enter the arrival waiting area. This is a fenced area with an open shed structure for shelter. The refugees will be requested to wait until they are called for interview. At this point, a **Verification Coordinator** will welcome them and explain the interview procedures and compliance requirements. They will then be called to attend an interview. The Verification Coordinator will monitor the progress of interviews to ensure efficient workflow. When called to attend an interview, the refugee family will be led to the interview tent. Here, the **Verification Officer (verifier)** will have an opportunity to meet the entire family before starting the interviews. The verifier may use this opportunity to ask the children their names and check family resemblance.
- 6.3 Another tent, situated a small distance from the main interview tent, will be used to separate family members in order for the verifier to conduct individual interviews. It is standard practice that adult family members are interviewed separately. In certain cases, minors will be interviewed. When the verifier instructs the family members to go to this tent, the **Interpreter** will escort them there. At each interview with an adult, the verifier will take a fingerprint. This will be checked against the one on file. When the verifier concludes each interview, the family member will be escorted to the photography tent. Hence, adult family members will only talk to each other once they complete their interview and meet in the photography tent.
- 6.4 At the end of the verification interview, a **Verification Supervisor** will check the interview form to ensure quality control and that a recommendation was reached. Once checked and approved, the family will be photographed. Each family member will be photographed individually. After this, they will be allowed to proceed to the departure area outside the Borehole. Before long, they will board a truck and return to the camp.
- 6.5 The Verification Officer receives refugees for interview with the assistance of the Verification Coordinator. As aforementioned, the Verification Coordinator will monitor the progress of interviews to ensure efficient workflow. The Verification Officer will be required to flag to the Verification Coordinator when an interview has finished. At the beginning of a new case, the Verification Officer will receive paperwork on a case. This will include a printout of the UNHCR registration data, civil and biometric data (fingerprint, photograph and signature) from the National Registration Bureau, if available, and notes taken by the Intake Officer at the pre-screening point. The documents will be hand delivered to the Verification Officer. The information provided by the Intake Officer will be sealed together with the travel manifest, which will be carried by the Escort Officer from the pre-screening area to the verification site. It is the responsibility of the Verification Coordinator to ensure the Verification Officer receives this information prior to interview.

- 6.6 The Verification Coordinator will also give the verifier a blank verification questionnaire. The verification questionnaire was designed by UNHCR with input from the JVA and US Department of Homeland Security. Blank verification questionnaires will be securely held the Verification Coordinator at the front of the verification tent. Should the verifier need additional forms, as in the case where a non-nuclear family member is on the ration card or adults are interviewed separately, the Verification Officer can request for one. It is mandatory that non-nuclear family members on a case be interviewed separately using a new verification questionnaire, as the family information would differ from that of the head of family.
- 6.7 At the beginning of each interview, the Verification Officer will explain the purpose of the interview and read the *Pre-Interview Statement* (see attached). The verifier will ask the refugee about her/his sub-clan and place of birth (experience has shown that refugees occasionally admit to belonging to a clan that does not qualify under the project). The Principal Applicant (PA) will be asked to sign the *Interview Agreement* (see attached). So too, the Interpreter and Verification Officer will sign the interview agreement vowing to maintain confidentiality and adhere to procedural guidelines. It is prudent to indicate to the all parties the importance of each interview. Further, the refugee will hear that the Interpreter is required to keep all information confidential and truthfully report everything that is said during the interview. This will serve to mitigate the risk of refugees asking the Interpreter to answer questions on their behalf. The verifier will take the PA's left-hand thumbprint and compare it to the one on file. The photograph and signature will also be compared to confirm identity. Failure by the refugee to cooperate can lead to a decline of the case.
- 6.8 Should the refugee indicate that there are additional family members who are either not registered or registered under other ration cards that are not part of the target population (i.e. not registered as Benadir) the Verification Officer will take the biographical data of those individuals. In the case of a spouse, the UNHCR has developed a form that gathers the basic information about the marriage; i.e. dowry, place of celebration of marriage etc (see attached).<sup>6</sup>
- 6.9 After the interview, the verifier will complete an *Eligibility Assessment*. The form for this (see attached), is designed to assist the Verification Officer to evaluate the case and make a recommendation to the Verification Supervisor. Specifically, the Verification Officer will indicate whether or not the case meets the eligibility requirements for inclusion in the resettlement project. The verifier will assess the credibility of the case and whether or not any complex issues require follow-up action.

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<sup>6</sup> This will help an interviewer from JVA or DHS evaluate the bona fides of the relationship.

- 6.10 The verifier will rate the case as either: A, B or C. Cases that receive an "A" rating are approved for submission, as they appear genuine and uncontroversial and the applicants fully meet to the eligibility criteria. Cases that receive a "B" rating are provisionally approved but somewhat problematic and may require follow-up interviews. Such cases might include those where family members were absent or further checks are required due to changes in the family composition (i.e. newborn child or recent marriage). Cases that receive a "C" rating are deemed ineligible for submission and are generally declined. These cases might include instances where an imposter was identified or the refugee has married a Kenyan national. These cases also include those individuals who fail to meet the minimum requirements for the project (i.e. not Benadir). Where there is an issue of credibility (i.e. B and C cases) the verifier must document the issues. An additional form is used by the Verification Officer to make the recommendation and explain the reason. The completion of this form is essential as it documents the issues for the UNHCR Supervisor and others who may review the case at a later stage.
- 6.11 There will be two Verification Supervisors at the verification site whose principal task will be to review all completed verification questionnaires. When a Verification Officer completes a case, the Supervisor must be consulted with a view to checking the data collected and the recommendation made. The Supervisor will have a candid conversation with the verifier about any outstanding issues. If the Supervisor agrees with the verifier, he or she indicates the rating again on the front page of the Verification Questionnaire and signs the form. In the case of an agreement, comments may not be necessary. However, the Supervisor may want to record why agreement was reached, which would be useful for the quality assurance process in Nairobi prior to actual submission of the case to the United States. Should the Supervisor disagree with the verifier's recommendation, the Supervisor must detail why he or she believes that the recommendation is incorrect. In certain cases, the Supervisor may request that an individual refugee be re-interviewed to clarify an outstanding issue or uncertainty.
- 6.12 During the process of the verification it is normal for verifiers to approach the Supervisor – even before the completion of the verification questionnaire – to ask for guidance. Should questions regarding the registration information arise, the Supervisor may contact the **Registration Clerk** at the UNHCR Sub-Office by two-way radio and ask for relevant information from the database.

- 6.13 After the supervisor makes comments and finalizes the verification questionnaire, the paperwork is punched and bound by a clip and put into a secure box. At the end of the day, the completed verification questionnaires are given to the data entry team for entry into the ***Group Processing Database***.
- 6.14 As aforementioned, a supervisor will review the verification documents, answer questions and give second opinions on biometric comparisons. Verifiers cannot proceed to new cases without having a Supervisor review their work. If additional questions need to be asked, the Supervisor can direct the verifier to return to the refugee to ask those questions. To ensure efficient workflow at the point of supervisory review, two supervisors will oversee the verification interviews. These supervisors will be UNHCR Resettlement Officers who are familiar with the dynamics of the Somali refugee caseload. The Supervisor may seek advice from the ***Senior Resettlement Officer***.
- 6.15 All individuals who go through the verification process will be digitally photographed. This means that even individuals believed to be imposters are photographed.<sup>7</sup> The verifier will record the names of each family member – and their corresponding ration card number – on a separate page to be used at the photography stage.<sup>8</sup> The name cards filled out by the verifier for the family members will be delivered to the photography unit at the end of the interview. The refugees will be instructed to wait in the photography tent until the Verification Supervisor clears their case. Once checked and cleared, the photography team will be instructed to take photographs of each family member. Through the interpreter, the ***Photographer*** will advise the refugee to pose appropriately. After each family member has been photographed, the interpreter for the photographer will instruct the family to leave the verification site and proceed to the waiting area for transport to return to the camp.
- 6.16 The photographers will be responsible for maintaining the photographs throughout the project. They will be responsible for downloading all digital photographs to a laptop computer every day and storing the images under file names that match the ration card number. The photograph team should maintain a back-up of all data.

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<sup>7</sup> The reason to photograph suspected imposters is twofold. First, imposters and/or individuals who will be declined do not know the decision on their case, which prevents security problems inside the verification site. Second, should there be an investigation at a later point, UNHCR has photographic evidence of the person who attended the verification.

<sup>8</sup> Every refugee who is photographed will hold a name plate that states her/his name and ration card number followed by an indication of her/his place in the family (i.e. number 2 of 3 on the ration card). This is important to confirm that photographs have been taken for all family members.

- 6.17 The photographic processing of cases can take some time to complete. To ensure that the photography team keeps pace with the verification exercise, it is recommended that 2 photographers be employed on the project. It is essential that these officers have experience with digital photographic equipment and techniques to capture portrait images suitable for US resettlement processing. This will ensure the smooth movement of refugees through the photography area.
- 6.18 The number of verifiers has a direct impact on the time required to complete the operation. Expedient completion of a group resettlement operation has two important benefits: (i) refugees have less opportunity to develop ways to fraudulently influence the outcome of the operation; and, (ii) it ensures that the Sub-Office returns to normal operations as quickly as possible. Accordingly, the number of verifiers must be matched by an appropriate number of staff at other touch-points of the operation. Specifically, the number of verifiers has to be matched by the number of Interpreters (see Section 7). So too, the size of the operation calls for a certain number of supervisors, photographers and data entry personnel. To complete the operation within two weeks, the following staff are required:

**Staffing Requirements: Verification Team<sup>9</sup>**

<b>Functional Title</b>	<b>Number</b>
<i>Interview Coordinator</i>	<i>2</i>
<i>Verification Supervisor</i>	<i>2</i>
<i>Verification Officer</i>	<i>12</i>
<i>Photographer</i>	<i>2</i>
<b>Total</b>	<b>18</b>

## 7. Interpreters

- 7.1 Non-refugee interpreters who can speak English well are essential for the credibility of the operation; to counter fraud and corruption as well as possible intimidation by the refugee community during and after the operation. For previous group resettlement activities at Dadaab, local Kenyan Somali speakers who had passed their “O” levels were recruited on a per diem basis.

<sup>9</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.

The hiring of local interpreters from Dadaab - as opposed to refugees or Somalis residing in other areas - will alleviate the negative sentiments that the local community has about recruitment from outside the local community. Still, UNHCR will employ two highly qualified interpreters from Nairobi to provide a quality assurance role and cover the critical touch-points of the operation such as the pre-screening area. In effect, they will supervise the interpreters. This will mitigate the risk of local Kenyan interpreters being pressured by major Somali clans to corrupt the process.

- 7.2 To ensure effective coverage of interpreters in the event that an interpreter is found to be ineffective or unacceptable for the operation, steps should be taken to recruit more interpreters than what is critically required for the operation. This will also assist the Office to cover unexpected needs as may arise during the operation. During previous exercises of this nature, interpreters found to have weaker language skills were moved from the verification interviews to assist the photographers. It is recommended that 17 interpreters be hired locally for the operation. The number of interpreters required are outlined as follows:

**Staffing Requirements: Interpreters <sup>10</sup>**

<b>Activity</b>	<b>No. Interpreters</b>
<i>Interview Coordinators</i>	<i>2</i>
<i>Verification interviews</i>	<i>12</i>
<i>Photography area</i>	<i>2</i>
<i>Other functions</i>	<i>1</i>
<b>Total</b>	<b>17</b>

## 8. Data Entry

- 8.1 The data entry team will be based in the UNHCR office compound and not at the verification site. They will work on desktop computers in the Resettlement Unit, which will be set-up for the operation. A JVA representative who is familiar with the group processing database, which was designed specifically for the operation, will supervise the data entry operation. The **EDP Assistant** at the UNHCR Sub-Office will provide technical support and assistance, as required.

<sup>10</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.

The EDP Assistant will set up the database on several office computers and give the data entry staff a password to access the group database program.<sup>11</sup>

- 8.2 In addition to entering the data from the verification questionnaire, the data entry staff will be responsible for organizing the cases by camp, eligibility rating and ration card number. This will assist file management at a later stage.
- 8.3 A special ***Group Resettlement Database*** was developed jointly by UNHCR and JVA for this exercise. The database enables the information collected during the verification interview to be recorded together with remarks from the verifiers and the supervising officer. Various fields in the database are password protected, which allows for a final quality assurance by the Resettlement Officer at Dadaab who is ultimately responsible for entering the eligibility rating and justification. The ***Group Management User Manual*** is attached in the annex
- 8.4 During the verification, changes to the UNHCR registration data are sometimes necessary. This might be due to a death in the family or genuine additions to the family unit through birth or marriage. The verifier may find that non-relatives, who are not dependants, are included in the same ration card. For this reason, the database has been designed to allow for 'split cases'. So too, the database allows for 'linked cases', where separate cases are connected due to family relationships; i.e. a marriage between the holders of different ration cards. The linking of separate cases is an important feature to ensure families are not separated at the time of resettlement submission. It also allows for cross-referencing to check credibility.
- 8.5 Accurate and detailed information in the database is essential for the management of the cases by both the UNHCR and the resettlement country. Indeed, the database is part of the submission to the resettlement country and is used as a necessary tool for both the UNHCR and the resettlement country in its case management. The group processing database allows users to easily isolate cases for special attention. It identifies additional family members from those listed on the ration card. Further, the notes of the supervisor (that agree or disagree with the recommendation of the verifier) are also easy to view. As a result, a printout of the case summary page of the database can be used without reference to the paperwork, as it shows all the remarks and decisions that took place during the verification exercise.

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<sup>11</sup> Access to other Sub-Office databases will be restricted.

8.6 These positive developments in the group processing database, however, mean that the process of data entry is a detailed and labour intensive task. To ensure that data entry keeps pace with the verification exercise, it is recommended that five **Data Entry Officers** be employed on the project. It is essential that these officers have experience with data entry and Microsoft Access.

**Staffing Requirements: Data Entry<sup>12</sup>**

Functional Title	Number
<i>Data Entry Supervisor</i>	1
<i>Data Entry Officer</i>	5
<i>EDP Assistant</i>	1
<b>Total</b>	<b>7</b>

**9. Casual Labour**

9.1 Prior to the commencement of the exercise, approximately six tents need to be erected at the verification site. These tents will provide shelter at the waiting area and for the interviews and photography. The grounds at the Borehole also need to be prepared, which includes a thorough tidy-up to make suitable for large numbers of people, including children. The erection of the tents requires approximately five labourers who will be hired on a daily per diem. It is estimated that the tents can be erected in one day, however there may be unforeseen difficulties requiring an additional day of work. Also, a cleaner for each day of the operation is required to keep the site tidy and free of rubbish. The casual laborers and the cleaner can be sourced from the local Kenyan community.

**Staffing Requirements: Casual Labour<sup>13</sup>**

Activity	No. Staff
<i>Site Preparation</i>	5
<i>Cleaner</i>	1
<b>Total</b>	<b>6</b>

<sup>12</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.

<sup>13</sup> A complete list of the total staffing requirements for the verification exercise is attached in the annex.



## 10. Security Arrangements

- 10.1 The pre-screening areas are located at the Dagahaley, Hagadera and Ifo refugee camps. In the scheme of things, the pre-screening areas are more vulnerable from a security standpoint. To ensure the most appropriate pre-screening site is selected, the Assistant Field Safety Advisor (AFSA) would be required to conduct an evaluation of the various sites and make appropriate recommendations to senior management. If the transit centers are not appropriate from a security or logistical standpoint, the AFSA will evaluate other sites; i.e. the field offices and family life centers. After a location is confirmed, a full inspection will be conducted by AFSA to ensure that the area is secure.
- 10.2 It is estimated that the pre-screening area would require approximately 10 police officers to oversee security and ensure an adequate and immediate response in case of a disturbance. These officers would be situated at different points in and around the pre-screening area; for instance, six of the officers would patrol the perimeter of the site while the others (4 officers) would maintain crowd control and security at the intake point.
- 10.3 Prior to departure from the pre-screening area to the UNHCR compound, each refugee will be checked for weapons or other dangerous items. In addition to the police officers who will be stationed at the pre-screening area, four officers will provide an armed escort for all travel to and from the camps. This is a mandatory requirement according to the UNHCR security guidelines.
- 10.4 At the UNHCR compound there are two critical areas that require a police presence: the main gate of the compound and the Borehole area where the verification interviews will be held. Security will be enhanced at the main entrance to the compound for duration of the operation to ensure that all persons entering the compound have a legitimate reason to do so. In addition, access will be monitored to ensure that no weapons or other dangerous items enter the compound and that any disturbances at the entrance can be dealt to.
- 10.5 It should be noted that, on occasions, refugees who are displeased with various actions by UNHCR have demonstrated near the main entrance to the UNHCR compound. Should a disturbance be created, this could complicate the entry of the trucks from the field. The police presence will make it clear that swift and appropriate action be taken in such event. Accordingly, two police officers will be stationed permanently at the main gate throughout the verification exercise.

- 10.6 The borehole is an enclosed area within the UNHCR compound. It has a separate gate and a station for security. One police officer should be present at that post to ensure that refugees who work in the compound (but not part of the verification exercise) do not enter the borehole area. An additional three police officers are needed inside the waiting and verification area to ensure order. One of the important goals is to prevent refugees who have been verified and photographed from returning to the waiting area to coach other refugees about what to expect and say.
- 10.7 As this is principally a US resettlement program, heightened security at the UNHCR residential compound should be implemented. The main gate should have a police officer throughout the night to ensure that there is strict control of access to compound. A police officer will also be stationed at the UNHCR residential area throughout the operation to prevent unauthorized entry.
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## VERIFICATION QUESTIONNAIRE

*This interview questionnaire should be conducted with the principal applicant (PA) and her/his spouse at separate interviews. Other immediate / dependent relatives of the PA may also attend separate interviews, if necessary, for the purpose of cross-referencing.*

	Given Name	Father's Name	Grandfather's Name
<b>Applicant's Name</b>			
<b>Applicant's Sex and Date of Birth</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <b>Date of Birth ( D / M / Y ):</b>		
<b>UNHCR Ration Card No. (2003)</b>			
<b>Applicant's Nationality</b>	<b>Ethnic Clan / Sub Group:</b>		
<b>GOK Photograph Match</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No (consult supervisor) <input type="checkbox"/> N/A		
<b>Applicant's Address at Dadaab</b>	<b>Camp:</b>		<b>Zone:</b>
<b>Date of Interview ( D / M / Y )</b>			
<b>Name of Interviewing Officer</b>			
<b>Name of Interpreter</b>			
<b>Understand Interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Approve Interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>SUPERVISOR ASSESSMENT</b>  (to be completed by Supervisor after verification interview)	<b>Provisional Eligibility Rating:</b> <b>A        B        C</b>		
	<b>Reason:</b> ----- ----- ----- ----- ----- ----- ----- ----- -----		
	<b>Name / Date / Sign</b>		

## INTERVIEW AGREEMENT

<b>APPLICANT NAME:</b>	<b>R/C No.</b>	
<ul style="list-style-type: none"> <li>I acknowledge that I am the person indicated above with the said ration card.</li> <li>I agree to provide truthful information at this interview.</li> <li>I agree to answer all questions honestly and in good faith.</li> <li>I agree that I shall not withhold any information.</li> <li>I agree to co-operate fully during this interview.</li> <li>I understand that if I give false information or fail to co-operate during the interview, the interview can be terminated and my case declined.</li> <li>I understand that the information I provide may be shared with the Government of the United States of America and that this interview does not mean I have been approved for resettlement.</li> </ul>		
<i>Left Hand Thumb Print</i>	<i>Left Hand Thumb Print</i>	<i>Left Hand Thumb Print</i>
<b>Signature</b>		<b>Date</b>

<b>INTERPRETER NAME:</b>	
<ul style="list-style-type: none"> <li>I agree to interpret everything that is said at this interview accurately and without prejudice.</li> <li>I agree to perform my duty in accordance with the UNHCR code of conduct and to maintain the strictest confidence.</li> <li>I agree that I shall not guide or influence any answers.</li> <li>I agree that I shall not provide advice to the applicant with regard to this interview.</li> <li>I agree that I shall not discuss any aspect of this interview with any person during or after this interview.</li> <li>I declare that the applicant is not a relative or personal friend and that my role as an interpreter does not raise any conflict of interest.</li> <li>I agree that if the applicant approaches me after this interview concerning the nature of the interview, I will immediately report the matter to UNHCR.</li> </ul>	
<b>Signature</b>	<b>Date</b>

<b>INTERVIEWER NAME:</b>	
<ul style="list-style-type: none"> <li>I agree to record all relevant information that is communicated during this interview accurately and without prejudice.</li> <li>I agree to conduct this interview in accordance with UNHCR guidelines and code of conduct.</li> <li>I agree to uphold the strictest confidence in respect to this interview.</li> <li>I will not guide or influence the interview process in a manner that might be prejudicial.</li> </ul>	
<b>Signature</b>	<b>Date</b>

## PART 1 PERSONAL INFORMATION

QUESTION	ANSWER			
1. Are you known by any other name(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No    If 'yes', give other name(s):			
2. Where were you born?	Town / Village:		Province:	Country:
3. What is your religion?	<input type="checkbox"/> Muslim <input type="checkbox"/> Christian <input type="checkbox"/> Other (specify):			
4. What has been your occupation?	In Somalia:		Current:	
5. What is your marital status?	<input type="checkbox"/> Never married <input type="checkbox"/> Boyfriend / Girlfriend <input type="checkbox"/> Engaged / Defacto-married (i.e. living with fiancée)* <input type="checkbox"/> Married* <input type="checkbox"/> Married (common law)* <input type="checkbox"/> Married (polygamy)* <input type="checkbox"/> Widowed (indicate the date that spouse deceased: Day:____ Month:____ Year:____ ) <input type="checkbox"/> Separated* <input type="checkbox"/> Separated (legally) * <input type="checkbox"/> Annulled marriage* <input type="checkbox"/> Divorced*			
* Name of spouse(s) / defacto-partner(s)	Date / Place of Birth ( D / M / Y )	Date / Place of Marriage ( D / M / Y )	Current Status of Relationship	Current Whereabouts
1.	/	/		
2.	/	/		
3.	/	/		
6. How many people share the same accommodation as you in Dadaab?	Number of family members:		Number of others:	

## PART 2 BIOLOGICAL PARENTS

QUESTION 7		ANSWER			
Full Name of Biological Parents		Sex M / F	Date of Birth ( D / M / Y )	Current / Last Known Whereabouts	Current Status (i.e. deceased)
1					
2					

7 (a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN QUESTION 7 ABOVE			
	Town / Country of Birth	Sub Clan	Previous Occupation
1			
2			

**PART 3 BIOLOGICAL / STEP / ADOPTED CHILDREN (including deceased children)**

QUESTION		ANSWER				
8. How many children do you have?		Number: _____ If you have children, please provide details below (include step/adopted children):				
Full Name of Child	Sex M / F	Date of Birth ( D / M / Y )	Name of Biological Mother	Name of Biological Father	Current Status / Whereabouts	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
8 (a) What is the situation of the biological parents indicated in Question 8 above (persons other than the applicants)?						
Name of Biological Parent	Sex M / F	Date of Birth ( D / M / Y )	Current Whereabouts	Current Situation		

**PART 3 BIOLOGICAL / STEP / ADOPTED CHILDREN (CONTINUED)**

<b>8 (b) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 3 / QUESTION 8</b>					
	<b>Marital Status*</b>	<b>Town / Country of Birth</b>	<b>Resides with PA</b>	<b>Ration Card No.</b>	<b>Notes</b>
<b>1</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>2</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>3</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>4</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>5</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>6</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>7</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>8</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>9</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>10</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		

**\* ALERT: Note children who are married and living with the applicant. Provide details of the spouse in notes.**



**PART 4 SIBLINGS (INCLUDING HALF & STEP SIBLINGS)**

QUESTION		ANSWER				
9. Do you have any siblings?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If 'yes', how many brothers and sisters?  Brothers:    ____ (not including self)  Sisters:        ____ (not including self)		
10. Do you have any siblings in Kenya?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If 'yes', please provide details below (rank oldest – youngest):		
Name of Sibling(s)		Sex M / F	Date of Birth (D / M / Y)	Name of Biological Mother	Name of Biological Father	Current Whereabouts (Town / Country)
1						/ KENYA
2						/ KENYA
3						/ KENYA
4						/ KENYA
5						/ KENYA
6						/ KENYA
7						/ KENYA
8						/ KENYA
9						/ KENYA
10						/ KENYA

**PART 4 SIBLINGS (CONTINUED)**

<b>10(a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 4 / QUESTION 10</b>					
	<b>Marital Status*</b>	<b>Town / Country of Birth</b>	<b>Resides with PA</b>	<b>Ration Card No.</b>	<b>Notes</b>
<b>1</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>2</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>3</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>4</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>5</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>6</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>7</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>8</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>9</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>10</b>			Yes <input type="checkbox"/> No <input type="checkbox"/>		

**\* ALERT: Note siblings who are married and living with the applicant. Provide details of the spouse in notes.**

**PART 5 OTHER DEPENDENTS**

QUESTION		ANSWER			
11. Do you currently live with or care for any other relatives or persons?		<input type="checkbox"/> Yes <input type="checkbox"/> No    If 'yes', please provide details below: (check against answer to Question 6)			
Other Dependents	Sex M / F	Date of Birth ( D / M / Y )	Relationship to Applicant	Description of Dependency	
1					
2					
3					
4					
5					
<b>11(a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 5 / QUESTION 11</b>					
	Marital Status*	Town / Country of Birth	Resides with PA	Ration Card No.	Notes
1			Yes <input type="checkbox"/> No <input type="checkbox"/>		
2			Yes <input type="checkbox"/> No <input type="checkbox"/>		
3			Yes <input type="checkbox"/> No <input type="checkbox"/>		
4			Yes <input type="checkbox"/> No <input type="checkbox"/>		
5			Yes <input type="checkbox"/> No <input type="checkbox"/>		

**\* ALERT: Note persons who are married and living with the applicant. Provide details of the spouse in notes.**

**PART 6    ADDITIONAL QUESTIONS**

QUESTION	ANSWER
<p>12. When did you leave Somalia and why?</p>	<p>[Brief narrative on reason for flight]</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<p>13. Have you ever returned to your home country?</p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, please explain answer:</p>
<p>14. Have you ever been convicted, fined or imprisoned for the violation of any law?</p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, please explain answer:</p>
<p>15. Have you ever participated in incidents that involved physical violence?</p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, please explain answer:</p>
<p>16. Have you ever been accused of any crime? Have you ever been prosecuted?</p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    If yes, please explain answer:</p>

<p><b>17. Have you ever belonged to any armed or militia group?</b></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    <b>If yes, please explain answer:</b></p>
<p><b>18. Do you have any relatives in other countries?</b>  (i.e. Canada / USA / Australia / NZ)</p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    <b>If yes, please provide details:</b></p>
<p><b>19. Have you previously applied for migration to another country or do have an application for resettlement pending with any country?</b></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    <b>If yes, please explain answer:</b></p>
<p><b>20. Were the questions that I asked clear to your understanding and are you satisfied with the answers you gave?</b></p>	<p><input type="checkbox"/> Yes    <input type="checkbox"/> No    <b>If not, please explain answer:</b></p>

**TO BE COMPLETED BY INTERVIEWING OFFICER**

<p><b>Additional comments / observations and general assessment by interviewer.</b></p>	
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# Operational Framework for Group Resettlement

1) **CONCEPTUALIZATION** of  
Potential Group  
See IOM/FOM 67/2003 and Best Practice

2) **EVALUATION AND  
ANALYSIS**

Further  
exploration  
required

Proceed via  
other expedited  
modalities

**GROUP RESETTLEMENT  
CONCEPT APPROVED**

Proceed through  
the preparation of  
individual RRFs

Resettlement  
not  
recommended

3) **FEASIBILITY** and  
**PREPARATION OF GROUP PROFILE AND PROPOSAL DOCUMENT (GPPD)**

- Field missions as required
- Refinement of group definition and criteria for inclusion
- Exercise to fix caseloads designed and conducted as necessary
- Proposal for processing modalities and countries of resettlement
- Preparation of database
- Finalization of GPPD
- Preparation of abstract
- Submission to HQ for final clearance
- Forwarded to HQs (Resettlement Section and Bureau) for final clearance
- Note for file prepared by Resettlement Section to inform Bureau and Field

4) **SUBMISSION** to Resettlement Country  
By the Chief of Resettlement Section

**APPROVAL**

Or Indication of Interest by Resettlement Country

- Group modified as required

5) **PLAN OF ACTION FOR GROUP PROCESSING**

- Negotiated with Resettlement Countries -

- Assessment of number and nature of personnel required
- Logistical arrangements
- Timeline for verification exercise
- Agreements regarding case preparation, dependency and other protection/processing issues
- Submission to HQ for final clearance
- Meeting between RS and Bureau
- Preparation of budget

6) **VERIFICATION**

Exercise to confirm membership in the group  
Preparation of case material / principle of transparency

7) **GROUP RESETTLEMENT PROCESSING**

- Under supervision of UNHCR with help of resettlement partners -

Post Group Processing Assessment  
- Lessons Learned -

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- 8.5 Managing resettlement expectations within the refugee population**
- 8.6 Coping with Stress**

## RESETTLEMENT MANAGEMENT IN FIELD OFFICES

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### 8.1 Resettlement Management

As stated in IOM/25/2002 – FOM/24/2002, “Management of Protection Activities – Responsibilities of UNHCR Staff”, signed by the High Commissioner on 15 March 2002, all UNHCR staff, irrespective of grade or function, have the responsibility of ensuring that protection activities, including resettlement, are carried out to the highest standards possible, and to prevent fraud and malfeasance in all activities.

With limited resources and increasing demand for resettlement, managers have been facing increasing challenges in ensuring the effective management of resettlement activities in Field Offices. The purpose of this Chapter is to provide guidelines and standards for the effective management of resettlement activities in Field Offices. This Chapter also includes a number of practical management tools and reporting requirements.

While resettlement activities are currently undertaken in a diverse range of circumstances, the standards and guidelines contained in this Chapter are of a universal nature so as to be applicable to **all** resettlement activities. The Resettlement Section in UNHCR Headquarters, and Regional Resettlement Officers (where applicable), will be able to provide additional guidance to individual Field Offices on further issues of particular concern.

#### **8.1.1 Overall management and accountability framework**

It is the responsibility of all managers to ensure that a clear management and accountability framework is in place for all resettlement activities in their respective offices.



As stated in IOM/25/2002 – FOM/24/2002, all UNHCR staff has “a shared responsibility to ensure that protection activities are carried out to the highest standards possible, and to prevent fraud and malfeasance in all activities.”

At the Field Level, overall management and accountability for resettlement activities lie with the UNHCR Representative and the Senior Staff in charge of Protection, but continue through all staff with specified resettlement functions.

### **8.1.2 Designation of officer accountable for resettlement activities**

In relation to the decentralized nature of resettlement operations, there are few UNHCR Resettlement Officers. In the absence of a Resettlement Officer, the UNHCR Representative and Senior Staff in charge of Protection must designate an officer accountable for resettlement activities within the Field Office. The officer accountable for resettlement activities should be a member of UNHCR’s protection staff.

In field locations where UNHCR is represented by non-UNHCR staff, UNHCR Headquarters shall assume the responsibility of developing appropriate mechanisms and procedures for resettlement activities.

Designating an officer accountable for all resettlement activities is an important first step in ensuring the effective management of resettlement activities within a Field Office. This officer must exercise adequate supervision over the integrity of resettlement activities, including resettlement identification, case preparation and submission.

The accountability designation of this officer should be in writing to ensure transparency. The name, title, and contact details of the officer accountable for resettlement should be shared with the relevant Bureau, the Resettlement Section of UNHCR Headquarters and Regional Resettlement Officers (where applicable) to facilitate effective communication on matters relating to resettlement.

A sample accountability designation for resettlement officers has been included in Section 1 of the Resettlement Tool-Kit.

Given the role of the officer accountable for resettlement activities in the process of approving cases throughout the resettlement process, it is important that a designated officer be specified in the accountability framework to ensure that resettlement work in the Office may continue in the absence of the officer accountable for resettlement activities.

### **8.1.3 Staff responsibilities**

Within the overall accountability framework, each staff with resettlement responsibilities should be provided with a written description of their particular responsibilities and reporting responsibilities.

Individual staff work plans should also specify how staff members exercise oversight of internal control requirements.

Resettlement has, in recent years, come to involve an increasing number of temporary staff, often deployees, and project staff. Such staff should receive written guidance regarding control requirements, including the limits of their functions.

#### **8.1.4 *Minimum Standards and Standard Operating Procedures***

The officer accountable for resettlement activities is responsible for ensuring that basic provisions of effective resettlement procedures are established and followed in the Field Office. These procedures must be in accordance with the standards contained in the Resettlement Handbook, and must be prepared as a written set of Standard Operating Procedures (SOPs) governing the resettlement activities of the given Field Office.

#### **8.1.5 *Drafting and Maintaining Standard Operating Procedures (SOPs)***

Given the diversity of resettlement and field contexts, it is neither possible nor desirable to have a single, universal set of SOPs to be followed by all Field Offices. Instead, each Field Office is required to review their current resettlement activities and needs in light of the standards outlined in the Resettlement Handbook before drafting country-specific resettlement SOPs.

To facilitate this task, Section 1 of the Resettlement Tool-Kit contains a “Resettlement self-assessment check-list”. The assessment has also been provided as a Microsoft Word document, and Field Offices may find the document easier to complete in electronic format than by hand.

This assessment should be initially conducted by the officer accountable for resettlement, and serve as the basis of a discussion with the UNHCR Representative and Senior Staff in charge of Protection on the effectiveness of the Office’s resettlement procedures.

The purpose of the assessment is to assist the Field Office in the task of reviewing their resettlement activities and identifying areas of potential improvement. If the assessment indicates that the standard listed in the first column is not implemented in the Field Office, follow-up action should be proposed according to the referenced section of the Handbook, a focal point for follow-up identified, and a deadline set for follow-up activities.

Further to this discussion, the completed assessment should be authorized by the UNHCR Representative or Senior Staff in charge of Protection. The original assessment should be kept in the Field Office, and a copy should be sent to the relevant Bureau and the Resettlement Section in UNHCR Headquarters.

Particular areas of concern and additional support required for the implementation of the standards should be also conveyed to UNHCR Headquarters.

In light of the findings of the initial assessment, the officer accountable for resettlement activities should draft resettlement SOPs, which must include the following elements:

1. **Resettlement Procedures:** Narrative description of how the Field Office implements the stages of the resettlement process presented in Chapter 6 of the Resettlement Handbook, including:
  - how resettlement cases are identification and referred
  - how internal and external referrals and received and treated
  - how unsolicited requests for resettlement are received and treated
  - how resettlement referrals are assessed
  - how resettlement submissions are prepared
  - how resettlement submission decisions are made
  - how resettlement submissions are made
  - how resettlement selection missions are supported
  - how oversight is maintained through the departure process
2. Specified responsibilities, accountabilities, required authorization and oversight required for each stage of the resettlement process;
3. **Resettlement Management:** Narrative description of how the Field Office implements the resettlement management standards presented in Chapter 8 of the Resettlement Handbook, including:
  - how annual self-assessment reviews of resettlement activities are conducted, including the assessment of the Field Office's SOPs and accountability framework
  - how UNHCR's guidelines on refugee women and children are met in the resettlement process
  - how an overall management and accountability framework is maintained in the resettlement process
  - how resettlement files are managed
  - how resettlement files are stored
  - how resettlement files are tracked
  - how resettlement activities in the Field Office are prioritized
  - how Populations in Need of Resettlement are identified as part of the annual mapping exercise
  - how annual resettlement needs are determined and reported
  - how resettlement needs are included in the Country Operations Plan and reported in the Annual Protection Report
  - how fair access to the resettlement process is ensured
  - how co-ordination is ensured between Registration, Status Determination and Resettlement
  - how fraud and corruption in the resettlement process is addressed on an on-going basis

- how allegations of fraud and corruption in the resettlement process are reported and addressed
  - how resettlement expectations within the refugee population are managed
  - what steps are taken to ensure staff safety, security and development
4. Specified responsibilities, accountabilities, required authorization and oversight required for management of the resettlement process;
  5. Appendix of sample country-specific documents and forms used in the resettlement process

These SOPs should be discussed with and authorized by the UNHCR Representative and the Senior Staff in charge of Protection, and a copy should be sent to relevant Bureau, the Resettlement Section in UNHCR Headquarters and, where applicable, to the Regional Resettlement Officer.

Subsequent to the drafting and full implementation of the resettlement SOPs, an annual review of the resettlement practices and procedures of the Field Office should be conducted by repeating the process of the Resettlement Self-Assessment.

In the process of drafting and maintaining resettlement SOPs, it is important that Field Offices pay particular attention to UNHCR's guidelines on refugee women and children. In particular, special provisions should be included in the resettlement procedures to reflect the special needs of refugee women and children.

A growing number of Field Offices have already undertaken the task of drafting resettlement SOPs, and there has been a consistently positive response to the benefits of drafting and maintaining SOPs. Field Offices with well-developed and detailed SOPs have been able to increase the efficiency and credibility of their resettlement activities. Clear divisions of responsibility and transparent procedures in the resettlement process have also addressed increased concerns relating to fraud and corruption in the resettlement process.

In accordance with IOM/25/2002 – FOM/24/2002, all Field Offices should undertake the process of conducting initial resettlement self-assessments and drafting resettlement SOPs with the aim of increasing the effectiveness, efficiency and credibility of their resettlement activities.

### **8.1.6 Registration of refugees and Resettlement**

The Executive Committee of UNHCR, in its Conclusion no. 91 (LII – 2001) on Registration of Refugees and Asylum-Seekers of October 2001 reiterated the importance of registration as a tool of protection, including protection against refoulement, arbitrary arrest and detention by making people known to UNHCR and the host government as persons of concern. Registration helps individuals, families and other groups of refugees get basic access to the rights, services and assistance they need. Accurately registering children is also an important means to prevent military recruitment, to ensure family unity, and, in the case of separated children, to reunite families.

Registration also helps to ensure that decisions about durable solutions are voluntary by recording an individual's agreement to a particular solution. Accurate registration is also essential for identifying cases for which resettlement and local integration are the most appropriate solutions.

The importance of a reliable refugee registration process with respect to resettlement cannot be overstated. Early and effective registration coupled, where possible, with individual status determination procedures provides the most effective means of identifying refugees in need of resettlement consideration on a pro-active and ongoing basis. An accurate and comprehensive registration of refugees should be done as soon as possible after flight, and, more importantly, outside of the context of resettlement. This is a fundamental safeguard for the integrity of resettlement activities.

In implementation of EXCOM Conclusions 91, (LII) -2001, UNHCR launched a global registration project called PROFILE. This effort is UNHCR's long-term strategy towards enhancing field registration and operations management. The aim of PROFILE is to strengthen UNHCR's field capacity to establish the size and nature of the refugee population more accurately, as well as to collect, analyze and use population data, including biometric features, more effectively for protection, implementation and planning purposes. One of the expected benefits of PROFILE is enhanced identification of refugees for durable solutions considerations, including resettlement.

PROFILE will also facilitate resettlement of specific categories of refugees with special needs, including Women-at-Risk. It is essential that each family member is independently recognized and registered. This has importance for refugee women, particularly for refugee status determination and resettlement. For instance, a refugee woman or spouse may have independent grounds to claim asylum. Claims may need to be separated following divorce or separation of the spouses. The woman may be the Principal Applicant of a resettlement submission. Further, PROFILE will help maintaining effective records management at UNHCR Country Offices (for further details, see below).

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## 8.2 File Management and Tracking

### 8.2.1 UNHCR Records Management

UNHCR records, including paper files and electronic material, are the property of UNHCR. Proper maintenance is crucial to accountability. In addition, individual case (IC) files, plus any database or card file that serves as a guide, are identified as permanent records and must be properly maintained and archived according to schedules issued by the UNHCR Archives and Records section in the Division of Communication and Information. This includes protection correspondence, together with any records on status determination, resettlement and voluntary repatriation.

This guidance is intended to help field staff understand how to manage protection records. Official procedures are issued in relevant IOM-FOM, including IOM/72/99-FOM/72/99: Introducing Records Schedules, and subsequent guidance, which have effect until the records chapter in the UNHCR Manual is revised. For further information or guidance, contact [archives@unhcr.ch](mailto:archives@unhcr.ch).

Protection and resettlement files include both individual case files and subject files. Subject files include country information, policy documents and procedural guidelines. Individual case (IC) files contain all information pertaining to a particular refugee or asylum seeker and his or her dependents.

### 8.2.2 Establishing Individual Case Files

Field Offices with protection staff should establish a system of individual case files for correspondence on individual cases, including correspondence to and from individual refugees on protection issues. Other documentation relating to problems faced by individual refugees who have consulted with protection staff should also be retained in their file under the IC filing system.

Field Offices working in *prima facie* refugee situations may not have an established IC file system given the nature of their day-to-day contact with refugees. In the context of resettlement work in *prima facie* situations, an IC file should be created for refugees when an initial referral is received.

IC files must be centralized, and each IC should only have one file in a Field Office. The IC's file must be the central repository for all information about the refugee produced by UNHCR and its partners, in addition to all correspondence between the refugee and UNHCR.

A centralized IC file system facilitates the identification of an appropriate durable solution by providing a 'snap-shot' of the refugee's life in a single file.

All elements of the file may eventually be useful when considering possible durable solutions, and a holistic understanding of the refugee's needs will be greatly complicated with the absence of such a centralized system.

Each contact with an IC, including date, nature of contact, action, and recommended follow-up should be recorded on a log sheet, usually on the left-hand side or first page of the folder, as well as any other documentation developed in the course of the contact.

Recordkeeping on individual cases is essential to ensure continuity when UNHCR staff changes occur, and to develop a picture over time of events and circumstances that might affect durable solutions for individual refugees. Standardization of recordkeeping between and among UNHCR field offices is essential so that senior management can be assured the adequacy of records and that procedures exist for accountability.

The protection clerk or other person responsible for filing must assign a case number and record the name, date and place of birth of the IC on a file card index, logbook, or database. This information must be maintained and eventually archived with the files. Guidance on numbering is provided below.

File folders should be stored in fire-resistant file cabinets that can be locked, in addition to locating filing cabinets in a room that can be locked. The files should then be filed according to case number, from lowest to highest number, front to back (or left to right if using horizontal shelves). New files are then added to the back of the drawer.

UNHCR guidelines recommend that IC files be maintained numerically with a cross-index to names because of the number of different naming systems in different countries. The usual sequence is to assign numbers in sequence, based on the calendar year in which the file is initially opened. The first file opened in the year 2001 in Ethiopia, therefore, could be assigned ETH2001-0001 (or 2001-00001, if a large volume of cases is expected in a single calendar year), the second would be 2001-0002, the third, 2001-0003.

If refugees from more than one country of origin are present in the country of asylum, the file series may include a code representing the country of origin. In that case, a Sudanese refugee in Ethiopia might be assigned the case number ETH2001-SUD0001.

If a decision is made to use registration numbers (which are often associated with ration card numbers), the office must be very careful that any changes in registration (or ration) number because of revalidation exercises are captured, and that any new number associated with the same IC are recorded in the files and on existing indices, as well as databases. It is essential to maintain cross-referenced lists of numbers associated with a single IC.

### **8.2.3 Contents of Individual Case (IC) Files**

Correspondence and documentation appropriate to IC files include, *inter alia*:

1. Letters to and from an individual refugee regarding protection, including resettlement.
2. Copies of refugee's personal identification documents, such as passport and refugee registration, which may be used in making a status determination.
3. Copies of asylum government identity documents related to an individual protection case.
4. Correspondence to/from Headquarters or other UNHCR offices or implementing partners related to individual protection cases.
5. Documentation related to resettlement consideration or assessments.
6. Photographs of IC and family members.
7. Where appropriate, medical information related to the case.

Field Offices should specify which staff members have the authority to certify copies of original documents added to a refugee's file, such as birth certificates and adoption documents.

### **8.2.4 File Security**

Individual case (IC) files must be maintained in accordance with guidance on confidentiality of information on refugees and asylum seekers. In addition, in order to provide adequate internal control from misuse or fraud, one officer must be accountable for ensuring that procedures are in place to control and record access to IC files.

The UNHCR Representative and the Senior Staff in charge of Protection should delegate in writing the accountability for supervision and internal controls to a specific protection officer. This officer in turn has the responsibility to determine what personnel will have access to IC files and confidential documentation on individual refugees.

In Field Offices where no international protection officer is regularly present, the Head of Office will have to determine whether he or she retains the accountability for ensuring procedures are in place, or whether another supervisory officer is designated as responsible. If no international staff is available, it is the responsibility of the supervising office head to determine local procedure and ensure and monitor that confidentiality and security are adequately maintained given the local vulnerabilities to compromise.



When individual files are needed during the course of the workday, the file should be charged out through the use of out cards and folders. Out cards can be ordered from the Archives and Records Section at Headquarters, or an electronic version can be requested by sending an e-mail to [Archives@unhcr.ch](mailto:Archives@unhcr.ch). This procedure establishes a record of who has had access to files in case of compromise and to monitor that only authorized individuals work on the files. Failure to follow this procedure is a weakness in internal controls and in anti-fraud measures.

The storage of electronic records relating to individual refugees, such as registration files and protection files including information on status determination and resettlement referral require additional security measures because of the increased risk of compromise to large volumes of information. Internal control procedures in each office must reflect this in the accountability assigned to records managers and systems administrators.

Paper files must be stored in a locked cabinet and only authorized persons should have access. These files should be kept locked unless the responsible person is physically present. The key or combination should not be shared and should not be left with any individual who is not permitted unrestricted access to the files (such as a colleague, security guard, or even other officers). In addition, the filing cabinets should be kept in a room which can be locked; access to the key to that room should also be restricted.

The senior security officer, in liaison with the Field and Staff Security Advisor in UNHCR Headquarters, should review these arrangements and recommend additional measures if warranted by local circumstances. One of the best means to enhance security is to keep only active, current files in field offices. Older, non-current records should be shipped to Headquarters.

For advice, see FOM/67/00. Offices may also consult the Records and Archives section at Headquarters.

### **8.2.5 File Tracking and Database**

As explained above, UNHCR Field Offices are gradually being equipped with registration capacity within the PROFILE project. This will enable them to perform accurate refugee registration, early identification of resettlement needs and implement transparent and reliable resettlement programmes.

Field Offices that do not yet have access to PROFILE should nevertheless develop and maintain a tracking system and database of resettlement cases to facilitate the essential task of follow-up and monitoring of resettlement cases. There is a danger in many field contexts that individual cases may get stalled at any stage in the resettlement process if there is a lack of tracking and oversight of pending cases.

The first step in addressing this concern is to have an active and secure database of all active resettlement cases. Ideally, this database would be part of the general database maintained by the office. If a central database is maintained (i.e. RICS), all updates on resettlement activities should be entered into the database when decisions are made.

If a central database is maintained, a separate resettlement tracking system may still be useful to facilitate monitoring of individual cases and identifying what action is required and who is responsible for follow-up.

File tracking and database systems for active resettlement cases should, at minimum, include the following searchable fields:

- Principal Applicant's (PA's) name
- PA's date and place of birth
- PA's nationality
- PA's family composition
- Source of resettlement referral
- Current stage in the resettlement process
- Most recent decision
- Date of most recent decision
- Pending action
- Caseworker responsible for case

### **8.2.6 Storage of Travel and Identity Documents**

On various occasions, and for a range of reasons, UNHCR offices are required to receive travel and identity documents, and hold such documents on behalf of refugees. This practice should be avoided, but may be necessary in the absence of a local IOM office. In such circumstances, special procedures must be established for the safe storage and transmission of travel documents.

In some instances, travel documents and visas are sent to UNHCR by resettlement countries, and requests UNHCR to transmit these documents to the refugee. An identity check should be performed to ensure that the correct person is receiving the correct document. The travel document should be photocopied, and the refugee should sign the photocopy to confirm receipt of the original. This copy should be counter-signed by the relevant UNHCR staff. The signed copy should be kept in the refugee's file as proof of delivery.

In any circumstance, all travel documents and identity documents received by UNHCR must be stored in a safe with limited access. A central registry should be kept to record who has access to the safe and which documents have been deposited or withdrawn.

Field Offices should ensure that a clear designation is kept of which staff members have access to such documents, and that the procedures for depositing, withdrawing and transmitting travel and identity documents are clearly defined and recorded. Embassies and missions sending travel and identity documents to UNHCR for transmission to a refugee should be advised of the procedures in place for the depositing, withdrawing and transmitting of travel and identity documents.

