

**InterAction Refugee Policy Working Group Key Messages**  
**UNHCR Thematic Discussion 2**  
**“Measures to be Taken at the Onset of a Large Movement of Refugees”**

The New York Declaration committed signatories to save lives and ensure dignity from the onset of refugee movements. It recognized that refugees in large movements face desperate ordeals, often embarking on perilous journeys. It called for comprehensive policy support, assistance and protection consistent with states’ obligations under international law.

The Refugee Compact and related “Programme of Action” should be used as the next steps to translate these commitments into action. Sadly, we have many opportunities at present to test our collective resolve; from Bangladesh, where more than half a million people have arrived over the course of one month, to East Africa, where the number of South Sudanese refugees seeking shelter in neighboring countries recently exceeded one million.

The elements of the "Reception and Admission" section of the Comprehensive Refugee Response Framework (CRRF) provide a strong beginning, but more will be required to move the international community from principle to practice in this area. With refugee numbers still on the rise and refugees spending longer amounts of time in displacement settings, ensuring speed, investing in solutions and protecting the vulnerable from the very beginning have never been more important. Because today’s drivers of movement are often complex and result in refugees and asylum seekers traveling in mixed migratory flows, there will also need to be considerable synergy and complementarity between the Refugee and Migration Compacts on reception and admissions.

***Rapid Response Mobilization***

Large refugee movements can begin slowly and increase in intensity until numbers become overwhelming, much like a major slow-onset disaster. They can also be fast-onset, with hundreds of thousands of people suddenly on the move and crossing borders in a matter of days. Improved rapid response mobilization is needed in both scenarios and hinges on the ability of humanitarian actors to prepare and utilize trigger/surge mechanisms appropriate to refugee contexts.

The Concept Paper prepared for this discussion proposes the creation of a “global refugee response group.” We think the creation of such a group could strengthen rapid response mobilization so long as the group has the level of influence and authority over a wide enough cross-section of actors to ensure the preparedness and surge goals set forth below are met.

Preparedness: To allow for greater preparedness and faster response times, international response mechanisms must focus more on anticipating large movements of people before they occur. This should include:

- Continued development of early warning/alert systems, data collection, predictive modeling, scenario analysis and contingency planning that incorporate the knowledge and insight of humanitarian and field-based experts;
- Early analysis of areas into which refugees are likely to move, including local labor market analysis and the ability to provide state services like health and education to arriving refugees;
- Ensuring that early warning information and analysis is appropriately communicated to relevant decision makers within receiving states, the United Nations (UN) system, donor governments and humanitarian partners;

- Employing the use of stand-by agreements between UNHCR and potential receiving states when early warning indicates that large movements are probable;
- Improving the resourcing, quality and reach of responses to Internally Displaced People (IDPs) so displaced persons can find appropriate humanitarian relief within the borders of their own country;
- Capacity building support to local civil society actors, including faith-based and civic organizations that are often willing to assist refugees in crisis.

A system-wide trigger/surge mechanism for refugee responses:

Humanitarian actors already employ various mechanisms to trigger scaled-up refugee response within individual organizations and governments. However, a system-wide trigger to mobilize system-wide capacity (in the form of leadership, staffing and funding) would better enable accelerated and coordinated response proportional to large refugee movements. Because experience teaches us that large movements of people tend to result in long-term displacement situations, the trigger mechanism should also address long-term plans. The default presumption when dealing with large movements of refugees should be that the need for long-term hosting is more likely than not.

Criteria that could be considered when formulating a refugee response trigger mechanism:

- Average number of refugees crossing the border per day;
- Percentage increase in number of refugees crossing the border;
- Existing refugee caseloads in relation to funding levels for response;
- Whether the sending country is taking adequate measures to alleviate the conditions causing the refugee flow;
- Ratio of refugees to host country population;
- Host country request for international assistance and increased responsibility sharing.

When employed, such a trigger mechanism should result in:

- An immediate increase in people and resources from UN agencies, donors and humanitarian partners (similar to the L3 mechanism);
- Surge capacity also made available to host country government refugee agencies and immigration authorities, as well as relevant line ministries (health, education, etc.);
- An immediate humanitarian leadership model review for the sending and host countries in question;
- An immediate review of all UN agency and national development plans for the country(ies) in question, including education, health and economic development;
- Access to emergency rapid surge funding for refugee response (that is not earmarked by donors and can be transitioned to multi-year funding after an initial onset);
- A multi-sector needs assessment and multi-sector response plan sufficient to meet the full panoply of human need (food, water, protection, education, livelihoods, etc.);
- Host country government commitment to rapidly provide access for humanitarian responders to enable the surge envisioned above, including the immediate issuance of necessary permits for personnel and goods.

### ***Enabling Safe and Dignified Reception***

Whether a movement is large or small, and regardless of whether a trigger mechanism is activated, the guarantee of safe and dignified reception should be implemented in all refugee responses. Having UNHCR deploy resources and expertise to assist receiving states in this area must include:

- Having trained staff in place at reception sites to recognize and address the protection needs of traditionally vulnerable populations, including gender-based violence survivors, persons with disabilities, unaccompanied minors, and others;
- Meeting minimum standards (e.g. safe drinking water, adequate shelter, nutrition and psychosocial support) and enhancing protection at reception facilities, some of which house refugees for several days before they are transported to camps;
- Ensuring individual documentation consistent with UNHCR standards is available and provided expeditiously to refugees at reception sites.

Regardless of whether UNHCR is assisting local authorities, all measures should be taken to avoid detention of asylum seekers awaiting processing of their asylum claims. In cases of detention, it should be in accordance with international human rights law, non-arbitrary and a last resort. Detention conditions should be humane and the duration of detention as short as possible. Restrictions on movement should only be applied to the extent necessary for administrative reasons until an asylum seeker's status is regularized or an asylum seeker obtains admission into another country.

### ***Determining Status***

The Concept Paper proposes the creation of an “asylum capacity support group” to assist receiving states in determining status. Such a group could be beneficial so long as the purpose of such assistance is understood to be the provision of asylum consistent with the criteria set forth in the 1951 Refugee Convention and its 1967 Protocol and other international and regional human rights instruments.

The asylum adjudication process must be fair, transparent and efficient. Reception of asylum seekers and adjudication of their claims must not be outsourced to other countries through transactional political and/or financial agreements. Those asylum seekers who, following a fair process, are not found to qualify for refugee status, must nevertheless be protected against return through the binding customary international legal principle of *non-refoulement*.

### ***Assessing and Addressing Special Needs***

Supporting receiving states to address vulnerabilities need not begin at their own borders. People should also be protected along their journeys. This will require the cooperation and commitment of refugee-sending states as well as refugee-receiving states. All countries should renew their commitments to respecting international human rights, international humanitarian law and allowing humanitarian access to people in need, incorporating relevant agreements, conventions, and treaties by reference into the Refugee Compact.

While we support the specific actions proposed in the Concept Paper to enhance the identification by receiving states of those with special needs, we also believe that meeting those needs will always be undercut at the onset of large movements of refugees if donors, receiving states, UN agencies and response partners continue to draw false lines between life-saving and life-sustaining services. To identify and address specific needs, gender analysis is needed from the start. Plans for livelihoods development and financial inclusion are needed from the start.

Education is needed from the start. These services, and the sense of stability they help impart, not only provide long-term benefits, but also help protect children from abuse and neglect, ensure youth have productive outlets for their energies and allow trauma survivors to begin to heal.