

**Annual Tripartite Consultations on Resettlement
Geneva, 28-30 June 2007**

Agenda Item 3m

Information Note: Establishing Temporary Evacuation Transit Facilities for Onward Resettlement

Addressing a recurrent protection gap

Threats of *refoulement* and to the physical safety of refugees, as well as other acute protection problems increasingly oblige UNHCR to resort to emergency resettlement. In 2005, the Office made emergency resettlement interventions on behalf of 1,134 refugees – twice as many as in 2004, when UNHCR did so on behalf of 563 refugees. UNHCR was in a position to identify more than 985 places for emergency resettlement. This situation meant some refugees were *refouled* and others subject to prolonged detention in inhumane conditions.

UNHCR has limited capacity to make emergency resettlement submissions. In addition, the nature of the protection problems in many countries of asylum often impacts negatively on the Office's ability to provide accurate information on refugees facing acute protection risks, as access is often restricted or only possible under challenging conditions. Moreover, resettlement countries have limited capacity to examine and accept emergency submissions.¹ The problem is further compounded by new security screening regulations which delay decisions on admission to resettlement countries. This combination of factors prolongs the stay of some refugees in some countries of asylum and increases the protection risks to which they are exposed.

UNHCR's operational experience with Uzbek refugees in the Kyrgyz Republic in mid-2006 demonstrated its lack of capacity to evacuate refugees at immediate risk directly to a resettlement country and the limited options available with resettlement countries. Still, its experience in the past has shown it is possible to evacuate individuals at particular risk to another country before resettlement. For instance, some 1,500 ethnic minority Tutsis at risk and residing in the Democratic Republic of the Congo (DRC) were evacuated to Cameroon and Benin in 1999–2000, from whence they were resettled. These examples have nevertheless highlighted the need for better planning of such evacuations. Establishing standby arrangements for the temporary relocation of a limited number of refugees to a safe country would yield immediate protection dividends to refugees at risk and reduce the pressure on UNHCR and resettlement countries providing places for emergency resettlement.

Objectives

UNHCR would like to explore options for the temporary relocation of refugees to temporary evacuation transit facilities (ETFs) with a few countries in different regions. The evacuation of some refugees to countries providing ETFs would enable the Office to submit these cases for resettlement under 'normal' conditions and not in the acute context caused by threats of *refoulement* and other serious protection problems.

¹ Only a limited number of countries world-wide have special programmes to accept refugees for emergency resettlement on a dossier basis, i.e. without the requirement for the refugee to have a face-to-face interview with an immigration official. These countries include Brazil, Denmark, Finland, the Netherlands, Norway, New Zealand and Sweden.

Allowing for the temporary relocation / transit of refugees requiring emergency resettlement would secure immediate and temporary protection, pending onward resettlement to a third country. Temporary relocation to an ETF would achieve five objectives of

- providing immediate and effective protection to an individual or group of individuals of concern to UNHCR;
- demonstrating a tangible form of burden and responsibility sharing;
- enabling officials from UNHCR and resettlement countries to undertake interviews in a stable and secure environment;
- promoting the subsequent realization of the durable solution of permanent resettlement; and
- encouraging States of temporary relocation / transit to become involved in resettlement.

Refugees at risk to be evacuated to an ETF

Only persons recognized as refugees by UNHCR would be subject to such an evacuation. Refugees who could be evacuated include :

- refugees at immediate risk of *refoulement* (based on a strict interpretation and verified by the Resettlement Service) or other acute, life-threatening situation;
- refugees kept in prolonged detention (although not for the commission of a crime/offense) who can only be released if resettled;
- sensitive / high profile cases (e.g. political and human rights activists, journalists and individuals of certain nationalities);
- refugees in relation to whom a resettlement country has requested that their final destination for permanent resettlement not be disclosed to the country of first asylum;
- refugees in relation to whom UNHCR has decided not to disclose the final resettlement destination to the country of first asylum ;
- refugee witnesses for the International Criminal Court or other international tribunal;

Prerequisites for successful temporary relocation to an ETF

Countries of temporary relocation

UNHCR's limited experience regarding temporary relocation has shown that countries providing the temporary relocation should meet the following minimum conditions:²

- availability of a large network of consulates / embassies in a given region to provide refugees with emergency travel documentation (if alternative arrangements such as using ICRC travel documents are not available);
- adequate reception capacity, requiring the existence of necessary infrastructure to receive and temporarily accommodate the refugees and provide essential services, whether directly or through NGO partners;³
- a legal framework that allows for the temporary stay of the evacuated refugees for the period needed to allow for resettlement processing.

² It is worth noting that the African Union Ministerial Conference of June 2006 held in Ouagadougou on "Protecting and Assisting Victims of Forced Displacement in Africa" endorsed the idea of exploring options for the temporary relocation of refugees.

³ UNHCR does not have in mind the evacuation of large groups of refugees. The country where refugees are temporarily relocated should have an existing reception capacity, not necessarily large accommodation centres, and practical experience in the reception of refugees. UNHCR would only plan to evacuate a limited number of refugees pursuant to agreement reached with the country of temporary relocation.

Countries of permanent resettlement

Countries of resettlement would be expected to support the establishment of ETF by:

- ensuring commitment to interview and resettle a target number of refugees from the ETFs. A form of standby commitment by resettlement countries would provide the element of predictability that countries hosting ETFs would be expecting, as was earlier the case during implementation of the Comprehensive Plan of Action for refugees arriving by boat from Vietnam in the late 1970s and early 1980s under the Rescue at Sea Offers (RASRO) and Disembarkation Resettlement Offers (DISERO) schemes.
- some limited financial support for this activity, which has not been budgeted for in UNHCR's 2007 Annual Programme. Even if the Office were not seeking to establish new accommodation centres as ETFs, and even if the objective were to use this option for a limited number of refugees, some limited financial support would be required to assist countries providing ETFs, sustain their commitment, and enable UNHCR and IOM to cover additional costs associated with the processing and transportation of refugees.

UNHCR and IOM

Both organizations would be expected to coordinate closely at the operational level on all aspects concerning the evacuation from the country of asylum, arrival in the country of temporary relocation and the departure to the country of permanent resettlement. Both organizations will aim to sign tripartite agreements with countries of temporary relocation in order to clarify respective roles and responsibilities. As was the case for the tripartite agreement with the Romanian authorities in 2005, such an agreement would also clarify the role of both organizations if a resettlement solution cannot be found for one or more individuals. IOM will resort to the Rapid Response Transportation Fund (RRTF) to organize the evacuation of refugees to the ETF.

Process

At the Working Group on Resettlement meeting on 11 October 2006, UNHCR invited resettlement countries to comment and advise on this proposal. They expressed support for this proposal and indicated they would be prepared to consider UNHCR resettlement referrals from these ETFs.

UNHCR has so far approached the Philippines and Romania to investigate the possibility of their providing temporary relocation. Negotiations are ongoing and it is hoped that one of ETF will be operational in 2007 followed by a second by the end of 2008.

Resettlement Service
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