## **8.3 Co-ordinating and planning resettlement activities**

Resettlement is a global undertaking, involving co-operative efforts between resettlement countries, UNHCR, NGOs and IOM. Co-operation and co-ordination is essential to ensure that resettlement efforts are effective and efficient.

This section focuses on the importance of co-ordinating and planning resettlement activities at various levels within UNHCR. Effective co-ordination and advance planning will provide the basis for more efficient resettlement activities, as efforts are not duplicated within the organization, and more effective resettlement, as resettlement needs are promoted on an on-going basis.

Individual Field Offices play an essential role in the co-ordination and planning of resettlement activities. It is through Field Offices that refugees in need of resettlement are identified and submissions are prepared. Field Offices also play an invaluable role in communicating resettlement needs to the Resettlement Section in UNHCR Headquarters.

### **8.3.1 Planning for resettlement need**

#### **Mainstreaming resettlement in the COP**

The High Commissioner's IOM/25/2002 – FOM/24/2002 on the management of Protection activities highlights the importance of accurate and advanced resettlement planning. The High Commissioner stresses that resettlement is “a critical and essential element of UNHCR's protection mandate and offices are asked to approach it with this in understanding. Head of Offices should ensure that durable solutions strategies, including resettlement, are incorporated in their Country Operation Plan”. Subsequently, a specific form was created to facilitate the UNHCR Country Offices' analysis of resettlement caseloads, their needs and inclusion in the COP documentation. (form Proactive Planning for Resettlement, (Annex 6), see Annex 2, the Tool Kit). The inclusion of resettlement planning in the annual COP exercise is a fundamental advance in the process of mainstreaming resettlement into the comprehensive protection strategies of Regional Bureaux.

Not only the officer accountable for resettlement activities should be directly involved in the formulation of the Country Operation Plan, but also relevant staff with programming and financial responsibilities should participate in the resettlement planning in order to ensure that the human and material resources required to meet the resettlement needs identified through the annual mapping exercise are included in the exercise. As explained in the form in Annex 2, the Tool Kit, Country Offices are requested to identify possible gaps existing between resettlement needs in the countries of asylum under their responsibility and the real capacity of Country Offices to process resettlement cases. If a gap is identified, this should be clearly explained and, if necessary, a request for additional support in terms of resources and staffing should be submitted to HQs.

### **Identifying Populations in Need of Resettlement**

To begin the process of proactive resettlement planning within the COP exercise, Country Offices should engage in the task of “mapping resettlement need”. This exercise is intended to facilitate the identification of potential populations in need of resettlement consideration.

Identifying populations in need of resettlement on a regular basis will help plan resettlement activities and mobilize the necessary resources to undertake resettlement.

The first step in the mapping exercise involves sub-dividing the refugee population under the care of the Country Office into groups of refugees sharing basic common characteristics, such as nationality, ethnicity, gender, age, religion. Subsequent steps are undertaken which involve the analysis of their possible common claim or experiences related to their status of refugees, their specific protection problems in the country of asylum and finally the analysis of the prospects for durable solutions, including resettlement of individual refugees and of refugee groups. The last step of the analysis relates to the actual resettlement needs versus the UNHCR Country Office’s capacity to identify and refer individuals/groups for resettlement. Detailed and self-explanatory guidelines on how to conduct the proactive planning for resettlement are provided together with the related form in Annex 2, the Tool Kit.

Such advanced and detailed planning within the annual COP exercise will allow the Resettlement Section at UNHCR Headquarters, in cooperation with the Regional Bureaux, to prepare an annual report: *UNHCR: Projected Global Resettlement Needs*. This report will then be shared with resettlement countries and partner NGOs in advance of the Annual Tripartite Consultations on Resettlement and will form the basic reference document for the Indications Conference, the annual meeting organized by UNHCR and the Resettlement countries in June, initiating the planning of resettlement programmes for the following year.

### **8.3.2 Resettlement meetings**

Many Field Offices have adopted the practice of holding regular resettlement meetings to prioritize resettlement activities and discuss particular and problematic individual cases. Resettlement meetings are most useful when they are held on a regular basis and involve not only protection, community services and resettlement staff, but also representatives from NGOs actively engaged with vulnerable refugees.

Chaired by the Senior Staff in charge of Protection or the officer accountable for resettlement at the national level, the meetings also serve to ensure that transparency and consistency is maintained in the resettlement process. The resettlement meetings could:

- Discuss and evaluate resettlement policies as they apply to the country context;
- Discuss and evaluate the Office's resettlement procedures with a view to improvement and development;
- Discuss allocation of responsibilities to manage the balance between backlog of cases and quality control; and
- Discuss and approve difficult individual cases

#### **Co-ordination between Registration, Refugee Status Determination and Resettlement**

As explained above, effective resettlement does not take place in a vacuum, but builds on successful registration and Refugee Status Determination (RSD) activities. To this end, the officer accountable for resettlement activities should be strongly encouraged to co-ordinate resettlement activities with registration and RSD activities to ensure that their activities are mutually reinforcing.

From a resettlement perspective, it is important that key resettlement information is captured at the registration and RSD stages. This is particularly relevant in resettlement operations which do not yet benefit from the PROFILE registration system. Such elements should include, at minimum, for the Principal Applicants (PA) and all dependants:

- Full name
- DOB
- POB
- Gender
- Date of arrival
- Relation to PA
- Region and country of origin
- Vulnerability
- Education
- Religion
- Ethnicity
- Occupation in country of origin

It is also important from the resettlement perspective that registration information be kept up-to-date. Family compositions in refugee files must be updated further to births, deaths, family reunifications and other changes in family composition.

### **Co-ordination with external resettlement partners**

The officer accountable for resettlement activities and international protection staff should also meet with colleagues from community services, the field and partners working with vulnerable refugees on a regular basis to ensure that protection and resettlement activities are responding to the needs of refugees, and to ensure that these programs and priorities are understood by colleagues.

Meetings should be held as necessary to discuss relevant protection issues identified by community services, field and implementing partners, and to allow protection and resettlement staff to brief colleagues on relevant protection and resettlement activities.

The officer accountable for resettlement activities should also hold operations meetings with all resettlement partners, including local representatives from resettlement countries, as necessary to discuss resettlement priorities, constraints and planning.

### **8.3.3 Resettlement co-ordination at the Regional level**

In 2002, the Africa Bureau and DIP revised the structures and procedures for resettlement management in Africa. In particular, co-ordination, support and monitoring functions were centralized at the regional level, through the creation of ‘Regional Resettlement Hubs’ in Nairobi and Accra, to strengthen the management of resettlement activities in Africa, provide field managers with a service to ensure optimum use of resettlement and guarantee more equitable access to resettlement among the various African regions. The regional resettlement hubs in Nairobi and Accra carry out co-ordination, support and monitoring functions related to country offices in their respective regions, in order to ensure consistent application of UNHCR resettlement criteria and policies. It is foreseen that regional resettlement hubs will also be established in Southern Africa and other regions of the world.

In other regions, Regional Resettlement Officers play an important role in co-ordinating resettlement activities, providing support to resettlement activities in Field Offices and working with resettlement countries to ensure a harmonized and diversified approach to resettlement activities within the region.

Such activities are especially essential in regions where refugee populations from a given nationality are located in a number of neighboring countries.

In such circumstances, it is essential that resettlement criteria be applied consistently throughout the region to avoid pull-factors and imbalances. This is especially true with the application of the criteria of resettlement on the basis of a lack of local integration prospect.

Field Offices should consult with the Regional Resettlement Officer before they apply the criteria of resettlement on the basis of a lack of local integration prospect to a refugee population. In the absence of a Regional Resettlement Officer, Field Offices should consult with the Resettlement Section in UNHCR Headquarters.

### **8.3.4 The Resettlement Section in UNHCR Headquarters**

The Resettlement Section of the Department of International Protection in UNHCR Headquarters is responsible for:

- to develop policy, standards and guidelines for resettlement, ensuring i.a. that they reflect the relevant goals of the Agenda for Protection and ensuring its adequate and extensive dissemination;
- ensuring that resettlement is used in a strategic manner and that its function as a durable solution is enhanced;
- diversifying and expanding resettlement opportunities and programmes, including enlarging the number of emerging resettlement countries and enhancing the role of NGOs in the resettlement process;
- improving systems and methods for monitoring and ensuring consistent application of resettlement standards, including the compilation of world-wide statistics, and minimising the potential for malfeasance and fraud in the resettlement process;
- assessing the global resettlement needs of refugees and negotiating the overall levels and allocations of resettlement admissions for each region with Governments;
- managing resettlement submissions of emergency and medical cases for selected countries of resettlement in accordance to established Standard Operating Procedures;
- providing supervision and guidance to the Regional Resettlement Hubs
- co-ordinating the schedules for some resettlement selection missions to Field Offices;
- obtaining necessary resources for UNHCR's efforts to effectively implement resettlement operations, in close collaboration with Regional Bureaux in Headquarters and in the field;

- assess resettlement training needs and implement training programmes in resettlement policies and procedures to UNHCR staff as well as to NGOs and Government partners; and
- facilitating family reunification cases requiring specific Headquarters action.

The Resettlement Section is responsible for channeling dossier submissions received from Field Offices to certain countries and for processing some emergency submissions and family reunification cases. In addition, the Section plays a lead role in co-ordinating and supporting the resettlement of difficult protection and special needs cases.

The Resettlement Section at UNHCR Headquarters maintains regular liaison with NGOs working in the area of resettlement, and consultations have taken place at the regional level. The Section works with Governments through their Permanent Missions in Geneva and also directly with the capitals of key resettlement countries in connection with individual case management as well as refugee admission policies and quotas.

A regular mechanism for consultations with Governments on resettlement issues has been established in the form of a Working Group which meets every two months, or as required, in Geneva. The broad objectives of the Working Group on Resettlement are to:

- raise awareness of resettlement issues in order to build consensus in the Executive Committee in favor of resettlement and to promote the establishment of new resettlement programs;
- address operational issues and problems in order to improve implementation;
- regularly share information about needs and opportunities for planning purposes and to share analyses of resettlement issues; and
- focus attention on UNHCR activities, given its key responsibility for case identification and referral.

The Resettlement Section serves as Secretariat for the Working Group, while the chairmanship rotates among the Government members. The Resettlement Section also contributes to the organization of the Annual Tripartite Consultations on Resettlement (ATC) to which Governments and NGOs are invited and which are convened by the Chair of the Working Group. This meeting is scheduled to coincide with the meeting of the Standing Committee which focuses on protection policy.



The timely exchange of information which takes place throughout the consultative process ensures that both the Executive Committee, resettlement countries and NGOs work to enhance the responsiveness and appropriateness of resettlement admissions levels. The quarterly resettlement statistics constitute an important resource for the regular assessment of resettlement needs and priorities.

The Resettlement Section is structured on a regional basis to facilitate support and monitoring of resettlement work in most of UNHCR's more than 100 Field Offices, as well as according to functions (training and reporting, travel, project control and individual case registry). There is also specialized staff responsible for monitoring resettlement policies and making submissions of refugees with special needs.

## **8.4 Combating fraud and corruption in the resettlement process**

Allegations and instances of resettlement fraud and corruption have been a growing concern on the part of resettlement countries, NGOs and UNHCR, given that resettlement activities are particularly vulnerable to fraud because of the benefits they offer. Corruption and fraud in the resettlement process hurts all those involved, in particular the refugees who fall victim to such fraud. It is in the common interest of all actors in the resettlement process to find ways of cooperating more closely at all levels to investigate and eliminate fraud and corruption in the resettlement process.

UNHCR has clearly stated its commitment to combat fraud and corruption in order to preserve the integrity of resettlement programs. In 2004, UNHCR developed - in co-operation with its resettlement partners - a Resettlement Anti-Fraud Plan of Action, which outlines the significant measures that UNHCR has taken to date related to the prevention of fraud and corruption and recommends further actions by UNHCR and its resettlement partners to address fraud specifically related to resettlement which will be implemented in the course of 2004 and 2005.

Incorporating safeguards into the resettlement process minimizes fraud possibilities, protects refugees from further victimization, protects innocent staff from false allegations, and contributes to the overall credibility and effectiveness of UNHCR's resettlement activities.

Declining resources, including shortages of staff, and increasing demands create challenges for managers. These challenges should not mean, however, that a lower priority is given to addressing the vulnerability of allegations about, much less instances of, fraud and corruption in the resettlement process.

Traffickers, corrupt officials, ‘visa fixers’ and desperate people, including refugees, are sometimes willing to exploit the resettlement process. Even humanitarian workers could become involved and seek to profit from others’ misfortune.

Exploiting refugees for gain is both illegal and immoral. All necessary steps must be taken in all Field Offices to combat, and to investigate allegations of, fraud and corruption.

It must, however, be re-emphasized that the only way to effectively combat fraud and corruption in the resettlement process is proactively through the development and implementation of accountable and transparent resettlement procedures. Field Offices must not wait until allegations emerge before undertaking measures to combat fraud and corruption.

The purpose of this section is to highlight a number of possible instances of fraud and corruption in the resettlement process, and identify activities that could be undertaken to combat each type of fraud.

#### **8.4.1 *Types of fraud and corruption in the resettlement process***

While it would be problematic to be definitive on the possible types of resettlement fraud, four types of resettlement corruption and fraud can be imagined:

Preferential access to the UNHCR resettlement process by individuals internal to UNHCR or its partners, often involving the solicitation of funds.

Most disturbing, and damaging to both refugees and global resettlement efforts, are allegations of UNHCR staff or representatives of UNHCR’s partners, soliciting funds from refugees in exchange for preferential access to the UNHCR resettlement process. This access may be at the level of preferential access to UNHCR premises or appointments, altering details in resettlement files, or actively referring and promoting fraudulent resettlement cases in the resettlement process.

The procedures and standards presented in the Resettlement Handbook are all designed to minimize, to the greatest extent possible, such disturbing and heinous acts.

United Nations Staff Regulations 1.2 and 1.3 state that all United Nations Staff Members are bound to “uphold the highest standards of efficiency, competence and integrity” and are all ultimately accountable to the United Nations Secretary General for the “proper discharge” of their respective functions.

Protecting refugees and identifying durable solutions are the core functions of UNHCR. All UNHCR staff have an individual and collective responsibility to ensure that these functions are carried-out according to the highest possible standards.

Any allegation of a UNHCR Staff member's involvement in corruption and fraud should be addressed as a matter of urgency and immediately reported according to the steps outlined in Chapter 8.4.3 of the Resettlement Handbook.

The fraudulent misrepresentation of family composition during the resettlement process.

In the absence of early and effective registration, capturing a credible family composition, it is extremely difficult to establish the credibility of family compositions in a resettlement context. For a variety of reasons, some benign, some not, the credibility of family compositions have been found to be questionable in a number of resettlement cases.

Cases have been reported where a refugee family, found to be eligible for resettlement, have been coerced through various means into adding dependents to their family, either by UNHCR, NGO or Government staff. Other cases have been reported where the head of family has solicited funds from other individuals to include fraudulent dependents in their resettlement case.

The best way to combat this type of fraud is to be more vigilant in recording and verifying case composition at an early stage, and preferably in a non-resettlement context (See: Chapters 6.5.2 and 6.7.6).

Photographing each dependent at the registration stage, or at least prior to discussing resettlement with the head of family, would prevent future substitutions in family composition. Photographs should be attached both to the refugee's file and to the RRF in a tamper-proof manner (See Chapters 6.7.3)

Allegations of the fraudulent misrepresentation of family composition should be conveyed, in writing, to the officer accountable for resettlement activities who is responsible for deciding on an appropriate course of action.

If there is reason to doubt the relationship claimed by the head of family, dependents should be interviewed independently using the techniques outlined on Chapter 6.7.6. If doubts persist about the credibility of the family composition, the case should be kept on hold by the Field Office until such time as these doubts can be effectively addressed and resolved.

The furnishing of resettlement or travel documents, fraudulent or otherwise, information, documents and coaching, sometimes involving the solicitation of funds.

This type of fraud may or may not involve direct contact with UNHCR and may consequently be difficult to detect. Examples of such activities include the selling of travel documents (fraudulent or otherwise), resettlement information and coaching prior to resettlement interviews. These activities may or may not involve the solicitation of funds, and both parties may or may not be complicit in the fraud.

This is often the most difficult type of fraud to detect, and consequently the most difficult to address. This type of fraud can often only be detected if reported to UNHCR, an NGO or national authorities. Once reported, a full investigation should be carried-out. The national authorities in the country of asylum may be involved, and those responsible for the fraud may be dealt with according to the prevailing national criminal code.

When this type of fraud is detected, it is essential that the officer accountable for resettlement activities and the Senior Staff in charge of Protection discuss the allegations and determine the most appropriate response.

It is also believed that sensitizing refugees and the general public about the consequences of this type of fraud and the fact that all resettlement services are free, while not leading to its complete elimination, may lead to its reduction.

To this end, the sample text of a press release on resettlement and fraud is included in Section 1 of the Resettlement Tool-Kit.

Instances have also been reported in some countries where Convention Travel Documents (CTDs) have been fraudulently issued to non-refugees by Government officials. In countries where UNHCR is responsible for issuing CTDs to Governments, strict controls must be developed to ensure that these documents are issued only to eligible refugees.

The running of fraudulent resettlement scams external to UNHCR, involving the solicitation of funds for participation in fraudulent resettlement schemes, and sometimes involving the misrepresentation of UNHCR, NGO or Government officials.

This type of fraud seeks to defraud both refugees, and potentially nationals of the country of asylum, through the solicitation of funds for subscription in fraudulent resettlement schemes and services. In such cases, individuals or groups may develop fraudulent programs designed to be perceived as legitimate resettlement options and soliciting funds in exchange for resettlement promises.

Once again, public information and sensitization seem to be the best ways to combat this type of fraud. Mass information on resettlement, including brochures and press releases, should emphasize the fact that all resettlement services, information and documents are free.

Refugees should know that if they are asked to pay for resettlement, they have encountered fraud. Refugees should know how to report such incidents, and measures should be taken to protect refugees that come forward with information relating to allegations of fraud.

These scams typically play on the vulnerability and desperation of refugees. The amount solicited for participation in these schemes is typically low enough that many refugees may consider it to be 'worth the gamble'. These schemes do, however, have one feature that makes them easier to address: they involve advertisement of their alleged services.

Through on-going, transparent and open contact with the refugee community, UNHCR should be sensitive to any allegations of the existence of such schemes. At the same time, due consideration must be given for the need to respect a refugees right to confidentiality.

When information of the existence of such schemes come to light, the officer accountable for resettlement activities and the Senior Staff in charge of Protection should discuss the allegations and determine the most appropriate response, possibly involving the local authorities.

#### **8.4.2 General activities to combat fraud**

All actors in the resettlement process, including refugees, resettlement countries, countries of asylum, NGOs and UNHCR, must do everything in their powers to ensure that the resettlement process is transparent, objective, unbiased, and representative of the standards presented in the Resettlement Handbook.

Particular attention should be paid to the safeguards presented in Chapters 6 and 8 of the Resettlement Handbook relating to treatment of resettlement referrals, verification of registration details in a non-resettlement context, storage of resettlement documents and files, and the taking of resettlement decisions in a transparent and accountable way.

In addition to the specific activities to address fraud in the resettlement process outlined above, a number of general activities could contribute to reducing instances of resettlement fraud. These include:

- Ensure that the standards of the Resettlement Handbook are fully implemented to ensure that resettlement activities are undertaken in an objective, transparent and accountable manner.
- Counsel refugees on the implication of fraud before signing the RRF.
- Conduct identity checks at key stages in the resettlement process.

- Ensure that the refugee community understands the potential implications of fraud on the overall availability of resettlement activities in the country.
- Ensure that the general public in the country of asylum is aware of the fact that UNHCR's resettlement services are available only to refugees, and that nationals of that country, residing in that country, cannot be under the Mandate of UNHCR, and consequently cannot be resettled.
- Ensure that there is a proper refugee information system in place, in addition to a clear and accessible complaints system.

### **8.4.3 Responding to allegations of fraud**

All UHCR Staff Members have an obligation to respond to allegations of fraud that come to their attention. Any staff member, regardless of grade or function, who has knowledge of allegations of fraud and does not take appropriate action may be subject to disciplinary measures.

Any staff member, regardless of grade or function, who has knowledge of allegations of resettlement fraud, corruption or wrong-doing, should document all allegations, including names, dates, and particular details related to the allegations.

As detailed in IOM/65/2003 – FOM/65/2003, dated 9 October 2003, which describes the role of the UNHCR Inspector General's Office (IGO) in receiving and investigating allegations of fraud and mismanagement, any staff member who becomes aware of misconduct should first report these allegations to their supervisor or Head of Office in writing.

If no action is taken within a reasonable period of time, the allegations, including details of local options pursued, should be forwarded to the IGO and copied to the relevant Bureau and the Resettlement Section in UNHCR Headquarters.

Managers who receive credible information regarding misconduct must report to the IGO for an assessment of the allegation and a decision on immediate action to be taken.

Any staff member can contact the IGO directly and confidentially if the need arises:

Hotline: +41-22-739-8844

Confidential fax: +41-22-739-7380

E-mail: [inspector@unhcr.ch](mailto:inspector@unhcr.ch)

Finally, all appropriate measures must be taken to protect individuals, whether refugees or staff members, reporting substantiated allegations of fraud. The name of the individual bringing forward the allegations of fraud must always be kept confidential. The details of allegations of fraud must remain confidential until a full investigation has been completed.

## **8.5 Managing Resettlement Expectations within the Refugee Population**

With limited information about the nature and limitations of resettlement as a durable solution, refugees may develop unrealistic expectations about resettlement. Such expectations could potentially result in increased desperation on the part of refugees and excessive pressures on an Office, and eventually undermine the resettlement process as a whole.

Other UNHCR staff may also have unrealistic expectations about the nature and limitations of resettlement. As a result, they may forward unfounded cases to the resettlement officer, and may be frustrated when such cases are found to be ineligible.

**Effective management of resettlement expectations is an essential foundation for a successful resettlement program.**

### ***8.5.1 The Resettlement Message***

The most important aspect of any effort to manage resettlement expectations is to provide refugees, others working with refugees and, in some cases, the general public, with clear and consistent information on the limits and possibilities of resettlement. In the interest of ensuring that the resettlement message remains consistent, it is also important that a limited number of people are authorized to discuss resettlement with refugees.

This message should emphasize that:

- Resettlement is only one of the three possible durable solutions
- Resettlement involves the transfer of a refugee from the country where they currently reside to another country that has previously agreed to admit them
- Resettlement is a challenging process
- UNHCR does not have the authority to resettle refugees
- No refugee has the *right* to resettlement

- Resettlement is not *automatic*
- Resettlement is conducted according to precise criteria established by resettlement countries and UNHCR
- The decision to accept a refugee for resettlement remains with the resettlement country, not UNHCR
- All resettlement documents, information and services are *FREE*
- Committing fraud in the resettlement process is breaking the law and may result not only in the closure of a refugee's resettlement file, but may also result in criminal prosecution
- That misrepresenting family composition is a form of fraud

### **8.5.2 Ways of managing expectations**

Expectations are most effectively managed through counseling in individual cases and the dissemination of clear information on resettlement. The appropriate means of disseminating this information will depend on the particular office context, but may include:

- Public meetings on resettlement
- Meetings with refugee leaders on resettlement
- Consulting with refugee women through refugee women representatives
- Public information on resettlement
- Information on resettlement to be used during individual counseling

Sample text for a resettlement brochure is included in Section 1 of the Resettlement Tool-Kit.

As part of managing resettlement expectations, it is important to establish and maintain a dialogue with refugee leaders and individual refugees on the issue of their return home and other protection activities, not just resettlement. In some cases, factions or political organizations among the refugee population or in the host country are directly or indirectly taking a position about the risk of remaining in the country of asylum or dangers related to returning home. If so, work with public information to strengthen UNHCR's capacity to conduct reliable information campaigns.

**It is imperative to be as transparent as possible about UNHCR's aims and objectives as well as resettlement mechanisms when dealing with refugees.**



*Listen actively.* When refugees focus on resettlement, they may actually be expressing problems with assistance, lack of hope regarding returns, need for employment and income generation, desire for education, fears and insecurity stemming from refugee situation or need for mental health or medical services.

Information on resettlement should also be extended to NGOs, helping them to understand UNHCR's protection activities, including the uses and limitations of resettlement. NGOs should also be made aware of the need to manage refugee expectations regarding resettlement.

## **8.6 Coping with Stress**

Persons involved in humanitarian work have to adopt a calm, efficient and methodical approach to their work in order to perform effectively. Refugees suffer from stress, having faced persecution, war or gross human rights abuses and having been forced to leave behind their family members, homes and country.

Many undergo a grieving process as they struggle to cope with their losses. Resettlement is in itself stress-creating. It is a very public activity which invites both media and public interest. It is also, by definition, focused on the individual, and is thus highly labor-intensive and must be responsive to personal needs. It can also subject resettlement staff to security problems.

Conducting interviews for resettlement can therefore be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what is referred to as *vicarious trauma and burnout*. All persons involved in the interview process should be aware of the symptoms, contributing factors, and prevention and treatment which can be offered to persons in this situation.

Being informed and aware of what can be done in such circumstances is an important consideration for the health and well-being of all staff working with refugees. It also helps ensure that the work is conducted effectively, efficiently, and in safety. Feeling tired, weak, and depressed will not only have a negative impact on one's ability to perform the work, but it could make staff more vulnerable to security incidents through being less attentive and unable to respond quickly to a situation.

### **Recognizing stress symptoms**

It is important to recognize the symptoms of stress and to be aware of simple techniques for dealing with them. Symptoms may be:

- *physical:* headaches, increased heartbeat, intense fatigue, difficulty in concentrating.
- *psychological and emotional:* anxiety, fear, over-preoccupation and identification with victims, sadness, anger, helplessness.

- *behavioral*: hyperactivity, inability to rest or let go, periods of crying, social withdrawal, limiting contacts with others, use of drugs/alcohol.

### **Techniques for dealing with stress**

Individuals have many ways of getting themselves through difficult periods and events. Self-encouragement techniques can help avoid panic and assist a person to carry out a difficult task.

Some examples of self-encouragement are as follows:

- Making positive helpful statements to take you through difficult moments, e.g. *“I don’t feel like dealing with this angry person right now, but I’ve done it before and I can do it again”*.
- Re-defining a distressing task to make it more manageable, by removing the emotional element, e.g. *“In spite of what has happened to this woman, her first need is for a calm, sympathetic support person. I am good at that”*.
- Rationalizing the event, or your reaction to it, e.g. *“Hunger strikers upset everyone. I’m no exception”*.
- Talking oneself into a helpful response, e.g. *“I don’t feel calm, but I can look that way by taking a deep breath, relaxing my shoulders and speaking more slowly”*.






Other techniques for managing chronic stress include the following guidelines:

- Get the sleep you require
- Exercise for endurance and strength
- Eat a well-balanced diet
- Avoid excessive use of alcohol, caffeine and nicotine
- Manage your time well and set priorities

An eye should be kept on one’s colleagues’ stress and fatigue levels, and staff should be encouraged to be aware of the effects of stress on themselves. Stress-defusing sessions provide an opportunity to modify stress reactions and to reduce personal and group tension. This may involve a friendly chat at the end of the day or informal after-work gatherings so that all staff may have an opportunity to speak and to listen. Feelings of anger should be recognized as a normal response to a violent and distressing event, and lead to a more healthy recovery, rather than suffering in silence or keeping a “stiff upper lip”.

More formal psychological debriefings, conducted by qualified and trained counselors, can and should be organized in offices where staff have suffered a loss or have been exposed to events with a strong emotional impact.

**FURTHER REFERENCE:**

-  *Coping with Stress in Crisis Situations (OMS 3)*. UNHCR Geneva, 1992.
-  *Mental Health of Refugees*. World Health Organization, 1996 (published in collaboration with UNHCR) (especially Unit 2: Stress and relaxation).
-  *UNHCR Handbook for Emergencies*. UNHCR Geneva (especially Chapter 22: Coping with Stress).
-  *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003
-  *Guidelines for Handling Protests, Demonstrations and other Group Disturbances*, 12 May 2004.

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**9.1 Resettlement Statistics and Data**

## RESETTLEMENT STATISTICS AND DATA

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### 9.1 Resettlement Statistics and Data

The regular reporting of precise and up-to-date resettlement statistics and relevant additional data is a crucial component of UNHCR's reporting to the Executive Committee (EXCOM) and to other governmental and non-governmental bodies. Statistics assist the work of resettlement fora such as the Working Group on Resettlement and the Annual Tripartite Consultation on Resettlement, and may also inspire deliberations within the *Convention Plus* initiative<sup>1</sup>

Resettlement statistics assist UNHCR and all concerned parties in:

- assessing resettlement needs and priorities<sup>2</sup>;
- planning and developing policy directions for UNHCR;
- helping in planning and developing policy for Governments, including:
  - setting quotas/resettlement admission targets of resettlement places;
  - analysing quotas used by UNHCR and Governments; and
  - projecting resettlement needs and monitoring progress and problems;
- programming and budgeting of resettlement projects;
- resettlement pledging and negotiations for required places,
- fund raising; and
- public information (improving awareness and understanding).

Resettlement issues generate much public interest as well as critical examination, especially among the donor governments and non-governmental organizations (NGOs).

<sup>1</sup> *Convention Plus* and its relevance to resettlement is delineated above in Chapter XX1.

<sup>2</sup> In Goal 5, Objective 6, Action 3 of the *Agenda for Protection*, States and UNHCR are encouraged “to examine how to carry out earlier analysis of data deriving from refugee registration, to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly resettlement applications, particularly in emergency situations.”

The important role of resettlement, both as an instrument of protection, as a durable solution, and as a mechanism for international responsibility and burden-sharing is reaffirmed in the *Agenda for Protection* and in the *Convention Plus* initiative. As a consequence, UNHCR must continue to strengthen its overall implementation of resettlement activities through on-going dialogue with interested governments and NGOs, and must provide regular reports to EXCOM.

In order to provide more reliable, comprehensive and credible information on resettlement activities, the reporting format of the resettlement statistics for completion by Field Offices was revised effective 01 January 2003. The new format is called Resettlement Statistical Report (RSR; see Annex 4) and it incorporates recommendations from Headquarters and from Field Offices, as well as suggestions from governments and NGOs.

The revision is designed to improve the quality, comprehensiveness and usefulness of the data collected and simplify the work of collecting and completing resettlement figures while trying to respond to the most essential needs of various users and still maintain the consistency with the Annual Statistic Reports (ASR) forms<sup>3</sup> (which cover general statistics on overall populations, some of whom are in need of resettlement assistance). The RSR will help to greatly improve monitoring of resettlement progress and performance.

The RSR is the main statistical report on resettlement and UNHCR Country Offices must ensure their accurate and timely compilation. There may be instances in which UNHCR Country Offices need to develop internal statistical reports for local use or for reporting on particular resettlement programmes which benefit from earmarked funding. In this case, it is essential that consistency exists among the various statistical reporting and between these and the RSR.

### **Frequency and Submission of the RSR Forms**

Field Offices are requested to forward the completed RSR forms directly to the Resettlement Section at Headquarters (attention: Senior Resettlement Officer covering the region and copy to the focal point) by E-Mail. The Resettlement Section will correct and clear the reports and provide a copy to the relevant Desk and to the Population Data Unit (PDU) of the Division of Operational Support (DOS). The following deadlines apply:

<b><u>Quarter ending</u></b>	<b><u>Due at RS HQs</u></b>
31 March	15 April
30 June	15 July
30 September	15 October
31 December	15 January

The RSR forms are included as Annex 4, and are provided to Offices in the Field in Excel file.

<sup>3</sup> See Annex 4

### **Guidelines for Completion of the RSR Forms.**

In order to facilitate the completion of the RSR form, the Excel file which contains the form also includes explanatory notes related to each field of the form, guiding the user in the exercise. Should further clarification be needed for the accurate completion of the RSR, Field Offices are encouraged to contact the Resettlement Section at HQs.

### **Procedures at Headquarters**

Within Headquarters, the Resettlement Section is responsible for the provision of correct and consistent statistics on populations of concern to UNHCR. Upon receipt of the RSR forms from the field, the Resettlement Section analyze and correct the data in consultation with the field, if needed, in order to ensure that data are accurate and updated. When the RSR are cleared, they are forwarded to the PDU-DOS which is responsible for producing the global quarterly and annual consolidated resettlement statistical reports. Desks are therefore expected to:

- Ensure that Offices in the Field comply with the deadlines for submission of the relevant forms.
- ensure that the forms are filled in correctly and in full; and
- Cross-check the information reported on the forms with monthly SITREPs, previous statistical forms, and other sources of information.

### **Project PROFILE and statistics.<sup>4</sup>**

As part of UNHCR's role to assist States in fulfilling their responsibility for registering refugees, the Office has initiated "Project PROFILE". The aim of PROFILE is to strengthen UNHCR's field capacity to establish the size of the refugee population more accurately, as well as to collect, analyse and use population information effectively for protection, planning, implementation and monitoring purposes. PROFILE is a strategy incorporating a number of practical activities including:

- Strengthening of core registration and population management procedures;
- Development and systematic introduction of counting and survey methods;
- Development of global population data management software;
- Introduction of an Automated Fingerprint Information System (AFIS) or similar biometric capability, and
- Introduction of fraud proof identity documentation.

<sup>4</sup> See *Practical Aspects of Physical and Legal Protection with regard to Registration*, Global Consultations on International Protection, UN DOC. EC/GC/01/6, 19 February 2001, section III.

As mentioned, registration is an essential tool for effective protection, planning, timely delivery of adequate assistance, as well as the pursuit of appropriate durable solutions. Since registration consists of a number of interrelated activities, including identification, recording of date, documentation, verification, case processing, as well as data management and exchange, the collection, storage, update and management of refugee data is a continuing process. Any operational system must be structured as an integrated population information management tool, covering the full “refugee cycle”, from initial displacement to durable solutions. This is one of the aims of PROFILE.

Registration and the issuance of appropriate documentation to refugees in large-scale influx situations must be recognised as essential requirements in providing legal and physical protection. It ensures that refugees have access to their rights, including protection against *refoulement*, personal safety, adequate assistance, tracing and family reunification. PROFILE also would make such documentation possible.

When PROFILE has been implemented in all UNHCR operations, it is expected that refugee statistics, including those relating to resettlement, will be automatically processed. This will vastly improve the management of data also with regard to resettlement.



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## PARTNERSHIP AND LIAISON

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Complementary to the cooperation with Governments in the countries of refuge and in resettlement countries, UNHCR carries out resettlement activities in cooperation with non-governmental and inter-governmental organizations which are involved in a number of important activities ranging from initial registration and interviews through care and maintenance to pre-departure formalities, travel and post-arrival assistance. The news media is another important facilitator of protection and assistance to refugees by providing an effective way to mobilize support and increase public awareness of the plight of refugees.

The *Agenda for Protection* and the Resettlement strand under the *Convention Plus* initiative act themselves as an indication of recently increased cooperation between UNHR, States, NGOs and other partners within the field of resettlement. The *Agenda* calls on all parties to act separately or together on a number of issues pertaining to resettlement.

### 10.1 Partnerships within the context of the *Agenda for Protection and Convention Plus*

The *Global Consultations on International Protection* were launched by UNHCR in late 2000 to engage States and other partners in broad-ranging dialogue on refugee protection with a view to revitalize the existing international protection regime while ensuring flexibility to address new problems.

The outcome was the jointly owned *Agenda for Protection*, which calls on UNHCR, States, NGOs and other partners to cooperate within a number of activities related to resettlement, e.g. to help expanding resettlement opportunities and to use resettlement more strategically in achieving durable solutions for more refugees.<sup>1</sup>

Under the *Convention Plus* initiative, a Core Group on Resettlement has prepared a Multilateral Framework of Understandings on Resettlement which is to provide a platform for situation-specific multilateral agreements that include a resettlement component.<sup>2</sup> The intention is to strengthen the international refugee protection system through a more strategic use of resettlement for the benefit of a greater number of refugees. The purpose of the 'Framework of Understandings' is to guide parties to situation-specific multilateral agreements in designing comprehensive arrangements which involve multilateral resettlement operations. See Chapter 1 of this Handbook for more information.

The Resettlement Core Group is comprised by UNHCR and interested States (ranging from asylum countries to long time resettlement countries as well as countries that are new to resettlement). It has also included other partners such as IOM and the European Commission. Mechanisms have been established to enable NGOs to feed directly into the process undertaken by the Core Group, and to keep States that are not member of the Core Group informed as appropriate.

## 10.2 Interagency Cooperation

UNHCR and the International Organization for Migration (IOM) have a long-standing partnership, have forged models of cooperation in many areas and promote integrated policies and comprehensive approaches to displacement.

Founded in 1951 in Brussels, IOM was set up to ensure the orderly movement of persons in need of international migration assistance, and to promote the cooperation of Governments and international organizations in the field of migration.

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<sup>1</sup> See Chapter 1 of this Handbook for a fuller explanation of *the Global Consultations on International Protection* and its resulting *Agenda for Protection*. Activities relating to resettlement under the *Agenda for Protection* are mainly found under Objectives 3 (*Sharing burdens and responsibility more equitable and building capacities to receive and protect refugees*) and 5 (*Redoubling the search for durable solutions*).

<sup>2</sup> Information on *Convention Plus* is available and regularly updated on <http://www.unhcr.ch>.

IOM has received from its Member States a mandate to ensure orderly processes of migration, including organized transfer of refugees. Services which can be provided include pre-screening, counselling, documentation, medical processing, training, transport, reception and integration. According to its Constitution, IOM is committed to the principle that humane and orderly migration benefits migrants and society. It acts to assist in meeting the operational challenges of migration, to advance understanding of migration issues, to encourage social and economic development through migration and to work towards effective respect for human dignity and well-being of migrants.

IOM and UNHCR have concluded a Memorandum of Understanding<sup>1</sup>, aimed at facilitating systematic, cooperative action between the two organizations. With this agreement, the two organizations seek to build on each other's recognized expertise and to establish operational cooperation.

IOM has always worked closely with UNHCR to assist with third-country resettlement of refugees, principally with respect to travel, and also in the context of the provision of language training and cultural orientation which can help lay the basis for successful integration. It has also played a significant role in the facilitation of the reunification of refugee families.

### **Transportation**

IOM has negotiated special tariff agreements with the airline industry on a worldwide basis. These special IOM fares benefit all categories of persons assisted under the auspices of the Organisation, allow for considerable concessions on the air tariffs and also provide an increased free baggage allowance.

When travel is not arranged within the framework of an ongoing resettlement operation, individuals should be advised of the possibility to procure air tickets at reduced fares under subsidised migration schemes maintained by IOM. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements.

Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation is also arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

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<sup>1</sup> UNHCR/IOM/39/97-FOM/44/97 of 27 May 1997 on Co-operation between UNHCR and IOM. This document governs the relations between the two institutions and provides the broad framework for achieving complementarity of the activities world-wide of UNHCR and IOM.

The Co-operation between UNHCR and IOM in the transportation sector was further formalized in May 2000 in “Guidance Note on Co-operation Between IOM and UNHCR in the Transportation Sector”, according to which IOM’s responsibilities are:

- IOM will, at the request of UNHCR, assume responsibility for the timely arrangement of air, sea and land transportation of refugees, returnees and other persons of concern to UNHCR, including secondary transportation as necessary.
- For air and sea transportation, IOM will also assume responsibility for immigration formalities and customs clearance.
- IOM will raise funds for the transportation services cited above, and UNHCR will endeavour to ensure donor recognition of this requirement.
- Upon the request of UNHCR, IOM will provide duty travel arrangements on commercial carriers for accompanying UNHCR and/or implementing partner staff at IOM rates, subject to agreement on administrative costs of this service.

### **Medical processing**

Specific medical examination and documentation requirements exist in most countries that accept refugees for resettlement. Based on agreements with these countries, IOM often performs such examinations or screens the documentation prepared by other medical authorities.

IOM’s responsibilities for medical evacuations include:

- identifying and selecting suitable patients proposed by local doctors;
- forwarding patients files to the country of treatment;
- identifying a suitable country for treatment;
- arranging entry authorisation with embassies;
- arranging transportation of patients to the receiving country for treatment, with nurses or medical escort if needed;
- arranging for a patient’s return when treatment is completed and conditions allow.

## **10.3 Governments and Resettlement Operations**

Cases of individuals in need of resettlement are usually submitted to one of the principal resettlement countries. These countries have established refugee resettlement quotas or ceilings.

Other countries do accept resettlement on an *ad hoc* basis and some maintain special programmes benefiting refugees with special needs.

UNHCR promotes with Governments the establishment of resettlement programmes which are:

- *predictable*, in terms of admissions levels, budgets, and eligibility criteria;
- *diverse*, in terms of the refugee beneficiaries, to include protection cases as well as refugees with special needs;
- *responsive* to emergency needs, emerging needs and appeals for burden-sharing;

*proactive*, in addressing domestic considerations linked especially to budget constraints and problems related to integration. There is a unique challenge for Governments and NGOs to listen to the local municipalities and to take active steps to lead, inform and assist them to make resettlement function properly at all levels;

- “*holistic*” and comprehensive in approach, in using resettlement to ensure protection, a durable solution, and effective sharing of burdens and responsibilities, within the context of a broader refugee policy which addresses needs in countries of origin and first asylum; and
- open to the *strategic* use of resettlement, e.g. through the *group resettlement* as a means of providing a durable solution in protracted refugee situations where prospects for voluntary repatriation in the near future or local integration in the country of asylum are remote.

The “resettlement continuum” ranges from identification and referral in the field, to acceptance and travel, to reception and durable settlement in a third country. The process of consultations with Governments and agency partners allows for the exchange of information to identify and work to resolve problems at every stage of the process. The Working Group on Resettlement comprised of UNHCR, the International Organization for Migration and resettlement countries is meeting in Geneva three times a year. Similarly, the Annual Tripartite Consultations on Resettlement, which comprises of the same actors, as well as international NGOs, takes place annually in June. Regional consultations have been held with agencies from Europe, the United States of America, Canada, Australia and New Zealand. The formal consultation process with Governments and NGOs, which started in October 1995 and June 1996, continues to allow for a regular exchange with a view to developing strategies for meeting resettlement needs in a coherent and transparent manner. The Working Group on Resettlement has gained further impetus due to its prominent role in parts of the protection initiatives of UNHCR over recent years.

For example, it has played an active role in defining the strategic use of resettlement and is explicitly referred to in the *Agenda for Protection* as the designated actor on specific issues.<sup>1</sup>

## 10.4 Non-Governmental Organizations

Non-governmental organizations (NGOs) play a significant role in providing various resettlement services. The role and function of NGOs will vary from country to country, but in many cases these organizations provide a liaison function to the refugee, UNHCR and the receiving Government. In many cases, NGOs are the direct link for UNHCR and by consequence the refugee, with the public at large in resettlement countries. The various NGOs also provide UNHCR resettlement activities with collateral value, since it is often through the work of NGOs and their community volunteers that the public first gets to know about refugees and the work of UNHCR. This aspect of NGO work has a positive impact on fund-raising, advocacy for various refugee groups, and fulfilling public information functions.

NGOs assisting UNHCR as operational partners, or working independently, and like Governments in resettlement countries, must be briefed by UNHCR on the full range of constraints involved in the resettlement process, competing demands for scarce quotas, and the need for co-operation on priority, deserving cases. It must be borne in mind that while Governments and/or NGOs may intervene to promote resettlement of certain groups of specific interest to them, UNHCR must consider resettlement on the merits of the circumstances in relation to refugee protection and durable solutions for refugees.

### Advocacy for refugees

In many resettlement countries, NGOs are in the forefront of advocating for refugee protection and assistance with their Governments, the public, and other organizations. This is evident in the advocacy which NGOs at times undertake for specific refugee groups of concern to their constituencies and communities. This may take the form of public education campaigns on behalf of specific refugee groups that have close ties to the community. In other cases, specific refugee populations are of interest because of historical connections to the countries of origin.

Advocacy takes the form of individual casework for specific refugees, using the tools of public education and contacts with Government officials to expedite the resettlement of specific individuals or families. Efforts are also undertaken by NGOs on behalf of individual refugees under UNHCR's mandate. In other cases, NGOs work more broadly with officials and politicians to promote positive admission decisions and expedited movement of cases.

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<sup>1</sup> Goal 3, Objectives 2 and 6, and Goal 5, Objective 1.

Advocacy in many resettlement countries is also evident in NGO efforts to assure that Governments dedicate sufficient funding for refugee assistance and resettlement activities. This includes support for overall UNHCR identified budgetary needs, as well as support for the national social service budgets with special attention to refugee services. Many NGOs engage in lobbying activities on behalf of refugees, including specific groups needing protection, including resettlement, and assistance.

Such lobbying activities vary with the political systems of each country, but in many cases involve extensive grassroots networks of dedicated activists who respond to calls for action on refugee needs.

In some cases, advocacy activities by NGOs also include lobbying for or against specific legislation, thereby seeking to promote the principles of refugee protection and provision of asylum. Such legislation may be national in character, or may have regional and international implications as Governments seek to harmonise their laws and practices.

NGOs often have an important role not only in the promotion of resettlement cases, but also in policy formulation regarding admission criteria, priorities and quotas. Many Governments maintain a close working relationship with NGOs in the formulation of policy and consult with NGO experts to design and implement new programmes and resettlement strategies. In the same manner, NGOs are in the forefront not only of providing settlement (integration and adjustment) services, but also of designing integration and adjustment programmes at the community level that will assist refugees to start a new life and become productive members of their new societies.

UNHCR frequently works with NGOs to promote specific resettlement needs and to meet public education and information needs. Care should be exercised by Field Office staff to co-ordinate such needs for advocacy with UNHCR Headquarters and the appropriate Field Office in the resettlement country.<sup>1</sup> In the same manner, requests by NGOs lobbying with Field Offices should be co-ordinated with UNHCR Headquarters and other pertinent offices, so that communication is effective and appropriate to the situation. In the spirit of PARinAC, UNHCR and NGOs can effectively help promote the addressing of international refugee protection needs, specific regional solutions for refugee crisis, and specific refugee groups who are in need of resettlement.<sup>2</sup>

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<sup>1</sup> The following UNHCR offices cover principal resettlement countries: Regional Office Canberra (Australia and New Zealand), Branch Office Ottawa (Canada), Regional Office Stockholm (Denmark, Finland, Norway and Sweden), Liaison Office The Hague (The Netherlands), Unit for Switzerland at Headquarters (Switzerland), Regional Office Washington (United States of America).

<sup>2</sup> The foundation for the UNHCR-NGO Partnership in Action (PARinAC) process was laid in Oslo, Norway in 1994 by way of the PARinAC Oslo Declaration and Plan of Action. See also, *Report on PARinAC and Plan of Action 2000*, UNHCR NGO Unit, Geneva, February 2000, according to which the principal contribution of the process has been the inclusion and increased awareness of the potential and responsibility of national NGOs.



UNHCR is guided by Recommendation 32 of the PARinAC Oslo Declaration and Plan of Action agreed in 1994, which states that:

“UNHCR should develop a closer relationship with resettlement NGOs in the area of resettlement needs for vulnerable groups. UNHCR should formalise its co-operation and regularly consult with NGOs in the field, as well as in resettlement countries, to better utilise the annual resettlement needs assessment, as a tool to maintain, increase or target resettlement quotas established by Governments. UNHCR and NGOs should develop a closer consultation mechanism in the design, analysis, and use of the annual resettlement needs assessment document.”

In many countries, resettlement and other NGOs work hand in hand through umbrella organizations or networks to help co-ordinate their activities and public voice. UNHCR often consults with these umbrella organizations and individual members in each of the resettlement countries.

### **NGO services to refugees in countries of asylum**

UNHCR Field Offices will often have well-established relationships with NGOs to help facilitate counselling and assistance to refugees who may be eligible for resettlement. Some resettlement countries, notably the United States of America, utilise NGOs in the pre-screening and processing of cases before the immigration officials determine eligibility of cases for resettlement. This role of NGOs can help facilitate the work of UNHCR Field Offices where applicable, as in many circumstances close co-operation on specific cases and groups can be arranged between the UNHCR Field Office and the NGO (in the context of resettlement in the United States of America, usually the Joint Voluntary Agency, or JVA).

While eligibility criteria and admission requirements are determined by countries of resettlement, and the NGO working to assist in the processing and pre-screening for such cases is bound by laws and regulations in this regard, many resettlement countries give first priority to cases referred by UNHCR. At the same time, there are countries which process and admit for resettlement other groups parallel to UNHCR referrals.

It is important for UNHCR Field Offices to work closely with NGOs and diplomatic representations (missions, etc.) of Governments to understand the specific and unique features of each country's resettlement programme in order to encourage the movement of UNHCR priority cases. NGOs entrusted by their respective Governments with pre-screening and processing can, in this role, often help to advocate for specific groups or individuals.

In some countries of asylum, NGOs work as UNHCR's implementing partners to help screen cases needing resettlement, as well as to provide counselling services to refugees needing assistance. In many cases this involves smaller and more diverse "urban" refugee populations, as compared to larger refugee populations in refugee camps. In other circumstances, specific refugee groups within a camp population are identified as in need of resettlement, based on considerations such as their ethnic background, social composition, or religious affiliation. NGOs can sometimes help Field Office staff in the early assessment and identification of potential resettlement cases, as well as in the processing of documents needed to constitute a resettlement dossier. It is envisioned that NGOs be included in resettlement operations under UNHCR Group Methodology, see Chapter 7 of this Handbook.

### UNHCR-ICMC Resettlement Deployment Scheme

The UNHCR-ICMC Resettlement Deployment Scheme began in 1997 and was initiated to provide additional support to UNHCR in fulfilling its mandate as it relates to the resettlement of refugees as a tool of protection and as a durable solution. The Deployment Scheme constitutes a mutually beneficial means for both UNHCR and the resettlement countries to respond to the needs of refugees. The two primary goals of the Deployment Scheme are:

- To increase the capacity of UNHCR to refer refugees for resettlement consideration; and
- To increase the understanding between UNHCR and its NGO resettlement partners.

The Deployment Scheme offers an opportunity to bring skilled people from a variety of NGO as well as Government backgrounds into the UNHCR organization. Their temporary placement to a UNHCR field office provides deployees with an increased understanding of how the UNHCR resettlement program functions within the context of finite resources, and local and international partnerships. In turn, UNHCR benefits from the experience of people grounded in community work in refugee-receiving countries. After their assignment, deployees return to their home community, Government or NGO context and are able to use their new experiences and insights to increase awareness of UNHCR's resettlement work, and the participation of NGOs and governments in it.

### NGO services to refugees in resettlement countries

In many resettlement countries, NGOs are the primary providers of services to the arriving refugee. These services are usually funded by the host Government and/or local resources raised independently by the NGO. Depending on the system of social welfare services in each country, NGO services to refugees may encompass addressing comprehensively the needs of the resettled refugee, including services relating to language training and search for employment. NGOs usually provide a counselling role for refugees, often working with specific communities to provide language and culturally-sensitive help.

NGOs often co-ordinate the contributions of volunteers and direct private donations to refugees who have been resettled. These contributions are an added value to the services to which refugees are eligible in each country of resettlement. Most important, NGOs not only contribute in cash and with in-kind donations to the resettlement of refugees, but help the refugee and family make new friends and contacts necessary for the successful integration. Usually termed “sponsorships”, such arrangements utilise local resources of religious groups, community organizations or business associations to help meet the needs of refugees and their families.

NGOs are often in the forefront of culturally-sensitive mental health and specialised adjustment services. Working in close co-operation with professional associations, universities, hospitals and health centres, NGOs seek to assure that special needs of refugees (e.g. trauma due to torture or rape, etc.) are addressed. In some cases such services are provided free of charge, on sliding fee basis, or funded by governmental and non-governmental sources. UNHCR Field Offices should always consult with Headquarters when specific questions arise on specialised mental health and medical needs for specific refugees.

In some resettlement countries, NGOs are also the primary provider of training services related to employment. Many innovative services have been designed to include direct partnerships with large and small employers, who look upon newly resettled refugees as an important resource in the labour market. In some resettlement countries, there are incentives for refugees to quickly enter into the labour market. UNHCR Field Offices should let refugees know that there will be high expectations on resettled refugees to enter the job market at any available level, including early employment into positions which may be below their professional training and qualifications.

NGOs also help resettled refugees get reunified with their families still abroad. The practice of NGOs in this field varies significantly among countries, and NGOs will be bound in their family reunification work by the laws and regulations of each resettlement country. In particular, when special cases arise that are outside normal immigration or refugee resettlement procedures, NGOs may still be able to facilitate family reunification under temporary protection schemes, specialised “leave to remain” programmes, and other forms of humanitarian admissions. UNHCR offices in resettlement countries should be contacted when such cases arise to activate NGO networks.

## **10.5 The Media**

### **Responding to the media**

The news media are an important facilitator of protection and assistance to refugees. News media provide an effective way to mobilize support and increase public awareness of the plight of refugees.

Used effectively, co-operation with the media can have a positive impact on public and Government support to refugees, and can help promote understanding of UNHCR, its protection concerns, and its mandate. In turn, this can spark essential funding for refugee programmes.

UNHCR's public information policy permits and encourages staff members to speak to the press. However, in some situations, it will not be appropriate to air in public some specific concerns, particularly when individuals may be at risk. For this reason, if there are any doubts about potential implications, staff should consult with senior colleagues or with the Public Information Section based at its Headquarters.

### **The refugee story**

It is the nature of the news media to be at least as interested in the details of a personal story as they are in facts and figures. Focusing on a refugee's personal story can be beneficial to that person, to UNHCR and to the work of the Resettlement Section. This media interest can bring with it enormous advantages; but it can also warrant sensitive protection considerations.

Resettlement work is about moving the individual refugee directly from the overcrowded refugee camp, the detention centre, and the dangers, misery and suffering of the first asylum country to a safe third country removed from such risks. In many countries, particularly developed countries which are distant from major crisis areas and which directly receive few asylum-seekers, contacts with resettlement workers and resettled refugees represent virtually their only direct exposure with refugee issues and UNHCR. In the words of one Government representative, resettlement represents "a window to UNHCR". Interest along these lines should be encouraged. Every effort should be made to provide an accurate and positive view through that "window".

### **Sensitising the media without losing the story**

In order to minimise the risks associated with publicising individual refugee problems, every opportunity should be taken to encourage journalists to respect the confidentiality of certain information and, where possible, to avoid releasing the individual's identity, or details which could permit identification, such as specific references to the refugee's political involvement in the country of origin and dates and places where political activity took place. While the publication of photographs may complement a story, this should not occur without the agreement – on an informed basis – of the refugee.

## Being protection-minded

Resettlement involves the processing of individual refugee cases, and it is therefore important to be protection-minded when dealing with this information and the media. The first priority of UNHCR is the protection of the individual refugee. The particulars of personal experience which individual refugees have provided to UNHCR are privileged information and should not be shared with persons who are not authorised by UNHCR unless the refugees have specifically agreed to that information being released.

It is important to be aware that the publication of detailed personal information from the refugee's story, such as the names, age, sex, family situation, villages/cities of origin, or the political activities of refugees might increase the vulnerability of the persons concerned or of members of the family still in the country of origin. It may increase the risk of retaliatory measures by national authorities, either in the asylum country or in the event the refugee decides to repatriate. If the media requests an interview which will highlight a refugee's story, the refugee should be fully counselled as to the purpose of the interview and advised that he or she has the right to refuse it or to use an assumed name.

Careful consideration should also be given to the emotional and psychological well-being of the refugee and his or her family before they are encouraged to relate and repeat stories of violence, rape, torture or other atrocities. Remember that the first concern must be for the safety and best interests of the individual sharing the story. A UNHCR officer should offer to be present during media interviews, if the refugee so wishes. The media should be discouraged from interviewing refugee children, particularly when they have undergone trauma. Likewise, the media should, and UNHCR staff should advise the media and refugees as needed toward this end.

If the outcome of the story is unfavourable or inaccurate or if the journalist failed to respect clearly stated ground rules, do not immediately complain to the journalist concerned or the editor. Instead, inform the Representative or the Public Information Section at UNHCR Headquarters as soon as possible.

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**TRAINING ON RESETTLEMENT**

## TRAINING ON RESETTLEMENT

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UNHCR's efforts to train its staff designated to resettlement activities and to build regional resettlement training capacity have improved with the introduction of a Learning Programme and Training of Trainers' components dedicated to Refugee Status Determination and Resettlement. The office has also enhanced efforts to train a broader range of staff as well as partners through inclusion of resettlement components in other Learning Programmes.

In addition to the more comprehensive Learning Programmes, situation, country or region-specific training sessions continue to take place in collaboration with Government authorities and NGO partners.

Training is an essential means to ensure effective implementation of UNHCR's resettlement policy. The Resettlement Handbook serves as the point of reference and as an important tool for training - of UNHCR staff and of partners. Resettlement training activities are closely linked to protection training and are organized by the Resettlement Section in close collaboration with the Protection Capacity Section of the Department of International Protection, the Staff Development Section, Regional Bureaux and Field Offices concerned.

Since resettlement operations require close collaboration at all levels, UNHCR welcomes Government and NGO participation in resettlement training activities.

The main objectives of resettlement training are:

- to build and strengthen capacity with UNHCR country offices to organize and deliver training on resettlement with a view to maximize resources and streamline training efforts;
- to strengthen the capacity of field staff to pro-actively identify refugees in need of resettlement and to effectively promote their cases; to give staff the skills to analyse resettlement and related protection problems encountered; to define an appropriate strategy and to develop a mechanism for resettlement delivery built on close cooperation with resettlement countries and other partners;
- to enhance resettlement operators' awareness on issues of fraud and malfeasance in the resettlement process and to strengthen their capacity to prevent and mitigate them, in order to deliver credible and transparent resettlement programmes;
- to strengthen the overall management of the resettlement process related to individual cases and groups of refugees.

The development of training modules and the implementation of resettlement training activities will have to take into account that responsible UNHCR staff dedicates varying amounts of their time to resettlement, depending upon the situation in the country and the number of eligible cases.

Below, the existing Learning Programmes and other training modules or efforts are briefly explained, as is UNHCR's Plan of Action for continued enhancement of its resettlement training activities.

### **The RSD and Resettlement Learning Programme**

This programme was introduced for UNHCR staff members in 2003 with a view to assist staff working on RSD and resettlement to enhance the quality and effectiveness of their work and to upgrade the overall quality of UNHCR's activities in this field.

The programme draws on the successful experience of other Learning Programmes developed within UNHCR and it is the second one produced by the Department of International Protection, following the Protection Learning Programme (PLP).

Prior to the launch of the RSD-RS LP, resettlement activities had been the centre of renewed attention both from major resettlement and donor countries and within UNHCR. The High Commissioner, on various occasions, had expressed strong commitment to the enlargement and the upgrading of UNHCR resettlement programmes. At the same time, the need to enhance the quality and ensure the transparency of UNHCR's RSD activities was strongly acknowledged.



In particular, it was recognised that the quality of refugee status eligibility determinations directly affects UNHCR's capacity to propose resettlement as a credible durable solution.

The incidents of fraud and abuse which had occurred within some RSD and resettlement programmes in the field have clearly illustrated the urgency to reinforce the existing procedures and systems of internal control and responsibility. These events further compounded the need for UNHCR to embark on a process of self-assessment and internal revision of its own systems and practices and to devise a specific training strategy in support of field staff operating in RSD and resettlement.

The High Commissioner's Memorandum on "Management of Protection Activities" (IOM 25/2002 - FOM 24/2002, dated 15 March 2002) which called for a renewed awareness on part of Field Offices of their responsibilities pertaining to protection and resettlement activities, represents a fundamental step in this process. Another important step in this regard is the development of standards for resettlement procedures and management in Field Offices, included in the 2002 revision of this Handbook and the development of Procedural Standards for RSD under UNHCR's Mandate.

Within the framework and guidance provided by UNHCR's *Code of Conduct* and the *Agenda for Protection*, the Learning Programme on RSD and Resettlement is, hence, an important component of UNHCR's training strategy towards addressing the quality of protection and resettlement activities. To this effect, the programme is eventually to be made available to all UNHCR staff and other employees with RSD and/or resettlement-related functions worldwide.

The first phase of the Learning Programme consists of a four-month period of self-study. Throughout this period, participants will have the opportunity to review and reflect more deeply upon RSD and resettlement principles and on the practical linkages of these two core functions. The five Chapters of the programme will take participants through the key components of RSD and the fundamental steps of the resettlement process. In addition, the programme will introduce participants to a number of important concepts such as "accountability" and "co-responsibility" of all staff with respect to the quality and integrity of RSD and resettlement operations.

The workshop represents the second phase of the Learning Programme. In the course of the workshop, all the concepts and thematic areas included in the self-study modules will be revisited and further developed. After the workshop, a five-week implementation period will start. This is the third and final phase of the Learning Programme, in which participants will have to demonstrate the skills acquired throughout the programme.

### Building internal training capacity

In order to build regional training capacity on RSD and Resettlement within UNHCR, regional Training of Trainers sessions have been introduced in 2004.

Participants primarily count selected former graduates of the RSD-RS LP, but also other staff members with in-depth knowledge of RSD and Resettlement issues and a proven ability to provide training. The objective is to establish training capacity to support the delivery of future RSD-RS LPs in the region as well as separate workshops, debriefings or other ad-hoc training sessions tailored to specific needs arising. Once included on the trainer roster, trainers who relocate from one region to another will be asked to also act as trainers in their new duty station. This approach enables UNHCR to gradually build substantial training capacity on RSD and resettlement within the organization and to provide a platform for augmenting inter-regional coordination and sharing of experiences and best practices.

The current level of funding of the RSD-RS LP allows for three intakes yearly. Complemented by regional training workshops and Training of Trainers sessions, the reach of UNHCR's resettlement training efforts will extend to most regions of the world.

### **Other Learning Programmes with Resettlement components.**

The *Protection Learning Programme* (PLP) was launched for the first time in 2000 and comprises the first comprehensive UNHCR distance learning programme developed by the Department of International Protection. It is offered to a wide audience of staff within UNHCR, including General staff and junior level staff in the Professional category. Its aim and purpose is to provide participants with basic knowledge on UNHCR's mandate and select protection issues, thereby striving to mainstream protection into the work of all UNHCR employees. The PLP workbooks include a unit on resettlement which delineates basic information on resettlement concepts and functions as well as the UNHCR criteria for determining resettlement as the appropriate solution.

The content and methodology of the PLP provides the basis for the *Protection Learning Programme for UNHCR Partners* which has been launched in 2004 in undertaking to fulfil UNHCR's responsibility under the *Agenda for Protection* to assist in enhancing the protection capacity of States, NGOs and other partners, and to assist in fostering a common understanding on a range of protection issues. This learning programme attempts to address the specific concerns and needs of UNHCR partners, and while shorter than the PLP, it also includes a unit on resettlement. The pilot initiative is primarily aimed at NGOs working closely with UNHCR in the field, but the programme will be extended to a broader range of UNHCR partners after the pilot phase.

The UNHCR *Thematic Protection Learning Programmes*, offered to senior managers, discusses in its module on *Protection Strategies in the Context of Broader Migration Movements* the strategic use of resettlement as one means of addressing complex situations of mixed flows of refugee and migrants.

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Following a UNHCR IOM/FOM issued in March 2002 under the signature of the High Commissioner, entitled “Management of Protection Activities – Responsibilities of UNHCR staff”, UNHCR’s Department of International Protection initiated a series of *Protection Management Workshops*. They target Representatives and other senior staff and include a session dedicated to management of UNHCR resettlement activities. Resettlement procedures are explained and best practices are shared with regard to the prevention of malfeasance in resettlement processing.<sup>1</sup>

### **Co-operation with resettlement partners**

The co-operative nature of resettlement programmes is also demonstrated by the efforts undertaken to include resettlement partners (i.e. international and/or local NGOs, government partners, intergovernmental organisations) in training activities organized by HQ and/or Field Offices. One example of such cooperation is the preparatory activity, including training sessions, undertaken by NGOs/government staff before being deployed to the field with the UNHCR-ICMC Deployment Scheme. As mentioned in Chapter 9 of this Handbook, the UNHCR-ICMC Resettlement Deployment Scheme began in 1997 and was initiated to provide additional support to UNHCR in fulfilling its mandate as it relates to the resettlement of refugees. The Deployment Scheme offers an opportunity to bring skilled people from a variety of NGO and Government backgrounds into the UNHCR organization on a temporary basis.

ICMC deployees receive induction and briefing sessions by both ICMC and UNCHR prior to their deployment to further their understanding of the setting they are going into and thereby the potential for performing well. Moreover, UNHCR organized several joint regional training workshops for deployees in co-ordination with ICMC and developed a special training module to be used for these training sessions. Further, both ICMC and UNHCR carry out debriefings with deployees upon end of their assignment.

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<sup>1</sup> Chapter 8 of this Handbook provides guidelines and standards for the effective management of resettlement activities in Field Offices, and includes a number of practical management tools and reporting requirements.

## Plan of Action for resettlement training

While considerable progress has been made in the field of resettlement training over recent years, UNHCR continues to explore ways of refining and enhancing efforts in this regard. The Plan of Action included below outlines activities to be pursued in the short and longer term.

- update and revise the Resettlement Handbook (in English, French and Spanish) on an ongoing basis, including the CD-ROM version;
- continue to develop a series of resettlement training modules (including *train the trainers* modules), on the basis of the Resettlement Handbook, in cooperation with other Headquarters units and with field operations, as well as interested Governments and non-governmental organizations;
- develop training modules for staff participating in the ICMC deployment scheme, in order for deployees to receive resettlement training before their deployment to the field;
- in liaison with other organizations and with UNHCR units, incorporate relevant resettlement issues in related training (for example, SGBV, Community Services, Registration, Protection Management Workshops and Government training for officers involved in resettlement, etc.), including in Learning Programmes as appropriate;
- continue to assess specific training needs (linked to the Career Management System and the roll out of the PROFILE registration);
- continue to provide situation, country or region specific training opportunities in the field and at Headquarters for regional resettlement staff - including *train the trainers* sessions – in addition to the RSD-RS LP.
- provide support to regional and local training activities;
- undertake periodic evaluations of training activities and re-assessments of training needs.

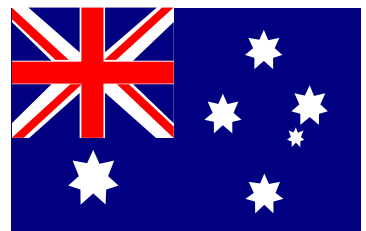
**COUNTRY  
CHAPTER**

**AUL**

# **AUSTRALIA**

**BY THE GOVERNMENT OF AUSTRALIA**

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## 1. Resettlement Policy

Australia is committed to sharing responsibility with other countries for protecting and finding orderly resolutions for refugees and others in humanitarian need. Australia supports the United Nations High Commissioner for Refugees (UNHCR) as the international body responsible for this process and the UNHCR's three durable solutions of voluntary repatriation, local integration and resettlement. To assist in promoting the first two durable solutions, Australia provides overseas aid to improve conditions in refugee producing countries and to increase the capacity of countries of first asylum to host refugees. In recognition of the fact that many people of humanitarian concern cannot be repatriated or locally integrated, Australia operates an offshore resettlement programme. Over 675 000 refugees and others of humanitarian concern have been resettled in Australia since the end of World War II.

Offshore resettlement is the largest component of Australia's Humanitarian Programme. This goes beyond international obligations and reflects the desire of Australians to assist those in humanitarian need. The second component of the Programme provides protection for refugees already in Australia who engage Australia's obligations under the United Nations 1951 Convention and its 1967 Protocol.

The Humanitarian Programme is administered by the Department of Immigration and Citizenship (DIAC).

## 2. Criteria for Refugee Status Eligibility and Asylum

The offshore component of the Humanitarian Programme has two categories of permanent visa and two categories of temporary visa.

### **Permanent offshore humanitarian visa categories:**

**Refugee** for people who are subject to persecution in their home country and who are in need of resettlement. The majority of applicants who are considered under this category are identified by UNHCR and referred by UNHCR to Australia. The Refugee visa category includes Refugee (visa subclass 200), In country Special Humanitarian (visa subclass 201), Emergency Rescue (visa subclass 203) and Woman at Risk (visa subclass 204).

**Special Humanitarian Program (SHP)** (visa subclass 202) for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organization that is based in Australia, must support applications for entry under the SHP.

### **Temporary offshore humanitarian visa categories:**

The offshore temporary humanitarian visas are for people who have bypassed or abandoned effective protection in another country and for whom humanitarian entry to Australia is appropriate. It comprises two subcategories:

**Secondary Movement Relocation** (visa subclass 451) for people who have moved from a safe first country of asylum to another country before applying to enter Australia. This visa is valid for five years.

**Secondary Movement Offshore Entry** (visa subclass 447) for people who arrived unlawfully in Australia at an offshore excised place and have moved from a safe first country of asylum. This visa is valid for three years.

### 3. Criteria for Resettlement

As well as meeting the threshold criteria of persecution or substantial discrimination described above, applicants for resettlement to Australia must satisfy the DIAC decision-maker that there are compelling reasons for giving special consideration to granting them a visa. This includes balancing various factors such as:

- the degree of harm the applicants themselves may have suffered (such as individual discrimination or other physical harm);
- the degree of an applicant's links to Australia (such as family and cultural links);
- Australia's capacity to provide for settlement of the applicant; and
- whether resettlement is the most appropriate option for the applicant (resettlement is generally intended to assist people who are under threat within a country of first asylum or who have no prospects of return to their country of origin).

All applicants are also required to meet the public interest criteria outlined in section 5 below.

### 4. Resettlement Allocations / Processing Priorities

Decisions on the size, composition and regional focus of the Humanitarian Programme are made by the Australian Government. This decision takes into account the UNHCR assessment of global resettlement needs, the views of individuals and organizations in Australia, and Australia's capacity to assist. The Humanitarian Programme was increased to 13,000 places in 2004-05 and has been maintained at that level since.

The regional priorities for the 2006-07 programme year have been set at 50 percent for Africa, 30 percent for Middle East and South West Asia, and 20 percent for Asia. 6000 places are allocated to the Refugee category each year, and 7000 are allocated to the SHP category (also shared with protection visas granted to asylum seekers *within* Australia).

Priority caseloads for the offshore component of the Humanitarian Programme are emergency cases, woman-at-risk and cases referred by UNHCR.

## 5. Admissibility for Resettlement

All applicants for permanent visas must meet prescribed legislative criteria which include public interest criteria intended to safeguard the Australian community's health, access to health services, safety and national security. In some circumstances health requirements may be waived (see section 11). Character requirements, however, cannot be waived.

Applications may be refused on character grounds where there is evidence of criminal conduct on the applicant's part or the applicant represents a threat or danger to the Australian community.

Under the *one fails, all fail* rule, visas cannot be granted to an applicant or any member of the applicant's family unit included in the application if the applicant or any member of the family unit, whether included in the application or not, fails a prescribed public interest criterion.

## 6. Submissions and Processing via Dossier Selection

Australia does not process applications for resettlement by dossier selection.

## 7. Submissions and Processing via In-Country Selection

### 7.1 Case Documentation

Applications must be made on the prescribed form (form 842, *Application for an Offshore Humanitarian Visa*), available from Australian overseas missions and from the DIAC Internet site at [www.immi.gov.au](http://www.immi.gov.au).

Applications made under the Special Humanitarian Program (SHP) must be supported by a "proposal". This is a statement proposing the applicant's entry from an Australian citizen or permanent resident, an eligible New Zealand citizen or an organization operating in Australia (form 681, *Refugee and special humanitarian proposal*).

The proposal, which is mandatory for the SHP, helps the decision-maker to gauge the proposer's ability to assist the applicant in settling successfully in Australia.

There is no application or processing fee for humanitarian applications. Four passport-sized photographs of the applicant and immediate family members must be included in the application and submitted with the application.

Applicants may submit supporting documents and information at any time before their application is decided.

### 7.2 Routing of Submissions

Applications are received either direct from applicants or via referral by UNHCR or NGOs.

Most applications must be lodged outside Australia at an Australian diplomatic or trade mission. However, SHP applications from Africa and the Middle East must be lodged in Australia, along with the proposal form.

Processing of the majority of applications for resettlement takes place at designated Australian missions around the world.



For the SHP applications lodged in Australia, initial processing is done in Australia at an Offshore Humanitarian Processing Centre. The application is either refused for not meeting the criteria or forwarded to the relevant overseas post for further consideration, interview and decision.

### **7.3 Decision-Making Process**

Applications are considered on a case-by-case basis against the criteria set down in the *Migration Regulations 1994*. Those applications who are prima facie eligible are interviewed to test their claims. Unsuccessful applicants receive a letter that indicates the criteria that were not met.

### **7.4 Recourse Processing**

There is no provision for merits review of decisions to refuse offshore applications for resettlement (Class XB). Refused applicants may, however, reapply at any time.

### **7.5 Processing Times**

Processing times and visa grant times vary from region to region. Over the 2005-06 programme year, 75 per cent of cases were finalised within seven and a half months. Emergency cases referred by UNHCR are given greatest processing priority (see below)

## **8. Emergency Cases**

The Emergency Rescue visa (subclass 203) is part of the Refugee category. It is used for applicants who are subject to persecution in their home country (whether living there or elsewhere) and have urgent and compelling reasons to travel to Australia. A small number of emergency cases are referred to Australia each year through UNHCR's Regional Office in Canberra.

Emergency cases are given highest processing priority of all applications for resettlement. The department aims to decide whether to accept an application within two days of receiving it from UNHCR. Once an application is accepted, the department aims to evacuate the successful applicant within three days of the decision to accept, pending health and character checks.

## **9. Special Categories**

### **9.1 Refugees with Medical Needs**

There are no special provisions for the resettlement of refugees with medical needs. The Humanitarian Programme does not exclude anyone automatically on the basis of illness (apart from tuberculosis). However, every applicant must also meet legislative health requirements relating to public safety and undue cost, unless a decision is made to waive them (see section 11).

### **9.2 Survivors of Violence and Torture**

Australia gives priority consideration to survivors of violence and torture referred by UNHCR for resettlement. Specialized counselling and medical services and English classes for survivors of torture and trauma are among the settlement services available to Humanitarian Programme entrants (see section 14).

### 9.3 Woman-at-Risk

The Woman-at-Risk programme (subclass 204, a sub-category of the Refugee category) is for female applicants who are subject to persecution or registered as being of concern to UNHCR. They must also be living outside their home country; do not have the protection of a male relative; and are in danger of victimisation, harassment or serious abuse because of their gender. The Australian Government commits at least 10.5% of the Refugee allocation to the Woman-at-Risk programme every year.

### 9.4 Children

Children applying under the Humanitarian Programme for entry to Australia as unaccompanied minors are required to meet the same criteria as other applicants, including the criterion that permanent settlement in Australia is the most appropriate durable solution. Decision-makers must be satisfied that the grant of the visa to the child would not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the child.

Unaccompanied minors without relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Multicultural Affairs under the provisions of the *Immigration (Guardianship of Children) Act 1946*. State government welfare agencies are responsible for their care and case management. Assistance is available until the child reaches 18 years of age, becomes an Australian citizen or otherwise ceases to be an unaccompanied minor.

### 9.5 Elderly

There are no special provisions for the resettlement of elderly refugees.

## 10. Family Reunification of Refugees

### 10.1 Policy concerning Family Reunification of Refugees

Immediate family members of permanent humanitarian visa holders can be considered for family reunion under the 'split family' provisions of the Humanitarian Programme. The 'split family' provisions allow the grant of a visa to immediate family members of a permanent humanitarian visa holder if they can demonstrate the family relationship and meet public interest criteria.

The Family Stream of the Migration Programme also allows all holders of permanent visas to sponsor members of their immediate family for entry to Australia.

### 10.2 Criteria for Family Reunification

Holders and former holders of permanent Humanitarian Programme visas may, within five years of the grant of their visa, propose immediate family members for resettlement (as outlined above). Persons eligible for consideration under the 'split family' provisions include the visa holder's spouse, dependent children or, if the visa holder is under 18, parents. The visa granted is either of the same subclass as the family member in Australia, or an SHP visa.

### **10.3 Allocations for Family Reunification**

There is no separate allocation in the Humanitarian Programme for family reunification. Applications are given priority in processing.

### **10.4 Routing of Applications**

Routing of applications for family reunification is as for other applications for resettlement.

### **10.5 Verification of Relationships**

To qualify for family reunification, immediate family members must have been declared by their proposer to DIAC before the grant of the proposer's visa.

### **10.6 Processing and Decision-Making**

Processing and decision-making in family reunification cases are as for other applications for resettlement. However, 'split family' applicants do not need to meet the criteria of being subject to persecution or substantial discrimination in their home country.

## **11. Medical Requirements**

Applicants for resettlement, like all applicants for permanent visas, must meet health criteria. These criteria require applicants to be free from tuberculosis and any disease or condition that is a risk to public health and safety. Some applicants (those with active tuberculosis, for example) must undergo specialist treatment before their visa is granted.

Applicants will not meet health criteria if they have a medical condition that is likely to result in a significant cost to health care and community services or prejudice Australians' access to health care or community services.

In the case of applicants for emergency resettlement, health assessment may, if necessary, be deferred until their arrival in Australia, unless they are thought to have a health condition likely to result in their failing health criteria.

To meet health criteria, applicants for emergency resettlement who do not undergo health assessment before their travel to Australia, and applicants who have been requested by a medical officer of the Commonwealth to undergo further health assessment in Australia, must make a written undertaking to make contact with health authorities within a specified time and undergo treatment or medical investigation as directed.

Provision exists to waive health criteria in respect of certain visas, among them Humanitarian Programme visas. If the grant of a visa to the applicant is not likely to result in undue cost to the Australian community or unduly prejudice Australians' access to health care or community services, the decision-maker may waive the health criteria.

The decision to waive or not to waive is taken only after careful consideration of all relevant factors. The health criteria cannot be waived if the applicant has a disease or other medical condition that represents a threat to public health in Australia.

The Australian government meets the cost of health assessment of applicants for Refugee and SHP category visas.

Pre-Departure Medical Screening has been introduced just prior to scheduled travel to ensure that the applicants are fit to fly and to identify any further medical issues that will require treatment once in Australia.

## **12. Orientation**

The Australian Cultural Orientation (AUSCO) programme for refugee and SHP entrants was introduced in Kenya in 2003, and expanded globally to four regions, Africa, South Asia, South East Asia and the Middle East. It represents the beginning of the settlement process and aims to provide participants with the necessary knowledge and skills to enhance their settlement prospects and create realistic expectations for life in Australia.

The programme is voluntary and available to all refugee and special humanitarian entrants over 5 years of age. There are four courses offered, adult, children, pre-literate and a youth programme is currently being trialled in Africa.

The courses are delivered over five days to ensure that topics are covered in sufficient detail. Topics include an overview of Australia including its government, geography and climate; cultural adjustment; travel to Australia, settling in, health care; education; finding a job; housing, transport, Australian law and money management.

IOM delivers the courses on behalf of DIAC.

On arrival in Australia, humanitarian entrants have access to On Arrival Reception and Assistance under the IHSS. This assistance helps link entrants to the local services they need in the initial stages of settlement (see 15.2).

## **13. Travel**

The Australian government organizes and pays for the passage to Australia of holders of Refugee visas. SHP visa holders or their proposers, are expected to fund their travel to Australia. To facilitate the travel of SHP visa holders, the Government provided a \$2.5M grant in May 2005 to the International Organization for Migration (IOM) to enhance its existing no-interest travel loan scheme.

The Government considered a number of options to utilise this money to assist the travel of SHP visa holders but determined that building on the existing IOM scheme offered the best means to maximise the effectiveness of the grant. Under the grant contract, IOM has modified its lending conditions so that a significantly greater number of visa holders can be assisted than were travelling under IOM's existing scheme.

## **14. Status on Arrival**

Successful applicants are granted a visa for entry to and permanent residence in Australia (except for holders of temporary visas 451 and 447 – see section 2).

## 15. Domestic Settlement and Community Services

Government assistance is designed to help new arrivals who are most in need to settle into their local community and establish new lives in Australia.

Humanitarian entrants are the highest priority for government-funded settlement services because of their special needs and circumstances.

Most skilled migrants and sponsors of family migrants will undertake their own research about settling in Australia. These entrants will generally be able to settle into the community without needing a high level of specialised support. They will generally use mainstream services provided by governments, community organisations and the private sector to address their settlement needs. Some may need additional assistance due to low English proficiency.

### 15.1 Actors

DIAC is the federal government agency with responsibility for settlement services. Federal, state and local government agencies, non-government organizations and community groups are all involved in the delivery and provision of services.

Integrated Humanitarian Settlement Strategy (IHSS) services are delivered by service providers contracted to DIAC. Volunteer groups also work with service providers to support entrants and assist them to settle into the local community.

### 15.2 Assistance offered by IHSS

The IHSS offers initial intensive settlement support to newly-arrived humanitarian entrants, generally for around six months, but this may be extended for clients facing additional challenges. The IHSS aims to help humanitarian entrants achieve self sufficiency as soon as possible by offering them specialised help on a needs basis. Through a case management approach, the needs of humanitarian entrants are identified and a case plan is developed for the delivery of support.

The IHSS focuses on equipping entrants to gain access to mainstream services. Humanitarian entrants can access the following services under the IHSS.

- Case coordination, information and referrals  
This includes a case coordination plan based on an initial needs assessment, information about, and referral to, other service providers and mainstream agencies, and help for proposers to fulfil their role of assisting SHP entrants.
- On-arrival reception and assistance  
This includes meeting eligible entrants on arrival, taking them to accommodation, providing initial orientation and meeting any emergency needs for medical attention or clothing and footwear.
- Accommodation services  
These services help entrants to find appropriate and affordable long term accommodation and provide basic household goods to establish their own home in Australia.
- Short term torture and trauma counselling services

These services provide entrants with an assessment of their needs, a case plan, referral for torture and trauma counselling and raise awareness among other health care providers of health issues arising from torture and trauma counselling.

### **15.3 Assistance to Special Humanitarian Program (SHP) entrants and proposers**

Applications for SHP visas must be supported by a Proposer. Proposers are assisted to understand their obligations and to respond to the needs of their entrants. This support includes information and guidance on how to assist the entrant to settle in Australia, gain access to available services and obtain further assistance if required after the entrant's arrival.

As SHP entrants have the support of a proposer to assist them with their settlement needs, they will not normally be assessed as requiring the full range of IHSS services.

In some cases, a proposer's ability to support their SHP entrant may be limited and the service provider may decide to provide a partial or the full IHSS package to the entrant.

### **15.4 Location**

Most new arrivals to Australia will choose their settlement location independently. Skilled migrants generally settle where they can take advantage of employment opportunities, and family stream entrants usually settle near their family members.

The settlement location of humanitarian entrants is determined by a number of factors, particularly whether or not the entrant has family or friends (known as 'links') already living in Australia. All SHP entrants are proposed by a link in Australia. These entrants generally settle near their proposers as they provide valuable settlement and social support.

Many refugee entrants also have links already residing in Australia. The department endeavours to identify the location of these links before refugees travel to Australia so that they can settle nearby.

There are usually about 4,000 entrants each year without any links (known as 'unlinked' refugees). For these entrants, the department considers a range of factors when deciding on a suitable settlement location. These include the specific needs of the entrant, such as health requirements, the capacity of the receiving location to address those needs and the community's ability to provide a welcoming and supportive environment.

### **15.5 Other Settlement Services**

The Settlement Grants Programme (SGP) commenced on 1 July 2006. This programme was developed following a review of settlement services, detailed in the May 2003 *Report of the Review of Settlement Services for Migrants and Humanitarian Entrants*.

Under the SGP, organisations are funded to provide settlement services to recently-arrived humanitarian entrants, family stream migrants who have low English proficiency and the dependants of skilled migrants in rural and regional areas who have low English proficiency.

The aim of the SGP is to deliver services which assist eligible clients to become self-reliant and participate equitably in Australian society as soon as possible after arrival.

The SGP service types have been reviewed and expanded to include a wider range of services, facilitating a more practical approach to service delivery.

The SGP will fund the following Service Types:

- Orientation to Australia – Practical Assistance to Promote Self-reliance
- Developing Communities
- Integration – Inclusion and Participation

Funding allocations is made on a project basis, with funding priorities for particular regions and communities determined by an annual assessment of settlement needs. The annual assessment of settlement needs is conducted by the department, taking into account feedback received from state, territory and local governments, the community and the settlement services sector. The planning process identifies the priority needs of new arrivals, ensuring that the SGP delivers services that are responsive to changing settlement patterns and needs.

### **15.6 English Language Tuition**

English language tuition is provided under the Adult Migrant English Program (AMEP) for migrants and humanitarian entrants who do not have functional English. Refugee and humanitarian entrants under the age of 25 years with low levels of schooling are eligible for up to 910 hours of English language tuition. Entrants over the age of 25 years are eligible for up to 610 hours of tuition. Other migrants are eligible for up to 510 hours of tuition.

The Australian Government also provides other targeted English language programmes through the Department of Education, Science and Training (DEST) and State/Territory Governments. DEST has two employment related English language programs for adults and provides intensive English language tuition to eligible newly-arrived students through the English as a Second Language – New Arrivals (ESL-NA) programme.

### **15.7 Translating and Interpreting Service**

Translating and Interpreting Services (TIS) National provides an important safety net for people facing language barriers to participation in the community. TIS provides a national, 24 hours a day, seven days a week, telephone and on-site interpreting service as well as priority lines for emergency services and medical practitioners. TIS interpreting services are available on a free or user-pays basis, depending on circumstances, for both the public and private sectors.

DIAC provides eligible clients with free extract translations into English of certain personal documents necessary for their settlement in Australia. During their first two years of permanent residence in Australia, eligible migrants can lodge a request for translation through any AMEP provider in Australia.

## 15.8 Education

Humanitarian Programme entrants have access to the same educational services as Australian permanent residents in general.






Schooling is compulsory in Australia to the age of fifteen years and free primary and secondary education is available.

## 15.9 Vocational Training / Employment

Permanent humanitarian entrants have the same eligibility as other Australian permanent residents and citizens in accessing employment assistance through the Job Network scheme.

Other practical assistance for migrants in settling in Australia is also available through non-government organisations, such as Migrant Resource Centres. These centres and related organisations are funded through the Settlement Grants Programme and complement the initial assistance provided by the IHSS.

## 16. REFERENCE MATERIALS

-  Australian Migration Regulations 1994
-  Procedure Advice Manual 3 – Guidelines for officers administering Migration Legislation
-  *Refugee and Humanitarian Issues: Australia's Response*. Department of Immigration and Multicultural and Indigenous Affairs, Canberra, 2005.
-  *Australia's Support for Humanitarian Entrants*. Department of Immigration and Multicultural and Indigenous Affairs, Canberra, 2004-05
-  *New Beginnings: Life in Australia. Supporting New Arrivals on Their Settlement Journey 2005-06*. Department of Immigration and Multicultural Affairs, Canberra, 2006.

Further information on Australia's migration and humanitarian programmes and comprehensive advice on settling in Australia can be found on the Internet site of the Australian Department of Immigration and Citizenship at [www.immi.gov.au](http://www.immi.gov.au).



**COUNTRY  
CHAPTER**

**BEN**

**BENIN**

**BY THE GOVERNMENT OF BENIN**

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## **1. Resettlement Policy**

The Government of Benin recognizes and supports the respect of human rights, fundamental freedoms and international conventions on the protection of refugees particularly in the spirit of burden-sharing as set out in the 1969 Convention of the Organization of African Unity. In order to strengthen international solidarity in the search for durable solutions, the Government of Benin has signed a project for resettlement with the United Nations High Commissioner for Refugees (UNHCR).

## **2. Purpose**

The Republic of Benin recognizes that resettlement is an important instrument in the search for durable solutions. It has the support of UNHCR for resettlement on its territory of refugees whose safety is threatened or endangered because of their vulnerability and for whom the project will provide sustained asylum.

## **3. Criteria for Refugee Eligibility and Asylum**

Persons who qualify for resettlement are refugees as defined in the provisions of the Geneva Convention of 28 July 1951 relating to the Status of refugees and its 1967 Protocol, in the Convention of the Organization of African Unity of 10 September 1969 and the Mandate of the United Nations High Commissioner for Refugees and the legislation of Benin.

## **4. Criteria for Resettlement**

Persons who are to be resettled should have refugee status as set out in Section 2 above and must satisfy one or more of the following criteria:

### **4.1 Need for Juridical or Physical Protection**

In case of threat:

- a) of immediate or longer-term refoulement
- b) of arrest, detention or arbitrary imprisonment because of their refugee status
- c) of a risk to physical safety or that their human rights may be compromised in the same conditions that necessitated flight from the home country, then resettlement is the only solution available for protection.

## **4.2 Survivors of Violence and Torture**

Refugees victims of physical and psychological torture need special medical attention. Benin will examine possibilities for their resettlement in the country in the light of its capacity to provide adequate medical care.

## **4.3 Refugees with Medical Needs**

A refugee suffering from a serious disease who cannot be cared for either in the country of first asylum or after a temporary medical evacuation may be resettled in Benin if there is available treatment to give hope for cure. Resettlement will be offered according to the medical capacities of Benin.

## **4.4 Women at Risk**

When they are deprived of the support of their spouse, family or communities of origin, some women refugees are subjected to serious threats to their physical and/or psychological safety (rape, sexual harassment, violence, exploitation, torture etc.) which increases their need for legal and physical protection.

## **4.5 Children**

An unaccompanied minor is a person of under eighteen (18) years of age and for whom no one is responsible either by law or custom. Resettlement of a minor in Benin may be a solution if there are members of the family or community group permanently settled in the country or who have refugee status. In all cases, the best interest of the child is taken into account.

## **4.6 Elderly**

As much as possible, refugees of a certain age who have members of their family or of their community of origin in Benin are accepted for resettlement in the country. Exceptionally, families will be identified to receive people who have no relatives in Benin.

## **4.7. Refugees with no hope of Local Integration**

In some cases refugees are unable to integrate in their asylum country because of their cultural, social, religious and/or educational profile. After a certain period spent in the country without any prospect of repatriation in a near future, resettlement may be a solution to be considered.

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## 5. Admissibility for Resettlement

Placed under the responsibility of the Government and in close collaboration with UNHCR, admissibility for resettlement is determined on a legal and humanitarian basis by a Selection Committee. The Committee must ascertain that resettlement is the most appropriate solution for the candidate.

The Selection Committee comprises:

- a representative of the Ministry of the Interior, Security and Territorial Administration (MISAT)
- a representative of the Ministry of Foreign Affairs and Cooperation (MAEC)
- a representative of the Ministry of Justice, Legislation and Human Rights (MJLDH)
- two representatives of the United Nations High Commissioner for Refugees (UNHCR)
- a representative of PARINAC.

## 6. Resettlement Allocations

The Government of Benin offers an average of two hundred and forty (240) places for two years, which covers sixty (60) families.

## 7. Selection Procedures

### 7.1 Submission and Processing via Dossier Selection

The candidate's file must include:

- a duly completed and signed UNHCR Resettlement Registration Form (RRF)
- an annex explaining why the candidate was recognized as a refugee and should be resettled
- a medical report
- a social report if necessary
- any other relevant documentation

### 7.2 Routing of Submission

The dossier is submitted by UNHCR to the Selection Committee. Dossiers may also be submitted by the Embassies in Benin through UNHCR to the Selection Committee who will solicit their assistance for additional information.

### **7.3 Submission and Processing via In-Country Selection**

Under certain circumstances, particularly according to the number of dossiers involved, the Selection Committee may, with the agreement of UNHCR, delegate two (2) of its representatives to go to the country of first asylum in order to interview the candidates.

### **7.4 Processing Times**

The length of study of applicants' dossiers must not exceed one (1) month. Should there be an urgent need for protection, deadlines for study of the caseloads are

reduced and the Selection Committee must make a decision within a week.

### **7.5 Recourse Processing**

Should the application for resettlement be rejected, UNHCR may request a revision of the case on the basis of additional information submitted to the Selection Committee.

### **7.6 Entry Formalities**

In accordance with the legislation of Benin on immigration, all formalities for entry must be fulfilled and costs and taxes paid for each candidate whose dossier has been accepted. The Government of Benin will facilitate the completion of these formalities.

## **8. Private Sponsorship**

Non-governmental organizations, Churches, communities and individuals may sponsor refugee-candidates for resettlement in accordance with the Ministries, members of the Selection Committee. The sponsor is responsible for the travel, the installation and the integration of the resettled refugee and their dependants. Nevertheless, when so advised by the Ministries, members of the Selection Committee and UNHCR may also assist the sponsor (travel or installation costs).

## **9. Family Reunification of Refugees**

### **9.1 Policy concerning Family Reunification of Refugees**

Unity of the family is a factor considered to favour the development of refugees and increases their chances of integration in the country of resettlement.

In support of the principle of family unity as set out in the Universal Declaration of Human Rights, the Government of Benin is committed to facilitating the reunion of members of the same family of refugees on its territory. Priority is given to the members of a nuclear family.

## **9.2. Criteria for Family Reunification**

Family reunification concerns the following persons:

- spouse of the resettled refugee
- dependent children of the resettled refugee
- other relatives dependent financially or emotionally on the refugee for whom separation from them would be intolerable
- adopted children.

## **9.3 Routing of Applications**

Members of families already living in Benin initiate the applications for family reunification and submit them to UNHCR who transmits them to the Selection Committee.

## **9.4 Verification of Relationships**

This takes place on the basis of official documents such as marriage, birth or adoption certificates annexed to the application for family reunification or, in the absence of such documents, a sworn declaration is required. When there are no documents at all available, verification takes place on the basis of information acquired through interviews of the persons concerned by UNHCR.

# **10. Medical Requirements**

Once they have arrived in Benin, persons accepted for resettlement will undergo medical screening procedures whenever necessary. Costs for such examinations will be covered by UNHCR or by the organism designated for that purpose.

# **11. Travel**

Travel costs are covered by UNHCR and/or the person (sponsor) financially responsible for the resettlement.

## **12. Status on Arrival**

All visas granted are permanent visas. As for refugees in Benin, resettled refugees are assimilated to nationals of the country. Refugees resettled in Benin may opt for voluntary repatriation and, to this end, may be assisted by UNHCR in accordance with relevant procedures.

## **13. Domestic Settlement and Community Services**

### **13.1 Actors**

UNHCR, the Government of Benin, and Non-Governmental Organizations (NGOs) as operational partners of UNHCR are responsible for the integration of resettled refugees. Resettled refugees are expected to make useful contributions to the functioning of Beninese society.

### **13.2 Reception**

Accepted refugees are met at the point of entry and accompanied to their place of residence by one or more persons in charge of the project.

### **13.3 Orientation**

Resettled refugees are assisted by the Service for Social Orientation/Social Services in close collaboration with NGOs, members of PARINAC during the first weeks of their arrival. The orientation aims at identifying the needs of each refugee as well as the support he/she will need for integration.

### **13.4 Housing**

Resettled refugees can be housed for up to one year after their arrival according to available resources and individual requirements. After this period the resettled refugees pay for their own accommodation and can settle elsewhere according to their requirements or degree of integration. However, the Government of Benin may decide on their place of residence for reasons of security or to ensure better chances of integration.

### **13.5 Health**

Resettled refugees have the right to medical care. They have the same access as nationals to services and health care.

### **13.6 Other Needs**

Resettled refugees may receive assistance to cover their needs for food, clothing and domestic goods up to one year after their arrival.

### **13.7 Education/Employment**

The Government of Benin grants the same treatment to resettled refugees as to nationals for access to education, the right to employment and social benefits.

## **14. Language Training**

Refugees who do not speak French will receive accelerated tuition in French and in a local language for those who so request.

## **15. Integration Activities**

The purpose of the resettlement programme is to allow refugees to become locally integrated as quickly as possible and to achieve self-sufficiency within the Beninese society.

To this end, the Government of Benin will grant the same advantages to resettled refugees as to nationals for agricultural or commercial activities.

The Government of Benin will facilitate the acquisition of Beninese nationality according to the laws in force to refugees who apply for it. UNHCR, the implementing partner, the Job Searching Network /PARINAC are the main actors in integration activities.



**COUNTRY  
CHAPTER**

**BKF**

# **BURKINA FASO**

**BY THE GOVERNMENT OF BURKINA FASO**

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## **1. Resettlement Policy**

In spite of its fragile economic situation, Burkina Faso accepts resettlement of refugees on its territory and considers this responsibility as part of burden sharing in the framework of inter-African solidarity to which it has constantly been attached.

## **2. Criteria for Refugee Status Eligibility and Asylum**

Candidates for resettlement must be refugees as defined by the Geneva Convention of 28 July 1951 on refugee status and its 1967 Protocol, by the Convention of the Organization of African Unity of 10 September 1969 governing the status of refugees in Africa and by ZATU (Law) ANV No 28/FP/PRES of 3 August 1988 on the status of refugees in Burkina Faso. They may also be refugees recognized under UNHCR mandate.

Burkina Faso grants priority to refugees of African origin and gives privilege to the physical and juridical protection of candidates; resettlement of a refugee must not harm the interests of the country.

## **3. Criteria for Resettlement**

The following categories will be given priority. These are persons who, first and foremost, need physical or juridical protection:

### **3.1 Survivors of Violence and Torture**

Refugees who have been victims of violence and/or torture or have been threatened by violation of their human rights or by violations of conventions and/or laws regarding refugees' rights: threats of refoulement, expulsion or deportation, threats of detention or arbitrary imprisonment, threats to the right to physical integrity. Individual assistance will be granted according to the identified requirements of the concerned persons.

### **3.2 Refugees with Medical Needs**

Medical cases will not be accepted into Burkina Faso unless sanitary structures to cover their requirements will have been previously identified. Refugees are considered medical cases when they have no hope of leading a normal life in their first country of asylum due to lack of adequate medical care.

### **3.3 Women at Risk**

These are persons who have lost a vital support mechanism for the safeguard of their dignity as women or for whom it is impossible to lead a normal socio-economic life.

### **3.4 Children**

An unaccompanied minor is a person of less than eighteen (18) years of age, who is separated from the parents and for whom no one is responsible by virtue of law or custom. The best interest of the child is taken into account.

### **3.5 Refugees with no other Durable Solution**

Refugees without any hope of local integration in the first country of asylum and cannot opt for voluntary repatriation in a foreseeable future.

## **4. Resettlement Allocations / Processing Priorities**

The Government of Burkina Faso offers 100 places a year for an initial period of two (2) years which is renewable.

### **4.1 Case Documentation**

The dossier of the case includes:

- a duly filled-in UNHCR "Resettlement Registration Form" (RRF)
- a letter covering the transmission of the individual case (IC) listing in detail the criteria which made the person eligible for refugee status and resettlement.

### **4.2 Routing of Submission**

The dossier is transmitted to the National Commission for Refugees (CONAREF) for study by the Committee on Eligibility either by the Resettlement Section in Geneva, or by the UNHCR Field Office, or through the diplomatic missions of Burkina Faso abroad.

When the application for resettlement involves a group of refugees, CONAREF after consultation with UNHCR, may designate one or two of its members for a mission to the first country of asylum to interview the candidates.

UNHCR is notified of the decision by the President or Vice President of CONAREF and/or by the Coordinator by delegation.

### **4.3 Recourse Processing**

No recourse is possible should a case be rejected. However the dossier may be submitted a second time if the candidate can supply relevant additional information. The same dossier cannot be re-examined after two rejections.

### **4.4 Processing Times**

All applications are processed during the regular sessions of the Committee on Eligibility.

## **5. Emergency Cases**

When there is an urgent need for resettlement, the Committee on Eligibility meets after consulting the President of CONAREF.

## **6. Family Reunification of Refugees**

It is granted automatically for members of a nuclear family.

It is granted to other persons upon presentation of documents proving the degree of the relationship. Also granted if the presence of the candidate for family reunification is judged to be necessary for the resettled refugee.

### **6.1 Routing of Applications**

Members of the family who are in Burkina Faso initiate the request and submit it to UNHCR. The application is then transmitted to CONAREF for examination and decision.

### **6.2 Verification of relationships**

It is carried out on the basis of marriage or birth certificates, guardianship acts, adoption certificates. When such certificates are not available, an attestation of UNHCR Delegation in the first country of asylum and/or a sworn declaration is indispensable.

## **7. Medical Requirements**

Persons accepted for resettlement will go through medical screening. CONAREF will take all the necessary measures so that a person granted resettlement and with particular health requirements will be received in appropriate medical structures. Costs for the examination and health care are covered by the project.

## **8. Travel**

All travel costs are borne by the project. It is UNHCR that organises the travel in collaboration with the International Organisation for Migration (IOM).

## **9. Status on Arrival**

When they arrive the competent authorities deliver to the accepted candidates a refugee identity card (RIC) which is the equivalent to permanent residence. Resettled refugees may opt for naturalization in accordance with the laws in force in Burkina Faso.

All resettled refugees may solicit voluntary repatriation and, to this end, have the benefit of assistance from UNHCR according to the procedure in force at that time.

## **10. Domestic Settlement and Community Services**

### **10.1 Actors**

CONAREF, UNHCR and designated partners.

### **10.2 Orientation**

The purpose of the resettlement project is to offer the best conditions for the development of the accepted candidate. Burkina Faso does everything it possibly can to give the resettled refugee the same opportunity as the national citizen in order to facilitate a rapid integration in the society of the country.

The resettled refugee is received by the Social Orientation Service of CONAREF or by the designated partner immediately after the first few weeks of arrival.

### **10.3 Reception**

Refugees selected for resettlement are received at points of entry at the frontiers by CONAREF and UNHCR and taken to their places of residence.

### **10.4 Basic Needs**

#### **10.4.1 Housing**

Resettled refugees are taken to places previously determined by the Government authorities. The places of residence are chosen in order to achieve effective integration taking also into account the refugee's profile.

Burkina Faso being the official country of residence of resettled refugees, travel documents are established for those who have a right to them in accordance with the 1951 Geneva Convention.

Burkina Faso guarantees freedom of movement within the national territory as long as the customs and habits of the local population are respected and national security is not threatened.

#### **10.4.2 Health**

Resettled refugees have access to health care and services under the same conditions as nationals.

#### **10.4.3 Education/Vocational Training**

Resettled refugees have access to education and vocational training under the same conditions as nationals.

#### **10.4.4 Other Needs**

During the first months of their arrival, resettled refugees receive assistance with food, clothing and domestic goods. Such assistance is modulated according to the needs of the concerned persons.

## **11. Language Training**

When necessary, the project provides courses in the official language of Burkina Faso and in one of the national languages practised in the place of residence.

## **12. Integration Activities / Employment**

Burkina Faso treats resettled refugees on the same footing as nationals in matters regarding agricultural or commercial activities.

As for employment in the public sector, resettled refugees are only allowed to exercise jobs with contracts limited in time according to article 5 of ZATU N028/FP/PRES of 3 August 1988 on the status of refugees.

## **13. Resources**

UNHCR finances this pilot project. Nevertheless bilateral donors, NGOs and members of the civil society and sponsors will be solicited for assistance as well.

**COUNTRY  
CHAPTER**

**CAN**

**CANADA**

**BY THE GOVERNMENT OF CANADA**

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## 1. Resettlement Policy

Canada's resettlement program is administered by the Department of Citizenship and Immigration Canada (CIC). Canada has a long history of providing humanitarian assistance to people fleeing persecution in their homeland or displaced by conflicts. Since World War II Canada has resettled over 700,000 Convention refugees and persons in refugee-like situations. Canada has chosen to protect persons for humanitarian reasons, to meet its international commitments, and to respond to international crises. Canada's resettlement program places emphasis on the protection of refugees and people in refugee-like situations by providing a durable solution to persons in need of resettlement.

With the implementation of the Immigration and Refugee Protection Act in 2002, Canada has placed emphasis upon the following principles for refugees:

- A shift toward protection rather than ability to successfully establish
- Long term, multi-year planning
- Group processing where possible to increase efficiencies and where common group resettlement needs are present
- Rapid family reunification
- Accelerated processing of urgent and vulnerable protection cases
- Balancing inclusiveness with effective management through closer relationship with partners.

Within its overall immigration plan, Canada resettles both Convention refugees and members of Humanitarian-protected Persons Abroad Classes (HPC) - persons who are not Convention refugees but who are in refugee-like situations and require protection through resettlement. Canada allocates a target each year for the resettlement of refugees through its government-assisted program who are eligible to receive financial assistance from the government of Canada. In addition, Canada has the private sponsorship of refugees program, which enables organizations and private individuals to submit undertakings for refugees and persons in refugee-like situations (members of the HPC) for consideration for resettlement. Upon approval, the sponsor is responsible for providing financial assistance for a limited period of time and assisting the refugee with integrating in Canada. All refugees selected by Canada must meet Canadian immigration admissibility requirements. Canada is committed to providing resettlement for cases which UNHCR identifies as being in need of a durable solution. The UNHCR should refer resettlement cases directly to Canadian visa offices.

## 2. Criteria for Resettlement

### 2.1 Eligibility

Canada will only consider an applicant for resettlement if s/he is referred by:

- UNHCR
- Another (designated) "Referral Organization"
- A Private Sponsor (i.e. already has an approved private sponsorship)

Only in certain geographic areas are applicants able to apply directly to the Canadian visa office without a referral. For more information, please refer to [www.cic.gc.ca](http://www.cic.gc.ca).

An applicant must meet the criteria of the 1951 UN Convention or meet the criteria for one of the two Humanitarian-protected Persons Abroad Classes - the Country of Asylum Class and the Source Country Class.

The Country of Asylum Class deals with persons who have fled their countries and who are the victims of war or massive violations of human rights. The Source Country Class deals with persons who remain in their country of citizenship and who are the victims of war or violations of fundamental civil rights or who would meet the Convention definition had they fled their country. The application of the Source Country Class is limited to those countries appearing on a regulated schedule. A Canadian visa officer makes the decision as to whether an applicant falls into one of the above categories.

Canada has specific guidelines for assessing gender-based persecution which are taken into account when an eligibility decision is made.

Normally, applicants must show potential to become self-sufficient and successfully establish in Canada within a 3 to 5 year time frame. Factors such as education, presence of a support network (family or sponsor) in Canada, work experience and qualifications, ability to learn to speak English or French and other personal suitability factors such as resourcefulness will be taken into account by visa officers. However, this criteria does not apply to refugees determined by a visa officer who fall within the categories: 'urgent need of protection' or 'vulnerable'. ... (see section 6).

## 2.2 Admissibility

For a refugee to be accepted by Canada he/she must pass:

- a medical examination - Successful applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety;
- criminal screening - Refugees are not required to submit police certificates from their country of origin;
- security screening - Canada will not accept combatants who have participated in war crimes or crimes against humanity. Senior officials, including former or serving senior military officials, from certain regimes and individuals who belong to organizations that espouse violence are inadmissible under the Immigration and Refugee Protection Act. For more information, please contact a Canadian visa office.

## 3. Resettlement Allocations / Processing Priorities

An annual resettlement target is established by the Minister of Citizenship and Immigration for government-assisted refugees following consultations within CIC, and with provincial governments, Canadian non-governmental organizations (NGOs) and the UNHCR. For 2007 the target is 7,300 - 7,500 persons. The annual target is then allocated among visa offices on the basis of estimated resettlement need.

Visa offices that have met their target and offices which do not have a target, and which identify refugees in need of resettlement can make a request to CIC, NHQ for additional places. Resettlement needs and visa office targets are monitored and adjustments are made to visa office targets on a quarterly basis as required.

The target number refers to individuals, not cases, and operates on the calendar year. Refugees must actually be granted permanent residence in Canada to be counted as part of the annual target, although processing can be carried over into the next calendar year. In addition to establishing the number of government-assisted refugees to take in a calendar year, a range is established for the number of persons expected to be resettled under the Private Sponsorship of Refugees program (refer to section 7.6). For 2007 the range established for privately sponsored refugees is 3,000 – 4,500 individuals.

## **4. Submission and Processing via Dossier Selection**

Interviews are required in most cases. In cases where an urgent protection need has been identified or in other cases that are fully documented, the visa officer may waive the interview.

## **5. Submissions and Processing via In Country Selection**

### **5.1 Case Documentation**

The following documents should be included with a submission to Canada:

- completed UNHCR Resettlement Registration Form (RRF), ensuring all sections are completed (to be sent electronically where possible);
- other relevant documentation (e.g. medical certificates, birth certificates etc.);
- covering letter explaining why the refugee requires resettlement and whether he or she is at risk or falls into a vulnerable category.

For urgent protection cases, reasons for requesting urgent processing should be clearly stated. (See section 6.)

In order to begin processing an application for immigration to Canada an application for permanent residence (IMM0008) must be completed by the applicant. This form is available online ([www.cic.gc.ca](http://www.cic.gc.ca)) or may be provided to an applicant by a Canadian visa office. It is very important that this form be completed completely and accurately. In locations where UNHCR RRF applications are submitted to Canada electronically, this step will not be necessary. This form will be automatically converted into an IMM0008.

### **5.2 Routing of Submissions**

Canada has a decentralized system in which cases are submitted, decisions made and applications processed in the field. Submissions should be made directly to the responsible Canadian visa office.

For more information on Canadian visa offices and their area of responsibility please consult the following website: [www.cic.gc.ca](http://www.cic.gc.ca). For information about Canada's refugee resettlement program consult: [www.cic.gc.ca/refugees](http://www.cic.gc.ca/refugees).

### **5.3 Decision-Making Process**

Applicants will normally be interviewed by a visa officer who will determine whether the applicant meets Canadian eligibility and admissibility criteria (see sections 2.1 and 2.2). Medical examinations are requested if a refugee has been accepted and must be carried out prior to issuance of an immigrant visa. The criminality and security screening also takes place at this time.

The final decision as to whether to accept or reject an applicant will be made by the visa office based on the results of the interview, medical examination, and criminality and security checks. If an applicant is refused he/she will be informed of the negative decision and a letter outlining the reasons for the refusal will be sent to the applicant.

#### **5.4 Recourse Processing**

In the case of a refusal where the UNHCR requests reconsideration, the Immigration Program Manager at the responsible visa office should be contacted. There is no formal appeal system at the visa office and there is no formal appeal system in Canada for resettlement cases refused by visa officers. Refused cases may, however, be brought before the Federal Court of Canada. In addition, if there are compelling reasons to believe that Canadian resettlement policy has not been interpreted properly, further advice can be requested from UNHCR BO Ottawa.

#### **5.5 Processing Times**

Processing times for applications vary greatly among visa offices depending on such factors as circumstances in a particular world area, caseload at the visa office, location of refugee populations, incidence of medical problems and resources available with which to process cases. In the event of an urgent case, the Canadian visa office should be clearly advised at the time of submission in order that processing may be expedited.

#### **5.6 Immigrant loans and Contributions**

In the case of refugees, an immigrant loan may be authorized to cover the cost of transportation to Canada, immigration medical examinations (see Section 9), and where necessary transportation to the interview with the visa officer.

A refugee must demonstrate the need for and the potential to repay the loan. Refugees are required to begin repaying the loan (in monthly installments) shortly following arrival in Canada. Under certain circumstances loan repayment may be deferred for up to two years. Special needs refugees may be granted financial assistance in the form of a contribution which does not have to be repaid.

## **6. Emergency Cases**

Canada's Urgent Protection Program (UPP) is intended to respond to requests from the UNHCR (emergency submissions) to provide urgent protection to persons who qualify for resettlement and who are in need of urgent protection because of immediate threats to their life, liberty or physical safety. Such cases are to be submitted directly to the appropriate visa office. The visa office will then inform the relevant UNHCR within 24 hours as to whether the visa office can respond to the emergency request.

Wherever possible, Canada's policy is to try to have the person en route to Canada within three to five days of the referral from the UNHCR. Canadian visa officers may also determine a refugee to be vulnerable - the person has a greater need of protection than other applicants because of the person's particular circumstances that give rise to a heightened risk to his/her physical safety or well being. The vulnerability may result from circumstances such as lack of protection normally provided by a family or a medical condition. Canadian visa offices process vulnerable cases before regular refugee cases.

In urgent protection cases, Canada's policy is to try to complete the immigrant processing so that refugees may become permanent residents on arrival in Canada. When this is not possible, a visa office may issue a Temporary Resident Permit instead of an immigrant visa. The Temporary Resident Permit document allows a refugee to travel to Canada before all the background (medical, security, criminality) checks have been completed. The refugee will subsequently apply for landing (permanent residence) in Canada and undergo or complete medical and background checks.

All urgent protection cases should be submitted directly to the Immigration Program Manager at the Canadian visa office, with supporting documentation as described in Section 5. An explanation as to why UNHCR believes the case to be an emergency or urgent one should be included with the submission. Both refugees admitted under the UPP program and those determined by a visa officer as vulnerable are not required to demonstrate an ability to successfully establish in Canada.

## **7. Refugees with Special Needs**

### **7.1 Refugees with Medical Needs**

Refugee cases involving special medical needs should, where possible, be flagged for the responsible Canadian visa office. If the medical condition presents a danger to public health or safety an applicant may fail Canada's medical examination.

In Canada, provincial governments are responsible for health care and social services. Some health conditions may require frequent or costly medical treatment. As part of the annual target setting exercise, these types of cases are discussed during the consultations with the provinces to ensure adequate care is available.

Depending on the circumstances of the case, refugees with medical conditions may need to be destined to particular areas where the required medical services are available.

As a result, processing times for such cases may be lengthy. Other medical conditions may require substantial support from other persons. Thus, when recommending refugee cases with medical conditions it is worth considering the presence of accompanying or other family in Canada able to assist the refugee. It is recommended that UNHCR consult with the responsible Canadian visa office if there are questions regarding referral of a specific case.

### **7.2 Survivors of Violence and Torture**

Persons who are survivors of violence and torture and who may need additional assistance establishing in Canada may be processed under the Joint Assistance Sponsorship Program (please refer to section 7.7 for details). Treatment for such cases is available in a number of Canadian cities. Cases should be submitted directly to the visa office with any need for follow-up treatment noted in the submission.

### **7.3 Women at Risk**

The aim of the Canadian Women-at-Risk program is to provide protection and assistance to refugee women who are in critical situations or in need of special attention. The program recognizes that women in these circumstances require additional assistance to establish successfully in Canada.

Canada defines women-at-risk as women without the normal protection of a family who find themselves in precarious situations and whose safety is in jeopardy in countries of first asylum. Urgent need of protection and vulnerable cases are given priority (see section 6). However, women-at-risk may also be women who are not in immediate danger, but who are living in unstable conditions and for whom resettlement in a third country offers the only solution. To be eligible for this program, women-at-risk must be Convention refugees or members of one of the Humanitarian-protected Persons Abroad Classes.

The ability to successfully establish will be assessed by Canadian visa officers on a 'sliding scale'; that is, the greater the need for protection or the more immediate the danger the less weight will be placed on establishment considerations. In cases of refugees in urgent need of protection or vulnerable, ability to establish criteria will not be applied. In other words, women-at-risk may be accepted despite having limited settlement prospects.

#### **Routing of Submissions**

All women-at-risk cases should be submitted directly to the responsible Canadian visa office. Please complete the UNHCR RRF and Social Assessment forms. Emergency or urgent cases should be clearly marked and accompanied with an outline of the reasons for urgency.

### **7.4 Children**

Depending on the circumstances of the case, if an unaccompanied minor is to be reunited with immediate family in Canada, he or she could be eligible for consideration under: the one year window of opportunity (see section 8.2), submitted as a refugee in his or her own right, be privately sponsored or be sponsored under Canada's Family Class program. Canada currently does not accept for resettlement, minors who have no immediate family in Canada.

### **7.5 Elderly**

Elderly refugees with close family ties to Canada can be considered for resettlement in order to reunite families that have been separated. Canada's policy is to keep families together. Therefore, if an elderly refugee is dependent on another refugee being referred to Canada for resettlement, he or she may be considered under the resettlement program.

Elderly refugees without close family ties in Canada and who are not accompanied by family members can be considered for resettlement when there are compelling protection needs. Such cases would likely require additional settlement assistance and may be eligible for a Joint Assistance Sponsorship (JAS – see section 7.7).

### **7.6 Private Sponsorship**

Through the provisions of the Immigration and Refugee Protection Act and Regulations, the Government of Canada encourages Canadian public involvement in the resettlement from abroad of Convention refugees and members of the HPC. In some cases, these persons would not otherwise meet the eligibility requirements without the added support a private sponsor provides.

Under this category, NGOs, churches, communities, organizations and individuals agree to sponsor refugees by entering into an agreement with the Department of Citizenship and Immigration.

In 2006, over 3300 privately sponsored refugees were landed in Canada.

The sponsorship of refugees by Canadian citizens and permanent residents allows for the admission of refugees in addition to the number whose admission is financially assisted by the federal government. Sponsoring groups commit to providing the sponsored refugee with basic assistance in the form of accommodation, clothing, food and settlement assistance normally for one year from the refugee's date of arrival in Canada. The sponsorship period may be up to thirty-six months in exceptional circumstances. The sponsoring group also assists the refugee to find employment and become self supporting within the period of the sponsorship agreement. Private sponsors may identify a refugee they wish to assist or may ask that a Canadian visa office refer an appropriate case to them. Private sponsorship may assist with UNHCR-identified cases which have been referred to a Canadian visa office but which appear to require greater levels of support in establishing in Canada.

### **Criteria**

Eligibility and admissibility criteria as described in Section 2 apply to privately sponsored cases.

## **7.7 Joint Assistance Sponsorship (JAS)**

A Joint Assistance Sponsorship provides for the Government and a private sponsorship group to share the responsibilities of sponsorship for refugees who are in need of assistance over and above that which is provided through either Government assistance or private sponsorship alone. The Canadian Government assumes financial responsibility while the group is committed to ensure the refugee's integration. The period of sponsorship may be extended for up to two years, during which time the refugee is expected to become self-sufficient.

The numbers for this type of sponsorship have increased over the last several years but are considered on a case by case basis. This program is intended for refugees with special needs, meaning that the person has greater need of settlement assistance than other resettled refugees. Those selected for the joint assistance include refugees whose personal circumstances may include, a large number of family members, trauma from violence or torture, medical disabilities or the effects of systemic discrimination.

Eligibility and admissibility criteria are applicable. There is, however, some flexibility on ability to successfully establish criteria because of the additional support available to the refugees. In some situations, transportation and medical costs may be covered by a contribution as opposed to a loan.

## **8. Family Reunification of Refugees**

### **8.1 Policy concerning Family Reunification**

The concept of family unit for refugee resettlement purposes includes individuals who meet the definition of family members. Family members are spouses, common-law partners (including same sex partnerships) and dependent children. In addition, administrative guidelines exist to include individuals who do not meet the legal definition of family member, but who are emotionally or economically dependent on the family unit. These individuals, who are dependent on the family unit, are de facto dependants.

An example of the de facto dependant would be an elderly relative who has always lived with the family. By the use of flexibility and appropriate discretion in determining who is part of the family unit, Canadian visa officers are asked to make every effort to ensure that refugee families are not separated at the time of selection.

## **8.2 The One Year Window of Opportunity**

The rationale for this policy initiative is based on the need to implement facilitative measures that help reduce separation periods during the processing of refugee families.

One of the objectives of the *Immigration and Refugee Protection Act*, with respect to immigration, is to see that families are kept together and, where that is not possible, that they are reunited in Canada as quickly as possible. In order to facilitate the rapid reunification of families, the Refugee and Humanitarian Resettlement Program allows for the concurrent processing of refugee families. In some situations, however, family members' whereabouts are unknown. In others, the conditions in the country of origin prohibit them from being processed with the principal applicant. To facilitate family reunification in these cases, the "one-year window" (OYW) regulations were introduced in 2002. Separated family members are referred to as non-accompanying family members. The regulatory provisions allow non-accompanying family members to derive the principal applicant's (PA) refugee status and to apply without the need for a family class sponsorship.

To qualify the principal applicant must have identified immediate family members prior to departure for Canada.

The immediate family members (spouse, common-law partners and dependant children) must submit an application at a visa office within one year from the date the principal applicant arrives in Canada.

It is therefore very important that all immediate family members be identified on the principal applicant's (IMM0008) application even if their present location is unknown. Dependants of refugees who do not qualify under the "One Year Window of Opportunity" may qualify as refugees in their own right, may be sponsored under the Private Sponsorship of Refugees Program or be sponsored under the Family Class depending on the circumstances. Please contact the Canadian visa office if you have additional questions on other immigrant categories.

## **9. Medical Requirements**

Canada requires that all applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety. As a result, all immigrants to Canada including refugees must pass a medical examination which is provided by a local physician ("designated medical practitioner" or panel physician) who is authorised by the Canadian Government. A Canadian physician employed by Citizenship and Immigration Canada then assesses the results of the medical examination. Canada does not provide counselling to persons found to have serious medical conditions during the course of the immigrant medical examination although counselling is provided to persons who test positive for HIV.



This program is available to both government-assisted and privately sponsored refugees. In countries where the International Organisation for Migration (IOM) is arranging travel for the refugees, IOM may also arrange and prepay medical examinations. Canada later reimburses IOM for cost incurred on behalf of refugees resettled to Canada. IOM absorbs the examination costs of unsuccessful refugee applicants.

## **10. Travel**

Arrangements for travel to Canada are generally made by the International Organisation for Migration (IOM) in co-ordination with the visa office. Immigrant loans are available to refugees and members of the HPC to cover the cost of travel to Canada. In exceptional circumstances, individuals identified as special needs refugees may be eligible for contributions to cover travel costs. The visa office must request authorisation from the Refugees Branch at CIC Headquarters for a travel contribution.

## **11. Status on Arrival in Canada**

Except for those who are issued a Temporary Resident Permit, all refugees processed overseas are granted permanent residence status upon arrival in Canada. Those who arrive with Temporary Resident Permits may apply for permanent residence once medical and background checks are passed or after a period of five years. Refugees who are permanent residents of Canada may seek employment immediately after arrival in Canada and are eligible to apply for Canadian citizenship after three years of continuous residence in Canada.

Refugees in Canada for two years or less who wish to leave Canada to repatriate to their home country and who do not have the means to do so, may apply to Citizenship and Immigration for assistance.

However, it is only in rare cases that the Canadian Government pays for repatriation. Refugees in Canada for more than two years, who are on social assistance, should apply to UNHCR for repatriation.

## **12. Settlement and Community Services**

### **12.1 Overview of Integration**

Canada's settlement programs for newcomers help immigrants and refugees become participating and contributing members of Canadian society, and promote an acceptance of newcomers by Canadians.

A key element in Canada's strategy for integration of newcomers is a differentiation between the immigration stream and the refugee stream, thus creating two programming areas. Although the objectives of successful integration and permanent settlement are the same for immigrants and refugees, the special needs of refugees are recognized and efforts are made to meet these needs. Canada has the benefit of many years of experience resettling refugees from all parts of the world and offers settlement services to meet the diverse needs of these newcomers to Canada.

## **12.2 Services to Refugees**

Most services are available to both immigrants and refugees. However, the Resettlement Assistance Program (RAP) offers income support and a range of immediate essential services that are available exclusively to government-assisted refugees. Refugees who are resettled under the Private Sponsorship of Refugees program receive financial and integration assistance from their sponsor. The goals of these programs are to support refugees in their efforts to become self-sufficient as quickly as possible.

## **12.3 Refugee Reception**

Upon arrival at a port of entry, refugees in transit are assisted with inland transportation. Arrangements are also made for overnight accommodation and meals, if required. Arrangements are normally made for refugees who need additional reception assistance to be greeted at their final destination. Refugees who arrive in Canada between mid-October and mid-April are provided with any necessary winter clothing.

## **12.4 Beginning Settlement Housing**

Temporary accommodation is provided to government-assisted refugees until permanent housing is secured. In some cases, this accommodation is purchased commercially from hotels and motels. In other cases, accommodation is purchased from organizations that provide reception house services. These reception houses offer a more holistic and communal environment than do hotels and motels, and help alleviate feelings of abandonment and isolation felt by many refugees upon their arrival in Canada.

### **Basic Needs of Life**

Assistance for the basic needs of life (food, clothing, shelter) is available for up to 12 months after arrival, or until the refugee becomes self-supporting, whichever comes first. Assistance may be extended for an additional 12 months for special needs cases processed as a Joint Assistance Sponsorship (JAS). Essential household furnishings and sundries are also provided.

### **Referral to Settlement Services**

Refugees are assisted with applications for medical insurance, social insurance numbers and family allowance and with transfer and translation of employment records. They are also referred to language training and other services provided through the settlement programs.

## **12.5 Settlement Services for Immigrants and Refugees**

In Canada, settlement services are not delivered directly by the federal government. Rather, the department of Citizenship and Immigration Canada funds eligible individuals, non-profit organizations, agencies serving immigrants, community groups, businesses, provincial and municipal governments, and educational institutions (called Service Provider Organizations, or SPOs) to provide essential services. Many SPOs have individuals on staff from the refugee's country of origin able to speak the refugee's language and share the refugee's culture.

## **12.6 Orientation Materials**

Orientation materials have been developed to facilitate newcomers' understanding of the Canadian way of life and society.

Both written and audio-visual materials are being used overseas in cultural orientation sessions at Canadian visa offices' waiting rooms, and in local offices and immigrant serving agencies across Canada.

### **12.7 Referral**

Refugees are referred to various resources in the community which provide assistance with aspects of daily life such as: public transportation, banking, day-care and babysitting, school registration, shopping for food and clothing, budgeting, nutrition and food preparation, household management, safety, and housing, especially dealing with landlords and utility companies, etc.

### **12.8 Community Information/Orientation**

Refugees are introduced to the local community to provide them with a sense of belonging to the new community, and to receive information concerning their rights and obligations.

### **12.9 Interpretation and Translation**

Interpreters are available to assist refugees in their day-to-day activities and in accessing services prior to their becoming functional in English or French. Translation services are available for documentation relating to employment, health, education and legal matters.

### **12.10 Para-Professional Counselling**

Non-therapeutic services (identifying needs, determining how to meet those needs and helping the newcomer get help) are available to refugees having difficulties adjusting to life in Canada.

### **12.11 Employment-Related Services**

These services include assistance in obtaining required certification of education and/or trade documents, and job finding clubs which hold sessions on job search techniques, including résumé writing, interview skills and use of the telephone. Canada has also a befriending program to assist refugees overcome the stress of moving to a new country by having a friend familiar with Canadian ways available to guide them. Through the Host Program newcomers are matched with volunteer individuals and groups (the hosts) who help them find out about available services and how to use them, practice English or French, make contacts in their employment fields and participate in community activities. In return, host volunteers acquire new friends, learn about other cultures and strengthen community life.

### **12.12 Health**

Refugees are eligible for provincial health coverage no later than 90 days after arrival in the province in which they intend to reside. The federal government provides essential and emergency health care coverage to refugees in need of assistance as an interim measure pending eligibility for provincial health benefits.

### **12.13 Language Training**

Canada understands that by developing language skills, refugees are assisted in the integration process and are better able to function in and contribute to Canadian society. Therefore, instruction in one of Canada's two official languages is available to adult immigrants and refugees through federal and/or provincially funded programs. Children generally develop their language skills through regular attendance at school, with supplementary instruction as required.

### 12.14 Education

Elementary and secondary schools fall under provincial jurisdiction. All across Canada, immigrant and refugee children are welcome to attend provincially funded public schools. Post-secondary education is not free in Canada, but neither is it restricted to the affluent. Entrance to colleges and universities is based on a person's educational abilities, as demonstrated through high-school grades, and sometimes through equivalent work and/or voluntary experience.

### 12.15 Employment and Vocational Training




Employment and training programs are administered by Human Resources and Skills Development Canada (HRSDC). While many of HRSDC's programs are available only to clients who are eligible for Employment Insurance (EI), all residents of Canada, including newly arrived immigrants and refugees, have access to the National Employment Service, which includes labour market information, the Electronic Labour Exchange, and the National Job Bank.

Furthermore, all unemployed Canadians have access to the services offered through community organizations that have been contracted under the Employment Assistance Services (EAS) support measure. Through the local planning process, local Human Resource Centers of Canada will work with provinces, other federal departments, and other partners to identify gaps in service, collaborate on alternative means of serving immigrants and refugees, and encourage the community to share in providing support to those individuals who are not eligible for employment benefits.

## 13. Reference materials

### 13.1 Other Useful Reference Material:

The following document may be obtained through Canadian Visa Offices or visiting the CIC website: Overseas

-  Processing Manual Chapter OP 5 Refugees – Protected Persons.
-  Immigration and Refugee Board Guidelines on Women Refugee Claimants
-  Fearing Gender-Related Persecution

### 13.2 Websites:

- Refugee Resettlement Partners Web Site: <http://www.cic.gc.ca/refugees>
- Citizenship and Immigration Canada: [www.cic.gc.ca](http://www.cic.gc.ca)
- Immigration and Refugee Board: [www.irb.gc.ca](http://www.irb.gc.ca)
- Ministère des Relations avec les citoyens et de l'immigration (Québec) [www.immq.gouv.qc.ca](http://www.immq.gouv.qc.ca)

**COUNTRY  
CHAPTER**

**CHL**

# **CHILE**

**BY THE GOVERNMENT OF CHILE**

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## 1. Resettlement Policy

THE GOVERNMENT OF THE REPUBLIC OF CHILE, within the framework of adherence to the respect for human rights and fundamental freedoms, as well as respect for international agreements concerning the protection and assistance to refugees, and, in order to strengthen international solidarity in the search for durable solutions, has agreed with UNHCR to establish a refugee resettlement programme in Chile. The resettlement programme's primary objective is to allow refugees to integrate into the Chilean society and enable them to attain self-sufficiency as soon as possible. Resettled refugees are expected to contribute in a positive way within the local society.

The Government of Chile is responsible for the reception and facilitating the integration of resettled refugees in co-operation with UNHCR and non-governmental organisations. Refugee resettlement is under the auspices of the Ministry of Foreign Affairs and the Ministry of the Interior, the latter providing the overall co-ordination and oversight of the national resettlement programme. Direct services are provided by an NGO through a sub-agreement with UNHCR.

## 2. Criteria for Refugee Status Eligibility and Asylum

To qualify for resettlement in Chile the refugees must meet the criteria contained in the 1951 Convention/1967 Protocol relating to the Status of Refugees. Moreover they must be unable to return to their country of origin or to remain safely in their country of asylum.

## 3. Resettlement Criteria

Refugees eligible for resettlement in Chile are refugees recognised under UNHCR's mandate who fall into one of the following categories:

**Legal or physical protection needs**, when the refugee meets one of these conditions:

- immediate or long-term threat of forced repatriation or expulsion
- threat of arbitrary arrest, detention or imprisonment
- threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable

**Refugees victims of violence and /or torture**

Refugee victims of violence and /or torture who require special medical attention will be considered, subject to the availability of appropriate medical services.

### **Women at Risk**

Women facing serious physical and /or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc) lacking the traditional protection of their families or communities.

### **Refugees without local integration prospects in the first country of asylum**

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement. In these cases, attention needs to be given to lack of legal instruments to ensure these basic rights. Field offices must ensure that detailed information is provided in the RRF regarding the refugees' own attempts to successfully integrate into the country of asylum and the barriers encountered.

### **Refugees with special needs**

Refugees with other special needs, such as unaccompanied minors, elderly persons or medical cases will be considered with priority given to refugees who have ties in Chile.

## **4. Resettlement Allocations**

The Ministry of the Interior and the Ministry of Foreign Relations establish an annual resettlement target in consultation with UNHCR. There are no sub-allocations by region at this time.

## **5. Admissibility for Resettlement**

No special constraints on admissibility are given

## **6. Submissions and Processing via Dossier Selection**

The Government of Chile undertakes resettlement processing of refugee cases via Dossiers selection, when the number of the cases submitted out of the same country of asylum is less than ten dossiers. The Resettlement Registration Forms are submitted to the government of Chile by UNHCR Argentina, through UNHCR Headquarters.

The dossiers are referred to the Foreigners' Department (within the Ministry of the Interior) who reviews the cases in close consultation with the UNHCR Regional Office and the Resettlement NGO, and a formal decision by the Ministry of the Interior is normally made within 8 weeks. Should the Ministry decide that additional information on the individual cases is required, they will notify UNHCR. Field Offices in the Countries of Asylum will then provide the required information, through Headquarters, within the earliest delay.

When a resettlement request is rejected by the Chilean authorities, UNHCR may ask for a reconsideration of the case on the basis of any additional/complementary information provided by the refugee.

## **7. Submissions and Processing via In-Country Selection**

The Government of Chile undertakes in-country selection of refugees for resettlement in Chile when the number of dossiers submitted out of one country of asylum exceeds ten cases.

Selection missions are composed of one delegate from the Foreigners' Department and one NGO representative. The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The recommendations of the selection delegation are submitted to the Ministry of the Interior who informs UNHCR of its decisions within a maximum period of 8 weeks and issues necessary travel documents to accepted refugees. Selection missions are also aimed at providing initial counselling to refugees in order to ensure, to the extent possible, that refugees are making an informed decision regarding their resettlement in Chile.

## **8. Emergency Cases**

No accelerated procedures for the processing of emergency cases are yet in place.

## **9. Special Categories**

The Government of Chile considers the case of refugees with special needs submitted by UNHCR under established categories (Medical Needs, Victims of Torture, Women-at-Risk, Unaccompanied minors, Elderly refugees). However, if these refugees require a specific treatment in Chile, the Chilean government will consider the availability of services in Chile before making a decision.



## 10. Family Reunification of Refugees

The Government of Chile acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. The principle of family unity is provided in the Universal Declaration of Human Rights. Based on this ground, the Chilean Government agrees to facilitate in its territory the reunification of members of the same refugee family with priority to the members of the nuclear family. The criteria and the procedures are those contained in the Resettlement Handbook, in compliance with the practice established in the country.

The family reunification of a refugee with his nuclear family takes place within the overall resettlement quota. This provision includes:

- Spouses, including common-law spouses with proof of relationship (e.g. birth certificates of joint offspring);
- Children, biological or adopted, under 21-years-old or economically dependant regardless of their age; and
- Elderly parents who are economically dependent.

The family reunification of other members of the refugee' family (siblings, grandparents, grandchildren, great grandchildren or nephews, or not self-sufficient adults) is dealt with under the general provisions of the immigration law.

## 11. Medical Requirements

Shortly after arrival in Chile, all refugees will receive a medical check-up. The cost for the medical check-up, as well as for any treatment of pre-existent diseases, will be covered by UNHCR and co-ordinated by the resettlement NGO.

## 12. Travel

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel will be under the responsibility of UNHCR or of any sponsor.

## 13. Status on Arrival

All individual refugees, including family members, accepted for resettlement in Chile are granted refugee status according to the 1951 Convention and subsequently issued temporary legal residence. With this document, the refugees can obtain national identity cards, which allow them to work legally and earn an income in Chile. It takes approximately 2 weeks in order to process these documents, but even during this period refugees are not prohibited from working as temporary work authorisations are available until they receive the Identity Cards. Refugees must renew their temporary residence after two years or apply for permanent residence. Refugees who become permanent residents are eligible to apply for citizenship after 5 years of residence in Chile.

## 14. Domestic Settlement and Community Services

### 14.1 Actors

UNHCR has a tripartite agreement with the Chilean Government and a non-governmental organisation in Chile for the resettlement and integration of refugees. The following governmental ministries are involved in the resettlement of refugees in Chile: the Ministry of Health, the Ministry of Education, the Ministry of Housing, the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of the Interior.

The Vicaria de Pastoral Social, a local NGO of the Archdiocese in Santiago, is the primary provider of reception and integration services to refugees in the area of Santiago.

An interministerial commission has been established with representation of all the ministries mentioned above and the Vicaría de Pastoral Social in order to facilitate access of refugees to public programmes and services, convened by the Ministry of the Interior.

Non-governmental organisations, churches, communities and individuals are authorised to sponsor refugees for resettlement in Chile, in agreement with the Ministry of the Interior. The sponsor shall take up the responsibility of travel arrangements, installation and integration of resettled refugees and of the dependants. If recommended by the Selection Committee, UNHCR may provide some support to the sponsor with travel or installation costs.

## **14.2 Orientation**

The Government of Chile provides initial group orientation sessions to refugees in the country of asylum, in case of an In-Country selection mission. Further orientation sessions are provided by the Vicaria de Pastoral Social, in groups and individually, upon arrival in Chile. Orientation issues include life in Chile, practical information on daily living, Chilean culture and values, access to health and education programmes, work culture and other information that helps the refugee in his or her integration. The NGO provides translator services when required to ease communication with refugees.

## **14.3 Reception**

Upon arrival, refugees are received at the airport by the Vicaria de Social Pastoral, who arrange for temporary housing and provide welcome orientation. Refugees are temporarily accommodated in a reception-house with private bedrooms, semi-private bathrooms and communal kitchen. During this period, housing expenses are paid directly by Vicaria Social de Pastoral and a monthly subsistence allowance is provided to cover food, transportation, basic hygiene and other incidentals. This phase lasts approximately 12 weeks in order to allow the refugee time to find suitable employment.

## **14.4 Housing**

During the initial period, refugees are assisted by Vicaria Social de Pastoral to find permanent housing through agreements with the Ministry of Housing. Upon relocation to independent housing, refugees are offered a one-time grant to purchase basic furniture and supplies to set up their household. Refugees are eligible for monthly financial assistance to cover rent, food, transportation and basic hygiene for up to six months.

## **14.5 Health**

Refugees receive a medical check-up during their initial stay at their temporary domicile. Dental care will also be available to refugees. Vicaria Social De Pastoral in co-operation with the Ministry of Health arranges any special medical treatment required by refugees during the first year. In the longer period, refugees are entitled to public health services with the same benefits as national citizens. Chile also has extensive private health care services available through private health insurance offered by many employers.

## **14.6 Language Training**

Intensive Spanish language courses are provided for adult refugees during the reception phase through arrangements made by the Vicaria Social de Pastoral. Additional language training is available through arrangements with other educational institutions.

## **14.7 Education**

The government of Chile provides resettled refugees with the same benefits as national citizens concerning primary, secondary and tertiary education. Furthermore, the Ministry of Education facilitates administrative assistance as necessary for equivalence and validation purposes in accordance with national legislation.

University education is private in Chile. Enrolment in university courses is limited due to costs and entry requirements. Technical degrees, which require an average of 5 semesters, do not have the same rigid requirements for enrolment, but are also private.

Validation of post-secondary degrees and professional titles can be a long process, which also depends upon ability of the refugee to provide the necessary documentation, such as notarised diploma, transcripts, course descriptions, etc. The University of Chile is the institution responsible for reviewing the documents and accreditation of degrees and titles.

## **14.8 Vocational Training**

The Training and Employment Service under the Ministry of Labour (SENCE) provide vocational training. This agency is responsible for technical training programmes throughout the country and the re-training of the labour force for new jobs. The programmes are varied and also include courses for particular groups such as youth, women, etc. In addition, there are courses available through private institutions recognised by the State as qualified training programmes. Training courses in general are short in duration and do not require previous experience, which allows individuals to be trained in new areas of the labour market.

## **14.9 Employment**

The refugees receive counselling and basic orientation on employment, including work customs and practices as well as basic work environment. Through agreements with public and non-profit entities, the Vicaria Social de Pastoral is developing a network of services and opportunities for the integration of refugees. Arrangements are in place with the Ministry of Labour to provide for vocational training and job placement services for refugees.

Micro-Enterprises – An important alternative form of income generation is the creation of new micro-enterprises which often allow the refugees to take advantage of the skills, education and previous work experience that they bring with them to Chile. Micro-enterprise grants are available through the resettlement NGO, who also provides technical assistance, project evaluation and mentoring. Refugees must submit a project proposal to the Resettlement NGO and grants will be awarded based on the viability of the project and the experience/ skills of the refugee.





While the initial reception period takes place in Santiago, the nation's capital, depending on the refugee's work experience and area of expertise, he or she may wish to consider employment offers in other cities or towns in Chile. In such cases, the Resettlement NGO is available to assist the refugee in relocation.

#### 14.10 Other assistance

Where required, refugees are entitled to the following assistance, on a case-by-case basis:

- additional medical treatment, prescriptions and/or mental health services
- school uniforms and text-books
- cost of translations and renewal of immigration documents
- translation of diploma and certificates
- cost of interpreter services

## 15. Reference Material

-  Framework Agreement for the Resettlement of refugees in Chile, between the Government of the Republic of Chile and UNHCR
-  Law Decree No. 1094 of 1975 amended by Law No. 19476 of 14/10/96 (enacted on 21/10/96)
-  Supreme Decree No. 597 of 1984) include some provisions aimed at establishing basic rules for the treatment of refugees.
-  Supreme Decree No. 2518 of 23/10/97 enacted on 10/02/98, amended the previous decree and regulated the functioning and composition of the Recognition Commission.

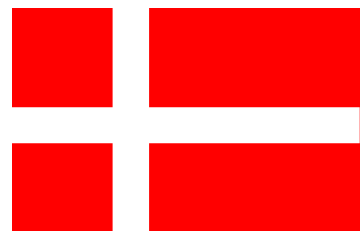
**COUNTRY  
CHAPTER**

**DEN**

# **DENMARK**

**BY THE GOVERNMENT OF DENMARK**

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## 1. Resettlement Policy

Denmark has since the end of the Second World War in addition to spontaneous asylum seekers received groups of refugees with temporary stay in other countries. Generally, these refugees have been received upon request from UNHCR. After the 1956 uprising in Hungary, Denmark received for example about 1.400 Hungarian refugees from other Western European countries. Equally, in the beginning of the 1970s some 150 Asian refugees among those expelled from Uganda, mainly handicapped with families, came to Denmark. In the mid-seventies approximately 700 refugees were resettled and in the years after the Vietnam War some 3000 refugees from Vietnam were also resettled in Denmark. Over the years this has all led to a more formalized resettlement policy. Since 1978 the Danish Parliament has every year earmarked funds for a resettlement quota within the approved Finance Act. From 1989 to mid-2005 the annual resettlement quota constituted 500 places.

### **Perennial quota programme:**

From July 2005, Denmark is operating with a flexible quota of three years with 1500 places all together. Within the 3-year period, more or fewer places can be used depending on the actual needs.

## 2. Criteria for Resettlement

Section 8 of the Danish Aliens Act provides the legal basis for the Danish resettlement programme. It is a precondition that resettlement takes place on the basis of an arrangement with UNHCR or a similar international arrangement. To qualify for resettlement in Denmark the person must meet either the criteria of section 8 (1), (2) or (3):

Section 8 (1):

*Upon application, a residence permit will be issued to an alien who arrives in Denmark under an agreement with the United Nations High Commissioner for Refugees or a similar international agreement, and who falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951), cf. section 7 (1).<sup>1</sup>*

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<sup>1</sup> Please note, that throughout the document, all mentioned provisions of the Danish Aliens Act are unofficial translations.

## Section 8 (2):

*In addition to the cases referred to in section (1), a residence permit will be issued to an alien who arrives in Denmark under an agreement as mentioned in section (1), and who risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin, cf. section 7 (2).*

## Section 8 (3):

*In addition to the cases referred to in section (1) and (2), a residence permit will be issued to an alien who arrives in Denmark under an agreement as mentioned in section (1), and who is assumed to fulfil the basic principles for obtaining a residence permit under one of the provisions in the Aliens Act, if he had entered Denmark as an asylum-seeker.*

To qualify for resettlement under section 8 (3), one of the following conditions must be fulfilled:

- The alien must find himself in a situation, where essential considerations of a humanitarian nature make it appropriate to grant him a residence permit, or
- The alien has not been able to return to his home country, even though he no longer risks persecution there, and there is no prospect of it being possible for him to return home, or
- The alien is an unaccompanied minor, i.e. is staying in the country of residence without his parents or other adults, who have taken their place, and these aliens' place of residence is unknown, and the alien will in fact be placed in an emergency situation upon continued stay in the country of residence or upon return to his country of origin, or
- Essential employment or business considerations make it appropriate to grant the alien a residence permit, including if the alien can obtain employment within a professional field of particularly qualified labour, or
- The alien would fulfil the requirements for being granted family reunification had his/her spouse/parent already been resettled in Denmark, or
- Exceptional reasons make it appropriate to issue a residence permit.

When assessing the submissions for resettlement, Denmark furthermore focuses on the foreign citizens' prospects for settling and benefiting from a living in Denmark. The following supplementary criteria are therefore of considerable importance:



Section 8 (4):

*When selecting the aliens, who will be issued residence permits under section (1)-(3), the aliens' possibility of settling in Denmark and of benefiting from the residence permit, including their linguistic qualifications, educational background, working experience, family situation, network, age and motivation, must be taken into consideration, unless particular reasons make it inappropriate.*

These supplementary criteria will, however, be deviated from in emergency cases and medical cases under the Twenty-or-More programme.

Furthermore, a certain amount of flexibility with regard to these supplementary criteria will be exercised in relation to foreign citizens, who are under consideration for resettlement in Denmark as part of a strategic resettlement plan.

### **3. Resettlement Allocations/ Processing Priorities**

At the beginning of each calendar year, the Minister for Refugee, Immigration and Integration Affairs upon recommendation from the Danish Immigration Service decides the overall allocation of the approximately 500 quota places within the different categories and on the destination of 2-3 annual selection missions, cf. section 8 (6) of the Aliens Act, which reads as follows:

*The Minister for Refugee, Immigration and Integration Affairs decides the overall distribution of the aliens, who will be granted a residence permit under section (1)-(3).*

The Danish Immigration Service will base its recommendations on UNHCR's Projected Global Resettlement Needs report presented before the Indications Conference in June of each year and on bilateral consultations with UNHCR.

The quota is divided into three categories: a geographical category, an emergency category (foreign citizens, who are in an immediate risk of refoulement to their country of origin or who risk assaults in their country of stay) and a medical category under the Twenty-or-More programme (foreign citizens with special medical needs).

Every year, 20 places are allocated to the Twenty-or-More programme, 75 places are allocated to the emergency category, while the number of places allocated to different geographical areas may vary and can be changed upon request from UNHCR should the need arise during the calendar year. Such changes must, however, through the Danish Immigration Service be submitted to and approved by the Minister for Refugee, Integration and Immigration Affairs.

As a main rule, the foreign citizens submitted for resettlement in Denmark will be selected during in-country selection missions. UNHCR HQ may in addition submit emergency cases and Twenty or More cases on dossier during the calendar year.

#### **4. Admissibility for Resettlement**

All foreign citizens, who are under consideration for resettlement in Denmark, undergo the same security and intelligence checks as spontaneous asylum applicants. This implies that the Danish Security Intelligence Service and the Danish Defence Intelligence Service examine all submissions for resettlement.

Pursuant to section 10 (1) of the Danish Aliens Act, an alien cannot be granted a residence permit under section 8, if:

- (i) the alien must be deemed a danger to national security;
- (ii) the alien must be deemed a serious threat to the public order, safety or health; or
- (iii) the alien is deemed to fall within Article 1 F of the Convention relating to the Status of Refugees.

Furthermore, under section 10 (2), an alien cannot, unless particular reasons make it appropriate, be granted a residence permit under section 8, if:

- (i) the alien has been convicted abroad of an offence or there are serious reasons for assuming that the alien has committed an offence abroad, that could lead to expulsion, if the case had been heard in Denmark, that is if
  - the alien has been sentenced to minimum 4 years' imprisonment in relation to an offence that would have resulted in a punishment of this duration, or
  - for several criminal counts has been sentenced to a minimum of 2 years' imprisonment in relation to an offence that would have resulted in a punishment of this duration.

Furthermore, all foreign citizens who are under consideration for a residence permit under section 8 (1)-(3) must participate in a health examination:

## Section 8 (5):

*Unless particular reasons make it inappropriate, it is a condition for a residence permit under section (1)-(3), that the alien participates in a special health examination and consents to passing on the health information to the Danish Immigration Service and to the local council of the municipality to which the alien is allocated, and signs a declaration regarding the conditions for resettlement in Denmark.*

In emergency cases, exceptional circumstances can make it inappropriate to carry out the health examination or to sign the declaration on the conditions for resettlement in Denmark.

For public health considerations, persons who suffer from particularly communicable diseases, will, unless particular reasons make it inappropriate, not be accepted for resettlement in Denmark. Particular reasons that could favour granting a residence permit are e.g. weighty needs for protection or close family ties to persons residing in Denmark.

Furthermore, persons with mental illnesses will, unless particular reasons make it inappropriate, also not be accepted for resettlement in Denmark.

Cases concerning persons with physical illnesses or disabilities and who are in need of special or long-term treatment should be submitted under the Twenty-or-More category. A health consultant reviews all such cases for an assessment of whether proper treatment is available in Denmark and whether the overall situation of the person concerned will improve.

Foreign citizens with only minor medical needs are accepted under the normal geographical categories of their nationality.

In order to be granted a residence permit under section 8 (1)-(3), the foreign citizen must sign a declaration regarding the conditions for resettlement in Denmark. The declaration contains information about the importance of getting a job, the necessity of learning Danish, the duty to participate in and complete an integration programme, the limited access to family reunification and the level of financial and other aid offered by Denmark. The declaration must be signed prior to the final decision of the Danish Immigration Service to grant the person in question resettlement in Denmark.

## 5. Submissions and Processing via Dossier Selection

### 5.1 Case Documentation

UNHCR's Resettlement Section at Headquarters may submit dossier cases for resettlement as Twenty or More or emergency cases. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The basic documentation is the Resettlement Registration Form (RRF) and any available medical files and relevant information about the country of origin and the country of residence.

A carefully completed RRF with exact personal data and family details is of utmost importance as well as a full and detailed account of the political activities in which the refugee has been engaged in his/her country of origin and any other circumstances that might be relevant to the flight. This is required in case of dossier submissions in general and emergency submissions in particular thereby enabling the Danish authorities to move quickly in processing the cases.

The possible application of article 1 F of the 1951 Convention is of particular concern. An express declaration by UNHCR is therefore required to exclude the existence of serious reasons to consider that article 1 F would apply.

Children over 18 years of age or other adult relatives of PRA to be considered for resettlement should always be presented on their own individual RRF as they might qualify for resettlement or exclusion on their own individual merits.

Updated medical documentation indicating diagnosis, medical prognosis and needed medical treatment should be available in all cases, which fall within the Twenty-or-More category. Also cases, which do not fall within this category, but where the person in question has medical needs/problems, should be accompanied by medical documentation to the extent possible.

In all cases, except for emergency cases and Twenty-or-More cases, information regarding the foreign citizens' linguistic qualifications, educational background, working experience, family situation, network, age and motivation are of importance in order to make an assessment of their possibilities for settling and benefiting from life in Denmark.

The persons submitted for resettlement in Denmark should be made aware beforehand by UNHCR, that medical documentation and personal data (but not details of the resettlement claim) will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Danish Security Intelligence Service and the Danish Defence Intelligence Service and possibly the Ministry for Refugee, Integration and Immigration Affairs and the Ministry of Foreign Affairs. Information will never be passed on to the authorities of the country of origin.

## **5.2 Routing of Submissions**

The dossier should be forwarded directly to the Danish Immigration Service (preferably by e-mail).

Upon reception, the case will be registered with a Danish file number. This number is the reference number of the principal applicant. Children above the age of 18 and other close family members will be registered with their own Danish file number. The case will be categorized within one of the quota categories and an immediate case screening will take place.

## **5.3 Decision-Making Process**

After assessing the case, including submitting it to the Danish Intelligence Services, the Danish Immigration Service will make a final decision.

UNHCR's Resettlement Section and possibly the regional hub or the Branch Office, which has submitted the case, will be informed of the decision.

The relevant Danish Representations are informed about positive decisions and authorized to issue travel documentation and entry permits.

## **5.4 Recourse Processing**

There is no recourse against a negative decision but a rejected case may be resubmitted if there is new and relevant information.

## **5.5 Processing Times**

Average processing time is normally a few months, except for emergency cases.

# **6. Submissions and Processing via In-Country Selection**

## **6.1 Case Documentation**

The majority of the foreign citizens resettled to Denmark are usually selected on interview missions. At the beginning of the calendar year, the Minister for Refugee, Immigration and Integration Affairs decides upon the destination of the missions.

UNHCR's Resettlement Section at Headquarters or the Regional Hubs in Africa may submit cases for resettlement. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The basic documentation is the RRF and any available medical files and relevant information about the country of origin and the country of residence.

A carefully completed RRF with exact personal data and family details is of utmost importance as well as a full and detailed account of the political activities in which the refugee has been engaged in his/her country of origin and any other circumstances that might be relevant to the flight.

The possible application of article 1 F of the 1951 Convention is of particular concern. An express declaration by UNHCR is therefore required to exclude the existence of serious reasons to consider that article 1 F would apply.

Children over 18 years of age or other adult relatives of PRA to be considered for resettlement should always be presented on their own individual RRF as they might qualify for resettlement or exclusion on their own individual merits.

Updated medical documentation indicating diagnosis, medical prognosis and needed medical treatment should be available in all cases, which fall within the Twenty-or-More category. Also cases, which do not fall within this category, but where the person in question has medical needs/problems, should be accompanied by medical documentation to the extent possible.

In all cases, except for emergency cases and Twenty-or-More cases, information regarding the foreign citizens' linguistic qualifications, educational background, working experience, family situation, network, age and motivation are of importance in order to make an assessment of their possibilities for settling and benefiting from life in Denmark.

Persons submitted for resettlement in Denmark should be made aware beforehand by UNHCR, that medical documentation and personal data (but not details of the refugee claim) will be passed on to the receiving municipality in Denmark. The RRF will also be submitted to other relevant Danish authorities, such as the Security and Intelligence Services and possibly the Ministry of Foreign Affairs. Information will never be passed on to the authorities of the country of origin.

## **6.2 Routing of Submissions**

The Danish Immigration Service undertakes the interview missions. Staff from the Danish Refugee Council and municipal caseworkers may participate in the interview missions. The decisions are made by the Danish Immigration Service.

UNHCR's Resettlement Section at Headquarters or the Regional Hubs in Africa may submit cases for resettlement. After prior agreement with the Danish Immigration Service, the local Branch Office may submit directly to the Immigration Service in connection with selection missions. The RRF should be submitted well in advance of the mission – preferably 3-4 weeks before the departure of the delegation.

After an initial screening of the submitted cases, the Immigration Service may inform UNHCR that certain cases cannot be accepted for resettlement and an interview will therefore not be needed.

Staff of the Danish Immigration Service will interview the persons in question. UNHCR interpreters are usually used.

### **6.3 Decision-Making Process**

The decision-making body is the Danish Immigration Service. Indications as to who may be accepted will usually be given at the end of the mission. The final decisions will be taken upon return to Denmark. Please see section 5.3 above.

### **6.4 Recourse Processing**

See Section 5.4 above.

### **6.5 Processing Times**

Processing will normally take 6-8 weeks upon return of the delegation to Denmark.

## **7. Emergency Cases**

Emergency cases are usually processed quickly provided the necessary documentation is forwarded. See section 5.1 above. Denmark has 75 places allocated for emergency cases.

## **8. Special Categories**

The Danish resettlement programme does not operate with special categories apart from the geographical, Twenty or More and emergency categories.

### **Survivors of Violence and Torture**

The municipal authorities may refer resettled persons to some of the centres in Denmark specialized in treating victims of torture, although the waiting list may be long.

## **9. Family Reunification of Refugees**

Foreigners resettled in Denmark may under certain circumstances be granted family reunification with their spouse/cohabitant and unmarried children

As a main rule, reunification with children requires that the child is under 15 years of age but can also be given to children aged between 15 and 18.

A residence permit cannot be granted to children over 18 years of age or to parents or siblings.

A residence permit issued according to the rules regarding family reunification is initially issued for a limited period of time with a possibility of extension, provided the conditions for issuing the permit remain fulfilled. After a number of years, such a residence permit may be converted into a permanent one, provided a number of conditions are fulfilled.

### **9.1 Requirements for family reunification with spouses and regular unmarried partners (cohabitants)**

Some of the most important requirements the spouse/cohabitant must fulfil in order to obtain a residence permit are:

- Their marriage must be valid both according to the rules of the country in which the marriage was contracted and according to Danish law. This means, among other things, that both of them were present at the marriage ceremony.
- Both of them have contracted the marriage voluntarily.
- If they are not married, but only engaged to be married, the fiancé/fiancée may join the resettled person in Denmark. Normally it is a condition that they have been living together at the same address for at least 1½ year.
- Their marriage must not have been contracted or their cohabitation established with the sole purpose of bringing the spouse or the unmarried partner to Denmark

### **9.2 Criteria for Family Reunification with children**

Some of the most important requirements for family reunification with children are:

- Normally, the children must be under 15 years of age. If the children are aged between 15 and 18, they may as a rule also join their parent in Denmark under certain conditions, for instance if refusal of the application will interfere with the right to respect for family life in Article 8 in the European Convention on Human Rights.
- The children must not have formed an independent family unit - for example, they must not be married themselves.
- The resettled person must have at least partial custody of the children.
- Upon arrival in Denmark, the children must live together with the resettled person.

In addition to this, it will be considered whether family reunification in Denmark can be regarded as being in the child's best interest.



### 9.3 Parents and other relatives

Parents and other family members than spouses, cohabitants, registered partners and children under 18 years of age, cannot be issued with a residence permit under the rules of family reunification.

## 10. Medical Requirements

Persons who are under consideration for a residence permit under section 8 (1)-(3) must participate in a health examination:

Section 8 (5):

*Unless particular reasons make it inappropriate, it is a condition for a residence permit under section (1)-(3), that the alien participates in a special health examination and consents to passing on the health information to the Danish Immigration Service and the local council of the municipality to which the alien is allocated, and signs a declaration regarding the conditions for resettlement in Denmark.*

In emergency cases, exceptional circumstances can make it inappropriate to expect the person to participate in the health examination or to sign the declaration on the conditions for resettlement in Denmark.

IOM performs the medical examinations on behalf of the Danish authorities.

For further information see section 4.

## 11. Pre-Departure Orientation Programme

After each in-country selection mission, the Danish Immigration Service and the Ministry for Refugee, Immigration and Integration Affairs conduct a pre-departure orientation programme. Furthermore, members of the receiving local municipalities can participate in the course.

The pre-departure orientation programme will consist of lessons in elementary Danish and cultural orientation. The Danish lessons will partly be based on self-tuition.

## 12. Travel

The Danish government covers all expenses connected with the travel to Denmark including possible medical escorts. Pre-departure expenses are normally not covered.

The Danish Immigration Service prepares the travel arrangements in close cooperation with IOM. Upon arrival in Denmark, the Danish Immigration Service and the receiving local municipality meet the resettled persons at the airport.

### **13. Status on Arrival**

Foreign citizens accepted for resettlement under the Danish quota may either be granted convention status (section 8 (1)), protection status (section 8 (2)) or other status (section 8 (3)).

If granted convention status, the resettled persons may upon application and payment be issued a travel document, and if granted protection status or other status, they may be issued an aliens passport.

The foreign citizens accepted for resettlement in Denmark are granted a work permit. They have access to the labour market in Denmark immediately upon their arrival in the country.

Foreign nationals applying for Danish citizenship will have to satisfy certain conditions concerning residence (the principal rule is nine years), age, renunciation of present nationality, general conduct, overdue public debts, skills in Danish language and knowledge of Danish society, culture and history.

### **14. Domestic Settlement and Community Services.**

#### **14.1. Actors**

According to the Danish Integration Act, the Ministry for Refugee, Immigration and Integration Affairs has the principal responsibility for the reception and integration of foreign citizens, which is carried out by the local municipalities. The local municipalities provide for a 3-year integration programme on behalf of the government, financed by governmental funds.

The Danish Refugee Council, The Danish Red Cross and other organisations and associations have volunteer programmes all over the country that promote the integration of the foreign citizens into the local communities and create a dialogue, understanding and tolerance between the foreign citizens and the rest of the population. The volunteer programmes offer a variety of activities in the local community.

#### **14.2. Orientation**

Foreign citizens in Denmark must participate in a 3-year introduction programme, whose main objective is to ensure integration of foreign citizens in the Danish society.

The programme, which must have a duration of at least 20 hours a week, must include a course in understanding Danish society as well as language lessons. For those foreign citizens who do not have a job and who are not self-supporting the introduction programme also consists of vocational training.

The municipality shall prepare an individual plan of action in cooperation with the foreign citizen, based on an assessment of the particular skills and qualifications of the individual person and must be targeted at introducing the person to the labour market or to an education.

The main objective of the course is to enable the foreign citizens to get an understanding of the fundamental values and norms of Danish society and to ensure that foreign citizens within a relatively short period of time will be able to support themselves through jobs. This means that foreign citizens are expected to find work or complete an education aimed at getting a job.

During the introduction programme and until they get a job and can provide for themselves and their family, foreign citizens are subject to certain conditions entitled to an introduction benefit. Foreign citizens who without reason do not participate in the introduction programme may have their benefit reduced. The introduction benefit is to be regarded as a supplement to the wage.

After two years and after four years the Danish Immigration Service can, after application, prolong the residence permit. After yet another three years, the Danish Immigration Service can, after application, prolong the residence permit and make it permanent. In making these decisions for prolongation, the Danish Immigration Service takes into consideration among other things whether the resettled person has fulfilled the obligations of the introduction programme. At each application for prolongation the Danish Immigration Service furthermore assesses whether the cessation clauses are applicable.

If the resettled person has not fulfilled the obligations of the introduction programme the Danish Immigration Service can choose to grant the person in question a temporary residence permit instead of a permanent residence permit.

Residence permits can always be revoked if they have been obtained on a false basis.

Foreign citizens convicted of crimes committed in Denmark can be expelled.

### **14.3. Allocation and housing placement**

In connection with the grant of residence permit, the Danish Immigration Service decides in which area of Denmark each foreign citizen must live. The allocation destination is decided on the basis of an agreed or fixed municipal quota-system and the personal circumstances of the person in question, as well as the situation of the municipality.

The municipality then provides a place to live. Every effort is made to find a permanent dwelling for the foreign citizens within 3 months of arrival. Moving to another city and thereby moving to another municipality is only possible if the municipality accepts the responsibility of the introduction programme. Moving without acceptance may result in the contribution being reduced or ended and the residence permit not being made permanent.

#### **14.4. Health**

Public health care is tax financed in Denmark. This means that insured persons do not pay contributions to the public health care insurance and that patients either get the benefits free of charge or must pay a patients part of the treatment.

Everybody resident in Denmark is entitled to public health care benefits. There is however a qualifying period of 6 weeks from taking up residence in Denmark. In practice the 6 weeks qualifying period is calculated from the date of registration in the national registration office (Folkeregisteret) in the municipality. In the 6 weeks qualifying period the public health care will not cover any part of costs for treatment. However hospital and maternity care in case of accident, sudden illness, birth etc. or sudden aggravation of a chronic disease will be given free of charge.

After the qualifying period you will receive a Health Insurance Card. You must show this card to your doctor, specialist, pharmacy etc. as proof of your entitlement to health care benefits. You will then only be charged the patient's part of cost for treatment.

The public health care benefits are hospital and maternity care and primary health care at general practitioners, specialists, dentists, physiotherapists, district nurses etc., medicine, vaccinations and preventive health care, e.g. for children and pregnant women.

#### **14.5. Education**

##### **14.5.1. School system**

All foreign children have access to the normal Danish school system, which is free of charge.

Children who cannot speak sufficient Danish when they start school may be placed in special reception classes before they start normal classes. They may continue to receive special language lessons if necessary. Some local authorities employ bilingual teachers who teach some subjects to foreign children with the same mother tongue for a number of hours per week.

##### **14.5.2. Access to the Adult Education System**

There are no restrictions on foreign citizens' access to the Danish adult education system. In order to promote foreign citizens' educational opportunities and job prospects, special courses have been arranged for them.

Some are of short duration aimed at finding actual work, whereas others are aimed at enabling them to receive further education.

In order to access some types of higher education, however, sufficient knowledge of Danish is required.

Foreign citizens who have been accepted by an educational institution are entitled to the same grants as Danish citizens. In addition, they may apply for special help under the Social Assistance Act, which contains a special clause providing financial assistance during educational and vocational training for persons who find it difficult to manage for health or social reasons. This clause can be applied to foreign citizens who have educational or employment problems for linguistic or cultural reasons.

If the foreign citizen has completed an education abroad, it may be relevant to establish whether his/her qualifications are recognised in Denmark, or whether he/she needs supplementary training to be able to use your education here. It may therefore be useful for the foreign citizen to bring along documentation for his/her qualifications to Denmark. Upon arrival in Denmark, the Danish Centre for Assessment of Foreign Qualifications (CVUU) will assess how the educational credits the foreign citizen has earned abroad compare with Danish academic and labour market standards.

COUNTRY  
CHAPTER

UK

# UNITED KINGDOM

BY THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN  
& NORTHERN IRELAND

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## 1. Resettlement Policy

### The Gateway Programme

The UK Government announced in February 2002 the creation of a formal resettlement plan with a total quota of up to 500 per year (i.e. including dependants) to augment the existing Mandate and Ten or More resettlement programmes. The plan was named the Gateway Protection Programme (Gateway). The programme became operational in April 2004 and began reaching the quota in 2006/07.

### The Mandate and Ten or More Programmes

For many years, the UK has worked with the UNHCR to identify and process a small number of refugees requiring resettlement. This has been achieved by using its Mandate or Ten or More Programmes. These programmes have been used to process approximately 70 persons a year for resettlement to the UK, including dependants.

The Mandate Programme has been used to mainly bring family members of settled persons to the UK.

The Ten or More Plan was established by the UNHCR in 1973 for the resettlement of disabled refugees in need of medical attention unavailable in their present country of refuge. The aim of the programme is for a host country to accept ten or more refugees, plus their families, annually. **Presently this programme in the UK has been suspended and its operation is under review.**

Both programmes are administered on behalf of the UNHCR, by the British Red Cross and cases are referred by them to the UK's Borders and Immigration Agency (BIA), the agency responsible for immigration matters – formerly known as the Immigration and Nationality Directorate (IND).

## 2. Criteria for Resettlement

### A. The Gateway Protection Programme

Gateway is operated by the Borders and Immigration Agency (BIA) of the UK Government. The Refugee Resettlement Programmes Unit (RRPU) is the section of the BIA that is responsible for identifying caseloads, organising missions and managing the policy of decisions on Gateway applications. The RRPU also maintains oversight and management of the programme and quota once the resettled refugees have arrived in the UK.

The UK works in accordance with the UNHCR's resettlement criteria as laid out in the Handbook. To qualify for resettlement in the UK, applicants should have been assessed as a refugee within the 1951 Refugee Convention and Protocol.

The UK has additional criteria outlining that the applicant (and his/her dependants) must co-operate with UK officials and any other body involved in Gateway; not be in a polygamous marriage; and not have an active application lodged for the Mandate programme.

The UK also looks at whether Gateway is able to meet the resettlement needs of the applicant and their dependants; and whether resettlement of the applicant and their dependants in the UK would not be conducive to the public good. The UK process also seeks to establish whether resettlement to the UK may be contrary to the best interests of the applicant, or their dependants.

If an applicant's spouse and minor children, not declared on the RRF to the UNHCR or to the BIA officers at the point of referral and interview, are subsequently declared, they will not normally be recognised as the principal applicant's dependants for the purposes of the resettlement application. However, if the resettlement application is granted, the dependants may be eligible to apply for family reunion once the principal applicant is in the UK.

## B. Mandate Refugee Programme

*NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.*

In order for a person to be resettled to the UK under this programme, he or she must be a Mandate refugee. A Mandate refugee is a person in their own country, or in a third country, who has been recognised as a refugee by, and given protection by THE UNHCR. Such a person may also be recognised as a refugee and given asylum by a host country without this affecting their mandate refugee status.

The applicant **must** have close ties with the UK. Close family members are normally limited to:

- spouse
- children under the age of 18 years old
- parents/grandparents over the age of 65

The family members in the UK do not need to have been accepted as refugees, but must be settled here or have limited leave in a category leading to settlement.

Other close, non-immediate, family members may be considered in certain circumstances. Non-immediate family member is defined as follows:

- parent/grandparent (in the singular) under the age of 65
- family members aged 18 or over: son, daughter, sister, brother.

*[NB. No other category of family member will qualify under the Mandate Programme.]*

Those who have non-immediate family members as defined above, **must** also demonstrate that wholly exceptional circumstances exist which support their admittance under this programme.

## 3. Resettlement Allocations / Processing Priorities

### A. The Gateway Protection Programme

The number of arrivals to the UK through the Gateway Protection Programme is limited by an annual quota, the level of which is established by Ministers each year having considered the resources available, need for resettlement globally, and impact on local services in the UK.

Successful applicants and their dependants who arrive in the UK through the resettlement programme before the end of the financial year (1st April to 31st March) are counted against the quota. No more than the agreed quota of people will be resettled in any financial year. No unused portion of the quota can be rolled-over to the following year.

### B. Mandate Refugee Programme

Not applicable.



## 4. Admissibility for Resettlement

### A. The Gateway Protection Programme

#### Security Screening

Security screening and refusal on the grounds that admission to the UK would not be conducive to the public good.

Security screening will be conducted for the principal applicant and dependants, and they will also be considered against the exclusion provisions in the Refugee Convention.

If there is reason to suspect that the applicant, or dependant has been a combatant, checks will likely be made with relevant authorities to ensure that the applicant is not wanted for war crimes, or otherwise in connection with their military service.

Where the presence in the UK of a principal applicant, or a dependant, is deemed to be not conducive to the public good on national security grounds, because of their character, conduct or associations, or if they engage in one or more unacceptable behaviours, the UK may consider refusing their application. The list of unacceptable behaviours is set out in full in the Asylum Instruction entitled "Gateway Protection Programme" available on the BIA website.

### B. Mandate Refugee Programme

see Section 2 above: Criteria for Resettlement

## 5. Submissions and Processing via Dossier Selection

### A. The Gateway Protection Programme

The UK does not conduct dossier selections. Each applicant is interviewed by a BIA official during an organised mission.

### B. Mandate Refugee Programme

*NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.*

#### **Routing of submissions**

Applications for resettlement in the UK can be made under the Mandate Refugee Programme as follows:

- **Referrals by THE UNHCR**

Mandate refugees are normally nominated for resettlement by the UNHCR. The administration of such referrals is undertaken by the British Red Cross (BRC) on behalf of the UNHCR. The BRC receives resettlement cases from THE UNHCR Geneva. After assessing the case, verifying the family's status in the UK and confirming that the family is willing to have the refugee join them, the BRC submits the case to the resettlement team at the BIA.

- **Referrals by a British Post Abroad**

A case for resettlement would only be referred by a British Post abroad where there is no UNHCR presence in the country of refuge. In such cases, the UK resettlement caseworker will confirm with the UNHCR London that the applicant has been recognised as a mandate refugee. Cases will only be considered if the applicant has been recognised as a Mandate refugee.

## Decision Making Process

Once a case has been referred by either the BRC or British post, consideration is given to the applicant's circumstances in the present country of refuge, and whether or not the UK is the most appropriate country for resettlement. An applicant's circumstances may include such matters as his local integration prospects, his living conditions, whether there are any physical protection needs, and whether there are any close relatives in other countries apart from the UK. It may be that there is a case for the applicant to remain where he or she is, or there is a case for resettlement outside the present country of refuge to another safe third country. In addition to this, the applicant **must** have a close tie with the UK as defined in Section 2 'Criteria for Resettlement' above.

- **Acceptance of an application made via BRC**

Once an application is accepted through a BRC referral, the BIA will inform the BRC of its decision in writing. At the same time, the BIA will inform the nearest British diplomatic post to enable them to issue the entry clearance visa to allow the applicant to travel to the UK. The visa will be endorsed with the stamp "HO/HOref/settlement" so that the applicant will qualify for refugee status on their arrival in the UK.

The address of the BRC is:

**British Red Cross National Headquarters  
44 Moorfields  
London  
EC2Y 9AL**

- **Acceptance of an application made from a British post abroad**

If the BIA accepts an application made at a British post abroad, it will advise the British post abroad of the outcome in writing, who will then advise the applicant of the decision.

- **Refusal of an application made via the BRC**

If the BIA refuses an application, it will advise the BRC in writing of its decision and provide reasons for the refusal. There is no right of appeal to this decision, because such applications are made outside the UK Immigration Rules.

- **Refusal of an application made from a British post abroad**

If the BIA refuses an application, it will advise the British post abroad of the outcome in writing and provide reasons for the refusal. There is a right of appeal to an adjudicator.

## Processing Times

These cases attract some priority because they normally involve refugees facing some threat to their safety or well-being in their present country of refuge. However, the time taken to deal with a case can range from 2 weeks to 2 months depending on the complexity of the individual case.

## Applications for resettlement after arrival in the UK

A Mandate refugee may not apply for resettlement in the UK after arrival. Any application for resettlement would be taken for an asylum claim and would be considered under the 1951 Convention.

## 6. Submissions and Processing via In-Country Selection

### A. The Gateway Protection Programme

#### Case Documentation

Once the BIA and the UNHCR have agreed a region and a group case allocation, taking into account the need for resettlement and profile of the suggested caseload, the UNHCR field offices prepare RRFs in consultation with the UNHCR HQ Resettlement Unit. The BIA considers the RRFs pre-mission to ensure all necessary information is included and makes an initial assessment on the application. At this stage, it is particularly important for the RRF to provide detailed information about the applicants' flight from their country of origin and how they would meet the UK criteria.

#### Routing of Submissions

RRFs are referred to the BIA only by the UNHCR. Applications cannot be made direct to UK embassies or high commissions abroad.

RRFs should be forwarded from the UNHCR Branch Office to the BIA at least one month before the selection mission. This will give a reasonable amount of time before the mission to allow caseworkers to make a full initial assessment and for preparation to be completed.

#### Decision-Making Process

A BIA official will interview all principal applicants and their dependants to enable the UK-based BIA caseworker in making their decision. The interview will be used to supplement the information given in the RRF, as well as to gather information regarding integration and support needs.

Child dependants will generally only be interviewed to verify their relationship with the principal applicant, and to confirm integration needs. Interviews with children will be conducted by members of staff who have undertaken specialist training, and will be undertaken in the presence of another adult. In the first instance, this will be the principal applicant.

Medical screening is carried out in the field by partner agencies. (see also Section 10 below). The results of the medical screening can take up to three months to receive; the BIA is unable to make any decisions without these results. The final decision is made by BIA caseworkers taking into account the interview, health and security screening.

- **Acceptance of an application**

If a person is accepted for resettlement, the BIA will send a decision letter to the applicant via the UNHCR to confirm whether they have been accepted.

Acceptance for resettlement is on the condition that no new information emerges before an applicant travels to the UK which would have resulted in a refusal if it were known before the initial decision was made. Where any such information does emerge, the case will be re-assessed, and a fresh decision made and notified.

- **Refusal of an application**

If the applicant has been refused, the BIA will send a decision letter to the UNHCR briefly outlining the reasons.

## **Recourse Processing**

There is no right of appeal against a decision to refuse an application for resettlement. However, if an applicant's circumstances change or if additional information comes to light that was not previously available, the UNHCR may re-submit a case for reconsideration.

## **Processing Times**

The time required to process a resettlement application could vary. The BIA requires around one month between the submission of the RRF referral until the time of the selection mission. Following the selection mission, it could take up to three months to receive the results of the medical screening.

Once an applicant has been accepted for resettlement, agencies in the UK require at least 6 weeks between date of decision and date of arrival in the UK to ensure reception arrangements are ready. It may, therefore, take 2 – 4 months for a decision to be made after a mission has taken place. The UK aims to move the majority of accepted cases to the UK within 6 months.

### **B. Mandate Refugee Programme**

Not applicable.

## **7. Emergency Cases**

The UK does not accept emergency cases. Please see sections 5 and 6 for normal processing times.

## **8. Special Categories/Refugees with Special Needs**

### **A. The Gateway Protection Programme**

#### **Refugees with Medical Needs**

The UK conducts medical screening of all Gateway resettlement cases and their dependants (see Section 10 below). Certain medical conditions are given special consideration and a decision is made on a case by case basis after reference to ministers.

The UNHCR are required to refer any case that has significant medical needs separately and in advance of the formal submission, including cases where the disabilities are of a physical nature, such as persons on crutches or in wheelchairs. A limited number of medical cases will be considered for each mission caseload.

If accepted, preparations for medical treatment are made in conjunction with local authorities and non-governmental organisations within the UK responsible for resettlement integration.

#### **Survivors of Violence and Torture**

Assessment of individuals who are survivors of violence and torture are conducted as part of the normal process.

It is important that the UNHCR referral forms are as explicit as possible in respect of the refugee's mental disturbances as a result of violence or torture, so that preparations for assessment of potential treatment can be made.

The UK, as part of its integration programme, offers an initial counselling session to all arrivals under the Gateway Protection Programme. This can be followed up with further sessions if necessary.

### **Women at Risk**

There is no specific integration programme for women-at-risk. However assessment of special needs are made pre-departure to ensure that women-at-risk are housed appropriately and given suitable support, including counselling.

### **Children**

The UK does not consider unaccompanied children as part of its Gateway Protection Programme.

### **Elderly**

Referrals of elderly persons will be considered on a case by case basis, taking into account special needs relevant to integration if their settlement application is accepted.

## **B. Mandate Refugee Programme**

Not applicable.

## **9. Family Reunion of Refugees**

*N.B The following is the existing UK policy on family reunion which is currently subject to review.*

### **General Policy concerning Family Reunion of Refugees**

For many years, the UK has maintained a policy of allowing the refugee's spouse and dependant children under the age of 18 years old to join him or her in the UK. This long-standing policy has now been incorporated into the UK's Immigration Rules.

### **Criteria for Family Reunion**

Normally only pre-existing families are eligible for family reunion. This means that the spouse and minor children must have formed part of the family unit prior to the time the sponsor fled to seek asylum. However the UK will also give consideration to those cases that do not strictly fit this criteria.

Other members of the family (for example, elderly parents, siblings, and adult children) do not qualify for family reunification unless there are sufficient compelling and compassionate circumstances.

Family reunion may also be refused if family members fall within the terms of one of the exclusion clauses in the 1951 Refugee Convention.

**N.B. A spouse is the husband or wife of the recognised refugee. A minor is a child under the age of 18 years.**

### **Routing of Applications**

Family reunion applications for entry clearance to the UK must be made at the nearest or designated British post overseas.

### **Verification of Relationships**

Applicants for family reunion will be interviewed by the Entry Clearance Officer (ECO) to verify the relationship of the family members to the sponsor in the UK.

The ECO may also request DNA tests to be carried out in respect of verifying a relationship.

## Decision-Making Process

Once an application for entry clearance has been submitted under the Family Reunion Provisions, the applicant will normally be invited to attend an interview with the ECO. The ECO will also check the status of the sponsor in the UK with the BIA.

Normally all family reunion applications relating to resettled persons will be referred to the BIA, where caseworkers will decide on the issue of an entry clearance to join the resettled person in the UK.

- **Acceptance of an application**

If the application is accepted, an entry clearance will be granted that will give the same entry conditions as the principal applicant in the UK.

Should the family members have no travel documents, and cannot approach the authorities because the sponsor is wanted by them, ECOs may be able to issue a one-way identity document called a “EU UFF” (EU Uniform Format Form) which is valid for travel from most countries to the UK with entry clearance.

- **Acceptance of an application**

If an application is refused, the family member has a right of appeal against the refusal of entry clearance under Section 82 Nationality Immigration and Asylum Act 2002. An appeal has to be lodged with the Entry Clearance Post within 28 days of the notice of decision

## Processing Times

The processing times will vary from post to post and will depend on the complexity of the case, current interview waiting times and the volume of applications being processed.

### A. The Gateway Protection Programme

All family reunion applications made to join persons resettled in the UK under this programme are referred by the ECO to the BIA for advice.

Persons who have not been recognised as Convention refugees, but who are resettled in the UK under the Gateway Protection Programme on a compelling compassionate basis, are granted indefinite leave to remain.

Applications received for family reunion from dependants of individuals falling into this category will be dealt with on an individual case basis until further guidelines are published.

### B. Mandate Refugee Programme

Once the applicant has been accepted for resettlement under this programme and recognised as a refugee, the immediate family members may apply to join the applicant under the UK’s general Family Reunion Provisions as set out above.

## 10. Medical Requirements

*N.B. This is the existing policy on medical screening and acceptance of case, which is currently under review.*

### A. The Gateway Protection Programme

The International Organization for Migration (IOM) is contracted to conduct health screening of all proposed UK Gateway cases. All cases are health screened before the UK makes a decision. The results of the medical screening can take up to three months to receive.

Resettlement will not normally be offered when, in the opinion of the medical examiner, the individual has a disease or illness, which, for the individual's own health, or for public health reasons, currently precludes travel, or requires treatment before travel. Resettlement may be offered to such individuals once, in the opinion of the medical examiner, this ceases to be the case.

Gateway applicants who have been diagnosed with HIV/AIDS, Multi-Drug-Resistant-TB, or established renal failure will not, usually, be offered resettlement for reasons of public health without Ministerial consent. In addition, resettlement may not be offered without Ministerial consent where the applicant or a dependant has any other medical condition which constitutes a danger to public health or a disproportionate cost to the Gateway Protection Programme.

#### **B. Mandate Refugee Programme**

THE UNHCR should not normally refer anyone with a significant medical condition as part of the Mandate Programme.

At the discretion of the ECO, any applicant may be subject to medical examination.

The costs of any examination must be borne by the applicant, including when their Entry Clearance/ EU UFF is/are issued free of charge.

## **11. Travel**

#### **A. The Gateway Protection Programme**

Travel for refugees accepted for resettlement under Gateway is co-ordinated by IOM and paid for by the UK. Travel is organised once arrangements in the reception area are finalised. The BIA liaises with the local British post and the UNHCR Branch Office to ensure all travel documentation is prepared. Successful Gateway applicants will usually travel on a one way EU UFF, which is retained by the BIA on arrival in the UK.

Accepted Gateway cases will travel in small groups of around 20 - 30 from their current country of residence to the UK. Directly before their departure they take part in a cultural orientation lasting 2-3 weeks.

#### **B. Mandate Refugee Programme**

*NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.*

Travel arrangements to the UK are made either by the UK sponsor or, in exceptional circumstances where there are no other financial means available, through the UNHCR. In cases referred by the BRC, the BRC will arrange for the applicant to receive the travel documents, endorsed by the BIA for settlement in the UK. In other cases, the British post will provide the necessary travel documents to the applicant for their journey to the UK.

## **12. Status on Arrival in UK**

#### **A. The Gateway Protection Programme**

Leave to enter the UK under the Gateway Protection Programme is granted exceptionally, outside the Immigration Rules.

All persons accepted on the programme will be recognised as Convention refugees and will be granted indefinite leave to enter on arrival in the UK. Dependants will normally be granted leave to enter in line with the principal applicant.

In circumstances where the dependant is of the same nationality as the country of current refuge, then Convention status cannot be granted. In such circumstances, the person should be granted Indefinite Leave to Enter outside of the immigration rules.

## **B. Mandate Refugee Programme**

*NB. The following is the existing UK policy on the Mandate Refugee programme which is currently subject to review.*

On their arrival in the UK, applicants will be recognised as Convention refugees and granted Indefinite Leave to Enter. Following their arrival, the BRC will make requests to the BIA for the applicants to receive their letters confirming their status.

## **13. Domestic Settlement and Community Services**

### **A. The Gateway Protection Programme**

#### **Actors**

The Gateway Protection Programme is the official name given to the UK's resettlement programme. In the UK, BIA manages the programme in partnership with local authorities, the voluntary sector and non-governmental organisations (NGOs), and other organisations with experience of working with refugees and migrants.

#### **Reception**

Resettled individuals are met upon arrival at a port of entry and transported to temporary accommodation. Upon arrival, sponsoring agencies are responsible for ensuring that primary basic needs are met: food, toiletries, additional clothing (where necessary), a small amount of money and a briefing pack (providing practical information). After a period of approximately 2/3 days they are transported to their permanent accommodation and given two weeks living costs.

#### ***Beginning Resettlement (Basic needs of life / Referral to Settlement Services / Orientation Materials / Community Information and Orientation / Interpretation and Translation)***

Following the arrival of successful Gateway applicants at their long-term accommodation, additional support is provided in the form of: information on their local community, access to local services and regional orientation. The aim is to assist those newly arrived on the programme to settle and adapt to their new communities.

#### **Resettlement Services**

Resettled individuals will be provided with support from the Local Authority in which they are resettled. A caseworker will be appointed to each family giving one to one support to enable an assessment of their needs and assistance in accessing to the services described below. This support lasts for twelve months.

#### **Housing**

Upon arrival to the UK, persons resettled under the Gateway Protection Programme are provided with furnished accommodation.

#### **Health**

Health screening will be conducted for all Gateway applicants and their dependants before a decision is made on their resettlement application. This health information is released to the Primary Care Trust in which the resettled refugee will be living. Once in the UK, resettled refugees will have access to health care services under the same conditions as nationals.



**Language Training**

Language training is provided as part of the Cultural Orientation Programme prior to their arrival in the UK. In addition to this, further guidance and information on the English language courses available to them, is offered as part of their long-term resettlement.

**Education**

Education for between the ages of 5 and 16 year is compulsory. Resettled refugee children are given the same access to education as nationals. Information is also given on facilities and services for pre-school and under five years.

**Vocational Training and Employment**

Resettled refugees have the same access to vocational training and employment as nationals.

**B. Mandate Refugee Programme**

Not applicable

**15. Reference Materials**

Further information on the UK's Gateway Protection Programme can be found in policy guidance published [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)

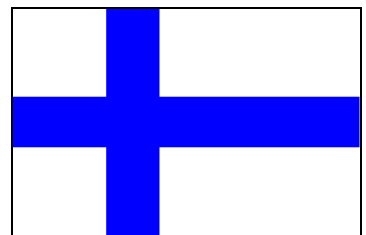
**COUNTRY  
CHAPTER**

**FIN**

# **FINLAND**

**BY THE GOVERNMENT OF FINLAND**

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## **1. Resettlement Policy**

Finland has been receiving refugees on UNHCR's proposal since 1979. In connection with the handling of the State budget Parliament decides annually on the resources for admitting quota refugees to Finland and on the annual number of quota refugees. Since the year 2001, the annual number of quota refugees has been 750. Since then the largest refugee groups admitted to Finland under the refugee quota have been Sudanese, Myanmar, Iranian and Afghan. Building larger communities of a particular nationality on the local level is considered beneficial, which is why Finland still wishes to find continuity in its resettlement activities. The Finnish Aliens Act (in force since 1 May 2004) lays down the definition of 'refugee quota' and the requirements and procedures for admitting aliens to Finland under the refugee quota. The Act on the Integration of Immigrants and Reception of Asylum Seekers entered in 1999 into force. In Finland immigrants are encouraged to integrate in their new home country. This is implemented through individual integration plans and integration programs for resettling municipalities. The newcomers are permitted to an integration plan for the first three years, during which they acquire knowledge and abilities needed in the Finnish society.

## **2. Criteria for Refugee Status Eligibility and Asylum**

An alien who has spontaneously entered Finland and applies for asylum is granted asylum if he or she meets the requirements laid down in section 87 of the Aliens Act. The wording of this section is virtually identical to the definition in the 1951 Convention, omitting the territorial and temporal limitations. An alien residing in Finland will be granted asylum if, owing to well-founded fear of persecution for reasons of ethnic origin, religion, nationality, membership of a particular social group or political opinion, he or she resides outside his or her country of origin or habitual residence and if, owing to such fear, he or she is unwilling to avail him or herself of the protection of the said country.

Under section 106 of the Aliens Act refugee status is also granted to an alien who has been admitted to Finland for resettlement under the refugee quota on the basis of refugee status. Refugees admitted to Finland under the refugee quota on UNHCR proposal are all granted convention status. This is why Finland expects those that are proposed to have a strong need of protection against the country of origin. As regards people other than those whom UNHCR has proposed, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them convention/refugee status. Furthermore, under section 106 of the Aliens Act, refugee status will be granted to an alien who has been issued a residence permit on the basis of a family tie if he or she is a family member of an alien who has been granted asylum in Finland or of a refugee admitted to Finland under the refugee quota, and if he or she is to be regarded as a refugee. (See section 10)

## **3. Criteria for Resettlement**

The conditions for admitting of aliens for resettlement under the refugee quota are laid down in section 92 of the Aliens Act.

**The first condition** is the alien's need for international protection with respect to his or her home country. Account should be taken of the same factors as are taken into consideration when the need for international protection is determined within the asylum procedure.

**The second condition** is the alien's need for resettlement with respect to the country where he or she is residing. The need for resettlement is apparent if the person is threatened with return to his or her country of origin or with arbitrary arrest or imprisonment in the first country of asylum. Next on the list of people in need of resettlement are survivors of violence and torture and people in need of resettlement for medical reasons. Women, particularly single women and single parents, often find themselves in a more vulnerable position than other alien groups in the country of asylum owing to the lack of social and ethnical pillars. When considering resettlement, attention is paid not only to women but also to the need for reunification of families and to the special needs of children, adolescents and elderly refugees. Resettlement may also be considered for refugees who are not in need of resettlement for reasons of immediate protection but who find it difficult to establish themselves in their country of asylum in a manner appropriate to their cultural, social, religious or educational background. In such cases a further condition for resettlement is, however, that there are places available in the quotas that are not needed for those in need of immediate resettlement.

**The third condition** is that the conditions for reception and integration in Finland have been assessed.

**The fourth condition** is that the issue of a residence permit is not prevented by reasons relating to public order and security, public health or Finland's international relations.

#### 4. Resettlement Allocations / Processing Priorities

Under section 91 of the Aliens Act, the Ministry of Labour prepares in cooperation with the Ministry for Foreign Affairs and the Ministry of the Interior a proposal on the territorial allocation of the refugee quota. UNHCR's proposal to Finland and discussion conducted with UNHCR form the basis for the preparations. The entire decision on the territorial allocation of the refugee quota has been made at the ministerial level. According to the Government's revised Migration Policy Programme a ministerial group shall adopt the principles guiding the filling of the quota and government representatives decide country-specific allocation in cooperation with UNHCR. The decision states the areas from where refugees are admitted to Finland and the number of refugees to be admitted from each area.

#### 5. Admissibility for Resettlement

See Section 3 on the criteria for resettlement.

## **6. Submissions and Processing via Dossier Selection**

As an exception to the normal procedure, in emergency and urgent cases aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota. See section 8 on emergency cases. Dossier selection in other than emergency and urgent cases is possible but has traditionally not been used.

## **7. Submissions and Processing via In-Country Selection**

### **7.1 Case Documentation**

The procedure is started on the basis of documents submitted by UNHCR. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police make a pre-selection in Finland. Already at this stage comprehensive and reliable information relating to the need for resettlement, data on all family members as well as information on the refugee's integration potential should be available. It is desirable that all UNHCR's submissions should consist of 30 % more people than the coming intake. It is also desirable that all the documents submitted by UNHCR could be sent to Finnish authorities as early as possible before the selection mission, approximately one month earlier.

### **7.2 Routing of Submissions**

UNHCR sends all documentation (RRF's) to the Ministry of Labour, which forwards copies of the documents to the Directorate of Immigration and to the Security Police. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police review the documentation and jointly select the cases for personal interviews. When necessary, health care services are consulted on medical needs and possibilities of treatment as regards ill and disabled persons.

### **7.3 Decision-Making Process**

During selection missions, applicants are interviewed by officials of the Ministry of Labour or its administrative sector, the Directorate of Immigration and, if necessary, officials of the Security Police. Directly after selection interviews, the members of the selection mission prepare a tentative list of those who will probably be admitted to Finland. At the end of the selection mission, the list is given to the competent field office of UNHCR.

In Finland, the Directorate of Immigration decides on issuing of a residence permit to an alien to be admitted to Finland under the refugee quota, after obtaining a statement from the Security Police.

UNHCR, the Ministry of Labour and the Finnish mission concerned are informed of the decision.

### **7.4 Recourse Processing**

A decision on issuing a residence permit to an alien to be admitted to Finland under the refugee quota may not be appealed. As a rule, a case that has been rejected once will not be re-examined. Re-examination will only be possible if new, significant information on the refugee's background or circumstances can be presented or if considerable deterioration has taken place regarding his or her health.

## 7.5 Processing Times

The pre-selection of cases to be interviewed is normally done within three weeks of receiving the UNHCR submission documentation. After the selection mission, the Directorate of Immigration normally decides on quota cases within two months of the mission.

## 8. Emergency Cases

In emergency and urgent cases, aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota.

The emergency resettlement submission is sent by UNHCR to the Ministry of Labour, which forwards it to the Directorate of Immigration with its statement, which focuses on the integration potential of the refugee. As regards cases presented as medical emergencies, the Ministry of Labour consults with a physician to establish the treatment possibilities in Finland, and assigns the refugee to a municipality that can offer the necessary treatment.

The Directorate of Immigration decides on issuing a residence permit to an alien to be admitted to Finland under the refugee quota. It may request a statement from the Security Police. A copy of the decision is sent to UNHCR, to the Finnish mission concerned and to the Ministry of Labour. Travelling arrangements are made in co-operation with IOM.

Emergency cases are normally decided within 5 workdays and urgent cases as quickly as possible.

## 9. Special Categories

Finland has no separate quotas for special categories but they are included in the normal quotas. According to the revised Migration Policy Programme the criteria to fill the quota shall be clarified so that Finland can also admit unaccompanied minors and women in need of special protection. Quota refugees that can be defined as representatives of special categories are given appropriate support during integration.

When the refugees already residing in Finland appeal on behalf of their relatives' acceptance on some special grounds, the relatives are always advised to contact the respective UNHCR office in the country of their residence and ask if their case could be submitted to Finland by UNHCR. Finland does not ask for these cases but the submission should always come from the UNHCR.

### 9.1 Refugees with Medical Needs

It would be desirable to obtain as accurate and up-to-date medical statements as possible in order to be able to estimate whether these cases can be treated in Finland within humanitarian time-limits taking into account the best interest of the refugee.

### 9.2 Survivors of Violence and Torture

The UNHCR Resettlement Registration Forms (RRF) should be as explicit as possible in respect of the refugee's eventual mental disturbances as a result of violence or torture, so that the preparations for his/her referral to correct treatment could be made as early as possible.

The normal municipal mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them. The normal health care system provides the medical treatment and rehabilitation needed in case of physical traumas caused by violence and torture.

### **9.3 Women at Risk**

Single women and single mothers are received in localities where they already have possible connections, or they are placed in other communities where they can get support from other women but not become objects of special attention. Women's possibilities to participate in integration training and to acquire language skills are being supported by organising suitable day care for the children.

### **9.4 Children**

As a rule, the children resettled in Finland have entered the country either with their parents or with other relative families. Among the quota refugees, Finland has received only a few minors without accompanying parents. At the initial stage of their resettlement, unaccompanied minors have been placed in family community homes.

### **9.5 Elderly**

Most of the elderly arriving in Finland among the quota refugees have come among larger family entities, a fact that makes it easier for them to adapt to the new environment. However, their language skills often remain insufficient for active contacts with society outside the family. The elderly refugees are not entitled to receive the pension immediately after their arrival, since the pension is dependent on the period of stay in the country. However, they can receive integration allowance or the corresponding living allowance from their municipality of residence. Integrative measures adapted to the needs of elderly persons are organised by municipalities and NGOs.

## **10. Family Reunification of Refugees**

### **10.1 Policy concerning Family Reunification of Refugees**

Under section 114 of the Aliens Act, a residence permit is issued on the basis of a family tie to a family member of a refugee who is residing in Finland or who has been issued a residence permit to move to Finland, unless there are reasons relating to public order, security or public health.

In cases where issues relating to public order, security or public health come up, a decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

As a family member (section 37 of the Aliens Act) of a person residing in Finland are regarded his or her spouse, as well as an unmarried child under 18 years of age whose guardian the person residing in Finland or his or her spouse is. If the person residing in Finland is a minor child, his or her guardian is regarded as a family member. A same sex spouse is regarded as a family member if the relationship has been registered. Also, people who continuously share a household and cohabit in a relationship resembling marriage are regarded as spouses.

A requirement for this is that they have cohabited for a minimum of two years, except if they have a common child.

Under section 115 of the Aliens Act, a residence permit is issued to a relative of a refugee other than a family member if refusing a residence permit would be unreasonable because of the intention of the persons concerned to continue previously established family-life, or if the relative concerned is totally dependent on the refugee residing in Finland. In cases where issues relating to public order, security, public health or Finland's international relations come up, the decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

## **10.2 Criteria for Family Reunification**

See Section 10.1

## **10.3 Allocations for Family Reunification**

Family reunification cases as described in section 10.1. are not included in resettlement allocations.

## **10.4 Routing of Applications**

See Section 10.6.

## **10.5 Verification of Relationships**

The applicant must present adequate evidence of his or her identity and family connection. The Directorate of Immigration decides what kind of evidence may be regarded as adequate. Parties may be orally heard and statements of social and health care officials may be requested. Parties may be given an opportunity to verify the family tie through a DNA-test sponsored by the Finnish State.

## **10.6 Processing and Decision-Making**

The procedure for applying for a residence permit on the basis of a family tie is laid down in sections 62-65 of the Aliens Act. A family member residing abroad may lodge an application for a residence permit on the basis of a family tie at a Finnish mission.

A family member already residing in Finland may lodge an application on behalf of the alien abroad at a local police station in Finland. The Directorate of Immigration decides on issuing of a residence permit on the basis of a family tie to a family member of a refugee. Parties are given an opportunity to be heard before the decision is made.

Parties may be orally heard by the police, the Finnish mission or the Directorate of Immigration. Statements of social or health care officials may be requested before the decision is made. Once the Directorate of Immigration has issued a residence permit on the basis of a family tie, the Finnish

Red Cross will contact IOM for travel arrangements and organize the reception of arriving family members in collaboration with the receiving municipality.



## 11. Medical Requirements

The processing of the cases and the preparation of the reception at municipality level is facilitated if the information about the health status and specific health care needed by the refugees is as up-dated as possible. No general medical control is necessary prior to the admittance.

## 12. Travel

Once the Directorate of Immigration has decided on the residence permits, the Ministry of Labour will inform UNHCR and the respective Finnish diplomatic mission about the municipalities in which the refugees are resettled and the timetable in which the municipalities are prepared to receive them. The IOM will make the practical travel arrangements and invoice later for the flights. IOM Helsinki is asked to book the flights to the final destination of the refugees. The Finnish Red Cross will receive the refugees at the airport and will be informed about the timetables by IOM. When necessary, the respective Finnish diplomatic missions will issue the temporary (group) travel documents and stamp the residence permit.

## 13. Status on Arrival

Refugees as defined by UNHCR who are admitted to Finland under the refugee quota are granted refugee status. As regards people admitted to Finland under the refugee quota other than those whom UNHCR considers refugees, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them refugee status.

A family member of a refugee is normally issued the same status. If the situation of a family member, however, is not comparable to the situation of the refugee (he or she may, for example, be of another nationality), refugee status may not be granted. An alien admitted to Finland under the refugee quota may be issued a permanent residence permit after 4 years after the arrival in Finland.

Changes in residence permits will be possible in situations provided by the Aliens Act, if the ground for residence changes. Citizenship may be granted on application after four years' residence in the country.

The provisions on the application of the cessation clause are laid down in section 107 of the Aliens Act. Refugee status will be withdrawn, if the person:

1. voluntarily re-avails him or herself of the protection of the country of his or her nationality;
2. having lost his or her nationality, voluntarily re-acquires it;
3. acquires a new nationality and is able to enjoy the protection of the country of his or her new nationality;
4. voluntarily re-establishes him or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or evidently no longer stands in need of protection as the circumstances which caused him or her to be a refugee no longer exist.

The Directorate of Immigration makes decisions on the cessation of refugee status. In very few cases where it has been stated that the refugee status has ceased, the person concerned has been allowed to stay in Finland with a different residence permit, because of the existing ties to Finland. Under the Act, it is possible to deport, for example, an alien who is found to be guilty of a serious crime and whose refugee status has ceased. Cases like this are rare. All cases are decided individually, and all the details that have appeared in a case are weighed in their entirety.

## **14. Domestic Settlement and Community Services**

### **14.1 Actors**

In collaboration with the regional administration, the Ministry of Labour will settle the selected refugees to the municipalities that have made a reception decision. At the municipality level, various administrative sectors collaborate to organise the practical reception, and various voluntary organisations serving both nationals and immigrants take part in the initial reception in the municipalities.

### **14.2 Orientation**

Since 2001 Finland has been arranging 3-day cultural orientation courses for Finland bound refugees before their departure to Finland. These courses have been bought from IOM. All the accepted refugees above 15 years of age attend the courses which include e.g. basic information about Finland, reception procedures in municipalities, rights and duties of refugees and also practical exercises on using the public services, shopping etc. Also some basic phrases in Finnish are taught.

### **14.3 Housing**

In the municipalities, the refugees will settle directly in the dwellings assigned them, normally rented apartments in apartment buildings. Large family entities are housed in various apartments in one building or in individual houses.

### **14.4 Health**

Refugees will use the normal health care services. The normal municipal health and mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them.

### **14.5 Reception**

On his/her arrival in Finland, the refugee will be directly settled in the municipality. The refugee will undergo an entrance interview whereby his/her integration potential and his/her individual needs will also be discussed. Together with the authorities, the refugee will elaborate on his/her personal integration plans.

These plans take into account the situation of the refugee concerned and his / her individual and family needs. This is especially important for refugees representing special categories, like Women at Risk or Elderly.

The refugee's social and health situation as well as the respective reception requirements will be reviewed on that occasion too.

## **14.6 Integration Plan**

The Act on the Integration of Immigrants was drawn to promote equal opportunities of immigrants. Each immigrant draws up an individual integration plan in collaboration with the authorities of the resettling municipality. Immigrants are encouraged and supported by various measures to integrate into the new home country. They have during the first three years possibility to language studies, to complementing their professional skills and to acquiring the forms of knowledge and abilities needed in Finland. While the immigrant carries out the integration plan and does not obtain a salary the subsistence is guaranteed by means of an integration allowance.

### **14.6.1 Language Training**

For adults, immigrant training includes Finnish language studies. There are special literate courses for persons in need of literacy education. Children of school age, i.e. 7-16 –year-olds, are provided with preparatory instruction in a group of their own. The aim is for children to first learn the language and school attendance according to the Finnish system, after which they can switch to Finnish classes, which correspond to their level. The language training of the first year gives the refugees the language skills needed in every day life. It is, however, essential that they continue their language studies on their own initiative in courses organised by the municipalities.

### **14.6.2 Education and vocational training**

The refugees are entitled to an immigrant training which includes language and civic skill studies, as well as vocational guidance and employment training. The individual integration plan takes especially into account the education and vocational training that the refugee has acquired in his/her homeland and also the need of supplementary training in order to find work in Finland. Often refugees have to study for to acquire a new profession. The studying possibilities in Finland are very good, but studying requires good language skills and that is why the language studies of the initial stage are of great importance.

After the immigration training, the refugees have the opportunity to receive vocational training compatible to their personal abilities. There is a clear need for long-term vocational training organised especially for the immigrants.

### **14.6.3 Employment**

In Finland, the general employment situation has improved significantly during the last couple of years, which has effected also the employment situation of immigrants. Even so, the unemployment rate of certain immigrant groups is as high as 50 to 70 percent. However, many innovative projects e.g. through the European Refugee Fund and ESF have been initiated to promote employment.

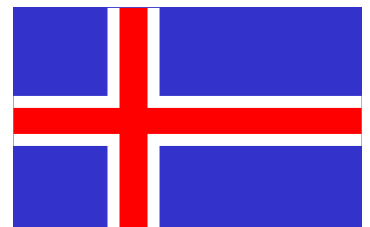
**COUNTRY  
CHAPTER**

**ICE**

# **ICELAND**

**BY THE GOVERNMENT OF ICELAND**

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## 1. Resettlement Policy

The Government of Iceland agreed, in 1996, to establish an annual resettlement quota as part of the UNHCR Resettlement Programme. The Icelandic Refugee Council is the consultative body on refugees. The Ministry of Social Affairs, through the Icelandic Refugee Council, is responsible for the selection, admission and integration of refugees in Iceland while working in close co-operation with the concerned ministries.

## 2. Criteria for Refugee Status Eligibility and Asylum

Refugees eligible for resettlement in Iceland are recognised refugees according to the 1951 Geneva Convention and the 1967 Protocol relating to the Statute of Refugees and regional instruments, who for security reasons cannot remain in their first country of asylum or return to their country of origin.

## 3. Criteria for Resettlement

Refugees eligible for resettlement in Iceland are refugees recognised under UNHCR's mandate who fall into one of the following categories:

**Legal or physical protection needs**, when the refugee meets one of these conditions:

- Immediate or long-term threat of forced repatriation or expulsion.
- Threat of arbitrary arrest, detention or imprisonment.
- Threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable.

### **Refugees victims of violence and /or torture**

Refugees victims of violence and / or torture who require special medical attention. Their resettlement in Iceland is subject to the availability of appropriate medical services.

### **Women at Risk**

Women facing serious physical and / or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc...) lacking the traditional protection of their families or communities.

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## **Refugees without local integration prospects in the first country of asylum**

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement.

### **4. Resettlement Allocations**

The Government of Iceland decides the allocation of the quota in close consultation with the Ministry of Social Affairs. The Icelandic Refugee Council, reuniting representatives from the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Foreign Affairs as well as with the Icelandic Red Cross and the National Association of Local Authorities, makes a proposal on the basis of UNHCR assessment of overall resettlement needs. The Refugee Council meets once per month in average, and decides upon the allocation of sub-quotas by region and category.

### **5. Admissibility for Resettlement**

No special constraints on admissibility are given.

### **6. Submissions and Processing via Dossier Selection**

The processing of refugees in Iceland is mainly carried out through In-Country Selection.

### **7. Submissions and Processing via In-Country Selection**

The selection process is implemented through participation in selection missions to the countries of refuge by an Icelandic delegation.

The delegation is composed of representatives from the Icelandic Red Cross, who heads the delegation, the Ministry of Social Affairs or/and the Local Community as well as an interpreter.

The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The Icelandic delegation notifies UNHCR of its decisions immediately after the interviews are completed.

Entry visas are issued by the nearest Danish Embassy to accepted refugees.

## **8. Emergency Cases**

No accelerated procedures for the processing of emergency cases are yet in place.

## **9. Special Categories**

Considering the positive results achieved by the Resettlement Programme thus far, there is potential for a progressive diversification of the Icelandic quota to also include refugees with special needs.

## **10. Family Reunification of Refugees**

The Government of Iceland acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. Cases of family reunification are dealt with under the general provisions of the immigration law, on a case-by-case basis.

## **11. Medical Requirements**

No specific medical requirements are provided for under the Icelandic programme.

## **12. Travel**

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel are paid by the Icelandic Government, under the responsibility of UNHCR or of any sponsor.

## **13. Status on Arrival**

Refugees accepted for resettlement in Iceland are granted refugee status according to the 1951 Convention. The refugees will be subsequently granted an open residence and work permit. They will be eligible to apply for citizenship after 5 years of continued residence in Iceland.

## **14. Domestic Settlement and Community Services**

### **14.1 Actors**

The reception and integration of refugees is co-ordinated by the Ministry of Social Affairs through the Icelandic Red Cross. A Steering Group, chaired by the Red Cross, is established in each of the local communities and is responsible, at a local level, for the assistance provided under the Icelandic Programme. Support families are an essential feature of Iceland's integration programme for resettled refugees.

The support families scheme is based on the initiative of individual citizens who volunteer with the Icelandic Red Cross to assist a refugee to integrate in their respective local communities. Support families undergo specific training before being formally assigned to a refugee, including a psychological aid course and a full briefing on the refugee's cultural background.

### **14.2 Orientation and Language Training**

Language training is provided during the first year of residence, four days per week. Icelandic teachers receive interpretation assistance, where required. Cultural orientation on Iceland is provided within the framework of language training.

Information sessions on the background of resettled refugees are provided to the receiving communities in Iceland at the beginning of the programme. This contributes to the development of a good understanding between the refugees and the local community.

### **14.3 Reception**

Newly resettled refugees are met at the airport by representatives of the Ministry of Social Affairs and the Icelandic Refugee Council, as well as the local authorities, Red Cross representatives and support families.



#### **14.4 Housing**

Upon arrival, refugees are provided with an apartment for one year including heat, electricity and the basic costs for telephone service. In addition, refugees are offered free health services for six months and allowances for their living expenses according to a standard fixed by the Social Services of the local receiving community. Refugees are also provided with new and/or second-hand furniture, a television, radio, vacuum cleaner, refrigerator and washing machine, as well as with clothing.

#### **14.5 Health**

Upon arrival in Iceland, all refugees will receive a medical check-up. Medical and dental care is provided as required, free of charge, during the first six months of residence in Iceland. After six months, refugees have the same access to the health system as Icelandic citizens.

#### **14.6 Education**

Iceland has a ten-year compulsory education term for children. Refugee children are entitled to education in their mother tongue for the first year at least. All refugees are expected to attend classes of Icelandic language for the initial 9 months, at least.



#### **14.7 Employment and Vocational Training**

In each of the communities receiving resettled refugees, a project manager is appointed by the local authorities to mentor and monitor the integration of the refugee(s) concerned. The project manager is responsible for liaising with potential employers and arranging job interviews for the refugee. After an initial period of 4 to 6 weeks, the refugee is generally offered a part-time job. Due to a low unemployment rate in Iceland, most refugees are usually employed before the end of the first year.

#### **14.7 Other assistance**

Psychological assistance, language instruction and cultural orientation are provided to refugees throughout their integration process. At the end of the one-year support programme, refugees are expected to become self-sufficient and receive the same level of social assistance as other Icelandic residents.

### **15. Reference Material**

-  Icelandic Nationality Act, No. 100 dated 23/12/1952 and amended in 1982 and 1998.
-  Icelandic Immigration Law, 1965.

**COUNTRY  
CHAPTER**

**IRE**

# **IRELAND**

**BY THE GOVERNMENT OF IRELAND**

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## **1. Resettlement Policy**

In 1998, Ireland agreed to accept persons for organised resettlement under a Resettlement Quota programme. The criteria for the acceptance of persons under the current programme were set down in a Government Decision in 1998. There is provision in the Refugee Act 1996, as amended, for future agreements with the High Commissioner for Refugees.

## **2. Criteria for Refugee Status Eligibility and Asylum**

Ireland is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol. All persons are entitled to apply for refugee status. When they do so, specific procedures are followed for determining whether or not a person meets the necessary criteria for the granting of this status.

All applications are examined in accordance with the definition of a refugee as set out in a section 2 of the Refugee Act, 1996, which defines a refugee as someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Where it is established that a well-founded fear of persecution exists, the applicant will be granted refugee status.

## **3. Resettlement Quota**

Ireland accepts ten "special case" refugees per year for resettlement, who would not normally come under the scope of Ireland's obligations under the Geneva Convention of 1951 as amended by the New York Protocol of 1957.

Ireland also accepts family members of those special cases on a similar basis as the admission of relatives of persons granted refugee status in the State. If the family members reside with the applicant at the time of transfer to Ireland they may travel with the applicant. Otherwise the applicant may apply for relatives to be admitted following arrival. (See Section 7: Family Reunification).

## 4. Submission and processing via Dossier Selection

Case selection is based on dossier submissions by the UNHCR. Dossiers are submitted to the Department of Foreign Affairs and are examined by both the Departments of Foreign Affairs and Justice Equality and Law Reform. Where medical cases are submitted the dossiers are also forwarded to the Department of Health and Children for examination and approval.

The following documentation should be included with a submission to Ireland:

- i) Completed UNHCR Resettlement Registration Form, ensuring that all sections are completed, particularly information regarding family members. Information provided at this time will be used during processing of all future applications for family reunification etc..., so it is essential that this information is complete and correct (See Section 7).
- ii) Relevant documentation such as medical certificates, birth certificates, copy of passport etc...
- iii) Covering letter explaining why the refugee requires resettlement and whether he or she is at risk or falls into a vulnerable category
- iv) Ensure that name and date of birth and other essential information is accurately completed on dossier submissions otherwise difficulties may arise when processing documentation later.

## 5. Emergency cases

At the present time, Ireland does not have an emergency procedure. There is no separate special allocation for urgent cases.

## 6. Special Categories of Refugees

There are four special categories to which priority is attached in consideration of vulnerable refugee cases.

These are:

- (1) survivors of violence or torture,
- (2) medical needs,
- (3) women at risk,
- (4) Elderly refugees

## **7. Family Reunification**

A refugee may apply for the admission into the state of a member of his/her family. A member of the family is:

(a) a spouse, where the person is married and the marriage is subsisting on the date of the application.

(b) children under the age of 18 years who remain single and

(c) where the refugee is under 18 years of age, he or she may apply for the admission of his or her parents.

There is provision for permission to be granted in exceptional circumstances for other dependent members of the family.

## **8. Medical Requirements**

Acceptance of refugees with medical problems will be conditional on verification that the Irish Health Services can adequately cater for their needs (including resource implications). The acceptance of persons with medical needs will also be subject to consultation with the Department of Health and Children. While elderly refugees are not excluded, back-up support and medical considerations may also apply in these cases.

## **9. Travel**

A refugee may leave and re-enter the State. Persons who do not have a valid passport may apply for a convention travel document which will identify them as a person with permission to reside in the state.

## **10. Status on arrival in Ireland**

All refugees processed overseas are granted permanent residence status upon arrival in Ireland.

## **11. Settlement and community services**

### **Arrival procedures**

Persons admitted under the Resettlement Quota programme are met at the airport by a Resettlement Officer.

During the days immediately after arrival the Resettlement Officer assists the new arrivals to access health and social welfare services. He/she will also offer advice and information on life and culture in Ireland.

### **Status on Arrival**

Persons admitted under the Resettlement Quota programme have the status of Programme refugee.

### **Rights and entitlements**

Under article 24 of the Refugee Act 1996, as amended, programme refugees are entitled to the same rights and privileges as persons with Convention Refugee status in relation to health, social welfare, education and housing, access to the law courts, employment etc.

### **Resettlement location**

New arrivals are placed in cities and towns outside the capital where services and structures are put in place for their reception and resettlement. They may move from these locations but there is no guarantee that resettlement services will be provided in their new location.

### **Accommodation**

The new arrivals may be placed directly into long term private rented accommodation or, if no such accommodation is available, they may be placed in temporary accommodation until longer term accommodation is sourced. Where a person/family is unable to meet their accommodation needs from their own resources, they may apply to the state for assistance.

New arrivals may apply for local authority (state provided) housing in the same manner as an Irish citizen.

### **Employment / Income**

Persons admitted under the Resettlement programme are entitled to seek and enter employment and to carry on any business, trade or profession. They would, in general, be expected to meet their own income needs.

Under Irish Government policy, programme refugees and their relatives who are unemployed have the same entitlements in terms of access to social welfare payments and supplementary welfare payments as are available to Irish citizens and other refugees who have been granted Convention Status. These payments are means based.

## **Education**

Programme refugees, who require it, are provided with English language training to enable them to access further education and employment.

Children are placed in primary or post primary schools appropriate to their age up to the age of 18 years.

Persons over the age of 18 years may access third level education in the same manner as an Irish citizen - subject to the normal terms and conditions e.g. a persons must be resident in Ireland or another EU country for three of the previous five years before they will be eligible to access the free fees initiatives in place in third level academic universities.

## **Health and Medical Services**

Health and Medical Services are provided free of charge to those persons who cannot meet their own medical costs, subject to terms and conditions. In order to avail of free medical services new arrivals must apply for a medical card. Entitlement to a medical card is means based.

Primary Health care is provided through the local General Practitioner (GP) Service and all referrals for hospital treatment or special care is through this GP service. New arrivals must therefore register with a local General Practitioner (GP).

## **Local Support Groups**

Ireland has a very active voluntary community who work to welcome and support new arrivals as they settle into their new lives in Ireland.

## **Access to Religious bodies**

Ireland is predominantly a Christian country and there may not be easy access to other religious institutions country wide.

COUNTRY  
CHAPTER

NET

# THE NETHERLANDS

BY THE GOVERNMENT OF  
THE NETHERLANDS

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## 1. Resettlement Policy

### 1.1 A small outline of history

For more than 25 years refugees have been resettled in the Netherlands. In 1986, following a request from UNHCR and in response to a motion put before the Lower House of Parliament, it was decided to handle an annual quota of 500 resettled refugees with effect from 1 January 1987. To date, this figure has remained unchanged. In 1999, the government of the Netherlands decided to discontinue the standard practice of selecting groups of refugees in the country of asylum. Until 2004, the intention was to fill the quota of 500 resettled refugees per year with resettlement requests submitted in writing by UNHCR/Geneva, with assessment (and selection) taking place in the Netherlands (assessment on paper). However, it appeared to be difficult to fill the quota merely via dossier selection. In 2004 the government decided to introduce a new policy that entered into vigour on the 1<sup>st</sup> of January 2005. This new policy allows four selection missions per year to countries of asylum, as well as the submission of individual cases directly by UNHCR Headquarters in Geneva and the field (the latter according to the Devolution process).

### 1.2 The principles of Dutch Resettlement Policy

The quota applies to refugees individually submitted by UNHCR either in connection with selection missions or on a dossier basis.

The Netherlands reserves the right to assess all aspects of resettlement, including the determination of refugee status on the basis of its national policies.

According to Dutch resettlement policy, the preferred durable solution for refugees is to return to their country of origin on a voluntary basis. If return is not possible, local integration is the second durable solution. If both these durable solutions are not accessible or available in a reasonable timeframe, UNHCR can submit refugees for resettlement in the Netherlands. The Netherlands attaches particular importance to the strategic use of resettlement such as is laid down in the Convention Plus Framework of Understandings on the Strategic Use of Resettlement. Resettlement should always be considered within the context of all three durable solutions.

## 2. Criteria for Asylum and Resettlement

The basis for asylum is laid down in the Aliens Act 2000, article 29, which has six grounds for admittance:

- a) 1951 Convention;
- b) European Convention for Human Rights;
- c) National protection for humanitarian reasons;
- d) National protection for special categories;
- e) Family reunion
- f) Extended family reunion

In policy the above criteria are filled in as follows:

- Special attention is paid to the exclusion grounds laid down in article 1F.
- The non refoulement principle of article 3 of the European Convention on Human Rights is especially respected.
- Special attention is paid to traumatic experiences (e.g. victims of violence and torture), women at risk and medical emergency cases.
- This is not applicable for resettlement.
- This is only applicable for the reunion of a nuclear family member of the same nationality on the same moment or within three months upon arrival of the first member of the nuclear family in the Netherlands. On arrival in the Netherlands the family member is granted *derived asylum status*, as it is called, if he or she possesses the same nationality as the head of the family.

The granting of derived asylum status is based on the principle of family unity, as laid down in Recommendation IV of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, which adopted the text of the 1951 Convention relating to the Status of Refugees.

- This is only applicable for the reunion of an adult member of the nuclear family of the same nationality within three months upon arrival in the Netherlands.

In medical cases the Netherlands use the following criteria:

- the cases must fit in the medical category as laid down by UNHCR;
- the medical treatment is not available and non-treatment will result in a medical emergency situation. Non-treatment that will in the short-term lead to death, invalidity or other serious physical or mental damage. The fact that medical treatment is not accessible in countries of origin is not an argument for granting a permit, unless access is prohibited on grounds mentioned in the 1951 Convention (f.e. because of religion, race or nationality);
- the condition of the submitted persons should be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement.

Furthermore, the Minister for Aliens Affairs and Integration has decided that “integration” must be a criterion for selecting refugees within the policy for resettlement. In cases in which there’s a need for international protection, the potential for integration will not be an issue. However, a submission by UNHCR will be rejected if there are signs or behaviour that indicate this person will not fit in Dutch society (f.e. showing non-conformist behaviour or ideas, intent to cause social unrest). In other cases one’s capacity for integration will be important. Capacity for integration can follow from having undertaken activities in the refugee-camp, the willingness to adjust to a new country, general knowledge, knowledge of a West-European language, family-ties with Dutch nationals or aliens who have a residence permit in the Netherlands, having an open mind towards Western/Dutch values and standards. These indications are not meant to be cumulative.

There are no specific arrangements in law for people who are resettled in the Netherlands. Every asylum seeker who meets one of the criteria of article 29 of the Aliens Act 2000, can receive a temporary residence permit for asylum. After five years, the holder of a temporary residence permit can apply for a permanent residence permit. If the circumstances in the country of origin and in the personal situation have not changed, a permanent residence permit can be granted.

Persons will not be considered for resettlement:

- if they meet the exclusion grounds laid down in article 1, notably 1F, of the Geneva Convention. If one member of a nuclear family meets the exclusion criteria of 1F, present or not, the other members of this nuclear family are also excluded, unless it is evident that the person involved is not present and will not seek in future for reunion.
- if they have a criminal background and/or pose a threat to public order in the Netherlands;
- if they can return or integrate in the local region.

On the basis of the Aliens Act 2000 an application for asylum can only be lodged in the Netherlands. Refugees must fill in an application form after arrival in the Netherlands before a positive decision can be given and a temporary permit can be granted. This is a mere formality.

### **3. Resettlement Allocations / Processing Priorities**

From 2005 until 2007 the Dutch quota is 1.500. To allow greater flexibility during this three-year period, the Netherlands is prepared to consider requests by UNHCR to accept more than 500 resettled refugees in a particular year. The fiscal year runs from the 1<sup>st</sup> of January until the 31<sup>st</sup> of December. The quota is filled by date of selection.

For the years 2005, 2006 and 2007, there is a sub-quota of 30 cases per year for medical submissions of refugees who cannot receive medical treatment in their countries of asylum (medical cases only to be submitted during selection missions). Furthermore, family-reunification that takes place within three months after the moment of selection will also be accepted under the quota.

Refugees will mainly be selected for resettlement in the country of asylum via in-country selection. Furthermore, the quota includes those refugees that are individually referred by or through UNHCR

#### **4. Submissions and Processing via In-Country Selection**

As per the 1st of January 2005 it has become standard practice to fill the main part of the quota by means of missions to countries of asylum. A maximum of four selection missions per year is foreseen. The destinations of the selection mission are determined in co-operation with UNHCR. For each selection mission, the delegation is composed of representatives of the Immigration and Naturalisation Service (IND), the Netherlands Agency for the reception of asylum seekers and refugees (COA) of the Ministry of Justice, a medical doctor from the IND and of the Ministry of Foreign Affairs. The IND is authorised to decide on individual submissions; if need be the Ministry of Foreign Affairs advises the IND. The Netherlands decide on the submissions by UNHCR. The decision is not subject to appeal. At the end of a mission the head of the delegation reports the results to the local UNHCR representative. UNHCR will communicate the decisions to the refugees concerned. The Ministry of Foreign Affairs notifies UNHCR about the decision through its permanent mission in Geneva.

The medical doctor of the delegation checks every person interviewed during the mission. The results of the examination do not influence the decision on the selection, the examination is only for the benefit of the refugee, in order to receive adequate care upon arrival in the Netherlands.

The selection interviews are prepared in the office of the IND on the basis of the RRF's. In each case information about the family relations is welcome.

#### **5. Submissions and Processing via Dossier Selection**

Although the majority of cases are selected through the missions, the quota is also filled by individual resettlement requests submitted in writing (RRF) by UNHCR Headquarters or the field, with assessment (and selection) taking place in the Netherlands on the base of the file.

UNHCR is invited to submit the following individual resettlement requests:

- requests following a mission for family reunification;
- asylum cases from countries of asylum which are not visited by any mission;
- emergency (medical) cases (please keep in mind that the Netherlands prefer to assess medical cases only during missions, because these cases are very difficult to assess without a physical examination).

In order to make further inquiries the Netherlands will appreciate if the RRF is based on the latest information and is completed with the telephone number and/or email address of the handling resettlement officer of the UNHCR field office.

The decision regarding individual resettlement requests will be communicated to UNHCR Head Quarters.

## **6. Family Reunification**

Family members of a person who has been granted asylum can apply for family reunification within three months upon arrival in the Netherlands or upon date the residence permit is granted. The family members must actually belong to the family unit and this applies only to spouses and minor children under 18, as long as they have the same nationality and the family ties already existed abroad. Family reunification with non-marital partners, parents or adult children is also possible, but only if they are dependants of the person who was granted asylum. It is vital to list these family members in the documentation/ files submitted to UNHCR. Relationships need to be proven either with documentary evidence or DNA-examination (children).

After three months, it is still possible to apply for family reunification but not within the resettlement program. After that period, the regular Dutch criteria for family reunification are applicable. This means that certain income criteria will have to be met; practice shows that these are difficult to meet for most newly arrived refugees. For example, to meet the criteria for income the person who was granted asylum must have sufficient and stable means of support; e.g. hold a contract for at least a year and his income must equal 100% of the standard allowance for social security for married people. Travel expenses will not be paid by the government of the Netherlands. An application for family reunification must be submitted with an embassy of the Netherlands or can be introduced by the sponsor with the Immigration Services in the Netherlands.

## **7. Travel**

As soon as the refugees have been accepted for resettlement in the Netherlands, travel and reception arrangements are made in order to transfer them as soon as possible to the Netherlands (the aim is to have the transfer made within a couple of months after acceptance). Travel arrangements are made in co-operation with the Dutch representatives of IOM and include (if needed) a “fit to fly” examination. Travel expenses, the costs of visas and, where necessary, laissez-passers, are covered by the Netherlands government.

## **8. Status and Reception on Arrival**

### **8.1 Procedures in reception on arrival**

On arrival at the airport, the refugees must fill in an application form for asylum. If in a specific situation this is not possible, they will later be requested to do so by the police. After arriving in the Netherlands the refugees are taken to the central reception centre of the COA in Amersfoort. Families are accommodated together in one or more private rooms, refugees without family are accommodated in a room with other people of the same sex. Refugees are responsible for their own housekeeping, like cooking and washing. They receive a weekly allowance to cover their personal expenses. They receive all urgent medical treatment they might require. They register for health insurance and are entitled to the same medical facilities and treatment as Dutch citizens.

In principle, all refugees undergo a medical examination within two days after arrival in Amersfoort. The examination consists of a medical screening and a check for TB. During the follow-up phase at the reception centre and at the municipal level, refugees are provided with a comprehensive programme of preventive health care which includes health education, an extended immunisation programme and information about mother and child healthcare. Organised by public health officers, the programme is geared towards the needs of care providers who assume responsibility for healthcare once the refugees have finally settled in a municipality.

During their stay in the reception centre the COA will offer the refugees a short introduction programme which contains Dutch lesson, information and a course about participating in the Dutch society. The COA staff also offers all refugees tailor-made case management in order to obtain a good reception and integration in the Netherlands.

Soon after arrival, the local police of Leusden call the refugees to their office. The police collect the laissez-passers and register the refugees in their database. As soon as the police have received the positive decisions from the IND (in name of the Minister for Aliens affairs and Integration) on the asylum applications, the police will hand out these decisions.

The police will tell the concerned refugees that they can use this paper, if necessary, for identification purposes until they receive a residence permit. The police ask them to sign a photo-card, which is sent by the IND after they have been registered in the GBA (central database of inhabitants in a municipality). This photo-card states the identity of the refugee as he or she is registered in the BVV (database of all aliens in the Netherlands). A photographer takes a picture of each person. The police attach the picture to the card and send the signed card to the IND, "sector verleningen asiel" in Den Bosch. There they scan the signature and the picture and send (via the system DAS) automatically an order to the Staatsdrukkerij to print a residence permit for this particular person. The Staatsdrukkerij prints the resident permit and sends this to the local police. The police of Leusden call the refugee in order to hand over the permit.

Soon after arrival, the municipality of Amersfoort also calls the refugees, as they are new citizens in Amersfoort they have to register in the GBA (Gemeentelijke Basis Administratie, a database of all municipalities in the Netherlands in which the population of the Netherlands is registered). To register in the GBA is the responsibility of each citizen, the municipalities and COA facilitate the refugees. This registration, in addition to the residence permit, is needed to receive a civil service number in order to get actual access to municipality housing, social security and labour. Information about the identity, nationality and civil state is needed. If a refugee has no authentic documents of his country of origin to prove his or her identity, he can make a statement under oath ("verklaring onder ede"). If the refugee makes the same statements as he did before to the IND, there is no problem. The municipal officer in charge will find the person in the database, because the IND and the police have registered this person before in the connected system BVV (the national database for aliens). If the refugee uses other information, the officer in charge has to decide according to specific rules which identity will be registered. If the officer decides to register the other information in the GBA, the system will automatically change the registered information in the BVV in the night afterwards, so the police and the IND will have the new registration in their systems the day after. If a residence permit was already issued, the municipal officer will ask the IND to issue a new residence permit. In order to avoid the issuance of two different permits for one person, the municipality registers the refugees in the GBA and informs the IND when the photo-cards can be printed and sent to the police of Leusden.

## 8.2 Status and rights

Several weeks after arrival the refugees receive a temporary residence permit (credit card-size) for asylum, valid for five years. After five years, they can apply for a permanent residence permit, which is granted provided the circumstances in the country of origin and in the personal situation have not changed. Holders of a temporary residence permit for asylum in the Netherlands have the same access to social security and to the labour market as Dutch citizens.

Refugees are allowed to work from the day of arrival. In practice employment is difficult to be found without knowledge of the Dutch language. All refugees must follow an introduction course (see paragraph 9), consisting of Dutch language classes and basic knowledge about the Netherlands. There are no legal restrictions on freedom of movement within the country but the choice for domicile is not up to the asylum seeker: social housing will only be offered in one municipality. As is the case for all holders of a permit for asylum, refugees may apply for a Convention Travel Document, issued by the Minister of Foreign Affairs to travel outside the Netherlands. Education is compulsory for all children up to the age of 16. Children start school soon after arrival, which is outside the reception centre. The reception centre provides cultural orientation and language training for adults.

On arrival the refugees remain in a central reception facility in Amersfoort for three to six months, sometimes longer. Moving to a house of their own is subject to the availability of (social) housing in one of the Netherlands 500 municipalities. In the central reception they are entitled to:

- Shelter;
- A weekly allowance;
- A clothing allowance;
- Recreational and educational facilities;
- Access to primary and secondary education for minors (usually local schools in the vicinity of reception centres);
- Free medical care;
- Third party insurance;
- Compensation for extraordinary expenses if these expenses are acknowledged by the COA as necessary.

As soon as holders of a residence permit have their own house, they are entitled to social security. Just like the nationals, refugees have to use this monthly allowance to pay for the rent of the house, medical care, third party insurance, clothing, food, gas, electricity, water, etc.

## **9. Domestic Settlement and Community Services**

After a period of 3 to 6 months at the reception centre, refugees are housed in accommodation provided by local authorities. Until they find employment, they receive a subsistence allowance. Children under 16 are enrolled in local schools. The local authorities offer an extended introduction programme generally lasting about one to two years. Dutch language lessons and information about Dutch society also form part of the introduction programme, which is tailored to individual needs. Local authorities are required to provide at least 500 hours of Dutch language lessons per refugee, and to guarantee a minimum level of proficiency in the Dutch language - the level needed for unskilled or semi-skilled jobs, followed by vocational courses or participating in mainstream education. In most cases, local language training institutes provide the linguistic training.



It is mainly funded by the central government, with the local authorities taking full responsibility for the organisation of the lessons. Refugees and members of ethnic minorities can also attend special vocational training in centres which demand only a minimum knowledge of Dutch. Educational qualifications obtained by the refugees in their country of origin are assessed in the light of the standards that apply in the Netherlands. Sometimes a refugee will have to take an additional course or gain some practical work experience in order to have his or her qualifications recognised. This applies not only to refugees but to all foreigners who settle in the Netherlands. The Dutch Refugee Council plays an important role in the reception of refugees in the Netherlands. It advises local authorities and institutions and, perhaps more importantly, recruits and supervises Dutch volunteers who assist resettled refugees with reception and integration in the Netherlands. The Dutch Refugee Council, which also provides the Dutch public with information about refugees, receives financial assistance from the central government. In addition, refugees from various countries have organised their own voluntary associations, which hold meetings, publish magazines and provide advice. These associations, some of which are subsidised by the central government, can intercede with the Dutch authorities on the refugees' behalf.

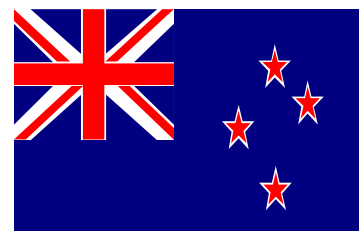
**COUNTRY  
CHAPTER**

**NZL**

# **NEW ZEALAND**

**BY THE GOVERNMENT OF NEW ZEALAND**

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## 1. Resettlement Policy

New Zealand has been accepting refugees for resettlement since the end of the Second World War. In 1987, the Government established a formal annual quota for the resettlement of refugees. Over time, New Zealand's refugee policy has evolved in response to changing global circumstances and needs. In recent years, a focus on refugees in need of protection - identified by the UNHCR - has resulted in the resettlement of a diverse range of nationalities, for example, from East Africa, the Middle East and Southeast Asia.

New Zealand's refugee policy reflects the Government's commitment to fulfilling its international humanitarian obligations and responsibilities. Through refugee policy, New Zealand contributes to the global community's efforts to assist refugees in need of resettlement. The size and composition of the refugee resettlement quota is set annually by the Minister of Immigration and the Minister of Foreign Affairs and Trade, after consultation with the UNHCR, relevant Government departments, nongovernmental organisations, existing refugee communities and other stakeholders. In recent years, New Zealand's annual resettlement quota has been maintained at 750 places with a focus on the needs and priorities identified by the UNHCR. The Government aims to ensure that the quota remains targeted to refugees in greatest need of resettlement, while also balancing this with New Zealand's capacity to provide good settlement outcomes to those accepted under the programme.

## 2. Criteria for Refugee Status Eligibility and Asylum

New Zealand is a party to both the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Persons in New Zealand who seek asylum as refugees are, therefore, assessed in accordance with the criteria for refugee status set out in article 1A (2) of the 1951 Convention. Applicants who are declined have the right of appeal to the independent Refugee Status Appeals Authority. These asylum-seekers are considered quite separately from, and in addition to, the UNHCR mandated refugees accepted for resettlement to New Zealand.

## 3. Criteria for Resettlement

All refugees considered for resettlement under New Zealand's annual Refugee Quota Programme (except certain applicants who are nuclear or dependent family members of the principal applicant) must be recognised as a refugee under the UNHCR's mandate and referred by the UNHCR according to prescribed resettlement guidelines. All submissions for resettlement to New Zealand are referred by the UNHCR to the Refugee Quota Branch (RQB) of the Department of Labour for consideration.

In brief, individual refugees submitted by the UNHCR for resettlement to New Zealand must:

- be recognised by the UNHCR as a refugee according to the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol;
- be submitted for resettlement by the UNHCR in accordance with the UNHCR resettlement guidelines and priorities;
- fall within the regional and global priorities of the Government of New Zealand (exceptions for emergency and family reunification cases) as set out in the Quota Composition Plan established each year;

- be assessed as admissible under the RQB policy and procedures; and,
- be otherwise admissible under New Zealand law.

## 4. Resettlement Allocations / Processing Priorities

Each year, the Government of New Zealand, in consultation with relevant stakeholders, sets regional and global priorities for the allocation of places under the Refugee Quota Programme. The quota programme year runs from 1 July to 30 June, concurrent with the fiscal year. In exceptional cases, individuals who do not come within the global or regional allocations may be considered for resettlement under the quota. For instance, emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional allocations have been made. Where possible, the Government sets aside a number of unallocated places as “contingency reserve” to ensure sufficient flexibility to respond to changes in global resettlement needs and priorities.

### 4.1 Composition of the Refugee Resettlement Quota

The Refugee Quota of 750 places is comprised of the following subcategories:

- Women-at-Risk up to 75
- Medical/Disabled up to 75 (including up to 20 places for refugees with HIV/AIDS)
- UNHCR Priority Protection 600 (including up to 300 places for family reunification and 35 places for emergency cases)

All subcategories within the refugee quota generally include the nuclear and dependent family members (i.e. spouse and dependent children) of the principal applicant, except the 20 places available for those with HIV/AIDS – nuclear family members for such refugees would be counted in the general Priority Protection subcategory.

### 4.2 Women-at-Risk Subcategory

The Women-at-Risk subcategory covers refugee women who are without the support of their traditional family protectors or community and are at risk because of their gender in their country of refuge.

These women would usually be outside the normal criteria for acceptance by resettlement countries and are in need of protection from gender-related persecution such as abduction, sexual abuse and exploitation. This subcategory generally includes the nuclear and dependent family members of the principle applicant.

### 4.3 Medical / Disabled Subcategory

The Medical / Disabled subcategory provides for the resettlement of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. Generally, applicants under this category must have a medical condition that cannot be treated in their country of refuge, and resettlement to New Zealand would be life-saving or significantly enhance their medical condition and well-being.

In all cases where there is an apparent physical or psychological condition, full medical reports must be provided by the UNHCR for assessment by the relevant health authorities in New Zealand. The full disclosure of the condition and its effects are essential for planning purposes. This subcategory generally includes the nuclear and dependent family members of the principle applicant.

On 4 April 2005 a new health screening policy came into force within Immigration New Zealand.<sup>1</sup> Under this policy, refugees provisionally accepted into the refugee resettlement programme would now be required to complete health screening offshore for TB and HIV/AIDS. Those found to be TB positive would not be declined for resettlement, but their travel would be temporarily delayed while they received treatment to ensure they were fit to travel.<sup>2</sup>

The policy also established that up to 20 places<sup>3</sup> within the Medical/Disabled subcategory of the refugee resettlement programme would be available for any individuals found to have HIV/AIDS. This policy was not developed with the aim of keeping refugees with HIV/AIDS out of the New Zealand, as New Zealand's programme has always aimed to focus on providing protection to those most in need. However, what the policy does do is provide an effective early warning process for health authorities in New Zealand to ensure they have time to plan appropriate and necessary treatment and support for those refugees arriving in New Zealand with HIV/AIDS.

#### **4.4 UNHCR Priority Protection Subcategory**

The UNHCR Priority Protection subcategory applies to refugees requiring urgent legal or physical protection (i.e. refugees who face an immediate life-threatening situation, imminent refoulement, deportation or local security threat including arbitrary arrest, detention or imprisonment, which may result in a violation of their human rights).

It may also include refugees for whom the international community has identified a need for resettlement as part of a comprehensive strategy to address a refugee problem. This subcategory, as with all other subcategories within the Refugee Quota, generally includes the nuclear and dependent family members of the principle applicant.

##### **4.4.1 Emergency Resettlement**

Emergency resettlement submissions from the UNHCR are considered under the Priority Protection subcategory (see Sections 4.1 and 4.4 above). Emergency resettlement cases are given priority over all other refugee resettlement cases. The degree of urgency must be assessed to determine the response time required. In general, the degree of urgency in such cases can range from a matter of hours to several days. Where possible, the NZIS would aim to issue its decision and undertake resettlement within five days of receiving all the necessary documentation from the UNHCR.

The Government of New Zealand offers a limited number of places for emergency resettlement each year. A notional figure of around 50 places is used (including the immediate family of the principal applicant). Emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional priorities have been allocated. In general, only emergency submissions from the UNHCR may be considered by the NZIS on a dossier basis. That is, the decision could be made on the documentation alone.

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<sup>1</sup> Due to the processing time between offshore screening and arrival in New Zealand, the first refugees who arrived in New Zealand who were screened for TB and HIV/AIDS under this policy arrived in November 2005.

<sup>2</sup> Usually approximately eight weeks.

<sup>3</sup> Unlike with the other subcategories, immediate family members (i.e. spouse and dependant children, or parents and their dependant children if the refugee with HIV/AIDS is a child) are accepted in addition to the 20 places.

All other cases submitted by the UNHCR are scheduled for interview by the NZIS during selection missions, which are periodically undertaken - in consultation with the UNHCR – to countries where priorities have been identified. Emergency resettlement cases should be submitted to the NZIS via the UNHCR Regional Office in Canberra (copied to the Resettlement and Special Cases Section at the UNHCR Headquarters in Geneva).

## **5. Admissibility for Resettlement**

The principal consideration in determining admissibility for resettlement relates to meeting the criteria set out in Section 3. The reasons an individual may be inadmissible for resettlement to New Zealand include past criminal activity (i.e. individuals who have committed crimes of moral turpitude, drug trafficking or acts involving persecution or torture) or on security grounds (i.e. individuals who have been involved in terrorist activity, crimes against humanity or who would present a serious security threat). Although individual refugees are not declined on medical grounds alone, if appropriate medical treatment or services are not readily available in New Zealand this is taken into account in the decision-making process. Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes; for instance, to uphold the principle of unity of the family or when it is otherwise in the public interest.

## **6. Submissions and Processing via Dossier Selection**

The UNHCR is the sole referral source of applications for resettlement to New Zealand under the Refugee Quota Programme. Documentation requirements are, therefore, standard regardless of the place of origin of the resettlement submission. The UNHCR Resettlement Registration Form (RRF) is the standard form that initiates consideration by the RQB.

### **6.1 Case Documentation**

The RQB requires the following documentation in order to consider a resettlement submission:

- an RRF that has been fully and accurately completed by the UNHCR;
- completed and signed Application for Consideration Under the Refugee Quota Programme form;
- completed RQB interview questions;
- signed declaration by the applicants to undergo the on-arrival orientation programme;
- two passport-size photographs of each applicant;
- where appropriate, medical reports, Best Interest Determinations and a special needs assessment by the UNHCR.

### **6.2 Routing of Submissions**

All submissions for resettlement to New Zealand must be referred by the UNHCR in accordance with the UNHCR resettlement guidelines and priorities. The RQB can consider submissions on a dossier basis, but only where a selection mission is not possible or practicable. All other cases are generally scheduled for interview during an RQB selection mission. Submissions are usually forwarded by the UNHCR to the RQB for consideration in the lead-up to a selection mission.

The RQB consults with the UNHCR on the timing of its selection missions to assist with the preparation of case dossiers and submissions. With regard to emergency cases and eligible refugees who have family members in New Zealand, the UNHCR may forward case dossiers to the RQB via the UNHCR Regional Office in Canberra; irrespective of selection mission schedules (see also Section 4.4.1).

### **6.3 Decision-Making Process**

All refugee resettlement applications are considered by the NZIS in accordance with established policy and operational guidelines. In certain cases, the NZIS seeks advice from other Government departments. For example, medical cases are referred to the Ministry of Health for advice concerning the availability of suitable treatment in New Zealand. Feedback from these sources is taken into consideration in the decision-making process. Processes are also in place to determine whether or not an individual is inadmissible for resettlement to New Zealand on character or security grounds.

Prior to issuing its final decision in each case, two immigration officers must concur as to whether or not eligibility criteria have been satisfied. In some cases, managers may be directly involved in the decision process.

### **6.4 Recourse Processing**

There is no review or appeal process for individuals whose submissions have been declined by the RQB. However, the RQB would be prepared to reconsider a case submission from the UNHCR provided additional information was forthcoming in support of the case and reason given for requesting reconsideration.

### **6.5 Processing Times**

The length of time in processing applications varies according to the category of referral, numbers involved and factors relating to the country of origin. Providing the submission is complete and the documentation is in order, processing time ought to be approximately six to eight weeks after the applicant's interview by the RQB. Actual resettlement to New Zealand may occur sometime thereafter, depending on the urgency of the case, intake schedules and other operational factors. Resettlement normally occurs within six months of the applicant's interview by the RQB.

Emergency resettlement cases are given priority over all other refugee resettlement cases. The degree of urgency usually determines the response time required.

## **7. Emergency Cases**

Refugees facing an immediate risk to their security may be referred by the UNHCR for emergency resettlement to New Zealand. Emergency resettlement cases must be submitted by the UNHCR in accordance with the UNHCR resettlement guidelines. The UNHCR submissions may be forwarded electronically provided the original and signed documentation follows by courier.

Emergency resettlement dossiers should be sent to the RQB via the UNHCR Regional Office in Canberra.

## 8. Family Reunification of Refugees

Family reunification is recognised as an important part of New Zealand's refugee resettlement activities. However, it is acknowledged that there is a consistently high level of demand for family reunification from resettled refugees that cannot be met through the Refugee Quota programme alone.

In cases where the family members of refugees resettled in New Zealand are themselves recognised as refugees by the UNHCR and they are considered in need of resettlement in accordance with the UNHCR resettlement guidelines they are usually referred by the UNHCR to New Zealand. In the case of separated members of the immediate family, the RQB may waive the requirement of a formal UNHCR submission, provided the relationship was originally declared to the RQB. Such cases may include nuclear family members in their country of origin. Generally, refugees who have relatives in New Zealand and who do not qualify for resettlement in accordance with the UNHCR resettlement criteria must apply for residence under standard immigration categories. These standard categories include those designed for family members of New Zealand residents. More information on family reunification policies available to refugees can be obtained from the Refugee Quota Branch of Immigration New Zealand.

In recognition of the fact that it is often difficult for family members of refugees to meet the eligibility requirements of normal immigration policy, Immigration New Zealand also has a special policy that allows extended family members of refugees in New Zealand to apply for Permanent Residence. This immigration category is currently limited to 300 places per year.

## 9. Medical Requirements

Refugees provisionally accepted under the refugee resettlement programme are required to complete health screening offshore for TB and HIV/AIDS. Those found to be TB positive would not be declined for resettlement, but their travel would be temporarily delayed while they received treatment to ensure they were fit to travel.<sup>4</sup>

There are 20 places available under the Medical/Disabled subcategory for those found to have HIV/AIDS. Also, in all cases where there is an apparent physical or mental health condition the RQB would require that medical reports be provided. The disclosure of the condition and its effects are essential for planning purposes (see Section 4.3).

## 10. Travel

The Government of New Zealand pays for the travel of refugees accepted under the Refugee Quota Programme. This includes travel from the country of refuge to New Zealand and to centres within New Zealand where the refugees will settle following their initial on-arrival orientation in Auckland (see also Section 14.1).

### 10.1 Arrangements for Travel

On acceptance of a case for resettlement the RQB notifies the relevant UNHCR field office (copied to UNHCR Canberra) and Government departments and nongovernmental agencies in New Zealand.

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<sup>4</sup> Usually approximately eight weeks.



The RQB arranges for the travel of the refugees to New Zealand and liaises with the UNHCR (or other agency if UNHCR is unable to assist) to ensure departure can be made at a given time. In certain cases, the RQB may request the UNHCR to assist with exit formalities. Where possible and necessary, the RQB sends an escort officer to accompany the refugees on their journey to New Zealand. This is normally only possible when sizeable numbers of refugees are travelling from the same country of refuge, or when an escort is required for medical reasons.

## **10.2 Travel Documentation**

The RQB issues travel documents (New Zealand Certificates of Identity) and permanent residence visas, and liaises with the UNHCR (or other agency if UNHCR is unable to assist) to ensure that they are received by the individual refugees.

## **11. Status on Arrival**

Persons accepted for resettlement to New Zealand under the Refugee Quota Programme are granted a permanent residence permit on arrival. As New Zealand permanent residents, they are entitled to live in New Zealand permanently and enjoy similar rights to New Zealand citizens in terms of access to education, health care, employment and social welfare.

After a qualifying period of five years residence, resettled refugees are eligible to apply for New Zealand citizenship.

## **12. Reception of Resettled Refugees**

The reception and integration of resettled refugees is effected through partnerships between government and non-governmental organisations (NGOs), whereby government funding purchases settlement outcomes from community-based organisations. The Government and NGO sectors work in close partnership with the voluntary sector to provide support and settlement assistance to refugees.

### **12.1 Reception and Orientation**

Refugees who arrive in New Zealand under the Refugee Quota Programme spend their first six weeks at the Mangere Refugee Resettlement Centre, based in Auckland.

The Centre can accommodate approximately 145 quota programme refugees at any time. The facilities at the Centre include accommodation blocks, an early childhood learning centre, classrooms, medical and dental clinics, a mental health clinic and general living and recreation areas. Here the RQB works in partnership with both government and non-governmental agencies to implement a variety of programmes to assist the refugees during their initial phase of settlement.

Newly arrived refugees undergo a six-week orientation programme at the Mangere Refugee Resettlement Centre. The orientation programme is conducted in the refugee's own language and provides general information about life in New Zealand, including the relevant institutions and services integral to their successful settlement into New Zealand society. It also aims to build basic social and coping skills required for their new life in New Zealand. The Auckland University of Technology coordinates the English language and socio-cultural components of the orientation programme.

It provides adult education, early childhood learning and care, special education support and primary and secondary classes, which prepare students for the New Zealand education system.

Health and social services are important components of the orientation programme. The Auckland Regional Public Health Service of the Ministry of Health provides comprehensive medical and dental check-ups. The Refugees as Survivors Centre has a multidisciplinary team that provides a trauma counselling service as well as therapeutic activities for adults and children. RMS – Refugee Resettlement (RMS), a non-government organisation primarily funded by the Department of Labour, provides social services (including bilingual / cross-cultural workers) and co-ordinates the training of volunteer support workers to assist resettled refugees with on-going settlement needs and accessing mainstream services to achieve good settlement outcomes.

An early intervention protocol has been developed at the Centre to assist with the identification of refugees who are in special need of assistance upon arrival in New Zealand. This programme links together key agencies to identify and assist “at-risk” individuals (e.g. severely traumatised refugees). This programme aims to address the particular post-arrival settlement needs of individual refugees. These are brought to the attention of relevant government and non-government agencies to ensure informed decisions are made with regard to appropriate service delivery.

## **12.2 Physical and Mental Health**

The Ministry of Health operates a medical clinic (including dentistry) at the Refugee Reception Centre, which medically assess all refugees during their stay and treats or refers to health specialists, as appropriate. Access to specialised medical services outside the clinic is also facilitated. In addition, resettled refugees, like other New Zealanders on low incomes, are eligible for a Community Services Card, which entitles them to free outpatient treatment at hospitals and maximum subsidy for General Practitioner visits and prescriptions.

Health funding authorities also support refugee-specific mental health counselling services, for survivors of torture and trauma, through non-government agencies in Auckland, Wellington and Christchurch.

In addition, some refugee specific community education and health programmes are funded by the Government, as well as community liaison and co-ordinator positions that assist refugees with gaining access to health services in the community.

## **12.3 Education and English Language**

The Ministry of Education - through the Auckland University of Technology - funds and delivers the language and cultural orientation programme for refugees at the Mangere Refugee Resettlement Centre. It also funds a community liaison and co-ordinator service to assist refugees with gaining access to ongoing education opportunities in the community and to support the studies of refugee students in secondary schools. Refugees aged 13-17 years attend secondary classes where goals and skills are assessed by bilingual tutors for placement in the education system. All adults attend classes and refugees aged 18 years and older who have had an interrupted education may also attend secondary classes. Refugee children are also prepared for their introduction into the New Zealand classroom. The primary classes they attend at the Centre aim to prepare them for the national curriculum and to learn and understand basic English in a variety of contexts.

Preschool children may also attend the Early Childhood Learning Centre. In addition, Refugee Education Coordinators are employed by the Ministry of Education to work with refugee families, agencies and schools throughout the country.

The Government provides supplementary funding to enable schools to develop programmes that best meet the identified needs of students from non-English speaking backgrounds. Funding for “English for Speakers of Other Languages” (ESOL) is provided to schools, upon application, for each identified student of non-English speaking background, which is distributed on a pro-rata basis. Additional funding is allocated for ESOL support for all school-aged refugees for the four years following their enrolment. The National Association of ESOL Home Tutor Schemes (an NGO), whose English language and support services are prioritised for adult refugees, also receive Government funding for its services.

#### **12.4 Employment, Housing and Social Welfare**

For the duration of their six-week stay at the Mangere Refugee Resettlement Centre, resettled refugees receive a weekly allowance provided by the Ministry of Social Development. On leaving the Centre, they are eligible to receive an Emergency Benefit at the same rate as benefits provided to unemployed New Zealanders. In addition, resettled refugees may be eligible for additional assistance such as a Disability Allowance or accommodation supplements. A special settlement grant for re-establishment costs is also provided to assist with acquiring household items such as furniture and whiteware.

RMS - Refugee Resettlement also assists in providing furniture and practical assistance and advice to refugees to find accommodation. RMS - Refugee Resettlement liaises with the Housing New Zealand Corporation to ensure that resettled refugees have access to government subsidised accommodation, where required and available, on leaving the Centre.

As with other persons requiring employment and social welfare in New Zealand, refugees may be entitled to additional allowances and recoverable grants to assist with finding employment.

Resettled refugees are recognised as having special needs and are given priority consideration for government-funded work placement and training programmes. For example, Skill New Zealand purchases training opportunities for those disadvantaged in the labour market, including refugees. Such training opportunities can include English language courses as well as vocational and life skills training. Similar vocational training and income generating initiatives that focus on the refugees’ traditional skills and occupations are funded by some city councils.

The government agency, Child, Youth and Family, purchases services specifically in support of refugees. It funds community based organisations working with resettled refugees to provide family and social support, counselling and interpreting services and activity programmes for refugee children and young persons with special needs. A national contract with RMS - Refugee Resettlement supports the employment of cross-cultural workers to assist with the settlement and integration of resettled refugees.

## 13. Reception of Resettled Refugees

### 13.1 The New Zealand Settlement Strategy

The New Zealand Settlement Strategy for migrants, refugees and their families was launched in 2004 with a range of initiatives including funding for resettlement of refugees, assessment of refugee qualifications, English for school children and adults, careers advice and support for unemployed, and the development of a network of resource services. Further work has been undertaken to develop a longer term 'whole of government' action plan to achieve good settlement outcomes.

### 13.2 Coordination of Settlement Support and Consultation

Government agencies whose areas of responsibility are associated with refugee resettlement meet regularly to ensure information-sharing and coordination, and responsiveness of policies and service delivery.

The National Refugee Resettlement Forum (NRRF), formerly known as the Tripartite Consultations on Refugee Resettlement, is held twice yearly in key refugee resettlement areas.

The NRRF enables international agencies including UNHCR, central government agencies, non-government organisations and refugee community representatives to discuss aspects of refugee resettlement in New Zealand, and plan for future refugee resettlement.

The new Strengthening Refugee Voices initiative has been developed in response to the need for more sustainable engagement with settled refugees. This community-led process will help refugee communities in the main refugee resettlement areas provide cohesive input into government consultations and contribute to the development of improved policy and services across government that support refugee resettlement.

### 13.3 The Role of Volunteers

Government agencies and NGOs work in partnership with the voluntary sector to provide support and settlement assistance to refugees in New Zealand. RMS - Refugee Resettlement (RMS) is the lead non-government organisation that supports refugee resettlement. RMS participates in decisions about where refugees are resettled throughout New Zealand, and provides local volunteer support workers who are trained to support new refugees, both individuals and families, for their first year in the community. The role of volunteers is to provide practical advice, support and assistance to refugees. Volunteers introduce the refugee, or refugee family, to local services such as public transport, the shopping centre, doctor, dentist and schools. It is also expected that volunteers will recognise when a refugee family may need more support than they are able to provide and will refer the issue to RMS social workers for intervention and case management.

The National Association of ESOL Home Tutor Schemes also delivers its services through trained volunteers. These home tutors invariably provide more than just English language support to refugees in their homes. The medium for language development is often around the practical challenges faced by refugees in their everyday lives. The Association draws its tutors from a wide section of the community, many of whom are in full-time employment.

### **13.4 Settlement Support Services**

As part of the Settlement Strategy, the Settlement Support New Zealand initiative has been rolled out in 19 areas around the country in collaboration with local city councils and settlement support agencies. The initiative focuses on better coordinated delivery of settlement advice and information at a local level. After the support from RMS volunteers has ceased, refugees and their families can access the Settlement Support New Zealand local point of contact that refers them on to the relevant settlement support services. This initiative uses a community development approach which will make a significant difference to local collaboration and cross agency planning for effective settlement support. It will also strengthen local input into central policy and service delivery planning for settlement.

### **13.5 Building New Communities**

The Office of Ethnic Affairs supports refugee resettlement by providing a referral and information service for ethnic communities, and policy advice to government. The Office also operates Language Line, a telephone interpreting service with 37 languages that is available for key government departments to use when communicating with speakers of other languages. Similarly, government and non-government agencies support multicultural festivals and promote community awareness as part of their on-going programmes.

The Ministry of Social Development's 'Settling In' programme works directly with refugee communities to develop and deliver social services identified by the communities themselves. 'Settling In' assists refugee communities to build their knowledge and capacity.




### **13.6 Cultural Diversity**

The constitutional framework of New Zealand places great importance on respect for peoples' cultural, ethnic, and religious differences and their right to participate equally in society. The rights of resettled refugees are protected by New Zealand law, which covers all forms of discrimination and racism and upholds peoples' rights and freedoms of speech, religious belief and political opinion. Specific bodies such as the Human Rights Commission, Office of the Race Relations Conciliator, refugee councils and incorporated associations also support the rights and interests of resettled refugees. Increasingly, local councils are appointing ethnic community co-ordinators to facilitate understanding of ethnic and racial diversity and to provide assistance and support to ethnic communities on a range of matters.

New Zealand is experiencing significant demographic change, with increasing ethnic, cultural and religious diversity over the last fifteen years. At around 20%, New Zealand has one of the highest rates in the OECD of people born overseas. A long-term work programme to strengthen relations between the different ethnic, cultural and religious communities that are part of New Zealand is being developed.

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## 14. Reference Materials

-  *The Refugee Resettlement Pathway in New Zealand* published in June 2006 by the Petone Settlers Museum
  
-  *Refugee Voices: A Journey Towards Resettlement* published in June 2004 by the Department of Labour
  
-  A substantial bibliography is contained in the publication *Refugee Women - the New Zealand Refugee Quota Programme* published in 1994 by the Department of Labour.

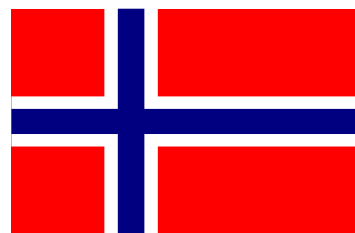
**COUNTRY  
CHAPTER**

**NOR**

# **NORWAY**

**BY THE GOVERNMENT OF NORWAY**

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## 1. Resettlement Policy

Norway recognizes and supports resettlement as an important instrument of protection, within the framework of UNHCR's three durable solutions.

Norway sets and allocates its resettlement quota on the basis of UNHCR's assessment of current resettlement needs and priorities. The actual resettlement is carried out in close co-operation with UNHCR, and most of the resettlement cases are selected from UNHCR referrals. A limited number of cases have been accepted based on referrals from the Norwegian Helsinki Committee and Norwegian PEN. Every case is considered individually.

In 1992, in response to UNHCR's request for flexibility, the Norwegian Government decided, that following varying needs for resettlement opportunities; a three-year perspective could apply to the use of the annual quota places. This means that it is possible to exceed the quota one year, by making use of quota places from the following year within the three-year period. Likewise, when annual ceilings are not reached, unused places may be carried over to the following year. The current three-year period extends from 2004 through 2006.

The size of the annual quota is determined by the Parliament. For 2005 the quota is 1000 places. The Ministry of Labour and Social Affairs establishes the composition of the quota after consultations with other Ministries and the Directorate of Immigration (UDI).

## 2. Criteria for Refugee Status Eligibility and Asylum

The Ministry of Labour and Social Affairs determines a framework from within which selection on the quota should take place. First and foremost the individual's need for protection should be confirmed. Secondly, the refugee's ability to integrate in Norway should be taken into consideration.

UDI is responsible for selection, decision-making and settlement into Norwegian municipalities.<sup>1</sup>

When UDI accepts a refugee for resettlement in Norway, he or she is given an entry visa and a residence or work permit prior to entering the country. This applies to refugees accepted via dossier selection as well as in-country selection.

A decision on the refugee status of the individual accepted on dossier basis will be taken after the refugee is resettled. For refugee accepted after selection mission, refugee status is normally granted before the refugee arrives in Norway.

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<sup>1</sup> As from January 2006 a new Directorate, of Integration and diversity (IMDI), will be responsible for placement and integration of refugees.



In order to obtain refugee status, the refugee has to fulfil the requirements of the Norwegian Immigration Act. A refugee within the meaning of the Act is a foreign national who falls under article 1 A of UNHCR's Convention relating to the Status of Refugees of 28 July 1951 as amended by the Protocol of 31 January 1967. The same criteria apply to individual asylum-seekers and resettled refugees.

### 3. Criteria for Resettlement

Norway holds the view that resettlement first and foremost is an instrument of protection. In line with this, individual need for protection outside country of origin and country of first asylum is deemed to be the basic criteria for resettlement.

The Parliament has expressed that integrational aspects should be an important factor to be weighed when selecting refugees for resettlement.

Although the criteria related to integration have not been detailed, the essence of the integration factor when selecting refugees is that refugees should have a potential to integrate well into Norwegian society and to support themselves within a reasonable period of time. Elements to be considered are e.g. the refugees' professional and educational background, their proficiency in languages, other skills/factors and family links in Norway. Generally, priority is given to families, because it is easier to find accommodation for families than for single refugees in Norway.

Norway is a small and sparsely populated country, with few city-centres and long travel distances. When resettling refugees, Norway tries, for integration-related reasons, to ensure building up ethnic/national groups of a certain size to enhance sustainability of the group locally and prevent too much secondary movements which create concentrations of refugees in bigger cities.

Traditionally, Norway has been resettling vulnerable groups, e.g. "Woman at risk", children and persons in need of medical treatment. The refugees in need of medical treatment comprise a limited number of the total number of refugees resettled in Norway. Women and children are given priority by Norway.

Norway relies on UNHCR in the process of resettling refugees. Norwegian authorities expects UNHCR, in general, to submit applications for refugees meeting the criteria in the 1951 Convention and that exclusion clauses have been considered. Upon presenting applications to Norway, UNHCR is requested in general to take into consideration the criteria mentioned above.

UNHCR and the Directorate of Immigration have developed a good operational cooperation in preparing, at an early stage towards the end of one year, a detailed plan for the use of following year's quota and selection missions. In 2004 and 2005 this cooperation has been incorporated in the multilateral Indication Process during WGR. Norway wants to build on and develop this cooperation further.

#### **4. Resettlement Allocations / Processing Priorities**

The Ministry of Labour and Social Affairs decides the allocation of the quota in consultation with other ministries and based on the assessment of resettlement needs by UNHCR and the Directorate of Immigration. In 2005/2006, the majority of places are allocated to refugees from Africa and South East Asia. For details on the composition of the Norwegian quota, please see <http://www.udi.no>. Within this quota the Directorate of Immigration will resettle refugees in close co-operation with UNHCR.

Norway may also consider cases for resettlement presented by other than UNHCR, e.g Norwegian embassies, NGOs, the International Helsinki Federation or International PEN. This however so far happens to a very limited extent.

Norway is also involved in the UNHCR Trust Fund for Enhancing Resettlement Activities. For the period 2001 – 2005 Norway has contributed by converting between 50 and 100 places annual from the quota.

#### **5. Admissibility for Resettlement**

In order to be considered for resettlement in Norway, refugees presented by the UNHCR should satisfy the requirements for refugee status according to the 1951 Refugee Convention and the Norwegian Immigration Act. If the caseload presented exceeds the actual number of quota places, priority is given to persons identified as being in most urgent need of protection and deemed reasonably capable of integrating into Norwegian society.

Military activities are normally not considered as an obstacle to resettlement. However, the exclusion grounds as laid down in article 1F of the 1951 Refugee Convention may be applied whenever this is considered necessary. Refugees with a criminal record are normally not resettled by Norway.

#### **6. Submissions and Processing via Dossier Selection**

The quota may be filled by means of dossier selection or by selection missions. In Emergency and 20-or-more cases the dossiers shall be submitted by UNHCR Geneva. As from June 2004 ordinary dossiers may be presented directly from UNHCRs regional HUBs and other UNHCR missions. UDI makes decisions on the basis of information presented in the Resettlement Registration Forms (RRFs).

The UDI decides whether a person is accepted for resettlement or not. This decision is not subject to appeal.

The UDI notifies UNHCR Geneva and the relevant UNHCR mission /field office about decisions. The Norwegian Embassy in the country of temporary protection is informed about positive decisions and is instructed to issue necessary travel documents.

Average time frame for UDI to make a decision in resettlement cases is 3-4 weeks from reception of the dossiers. Emergency cases are normally processed within 48 hours.

## **7. Submissions and Processing via In-Country Selection**

Selection missions are composed of representatives from the Directorate of Immigration (UDI). For in-country selections, UNHCR is usually expected to present a number of cases for pre-screening prior to the actual mission. The delegation interviews the refugees and decides who will be accepted for resettlement. The decisions are presented to the refugees by UNHCR. A rejection is final and thus not subject to appeal.

The responsible Norwegian Embassy issues necessary travel documents.

The UDI will prepare the municipalities for reception of the selected Refugees granted asylum in Norway. UDI in cooperation with IOM arrange travel, and the refugees are brought to Norway when housing, introductory programme, and other preparations have been arranged for.

Normally, refugees selected for resettlement will arrive in Norway within 6 months from the date they were accepted. However, due to difficulties in relation to exit arrangements, and e.g pregnancy, processing time is sometimes prolonged.

## **8. Emergency Cases**

In situations where a refugee's life or freedom depends on emergency resettlement because of potential refoulement, deportation, physical threat to security, undue detention, or other reasons UNHCR may ask for an accelerated processing of the case. Emergency cases are drawn from cases world-wide and not limited to specific areas. A decision in these cases should be made within 48 hours.

In order to facilitate the processing, UNHCR Geneva should notify the UDI by telephone that an emergency case is being forwarded. When the papers are received by facsimile and/or E-mail, the case is given priority.

Cases presented as urgent are being treated as a normal case with regard to time frame, which normally means 3-4 weeks. There are no special procedures for urgent cases, however, they are given priority by UDI and usually treated faster than a normal case.

## 9. Special Categories

Cases concerning special categories are presented by the UNHCR according to normal procedures. However, when refugees with medical needs and victims of violence and torture require special treatment in Norway, available medical services in Norway are examined before decisions are made. If a person requires special treatment not or scarcely available in Norway, the case will normally be rejected. Refugees with medical needs should have a refugee background and prospects to recover after getting medical treatment in Norway.

In order to be able to make a proper decision, the UNHCR must forward a recent, transparent and complete report of the refugee's medical condition.

## 10. Family Reunification of Refugees

Family reunification implies that a family member abroad is reunited with one or more family members already living in Norway. The aim of the provisions on family reunification is to protect already established family ties.

Family reunification with a refugee selected for resettlement in Norway may take place according to regulations in the Immigration Act. Normally, only the closest family members such as spouses, co-habitants who have lived together for at least two years and children under 18 years of age are granted a residence permit to be reunited with their family. A registered partner is considered along the same lines as a spouse. Parents and siblings of a single minor who has been granted asylum will also be counted as close family members, and also in some cases parents of children who for other reasons are resident in Norway.

### **Other family members who may be granted residence permit in Norway:**

More distant family members and other persons may also be granted family reunification if they have special ties to Norway, or if there are other strong human considerations. Those persons are e.g: co-habitants with whom the person living in Norway has or is expecting a child, even if they have not been living together for at least two years, elderly parents over 60 without any of their closest relatives in the country of origin, unmarried children older than 18 years of age with special care needs or without care persons in their country of origin and other family members, when strong humanitarian considerations warrant it.

Family members should contact the nearest Norwegian Embassy, or the embassy assigned to handle applications for any particular country, when they wish to apply for family reunion.

**Procedure regarding late arriving family members of refugees presented for resettlement:**

Norway experience that family members of refugees sometimes arrive in the country of 1st. asylum after the PRA and after the original RRF has been submitted from UNHCR to UDI.

Family members of refugees arriving in country of 1. asylum prior to UDIs decision in the resettlement case of the PRA may be included in the RRF by UNHCR. In such cases, UNHCR should asses thoroughly whether the relationship is genuine and forward an updated RRF including the newly arrived family members to UDI .

Family reunification procedures apply for family members of persons already accepted for resettlement in Norway. This means that if UNHCR have already received the decision from UDI regarding PRAs case, other family members should normally be referred to the nearest Norwegian Embassy and apply for family reunification.

UNHCR may, exceptionally, submit for resettlement the family member(s) of a refugee already accepted for resettlement in a separate RRF. In such a case the family member should normally have an individual protection need.

**11. Medical Requirements**

Norway sometimes requests IOM to carry out medical checks on refugees already accepted. This in order to prepare for the reception in a Norwegian municipality. Norway does not exclude refugees on medical grounds.

**12. Travel**

Norway is one of the member States of the International Organisation for Migration (IOM) and makes use of its services. IOM arranges travel for refugees accepted for resettlement in Norway under the quota as well as for persons accepted for family reunification with refugees in Norway. Norway contributes to IOM's general budget besides paying for travel and other assistance. The Norwegian Foreign Service missions issues emergency travel documents (laisser - passers) and visas to refugees before departure.

**13. Cultural Orientation**

UDI in cooperation with IOM, have implemented a Cultural Orientation Program for Norway-bound refugees. Information about Norway and Norwegian way of life is given before the refugees depart for Norway.

The primary objective of the programme is to promote the smooth integration of the refugees to Norwegian society by preparing them for the initial period after arriving in Norway, addressing unrealistic expectations, and limiting the culture shock.

The Cultural Orientation Programme also provides the receiving Norwegian municipalities with relevant and current information about the resettling of refugees and the refugees' situation prior to arrival to Norway.

## **14. Status on Arrival**

As mentioned under Section 2 above, the question concerning refugee status of the resettled refugee is normally decided upon arrival. When the principal applicant is granted refugee status, the family members are normally given the same status.

After three years of legal residence in Norway, the refugee may apply for a permanent residence permit. This will allow him or her to reside outside Norway for a period of maximum two years without losing the permit. In order to obtain citizenship, the refugee must have stayed 7 years in Norway with a residence or work permit. Other requirements apply if the refugee is married to a Norwegian citizen.

According to Norwegian legislation, asylum may be revoked when the refugee no longer falls under the definition of a refugee, or if this otherwise follows from general rules in public administrative law.

The Norwegian Government has established a voluntary repatriation programme where economic support is given to any refugee who has been resettled, granted refugee status or a residence permit on humanitarian grounds in Norway.

The rates are the following:

- 15,000 NOK per person upon departure from Norway;
- Travel free of charge from the nearest airport in Norway to the country of origin.

## **15. Domestic Settlement and Community Services**

Immigration policy in Norway is based on genuine equal status for immigrants (including refugees) and Norwegians. This means that, as far as possible, immigrants have the same opportunities, rights and obligations as the rest of the population. This objective also requires continued efforts to give immigrants the same opportunities as the rest of the population to acquire education and obtain employment. In addition it implies support for immigrant cultural activities.

The Ministry of Labour and Social Affairs has the overall responsibility for immigration and refugee policy in Norway. Other ministries are obliged to observe the rights of immigrants and refugees in their sectors of responsibility.

The Directorate of Immigration (UDI) has the primary responsibility for implementing the policy. This includes immigration control, reception of asylum-seekers and resettlement and placement of refugees. As from January 2006 a new Directorate, of Integration and diversity (IMDI), will be responsible for placement and integration of refugees.

The municipalities have the same responsibility for those who are allowed to stay in the country as refugees or on humanitarian grounds as they have for the rest of the population. This relates to health, education, housing, vocational training, employment etc.

The NGOs in Norway have no specific responsibility in integration of refugees. Many NGOs do, however, contribute in the integration process.

Resettled refugees are almost always directly settled in a municipality. Only rarely do they have a short stay in a reception centre.

Upon arrival in Norway the refugees will be provided housing by a municipality. The municipality will also provide the refugees with assistance in getting established and give necessary information.

## **16 The Introductory Programme**

The Norwegian Government has established the introductory programme for (newcomer) newly-arrived foreign nationals/refugees between 18 and 55 years of age needing qualifications and who have been settled in a municipality for less than 2 years at the point in time when the municipal authorities make their decision about a potential applicant taking part in the programme. This programme must be full time and include instruction in Norwegian language, social studies and measures preparing for further studies or for working life. The municipalities are responsible for implementing an introductory programme, which consist of an individual programme and an introductory programme allowance. Directorate of Integration and diversity monitors the programs in each municipality. The children may get training in their mother tongue in kindergarten and school as a tool to learn Norwegian.

Schooling is obligatory in Norway. All boys and girls between the age of 6 and 16 must attend school. Most schools and universities are free of cost in Norway.

## 17 Reference Materials

- 📖 Act of 24 June 1988 concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Act).
- 📖 Regulations concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Regulations), passed by Decree of the Crown Prince Regent on 21 December 1990.
- 📖 White paper no. 17 (1994-95) to the Storting on Refugee Policy
- 📖 White paper no. 17 (1996-97) to the Storting on Immigration Policy and Multicultural Norway.
- 📖 White paper no. 17 (2000-01) to the Storting on Asylum- and refugee policy in Norway.
- 📖 Various pamphlets giving relevant information on housing, education etc. to foreign nationals who are going to live in Norway.
- 📖 White paper no. [28 2002-2003](#) ) to the Storting [on the Introduction Law](#).



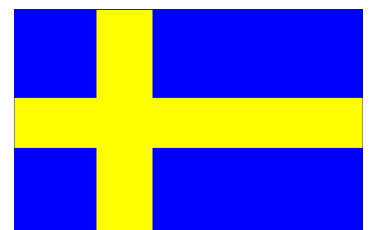
**COUNTRY  
CHAPTER**

**SWE**

# **SWEDEN**

**BY THE GOVERNMENT OF SWEDEN**

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## 1. Resettlement Policy

Since 1950, Sweden has accepted persons for organised resettlement in Sweden within the framework of a special refugee resettlement quota. This quota is used for transferring persons in need of international protection or others in particularly vulnerable situations.

The general guidelines on which application of the quota is based are established by the Government each fiscal year after approval by the Swedish parliament. The Responsibility for the selection and transfer of quota refugees to Sweden rests with the Migration Board. Transportation and other practical matters are handled by the International Organisation for Migration (IOM) as instructed by the Migration Board.

Refugees are selected for resettlement in Sweden in close cooperation with UNHCR, and it is primarily on the basis of UNHCR's assessment that the Board plans its selection. In matters of overall policy, the Governments of the Nordic countries meet for regular consultations within the framework of the Nordic Council for Refugee Affairs (NSHF).

For the latest fiscal (calendar) years the Swedish parliament, as recommended by the Government, has allotted funds corresponding to the resettlement in Sweden of 1840 quota refugees.

## 2. Criteria for Refugee Status Eligibility and Asylum

Under the Aliens Act (1989:529) a person has the right to asylum if he or she meets the definition of refugee spelled out in the Act. The wording of this definition is virtually identical to the definition in the 1951 Convention, omitting any territorial and temporal limitations. In the Aliens Act, the definition encompasses the concept of agents of persecution. In the travaux préparatoires to the mentioned amendments it is stated that guidance can be sought in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and UNHCR's Executive Committee Conclusions.

The Aliens Act also spells out other categories in need of protection having the right to receive a residence permit. These categories are:

- persons who risk execution, corporal punishment, torture, inhumane or degrading treatment or punishment;
- persons who are escaping armed conflict or environmental disaster; and
- persons who risk persecutions due to gender-related reasons or on grounds of homosexuality.

### 3. Criteria for Resettlement

Although priority is given to persons with a well-founded fear of persecution in the sense of the 1951 Convention, the quota reaches out to broader categories. The above shows Swedish legislation's categories of persons in need of protection. The resettlement quota has also in exceptional cases been used for persons who have not yet crossed the boundary of their country of nationality thus not *refugees* in a formal sense.

The Swedish quota policy will as of 1998 support UNHCR's endeavour to ascertain so called "Regional Resettlement" opportunities.

In line with UNHCR policy, durable solution through voluntary repatriation and local integration must have been ruled out.

Persons who have family members already residing in Sweden can also be resettled within the quota e.g. a person who have stayed in the country of refuge for a long time and if there is a strong link to Sweden and strong humanitarian reasons. The principle of family unity is upheld in the Swedish policy on resettlement. The resettlement quota can include close members of family if they arrive at the same time or shortly after the person in need of protection.

Selection on medical grounds is permitted only in exceptional cases and provided that the proper form of treatment is available in Sweden. Persons with grave mental disabilities are normally not selected as part of the quota, although, generally speaking, illness is not in itself considered an obstacle to the selection of persons in need of protection.

Reasons not to accept a case for resettlement can be (not counting the exclusion clauses stated in the 1951 Convention) criminality, alcohol and drug consuming illnesses and reasons relating to *ordre public*. Another category for exclusion is minor children without custodians if they not have relatives in Sweden who are willing to receive the child and this otherwise correspond with the best interests of the child.

### 4. Resettlement Allocations / Processing Priorities

For fiscal calendar year 2004, the Swedish parliament has allocated funds corresponding to the cost of resettlement in Sweden of 1,840 quota refugees. These funds may be used primarily for direct resettlement or as a contribution to projects designed to help solve refugee problems outside Sweden. The quota is general; it is not confined to certain nationalities only. Acting on the Government's instructions, the Migration Board then initiates a dialogue with UNHCR on the principal areas for examination, including Strategic use of resettlement, and it is on this basis that the Board eventually determines where the quota is to be applied.

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## 5. Admissibility for Resettlement

Refer to Section 3.

## 6. Submissions and Processing via Dossier Selection

The guiding principle for the selection of refugees within the framework of the Swedish refugee quota is that selections be made on the basis of investigations carried out by the Migration Board itself (selection by delegation). If this is not possible, selections may be made on the basis of the findings of a Swedish authority abroad, UNHCR, or other suitable organisations (dossier selection).

UNHCR's submission for resettlement constitutes the basic material for the processing by the Board of the cases or cases reviewed in any given presentation. Presentations are usually given in Geneva, although material is sometimes received directly from UNHCR Field Offices as well. Dossier selection of quota refugees is almost always made on the basis of the documentation (RRF) included with UNHCR submissions for review. If the Migration Board is to reach a decision, it is essential that all relevant details of the case be set forth in full in the RRF. And, to eliminate problems during the later stages of processing, it is particularly important to ensure that the identities and photographs of the individuals and their families are correct. Likewise, particulars of any relatives of the husband or wife at home or abroad must also be provided. The reason why the particulars given in the RRF must be complete and true is, of course, the fact that they will serve as the basic material for determination of refugee status which is considered and decided after arrival when they apply for Convention of 28 July 1951 Travel document and/or conferral of refugee status. Since the Migration Board will not normally undertake any further assessment or review of the case once a refugee has arrived in Sweden, any political activities in which the individual has engaged must be carefully reported, as must any other circumstances that may be relevant to the flight from the country of origin.

In the event that the basic material is unreliable or insufficient, supplementary information is obtained from UNHCR or some other suitable source, such as an embassy or NGO. Occasionally, presentations may be submitted by organisations other than UNHCR, e.g. the Red Cross or a Swedish diplomatic mission.

The Migration Board is the competent authority to take decisions regarding residence in Sweden.

Cases dismissed by the Migration Board may be presented by UNHCR again if new facts have emerged or the Swedish admission criteria have been modified in some way.

Furthermore, Sweden raises no objections to reviewing cases dismissed by some other country, although the reasons for dismissal should be clearly set forth in the accompanying documentation.

Decisions on selection as part of the quota are sent both to the appropriate Swedish mission and to UNHCR. To help prepare the practical details of the resettlement process, the IOM is also informed. If the refugees lack valid passports, passports are issued by the Swedish Embassy or Red Cross as instructed by the Migration Board.

Quota cases are normally decided within 20 days.

## **7. Submissions and Processing via In-Country Selection**

Before a decision is reached on selection by delegation, the matter is discussed in detail with UNHCR and the Swedish Embassy concerned with a view to determining the most suitable logistical approach, the scope of the selection, and various practical details of accommodation, transport, security, meetings, etc.

Selection by delegation is then made in close cooperation with the Swedish diplomatic mission and UNHCR. The Migration Board assumes responsibility for preparation, staffing, practical implementations and any post-processing or follow-up that may be required.

To ensure that the work proceeds quickly and smoothly, good preparation is essential. This means, among other things, that all documentation (RRF) provided by the UNHCR should be made available at least one month before the planned date of departure. And to ensure sufficient scope for selection and avoid no-shows, presentations should envisage about 50 percent more persons than will actually be selected. Presentations should clearly indicate whether the persons recommended have relatives in Sweden, and, if so, should state their names, their degree of kinship, their place of domicile, and, to facilitate identification, give as many personal particulars as possible.

In conducting selection by delegation, the Migration Board may itself initiate cases to limited extent, which are duly reviewed and eventually lead to a decision. Such cases may be brought to the notice of the Board by a candidate's next-of-kin in Sweden or by persons in some way involved in the case in question. In cases of this nature, UNHCR is always consulted first.

Interviews are normally carried out in the presence of the entire family, the aim being to supplement the information provided in the RRF and hence to provide a sufficient basis for assessment of refugee status and a final decision by the Board. At the end of each day of interviewing, the delegation conducts a thorough review of the cases considered during the day.

Once the interviews have been concluded, the delegation reviews each case once again, and only then will a final decision be reached. Occasionally, doubtful cases may be referred to Sweden for consultation and a decision at some later date.

These are known as pending cases.

In conclusion, the delegation provides the Embassy, UNHCR and IOM together or individually with an oral report on the course and progress of its work, naming those who have been awarded the right to settle in Sweden and those who have been rejected. Grounds for rejection are given orally, never in writing. Concrete plans as to the time and means of transfer of the refugees to Sweden and the practical details of their travel documents, etc., are also discussed during this meeting.

The length of time needed for selection by delegation depends both on the scope of the assignment and the size of the delegation. Excluding the preparation period and any follow-up that may be needed, two to four weeks may be considered normal.

## **8. Emergency Cases**

Emergency cases are processed as quickly as possible, usually within ten days (and often sooner). Such cases are initiated and processed in the same manner as the dossier selection cases described in Section 6. The basic selection criteria are as outlined in Sections 2 and 3.

To preserve the special status and processing routines applied to such cases, the Board recommends that considerable restraint be exercised in their presentation.

## **9. Special Categories**

The circumstances qualifying an individual to settle in Sweden within the framework of the Swedish refugee quota do not entirely correspond to the categories listed under this heading by UNHCR. It is, however, important that the RRF indicate whether the person is in need of some special care or treatment that might be covered by one or more of these categories.

The Directorate of the Swedish Migration Board has adopted Guidelines for decisions on resettlement matters in order to sort out the specific criterias and how to put them into practice within the resettlement procedure.

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## 10. Family Reunification of Refugees

### 10.1 Policy concerning Family Reunification of Refugees

The Swedish policy on resettlement takes into account the principle of family unity. There is only exceptionally a distinction between refugees in the sense of the 1951 Convention and other aliens residing in Sweden with regard to the rules on family reunification. Relatives to refugees under the Convention who have been granted residence permit can be granted costs for the travel to Sweden under certain circumstances.

### 10.2 Criteria for Family Reunification

Residence permits may be granted to aliens married to or cohabiting with a person domiciled in Sweden or who is a holder of a Swedish residence permit. Any children of a parent living in Sweden or holding a Swedish residence permit are also regularly awarded residence permits provided that they are under 18, are unmarried, and are or have been living in their parent's home.

Relatives outside the immediate circle of the nuclear family are awarded residence permits only if they were members of the same household community as their kin in Sweden while in their country of habitual residence. Apart from membership of the same household community, they must also be able to demonstrate some form of mutual dependence making it difficult for them to live apart. In rare cases on exceptional grounds, persons in need of protection residing in Sweden may be allowed to be joined there by a relative with whom they were particularly close even though they may not have been members of the same household community while in their country of habitual residence.

### 10.3 Allocations for Family Reunification

In principle, any person resident in Sweden is entitled to be reunited with his or her spouse, partner or unmarried children under the age of 18.

### 10.4 Routing of Applications

Applications for family reunification should be handed in by the applicant at a Swedish embassy or consulate in his or her country of origin or habitual residence. The appropriate staff then conducts an interview with the applicant to determine the origin and nature of the family ties referred to, their duration, and any plans which the applicant may have for his or her future. These findings are appended to the application in the form of a report, which is forwarded to the Migration Board along with the actual application. Relatives already settled in Sweden may submit reunification applications direct to the Migration Board if they can produce a power-of-attorney empowering them to act on behalf of the applicant.

In such cases, however, the accompanying documentation is almost always insufficient and the Board is itself obliged to take steps to collect the extra information. This procedure should, therefore, not be encouraged.

### **10.5 Verification of Relationships**

Applications for residence in Sweden should be accompanied by documents confirming the relationship, civil status and other particulars of the alien's personal circumstances (passport, national service discharge book, marriage certificate, etc.).

If possible, confirmation of identity should also be provided in presentations submitted by UNHCR.

### **10.6 Processing and Decision-Making**

Upon receipt by the Migration Board of the application and accompanying report, the Board contacts the person resident in Sweden and asks him or her to verify the particulars provided and supply any further information that may be needed. Decisions on residence permits, which also entitle holders to enter Sweden, are made by the Migration Board. Residence permits are normally granted for one year at a time.

Appeal against a decision to reject an application for a residence permit may be lodged with the Aliens Appeals Board.

Decisions on travel allowance for those family members who are allowed to this subsidy and next-of-kin are made by the Migration Board. No appeal may be lodged against these decisions.

## **11. Medical Requirements**

Sweden does not require UNHCR to perform a medical examination of the refugees or next-of-kin who have been granted permits entitling them to settle in Sweden.

However, as mentioned above, it is still important to comment on an individual's state of health and to include the relevant medical documentation in the RRF. This will be a valuable source of information both for the refugee and for the municipal authorities who will be charged with his or her care.

The Migration Board has occasionally commissioned IOM to check the health of refugees pending resettlement in Sweden. These check-ups were conceived as part of a special information programme designed to prepare the refugees mentally for their initial reception and resettlement in Sweden.



## 12. Travel

The Migration Board cooperates with IOM in arranging the transport called for by decisions on the resettlement of refugees in Sweden. Here it is desirable that communications between the Board, UNHCR and IOM function as smoothly as possible, since the travel process is a long one and demands good cooperation between all those involved.

As will be apparent from Section 14 below, a guiding principle of Swedish refugee policy is that quota refugees shall normally be resettled directly in one of the municipalities. However, to ensure success, the timing must be perfect.

Arrangements must be made to acquire acceptance by the local authorities, to obtain the necessary exit permits from the country or countries of origin, to issue passports and travel documents, to provide information on the final destination, to describe the route to be travelled, to draw up timetables, and much more besides. Clearly, coordination is of the essence.

## 13. Status on Arrival

When refugees arrive in Sweden they have already been granted permanent residence permits but are entitled to apply for a travel document and for official recognition of their refugee status (confirming, therefore, that Sweden has deemed them to be bona fide refugees under the terms of the Geneva Convention). In other words, official refugee status is granted not in conjunction with selection under the quota system but only after the individual has arrived in Sweden and applied for a travel document or declaration of refugee status.

Aliens who have lived in Sweden for five years (four years for Convention refugee) are eligible for Swedish nationality. Certain conditions are imposed before an alien can acquire Swedish nationality. These include an age requirement, a record of good conduct, and relinquishment of previous citizenship.

Some nationals can, if their national legislation allows it, keep their old citizenship, notwithstanding granted a Swedish one.

The Swedish policy on voluntary repatriation encompasses actions in the field of the general Swedish foreign policy promoting situations in countries of origin conducive to return in safety and dignity.

An allowance for resettlement in another country is available to persons awarded a residence permit on the basis of de facto refugee status or who were selected for immigration under the quota system. Re-immigration is also allowed, depending on the time spent abroad and the degree of personal attachment to Sweden.

## 14. Domestic Settlement and Community Services

### 14.1 Actors

Under the present system of refugee resettlement, introduced 1998, the Swedish Integration Board reaches agreements with individual municipalities on the reception and resettlement of refugees and certain other aliens. Each municipality who has an agreement gets compensated by the state, at present 492 000 Swedish crowns annually, in order to manage the reception of refugees and certain other aliens. In other words, the system of refugee reception is based on the voluntary participation of the majority of municipalities in Sweden.

### 14.2 Reception

As of 1991, the municipalities have been required to draw up plans for the introduction and integration of refugees into Swedish society on an individual basis. Each plan must be drawn up in consultation with the refugee in person and in partnership with the local employment office i.e. The programme drawn up for the active, coordinated introduction of refugees to life in Sweden stresses the importance of maintaining a holistic approach to the problems involved and of ensuring widespread cooperation between the various authorities. In addition, it recommends that trade unions, employers and NGOs be encouraged to play a more active role than hitherto.

According to the proposition Sweden, diversity and the future, nr 1997/98:16, is the individual perspective much more in focus. A special introduction program, during approximately two years, is offered to each individual received in municipality. Various authorities have recently signed an agreement where cooperation is emphasized.

*A state grant of 164 000SEK is paid for each adult refugee resettled in a municipality; for children, the equivalent figure is 100 700 SEK (2004 figures). This sum is expected to cover the extra costs arising in conjunction with reception of the refugee in the municipality, including any financial assistance paid out under the Social Assistance Act, it covers i.e. accommodation, Swedish tuition, child-care, education and training, interpreters' fees, administrative costs. The grant is expected to suffice for all costs paid by the municipality during the entire introductory period. An additional grant is payable for elderly or disabled refugees and for unaccompanied minor children.*

### 14.3 Housing

Quota refugees are settled directly in a municipality, only rarely having to pass through a clearance or residential centre. Unless otherwise requested, Swedish Integration Board always attempts to locate a place in a municipality close to other relatives already settled in Sweden. Refugees are otherwise free to settle anywhere in Sweden, although if they need help in finding permanent accommodation they must accept a home in the municipality allocated to them.

At present, most refugees are allocated a flat or other form of accommodation in a municipality after receiving their residence permits.

After being resettled in a municipality, refugees are assisted to facilitate their adjustment to Swedish society. During this introduction period, normally two years, they have access to income support, language training and job search assistance. These services are provided and financed by local governments.

Under the terms of the Social Assistance Act, refugees are entitled to financial assistance if they are unable to support themselves by any other means. Refugees enjoy the same right to financial assistance from the local services as Swedish citizens. The amount paid out varies from one municipality to another.

A special home furnishing and equipment loan, administered by the National Board of Student Aid, has been available to refugees since 1 January 1991. These loans may be applied for by refugees and others who are at least 18 years old and who have arranged for a flat in a municipality. The amount is payable as a fixed percentage of the current basic amount as established for use by the national social insurance scheme. The maximum currently available to a single-person household is 15,000 SEK and for a family with two children, the maximum amount is 35,000 SEK. Interest is charged at a rate fixed annually by the Government. The time allowed for repayment depends on the amount borrowed.

#### **14.4 Health**

Refugees enjoy the same degree of access to the national health services as Swedish citizens. There is no qualifying period once a residence permit has been granted.

#### **14.5 Language Training**

Instruction in the Swedish language is an essential part of the introduction process. Indeed, proficiency in Swedish is vital to successful integration into Swedish society. The Swedish For Immigrants (SFI) programme is the oldest single measure for the linguistic education of adult refugees and other immigrants and it remains the most important, for growing competition in the labour market is placing increasingly stiff demands on the ability to speak good Swedish.

All municipalities are under a responsibility to offer refugees and other immigrants an SFI course as soon as may be arranged, and no later than three months after the individual's arrival in the municipality. All such adult education courses are to be based on the fundamental values set forth in the 1994 curriculum for voluntary forms of training and education, and instruction is to be given in the form of courses which it is the student's right to attend. As of 1 July 1994, SFI has had its own syllabus (partly revised 2003 i.e. new form of tests at different levels), method of marking and standardised achievement tests.

All school-age children in the custody of a person or persons whose native language is not Swedish are entitled to tuition in that language at primary and secondary schools and at certain other schools as well. Mother tongue classes are often held in the afternoon after other lessons. In practice, many municipalities are unwilling to organise such tuition unless they can expect at least five pupils per class.

## **14.6 Education**

Swedish compulsory schools accept large numbers of pupils from abroad. The previous educational backgrounds and scholastic achievements of these students vary widely, but all children living in Sweden enjoy the same access to the school system and the rules on compulsory education apply to them all, whether they are native Swedes, immigrants or refugees.

Like Swedish citizens, therefore, refugees have access to the entire Swedish educational system and are entitled to the same forms of educational assistance (i.e. grants and loans).

During the past few years, increasing numbers of children and young people under age of 18 have arrived in Sweden unsupervised by a custodian of their own. The responsibility for ensuring that these children also receive the care and protection of which they have need rests with the local social welfare services, and some criticism has been raised as to the form and content of the support provided in conjunction with their reception in a municipality.

After receiving their permits, half of the children are placed in foster-homes, 30 percent in juvenile accommodation and 20 percent in group lodging homes. However, although the form of reception of children and young people varies considerably from one municipality to another, it is thought on the whole to function quite adequately.

## **14.7 Vocational Training / Employment**

Persons with official refugee status or who hold a residence permit on similar grounds are permitted to take up employment on equal terms with Swedish citizens.

The entry of immigrants into the Swedish labour market is central to their integration into a job brings opportunities for stimulating social interaction and the development of proficiency in Swedish. Unfortunately, however, statistics show that over the last few years the status of immigrants in the labour market has steadily de times as high as among Swedish nationals (although it should be noted that current unemployment statistics do not differentiate between refugees and other categories of immigrants).

Efforts to bring refugees and other immigrants into the labour market should be undertaken within the framework of regular labour market policy. It should be remembered, however, that refugees and immigrants are particularly exposed to the risk of long-term unemployment. They may, indeed, risk permanent exclusion from the chance of a regular job, and to prevent them from being outcast entirely they should be afforded special priority in official labour market policy.

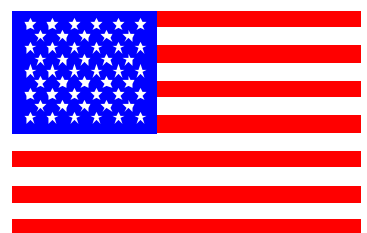
**COUNTRY  
CHAPTER**

**USA**

# **The UNITED STATES OF AMERICA**

**BY THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA**

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## 1. Resettlement Policy

The United States has a long tradition of granting refuge to those fleeing persecution. Since the Second World War, more refugees have found permanent homes in the United States than in any other country. Admission of refugees of special humanitarian concern to the United States as well as admission of those for the purpose of family reunification are important tenets of the U.S. refugee resettlement programme.

At the federal level, the Bureau of Population, Refugees and Migration (PRM) of the Department of State administers the U.S. refugee resettlement programme in conjunction with the Citizenship and Immigration Services (CISDHS) of the Department of Homeland Security and the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). Non-governmental organizations play a major role in domestic resettlement activities and, along with the International Organization for Migration (IOM), in overseas processing

## 2. Criteria for Refugee Status Eligibility and Asylum

A person must meet the U.S. definition of a refugee found in Section 101(a)(42) of the Immigration and Nationality Act (INA), which closely follows the definition in the 1951 UN Convention. The INA also defines as refugees, under certain circumstances specified by the President, certain persons who are within their country of nationality, or if they do not have a nationality, the country in which they are habitually residing (See Annex B).

## 3. Criteria for Resettlement

Applicants for refugee admission into the United States must meet all of the following criteria:

1. Meet the definition of a refugee contained in Section 101(a)(42) of the INA (see Annex B);
2. Be among those refugees determined by the President to be of special humanitarian concern to the United States;
3. Be otherwise admissible under U.S. law; and
4. Not be firmly resettled in any third country

## 4. Resettlement Allocations / Processing Priorities

The Administration annually consults with the Congress on the U.S. refugee admissions programme. These consultations provide an opportunity for Congress and Administration representatives: The Department of State, the Department of Homeland Security, and The Department of Health and Human Services; to discuss the international and domestic implications of U.S. refugee policy. These consultations are the culmination of a many-faceted, consultative process that includes discussions with Congressional staff, representatives of state and local governments, public interest groups, international and non-governmental organizations such as the Refugee Council USA (RCUSA), the American Council for Voluntary International Action (InterAction), and others concerned with refugees. During the Congressional consultations, the President's proposed refugee admissions programme for the coming fiscal year is presented. This proposal includes information on refugee admissions levels, groups of refugees of special humanitarian interest to the United States, and processing priorities.

The processing priorities serve as guidelines to determine eligibility for access to the USG resettlement programme and as a tool to manage the refugee admissions process within the established annual regional ceiling. The following priorities are in effect for Fiscal Year 2004 (1 October 2003 - 30 September 2004):

### Priority One

UNHCR or U.S. Embassy identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of refoulement; those in danger due to threats of armed attack in an area where they are located; or persons who have experienced recent persecution because of their political, religious, or human rights activities (prisoners of conscience); women-at-risk; victims of torture or violence, physically or mentally disabled persons; persons in urgent need of medical treatment not available in the first asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. As with all other priorities, Priority One referrals must still establish a creditable fear of persecution or history of persecution in the country from which they fled. All nationalities are eligible for processing under Priority One.

### Priority Two:

#### Groups of Special Concern:

–Includes specific groups (within certain nationalities) as identified by the Department of State in consultation with NGOs, UNHCR, DHS, and other area Experts as well as some in-country programs. Only those members of the specifically identified groups are eligible for processing.

Each group will be selected based on its individual circumstances. For example, a priority two designation was developed for the Mushunguli, nationals of Somalia.

In-country Priority Two programs include:

**Cuba –**

Emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, dissidents, and other refugees of compelling concern to the United States.

**Former Soviet Union (FSU) –**

Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States.

Note: Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution. (Lautenberg Amendment)

**Vietnam –**

McCain amendment programs as well as any new referrals, should they arise.

**Priority Three:**

Nationals of the following countries who are spouses, unmarried sons and daughters under 21 years of age, and parents of persons admitted to the United States as refugees or granted asylum, or persons who are lawful permanent residents or U.S. citizens and were initially admitted to the United States as refugees or granted asylum:

- Burma
- Burundi
- Colombia
- Congo (Brazzaville)
- Democratic Republic of the Congo
- Iran
- Liberia
- Somalia
- Sudan

## 5. Admissibility for Resettlement

Section 212(a) of the INA lists grounds under which aliens may be excluded from the United States. Refugees may be excluded for the following reasons:



1. Health-related: Some communicable diseases, physical or mental disorders, and current drug abuse or addiction (Health-related denials may be overcome when the problem has been successfully treated, or upon waiver at the discretion of the Attorney General).
2. Criminal activity: Individuals who have committed crimes of moral turpitude, drug trafficking, multiple criminal convictions, prostitution, murder or acts involving persecution or torture.
3. Security grounds: Espionage, terrorist activity, membership in Communist or other totalitarian parties, Nazi persecution or genocide, or individuals who would present a serious security threat (A name check is required for all refugee applicants over the age of 16. In some cases, this requires administrative processing in Washington). Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Requests for waivers for refugees (Form I-602) should be sent to the Officer in-Charge of the overseas DHS Office with jurisdiction over the case. DHS has sole authority to determine whether or not to waive these ineligibilities for refugees.

## 6. Submissions and Processing via Dossier Selection

The U.S. refugee resettlement programme does not admit refugees by dossier selection

## 7. Submissions and Processing via In-Country Selection

With respect to a person applying in a third country for admission to the United States as a refugee, an initial review is undertaken to evaluate cases based on the applicants' situation in temporary asylum, the conditions from which they have fled, U.S. national interest, and other humanitarian considerations. Applicants who claim persecution or a well-founded fear of persecution and who fall within the priorities established for the relevant nationality or region are presented to DHS for determination of eligibility for admission as a refugee under Section 101(a)(42) of the INA.

### 7.1 Case Documentation

The situation of refugees often makes it difficult for the applicant to produce adequate documentation to verify a claim to a certain priority. Thus, while available documentation should be presented before a final decision is reached (including primary documents such as birth certificates, baptismal records or household registries or secondary evidence such as affidavits of relatives and friends), documents may not be required if the refugee's claim to processing in a certain priority appears credible.

## **7.2 Routing of Submissions**

All refugee applicants must ultimately be interviewed by a DHS Officer. USG-funded Overseas Processing Entities (OPEs), usually managed by voluntary agencies or IOM, prepare cases and schedule interviews within their regions. Some processing locations have DHS officers permanently assigned who may adjudicate refugee applications (including Rome, Nairobi, Accra, Vienna, Moscow, Athens, Bangkok, New Delhi, Havana, Mexico City, Frankfurt, Ho Chi Minh City, and Islamabad). In other locations, which do not have a regular DHS presence, the USG and the OPE work together to schedule visits from DHS officers on a circuit ride basis. The U.S. refugee admissions programme is committed to frequent circuit rides to posts where there are sufficient numbers of UNHCR- and Embassy-referred cases or others who are eligible. For those cases approved by DHS, the OPEs make preparation for onward movement to the United States by arranging medical examinations, security name checks and a resettlement agency sponsor. IOM makes travel arrangements once the final clearances have been obtained.

## **7.3 Decision-Making Process**

Section 207 of the INA grants the Attorney General the authority to determine who is inadmissible to the United States as a refugee. The Attorney General has delegated this authority to DHS. DHS makes the final determination as to admissibility and priority of a refugee applicant after the interview.

## **7.4 Recourse Processing**

There is no formal procedure for appealing the denial of refugee status, although an applicant may file a “request for reconsideration” of his case to DHS on the basis of additional evidence or information not available at the time of the interview.

## **7.5 Processing Times**

The time required to process a refugee claim varies considerably based on such factors as the availability of a DHS officer to adjudicate the claim, OPE processing capabilities, type of security name checks required, and whether an applicant is admissible to the United States. A very rough estimate of the time from DHS approval of a refugee’s admission to the United States until departure is generally 4 to 6 months. Emergency cases may be expedited and have occasionally been processed in a very short time, depending on the circumstances.

# **8. Emergency Cases**

## **8.1 Emergency Cases**

DHS and the Department of State have agreed to specific procedures for processing limited numbers of emergency cases each year. Emergency cases are defined as cases in which the risk to the refugee is so great that processing must be completed within 7 days.

All such cases must be referred by UNHCR offices in the field to the UNHCR Resettlement Office in Geneva, which refers the case to the designated USG authorities in Washington. Upon acceptance of the case, the USG will initiate processing on an emergency basis.

### **8.2 Urgent Cases**

The U.S. Program tries to be responsive to urgent cases. However, these cases must follow the same procedures outlined in Section 7 above. Processing may be expedited by the USG in appropriate situations.

## **9. Special Categories**

### **9.1 Refugees with Medical Needs**

Such cases may be processed under Priority One, following procedures outlined in Section 7. Refugees with medical needs who fall under other priorities are also eligible, except for limited instances where the medical condition is grounds for exclusion (see Section 5 above).

### **9.2 Survivors of Violence and Torture**

Such cases may be processed under Priority One, following procedures outlined in Section 7.

### **9.3 Women at Risk**

Such cases may be processed under Priority One, following procedures outlined in Section 7.

### **9.4 Children**

Unmarried children under the age of 21 who are accompanying or following to join a refugee parent are eligible for derivative refugee status. Unaccompanied minors may also qualify as refugees if they satisfy all requirements for admission to the United States as refugees. The U.S. refugee admissions programme works with UNHCR to determine whether third-country resettlement is in the best interest of the child.

Unaccompanied minors may be placed in the priority for which their parents would have been eligible if the parents were prevented from applying because of imprisonment, death or other compelling reasons. Only certain authorized voluntary agencies can sponsor unaccompanied minors who are placed in foster care upon arrival in the United States.

### **9.5 Elderly**

Age is not a factor in U.S. refugee admissions.

## 10. Family Reunification of Refugees

Family unity is an important element of the U.S. refugee admissions programme. This is reflected in the processing priorities discussed in Section 4, as well as in other refugee and immigrant admissions programmes detailed below.

### 10.1 Policy concerning Family Reunification of Refugees

Certain family members may join relatives in the United States by one of the following means:

- A UNHCR referral for the purpose of family reunification (Such referrals follow the procedures outlined in Section 7).
- An Affidavit of Relationship (AOR): An AOR is a form filed with a voluntary agency by refugees, permanent residents, or American citizens to establish a relationship in order to qualify for consideration under the priority three, family reunification category.
- Visa 93: A resettlement authorization for the spouse and unmarried children under 21 of a refugee already resident in the United States.
- Visa 92: A resettlement authorization for the spouse and unmarried children under 21 of an asylee already resident in the United States.
- Regular immigration: Refugees may also qualify for admission under regular immigration categories if they have the requisite relatives in the United States.

### 10.2 Criteria for Family Reunification

Use of an AOR requires that the relative applying for U.S. resettlement establish refugee status in his own right and be otherwise admissible for entry into the United States, as determined by DHS. An acceptable AOR permits an applicant to be considered under Priority 3. A Visa 93 or Visa 92 petitioner must establish proof of relationship (spouse or unmarried child under 21). While immediate family members do not need to qualify as refugees in their own right in order to be eligible for Visas 92 or 93 and may still be situated in their countries of origin, they must demonstrate that they meet the required standards regarding admissibility to the U.S.

### 10.3 Allocations for Family Reunification

All family reunification cases, whether direct applicants, UNHCR referrals or Visas 93 beneficiaries, count against the annual regional refugee admissions ceiling. Visas 92 beneficiaries do not count against the annual admissions ceiling.

### 10.4 Routing of Applications

UNHCR referrals for the purpose of family reunification follow the procedures outlined in Section 7.

- AOR: A relative in the United States files an AOR with a local branch of one of ten voluntary agencies with a (resettlement) cooperative agreement with the Department of State. If determined to be eligible, routing then follows the procedures outlined in Section 7.

- Visa 93: A refugee in the United States must file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship. The I-730 must be filed within two years of the refugee's arrival in the U.S.
- Visa 92: An asylee in the United States must also file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship.

### **10.5 Verification of Relationships**

When the refugee applicant seeks resettlement in the United States through UNHCR based on family ties, such ties may be supported by a marriage and/or birth certificates, certificates of adoption or approved Form I-130s (Petition for Alien Relative). If these documents are unavailable, a church record, school record or census record showing date and place of birth may be acceptable. If the above documentation is unavailable, the applicant may present a notarized voluntary agency Affidavit of Relationship (AOR), sworn statements of persons who are not related to the principal applicant attesting to the relationship claimed, or, if necessary, such affidavits from persons related to the principal applicant. UNHCR need not request that an AOR be filled out when referring a case under Priority One.

### **10.6 Processing and Decision-Making**

AOR: After initial screening of an AOR recipient by the OPE, processing and decision-making generally follows procedures outlined in Section 7.

Visa 92 and Visa 93: After the Department of State's National Visa Center receives an I-730 form approved by DHS, the file is sent to the U.S. Embassy having jurisdiction over the beneficiary's place of residence. Approved Visas 92 and 93 recipients must be interviewed by either a DHS or consular officer and meet other admissions standards (e.g. medical) before departure. Upon arrival in the United States, Visa 93 recipients are granted refugee status while Visa 92 beneficiaries are granted asylee status.

## **11. Medical Requirements**

Medical screening is mandatory for all refugees. Medical exams are performed by U.S. Embassy-contracted physicians or by IOM. The costs for medical exams are borne by the USG. Costs for medical treatment necessary to make an already approved refugee ready for travel are usually paid by the USG. Medical exams normally are valid for 1 year and must be valid at the time of departure for the U.S. Screening is generally coordinated by the processing OPE

## **12. Travel**

Refugees approved by DHS generally enter the United States within four to six months of final approval. Travel is coordinated by IOM. Refugees generally receive interest-free loans for the cost of their transportation through IOM. (A refugee is expected to begin incremental repayment of this loan 6 months after arrival in the United States, and the total amount is expected to be repaid within 3 1/2 years.) Refugees generally travel coach class and must pay for excess luggage. Refugees carry travel documents prepared by the OPE which they must present to DHS officials at the port of entry to the United States.

## **13. Status on Arrival**

At the U.S. port of entry, DHS admits a refugee to the United States and authorizes employment. After one year, a refugee is eligible for adjustment of status to lawful permanent resident. Five years after admission, a refugee is eligible to apply for U.S. citizenship. Refugees who have not yet adjusted to Lawful Permanent Resident Status who wish to travel abroad must obtain advance permission to re-enter from DHS in the form of a Refugee Travel Document. Voluntary return to the country of persecution or availing oneself of services of that country's Government (e.g. passports) may, under certain circumstances, be considered abandonment of refugee status. The USG does not impede voluntary repatriation, but USG funding is not generally available for refugees wanting to repatriate. Private organizations and UNHCR may be able to assist refugees who choose to repatriate.

## **14. Domestic Settlement and Community Services**

The U.S. resettlement programme recognizes the desirability for public and private nonprofit organizations to provide sponsorship, reception and placement services appropriate to refugees' personal circumstances and to assist refugees to achieve economic self-sufficiency as quickly as possible. Sponsoring agencies are required to ensure that refugees' basic needs are met: initial housing, essential furnishings, food or a food allowance, necessary clothing, and transportation to job interviews and job training for a minimum of 30 days after arrival in the United States. Further, sponsoring agencies also provide orientation and information about services available in the community (employment opportunities, vocational training, education, language classes, and health care) for a minimum of 90 days after arrival.

### **14.1 Actors**

Initial reception and placement of refugees is carried out by sponsoring agencies through cooperative agreements with the Department of State. Longer term resettlement resources are provided primarily through assistance programmes funded by HHS and local and national non-profit organizations. State, county, and local governments also assist in resettlement efforts. Private sponsors, such as relatives or friends of the refugee, may also assist with the refugee's resettlement.

### **14.2 Orientation**

The U.S. resettlement programme strives to ensure that refugees who are admitted to the United States are prepared for the significant changes they will experience during resettlement. Pre-departure cultural orientation programmes are available for refugees at many sites around the world. After arrival in the United States, the sponsoring agency provides refugees with community orientation, which includes information about public services and facilities, personal safety, public transportation, standards of personal hygiene, and information about legal status, citizenship and family reunification procedures. Refugees may also receive materials in their native language which provide information about life in the United States to ease the transition to a new society and culture.

### **14.3 Reception**

An IOM representative meets the refugee at his port of entry and when necessary, ensures he/she makes his onward travel connections. Sponsoring agencies meet the refugees at their final U.S. destination, transport them to their initial living quarters and assist them in obtaining initial housing, furnishings, food, clothing, and basic employment services for a minimum of 30 days.

### **14.4 Housing**

Under the guidelines established for reception services by the Department of State, the resettlement agencies ensure that decent, safe and sanitary accommodation is made available to the refugee upon arrival. Refugees reuniting with family may spend some time at their relative's accommodation.

### **14.5 Health**

Resettlement agencies refer refugees to local health services for a comprehensive health assessment upon arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge. Refugees are eligible to apply for Refugee Medical Assistance (RMA) or Medicaid to cover basic health care costs.

### **14.6 Language Training**

English language ability is critical to a refugee's successful transition in American society. English as a Second Language (ESL) training programmes vary among communities. The local resettlement agency is the best source of information about the availability of such programmes.

### 14.7 Education

Public schools in the United States are operated by local governments so curriculum and facilities vary. Public school education is free for grades Kindergarten to 12 (approximately ages 5 to 18) and is mandatory for children ages 6 to 16. The resettlement agency will be able to provide more information about school registration and other educational resources in the community.

### 14.8 Vocational Training




Refugees should be aware that job mobility in the United States is great and that refugees frequently change jobs as technical skills and English ability improve. Refugees should also be aware that foreign job certification is often not valid in the United States and that further training, testing and/or certification may be necessary for some jobs. Vocational and technical schools train people for special skilled occupations, such as auto mechanics, computer programming and medical and dental assistants. These programmes require varying levels of English language ability and often require payment. The local resettlement agency will be able to provide more information about the availability and cost of such programmes.

### 14.9 Employment

Achieving economic self-sufficiency is the cornerstone of the U.S. resettlement programme and getting a job is the first step toward that goal. Many jobs available to newly-arrived refugees are entry-level and refugees are encouraged to improve their language and job skills in order to move up the economic ladder. Refugees may receive assistance from the resettlement agency in finding a job, though it may not be in the same field in which the refugee was previously employed. Refugees must have documentation authorizing employment such as an Employment Authorization Document (EAD) and the I-94 form, which they receive from DHS upon arrival.

## 15. Reference Materials

The following materials are available from any U.S. Embassy that processes refugees or from the Bureau of Population, Refugees, and Migration at the U.S. Department of State.

-  Center for Applied Linguistics (CAL). *Welcome to the United States: A Guidebook for Refugees*. 1996.
-  Committee on the Judiciary of the House of Representatives. *Immigration and Nationality Act*, May 1995.
-  U.S. Department of State, Department of Homeland Security, Department of Health and Human Services. *Report to the Congress: Proposed Refugee Admissions for Fiscal Year 2004*, October 2003.



## Annex A: Current Resettlement Allocations

The following are the FY 2004 projected arrivals by region:

<b>Region</b>	<b>Projected FY 2004 Arrivals</b>	<b>FY 2004 Ceiling</b>
<b>Africa</b>	29,000	25,000
<b>East Asia</b>	7,500	6,500
<b>Europe / Central Asia</b>	10,800	13,000
<b>Latin America/ Caribbean</b>	2,700	3,500
<b>Near East/ South Asia</b>	2,500	2,000
<b>Allocated from Reserve</b>		2,500
<b>TOTAL</b>	52,500	52,500

\* Numbers will be drawn from the unallocated reserve of 20,000 total to augment regional ceilings where necessary.

**Annex B****Section 101(a)(42) of the Immigration and Nationality Act (INA)**

The term “refugee” means: (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.



**ANNEX**

**1**

**EXECUTIVE COMMITTEE CONCLUSIONS  
RELATING TO RESETTLEMENT**

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**CONCLUSIONS ADOPTED BY THE EXECUTIVE  
COMMITTEE ON INTERNATIONAL PROTECTION  
OF REFUGEES**

**No. 99 (LV) - 2004**

**General Conclusion on International Protection**

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The Executive Committee

(...)

- (t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;
- (v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;
- (x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

(...)

## No. 100 (LV) - 2004

### **Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations**

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The Executive Committee

(...)

- (m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:
  - i. the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(...)

## No. 95 (LIV) - 2003

### **General Conclusion on International Protection**

---

The Executive Committee

(...)

- (i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;
- (j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;
- (p) *Welcomes* the High Commissioner's "Convention Plus" initiative and *encourages* the High Commissioner and those States which have offered to facilitate "Convention Plus" agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on "Convention Plus" developments;

- (q) *Welcomes* the report of the Working Group on Resettlement<sup>3</sup>, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;
- (v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;
- (...)

## N. 85 (XLIX) - 2001

### DURABLE SOLUTIONS

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The Executive Committee

- (...)
- (ff) Urges States, particularly countries of origin of refugees, resolutely to cooperate at the bilateral, regional and universal levels to address the underlying causes of refugee flows, both in a preventive and curative manner, and to facilitate just and lasting solutions;
- (gg) Recalls Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;
- (hh) Calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;
- (ii) Emphasises the importance of reconciliation for facilitating and ensuring the durability of return and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;
- (jj) Reaffirms the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.
- (...)

## **N. 87 (L) – 2001**

### **DURABLE SOLUTIONS**

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The Executive Committee

(...)

- (r) Reaffirms that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

Stateless persons and internally displaced persons

- (s) Notes with concern the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the accession of St Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;
- (t) Recalls Conclusion No. 75 (XLV) on internally displaced persons; takes note of resolution 53/125 adopted by the United Nations General Assembly in December 1998; reiterates the relevance of the Guiding Principles on Internal Displacement,[1] and reaffirms its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly.

(...)

## **N. 90 (LII) – 2001**

### **RESETTLEMENT**

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The Executive Committee

(...)

- (j) Emphasises that the ultimate goal of international protection is to achieve a durable solution for refugees and commends States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognising that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;
- (k) Commends in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;



- (l) Acknowledges that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the International Conference on the Reception and Integration of Resettled Refugees convened in Norrköping, Sweden, from 25 to 27 April 2001;[1]
- (m) Encourages initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;
- (n) Recognises the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and notes that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and co-ordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and encourages States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;
- (...)

## **No. 79 (XLVH) - 1996**

### **GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,  
(...)

- (q) Notes that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;
- (r) Reaffirms its conclusion 67 (XLII) on resettlement as an instrument of protection and as a durable solution, and welcomes the action taken recently by UNHCR, including the issuance of the Resettlement Handbook on criteria and procedures, and encourages training activities to support resettlement operations in the field;
- (s) Acknowledges the resettlement efforts undertaken by Governments and the efforts being made by UNHCR to take full advantage of resettlement opportunities and to find solutions for individual refugees considered in need of resettlement, and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;
- (t) Encourages the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and NGOs on resettlement;

**No. 77 (XLVI) - 1995**

**GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

---

The Executive Committee,

(...)

- (a) Distressed at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of non refoulement, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;
- (b) Notes that the search for solutions to refugee problems is an integral part of the High Commissioner's mandate for international protection, and that identifying and implementing solutions to the problems of refugees requires the constant support of the international community in order that the will and capacity of individual States are reinforced in this common pursuit;
- (p) Reiterates the continued importance of resettlement as an instrument of protection and its use as a durable solution to refugee problems in specific circumstances; welcomes the initiative in commissioning an evaluation study and the UNHCR-sponsored consultation on resettlement; and encourages UNHCR to continue the process of dialogue with interested Governments and non-governmental organizations to strengthen its activities in this connection, and to provide regular reports to the Executive Committee;
- (q) Reaffirms its Conclusion 48 (XX7KVIII) on Military or Armed Attacks on Refugee Camps and Settlements and reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character, and all parties are obliged to abstain from any activity likely to undermine this; condemns all acts which pose a threat to the personal security of refugees and asylum-seekers, and also those which may endanger the safety and stability of States; calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained and, in this regard, calls on all other States to assist them; and further calls on States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers, and to afford UNHCR and other appropriate organizations prompt and unhindered access to them.

(...)

**No. 67 (XLII) - 1991**

**RESETTLEMENT AS AN INSTRUMENT OF PROTECTION**

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The Executive Committee,  
(...)

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

- (a) Calls on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;
- (b) Requests States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;
- (c) Recognizes that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;
- (d) Recognizes the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;
- (e) Acknowledges the utility of close consultation with UNHCR in the resettlement activities of the Office;
- (f) Recognizes that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;
- (g) Emphasizes that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

(...)

**No. 61 (XLI) - 1990**

**GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,

(...)

- (e) Emphasizes the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programs;
- (f) Noting the link between protection and resettlement, underlines the need for states to provide adequate places for refugees in need of resettlement;

- (g) Notes that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the High Commissioner to continue efforts to share the task of providing assistance and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

(...)

### **No. 55 (XL) - 1989**

## **GENERAL CONCLUSION ON INTERNATIONAL PROTECTION**

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The Executive Committee,

(...)

- (m) Underlined that resettlement is not only a possible solution for some refugees, but is also an urgent protection measure in the individual case, welcomed the fact that several African States provide such resettlement opportunities, and invited all states to make places speedily available to respond to urgent or emergency protection situations facing individual refugees;

(...)

### **No. 47 (XXXVIII) - 1987**

## **REFUGEE CHILDREN**

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The Executive Committee,

(...)

- (l) Stressed the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the "Twenty or More" Plan providing for the resettlement of disabled refugee children;

(...)

**No. 38 (XXXVI) - 1985**

**RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA**

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The Executive Committee,

(...)

- (a) Reaffirmed the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;
- (b) Recalled the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea [No. 20, No. 23, No. 26, No. 31, No. 34];
- (c) Expressed satisfaction that the rescue of asylum-seekers in distress at sea has increased significantly in 1985 but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;
- (d) Welcomed the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;
- (e) Welcomed the wide-ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;
- (f) Strongly recommended that States maintain their support of UNHCR action in this area and, in particular, that they:
  - (i) join or renew contributions to the DISERO (Disembarkation Resettlement *Offers*) and to the RASRO (Rescue at Sea Resettlement Offers) schemes, or to either of them, as soon as possible;
  - (ii) request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

(...)

**No. 34 (XXXV) - 1984**

**PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN  
DISTRESS AT SEA**

---

The Executive Committee,

(...)

- (a) Noted with concern that rescue of asylum-seekers in distress at sea has decreased significantly in 1983 and again in 1984;
- (b) Recalled the Conclusion on the Rescue of Asylum-Seekers at Sea adopted by the Executive Committee at its thirty-fourth session recognizing the need for promoting measures for facilitating the rescue of asylum-seekers in distress at sea;

- (c) Welcomed the actions taken by UNHCR to draw attention to the continued need to rescue asylum-seekers in distress at sea and expressed the hope that these actions would receive the widest possible support of Governments;
  - (d) Strongly recommended that the Rescue at Sea Resettlement Offers (RASRO) Scheme be implemented on a trial basis as soon as possible and that additional resettlement places be provided as a matter of urgency;
  - (e) Recognized the need for continued support for the DISERO (Disembarkation Resettlement Offers) Scheme and recommended that States renew their contributions to this scheme.
- (...)

### **No. 24 (XXXH) - 1981**

#### **FAMILY REUNIFICATION**

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The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

(...)

7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption -- involving a severance of links with the natural family -- is decided upon.

(...)

### **No. 23 (XXXH) - 1981**

#### **PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA**

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The Executive Committee,

(...)

Adopted the following conclusions on problems related to the rescue of asylum seekers in distress at sea.

1. It is recalled that there is a fundamental obligation under international law for ships' masters to rescue any persons in distress at sea, including asylum seekers, and to render them all necessary assistance. Seafaring States should take all appropriate measures to ensure that masters of vessels observe this obligation strictly.
2. Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.
4. As a result of concerted efforts by many countries, large numbers of resettlement opportunities have been, and continue to be, provided for boat people. In view of this development, the question arises as to whether the first port of call countries might wish to examine their present policy of requiring resettlement guarantees as a precondition for disembarkation. Pending a review of practice by coastal States, it is of course desirable that present arrangements for facilitating disembarkation be continued.
5. In view of the complexity of the problems arising from the rescue, disembarkation and resettlement of asylum seekers at sea, the High Commissioner is requested to convene at an early opportunity a working group comprising representatives of the maritime States and the coastal States most concerned, potential countries of resettlement, and representatives of international bodies competent in this field. The working group should study the various problems mentioned and elaborate principles and measures which would provide a solution and should submit a report on the matter to the Executive Committee at its thirty-third session.

(...)

## **No. 22 (XXXII) - 1981**

### **PROTECTION OF ASYLUM-SEEKERS IN SITUATIONS OF LARGE-SCALE INFLUX**

---

The Executive Committee,

Noting with appreciation the report of the Group of Experts on temporary refuge in situations of largescale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

(...)

#### **IV. International solidarity, burden-sharing and duties of States**

1. A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.
2. Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with IJNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

3. Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.
4. The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

(...)



**ANNEX**

**3**

## **RESETTLEMENT STATISTICS**

<b>Resettlement Statistics Report (RSR)</b> <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
<b>General</b>	
Purpose and scope	The Resettlement Statistics Report (RSR) replaces the Quarterly Resettlement Statistics forms (STAT.2, December 1995) as contained in Chapter 4, Appendix 2 of the UNHCR Manual. The RSR should be submitted for all asylum countries where UNHCR is involved with/facilitates resettlement departures ("under UNHCR auspices", "UNHCR-assisted"). Resettlement is generally available to recognized Mandate refugees only, although, in exceptional cases, other persons of concern to UNHCR may be processed for resettlement. The RSR covers cases (persons) processed on the basis of established resettlement criteria, including <u>family reunification</u> (Resettlement Handbook, Chapter 4). Resettlement submissions following the 'group methodology' (IOM/FOM/67/2003 refers) <u>should also be included in the RSR. For the purpose of completing the form, all members of the group should be considered as individual cases.</u>
Procedures for reporting and submission	The RSR is a quarterly report, covering the periods 01 Jan. - 31 Mar.; 01 Apr. - 30 Jun.; 01 Jul. - 30 Sep. and 01 Oct. - 31 Dec.. It should thus be submitted <u>four</u> times a year. <u>All four quarters should be submitted in the same form with data from one reporting quarter following the data from the previous quarter in chronological order.</u> The distinction between the quarters is made in the second column of the data entry form. The reporting deadline is <u>two weeks following the end of the reporting period.</u> The current file name (RURRESYX.XLS) should be adapted by field offices to reflect the country of asylum and reporting year. E.g. UNHCR BO Nairobi should change the filename to KENRES04.XLS for reporting the four quarters pertaining to 2004. The file should be submitted by e-mail to HQRS00@UNHCR.CH (Resettlement Section, attn. Snr. Resettlement Officer covering the region) and HQCS00@UNHCR.CH (Population Data Unit/PGDS).
Workbook content	The Excel workbook RURRESYX.XLS contains the following worksheets: 'Explanatory notes' contains the guidelines for completion and submission; 'Country codes' provides the standard UNHCR country codes; 'Other codes' contains other standard codes for use in the Data entry form and 'Data entry form' which contains the data entry form. 'Pivot' contains a Pivot table to assist offices in compiling and analyzing the data.
<b>Data entry form</b>	
General	The sheet Data entry form consists of three different parts. Part I is the header of the form (line 1-8). Part II is the "criterion range" providing subtotals (line 10-13). Part III is the actual data entry part (line 16 onwards). The data elements in the data entry form are described below under "Description of fields". The current format is set up to contain data up to line 4999. If more lines are needed, Hqs. should be contacted for certain modifications to the form.
Part I	Part I of the form is the header (Country, Year, Period, Focal point, UNHCR project symbol, To be submitted/resubmitted).
Part II	Part II is the "criterion range" which provides subtotals for the data contained in the statistical database (Part III). The only part which may be modified are the first six columns (cell A13 to F13 indicated in black). Do NOT change any other cell on line 13 as these are all formulas. By typing in one or more criteria in A13 to F13, the "criterion range" will automatically calculate the totals for the specified criteria in the statistical database. E.g. by typing 'USA' in cell D13, the "criterion range" will show the totals for the USA for all columns of the database. By adding '1' in column B13, the totals for the USA in Quarter 1 will be calculated. By typing USA in D13, SOM in cell C13 and '1' in B13, the formulas will provide the totals in the database for the USA in Quarter 1 for all Somalis. <u>The "criterion range" will be particularly useful in verifying the accuracy of the statistics entered into the database.</u>
Part III: electronic form	Part III consists of the electronic data entry form. In the first six columns (CODES) all combinations of asylum country, reporting period, country of origin, country of resettlement, submission priority and primary resettlement criterion are entered which occurred (submitted/decided/departed) during the reporting period. <u>Each combination of these codes should be reported only once during each quarter.</u> It is probably the most efficient to order all possible combinations, first by period, then by Origin for that period, then by country of destination for that Origin, etc. In the second part (SUBMISSIONS), the statistics should be reported pertaining to the submission process (pending begin, submitted, etc.) for each combination of codes listed under CODES. In the third section (DEPARTURES), the statistics should be reported pertaining to the departure process (Accepted not yet departed, departures, etc.) for each combination of codes listed under CODES. To print a copy of the form, hit the print button when in sheet RSR.

<b>Resettlement Statistics Report (RSR)</b> <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
Calculated fields	Not all columns of Part III need to be filled out manually: a number of them contain a formula and are thus calculated automatically. These cells should thus not be touched. It concerns the following fields: 'Pend. end (C/P)'; 'Total M+F (P)'; 'NYD end'. The calculated fields are indicated in <b>red</b> .
Autofilters	There are small triangles on the Codes columns (line 18). These so-called "Autofilters" allow users to select certain lines ("records") once the data have been entered. By clicking on the Autofilter a code can be selected by which the data lines will be filtered. A combination of Autofilters may also be used. E.g. to select only the lines pertaining to Women-at-Risk, click on the Autofilter for CRI and select AWR. On the screen, only the lines pertaining to AWR will be shown. Click on the Autofilter and select All to "un-do" the Autofilter and to show all lines in the data entry form. Autofilters are particularly useful to print reports for a particular code or combination of codes.
Report printing using criterion range and Autofilters	When printing a report using Autofilter, it is recommended to enter the chosen selection criteria in the criterion range (Part II) of the Data entry form so that together with the selected lines from the database, the totals for that selection are provided.
<b>Detailed description of fields</b>	
<b>Header</b>	The requested information should be provided.
Country	Country of first asylum (departure)
Year	Reporting year
Focal point	Person responsible for submitting statistics
Project symbol	UNHCR FMIS budget code for resettlement activities
Important note	<i>Cases which are administratively referred to another office (Headquarters, a resettlement 'hub') should <u>only</u> be reported by the office in the country of first asylum. This office should correspond with Headquarters ('hub') concerning the status of these referred cases to ensure that up-to-date information regarding their submission/departure is being reported as part of the RSR. In the DES column (see below), the country of resettlement should be reported, NOT the country where the case was administratively referred to. The DES column should be filled out based on confirmation from Headquarters (the 'hub') that the case has been submitted to a particular resettlement country. If the case has not yet been submitted (or if no information is available on its submission), the case should reported in the box To be submitted/to be resubmitted only, not in the main table.</i>
Self-referred cases	Self-referred cases' are refugees who have applied for resettlement to a resettlement country outside UNHCR's auspices, either directly or through another agency. These cases should not be included under Submissions in the RSR as UNHCR is not involved in the submission process. However, when UNHCR becomes involved at a later stage with self-referred cases by assisting with travel documents, security or exit clearance, etc., these cases should be reported under Departures, in view of UNHCR's involvement in the departure process. To ensure that self-referred cases are properly distinguished from UNHCR processed cases, a separate line should be created for these cases even if the Codes (ASY, QUA, ORI, DES, PRI, CRI) are exactly the same, and related entries should be made only under Departures. To ensure that the column "NYD end" does not show negative values, it is recommended to copy the value of the column "Total M+F (P)" into the column "NYD begin".
To be submitted / to be resubmitted	The number of cases (persons) identified for resettlement who are awaiting to be submitted to a resettlement country at the end of the reporting period, including those whose files (RRF for instance) have not yet been completed. Resubmitted cases are those which have been rejected by a resettlement country and which are awaiting resubmission to another resettlement country. These fields allow offices to report the backlog in resettlement submissions, including any gaps between cases identified for resettlement and actual submissions. Cases referred to Hqs. (or hub) which have not yet been submitted to a resettlement country should also be counted here.
C/P	No. of cases; No. of persons
<b>Codes</b>	<b>Ensure that all columns are filled for all lines entered into the database. Do not leave any cells blank. Also, do not use any other codes than those provided in the sheet Country codes or Other codes.</b>

<b>Resettlement Statistics Report (RSR)</b> <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
ASY	Record the official UNHCR country code of the country of first asylum (sheet Country codes)
QUA	Reporting period during the year. Enter '1' for first quarter, '2' for second quarter, etc. As stated above, all quarters of one year should be reported in one single form. Do not leave any lines empty between the quarters.
ORI	Country of origin (use standard UNHCR country codes, see sheet Country codes)
DES	Country of destination/resettlement (use standard UNHCR country codes, see sheet Country codes).
PRI	Priority of submission: EME=Emergency; URG=Urgent; NRM=Normal
CRI	<b>Primary</b> resettlement criterion: AWR=Women-at-Risk; CHL=Children and adolescents; FAM=Family reunification; LPN=Legal and Physical Protection Needs; MED=Medical needs; OLD=Older refugees; RLI=Refugees without Local Integration Prospects; SVT=Survivors of Violence and Torture. Record one criterion only.
<b>Submissions</b>	
Pend. begin	<b>Number of cases (persons) which were submitted to resettlement countries for which governments had not yet determined whether they were accepted or rejected for resettlement at the beginning of the reporting period. This should equal the number of cases pending at the end of the previous period. Cases (persons) may be pending from the previous reporting period or from any period before.</b>
Submitted	Number of new cases (persons) submitted to resettlement countries during the reporting period.
Resubmitted	Number of cases (persons) resubmitted to resettlement countries during the reporting period (generally following a rejection).
Accepted	Number of cases (persons) accepted by resettlement countries during the reporting period
Rejected	Number of cases (persons) rejected by resettlement countries during the reporting period
Other (+/-)	Difference between the number of cases (persons) pending decision at the beginning of the period and at the end of the period, which is not explained by new submissions, resubmissions, acceptances or rejections. Examples are "disappearances", withdrawals, deaths, births and any other changes in family (case) composition.
Pending end	<b>(Calculated field) Number of cases (persons) which were submitted during the reporting period or before, but which had not yet been decided at the end of the reporting period. Pending end-period equals pending begin period plus (re-) submissions minus accepted, rejected and Other). This figure should be carried over to the pending begin period field for the next reporting period.</b>
<b>Departures</b>	
NYD begin	<b>Number of persons accepted for resettlement, but who had not yet departed at the beginning of the reporting period. This should equal the number of accepted persons pending departure at the end of the previous reporting period.</b>
Female	The number of departed females during the reporting period by age group. Note that '0-4' includes all children under the age of five. Similarly, '5-17' includes children from the age of 5 to below 18, etc.
Male	The number of departed males during the reporting period by age group. Note that '0-4' includes all children under the age of five. Similarly, '5-17' includes children from the age of 5 to below 18, etc.
Total M+F, Cases	Total number of cases who departed during the period. (This field should be entered manually.)
Total M+F, Persons	(Calculated field) Total number of persons who departed during the period.
Other (+/-)	Difference between the number of persons pending departure at the beginning and at the end of the period, which is not explained by departures. Examples are "disappearances", withdrawals, deaths, births and any other changes in family (case) composition.

<b>Resettlement Statistics Report (RSR)</b> <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
NYD end	<i>(Calculated field) Number of persons which had been accepted for resettlement during this or a previous reporting period, but who had not yet departed at the end of the reporting period. The number of persons pending departure end period equals the number of persons pending departure at the beginning of the period plus the number of persons whose submission was accepted during the period minus the number of persons who departed during the period and plus/minus Other in-/decreases. This should equal the number of persons pending departure at the beginning of the next period.</i>



Country codes (fields ASY and ORI)					
afg	Afghanistan	gfr	Germany	nor	Norway
alb	Albania	gha	Ghana	nru	Nauru
alg	Algeria	gib	Gibraltar	nzl	New Zealand
and	Andorra	gnb	Guinea-Bissau	omn	Oman
ang	Angola	gre	Greece	pak	Pakistan
ant	Antigua and Barbuda	grm	Grenada	pan	Panama
are	Egypt	gua	Guatemala	par	Paraguay
arg	Argentina	gui	Guinea	per	Peru
arm	Armenia	guy	Guyana	phi	Philippines
aul	Australia	hai	Haiti	plw	Palau
aus	Austria	hkg	Hong Kong SAR, China	png	Papua New Guinea
aze	Azerbaijan	hon	Honduras	pol	Poland
bah	Bahrain	hrv	Croatia	por	Portugal
bar	Barbados	hun	Hungary	pue	Puerto Rico
bdi	Burundi	ice	Iceland	qat	Qatar
bel	Belgium	ico	Côte d'Ivoire	rom	Romania
ben	Benin	ind	India	rsa	South Africa
ber	Bermuda	ins	Indonesia	rus	Russian Federation
bgd	Bangladesh	ire	Ireland	rwa	Rwanda
bhs	Bahamas	irn	Islamic Rep. of Iran	sal	El Salvador
bhu	Bhutan	irq	Iraq	sau	Saudi Arabia
bkf	Burkina Faso	isr	Israel	sen	Senegal
blr	Belarus	ita	Italy	sey	Seychelles
bol	Bolivia	jam	Jamaica	sik	Sikkim
bot	Botswana	jor	Jordan	sin	Singapore
bra	Brazil	jpn	Japan	sle	Sierra Leone
bru	Brunei Darussalam	kaz	Kazakhstan	sma	San Marino
bsn	Bosnia and Herzegovina	ken	Kenya	sol	Solomon Islands
bul	Bulgaria	kgz	Kyrgyzstan	som	Somalia
bze	Belize	kir	Kiribati	spa	Spain
cam	Cambodia	kor	Rep. of Korea	srv	Viet Nam
can	Canada	krm	Dem. People's Rep. of Korea	stk	Saint Kitts and Nevis
car	Central African Rep.	kuw	Kuwait	stp	Sao Tome and Principe
cay	Cayman Islands	lao	Lao People's Dem. Rep.	sud	Sudan
chd	Chad	lbr	Liberia	sur	Suriname
chi	China	lby	Libyan Arab Jamahiriya	svk	Slovakia
chl	Chile	lca	Saint Lucia	svn	Slovenia
cmr	Cameroon	leb	Lebanon	swa	Swaziland
cob	Congo	les	Lesotho	swe	Sweden
cod	Dem. Rep. of the Congo	lie	Liechtenstein	swi	Switzerland
coi	Comoros	lka	Sri Lanka	syr	Syrian Arab Rep.
cok	Cook Islands	ltu	Lithuania	tan	United Rep. of Tanzania
col	Colombia	lux	Luxembourg	tci	Turks and Caicos Islands
cos	Costa Rica	lva	Latvia	tha	Thailand
cub	Cuba	mac	Macao SAR, China	tjk	Tajikistan
cvi	Cape Verde	mad	Madagascar	tkm	Turkmenistan
cyp	Cyprus	mar	Martinique	tmp	East Timor
cze	Czech Rep.	mau	Mauritania	tog	Togo
den	Denmark	mcd	FYR Macedonia	ton	Tonga
djb	Djibouti	mco	Monaco	trt	Trinidad and Tobago
dma	Dominica	mda	Rep. of Moldova	tun	Tunisia
dom	Dominican Rep.	mdv	Maldives	tur	Turkey
ecu	Ecuador	mex	Mexico	tuv	Tuvalu
egu	Equatorial Guinea	mhl	Marshall Islands	uae	United Arab Emirates
ert	Eritrea	mli	Mali	uga	Uganda
est	Estonia	mls	Malaysia	ukr	Ukraine
eth	Ethiopia	mlw	Malawi	uru	Uruguay
fgu	French Guiana	mng	Mongolia	usa	United States
fij	Fiji	mor	Morocco	uzb	Uzbekistan
fin	Finland	moz	Mozambique	van	Vanuatu
fnc	New Caledonia	mta	Malta	vat	Holy See (the)
fpo	French Polynesia	mts	Mauritius	vct	Saint Vincent and the Grenadines
fra	France	mya	Myanmar	ven	Venezuela
fro	Faeroe Islands	nam	Namibia	wes	Samoa
fsm	Micronesia (Federated States of)	nep	Nepal	wir	Western Irian
gab	Gabon	net	Netherlands	wsh	Western Sahara
gam	Gambia	ngr	Niger	yem	Yemen
gaz	Occupied Palestinian Territory	nic	Nicaragua	yug	Yugoslavia, FR
gbr	United Kingdom	nig	Nigeria	zam	Zambia
geo	Georgia	niu	Niue	zim	Zimbabwe
sta	Stateless	var	Various/unknown	tib	Tibetans

<b>Other codes</b>	
<b>Quarter (field: QUA)</b>	
1	1 January to 31 March
2	1 April to 30 June
3	1 July to 30 September
4	1 October to 31 December
<b>Priority (field: PRI)*</b>	
EME	Emergency
URG	Urgent
NRM	Normal
<b>Criterion (field: CRI)*</b>	
AWR	Women-at-Risk
CHL	Children and adolescents
FAM	Family Reunification
LPN	Legal and Physical Protection Needs
MED	Medical needs
OLD	Older (elderly) refugees
RLI	Refugees without Local Integration Prospects
SVT	Survivor of Violence and Torture
<b>*Important note:</b>	
In practice, the following combinations of Priority and Criterion are possible:	
EME	LPN; MED
URG	AWR; CHL; LPN; MED; OLD; SVT
NRM	AWR; CHL; FAM; LPN; MED; OLD; RLI; SVT