



## **IRAP's Response to the Second Draft of the Global Compact on Refugees**

May 2018

IRAP has submitted comments on previous drafts and welcomes the increased level of detail provided in this draft. IRAP remains concerned that the Global Compact does not contain detailed descriptions of how states may engage in responsibility-sharing, instead presenting a list of options for states already seeking to contribute to refugee protection.

In this Response, IRAP focuses on the provisions of the Second Draft pertaining to resettlement and alternative and complementary pathways contained in paragraphs 96 to 102.

### **Provisions relating to resettlement**

IRAP commends several aspects of these provisions. First, UNHCR pledges to “devise a three-year strategy to enlarge the pool of resettlement countries,” a crucial endeavor that will improve refugees’ access to durable solutions. Importantly, UNHCR notes that it will seek “the involvement of stakeholders such as the private sector, civil society, individuals, and academia.” IRAP welcomes this because, while states are responsible for refugee protection, private actors can provide additional resources and expertise that allow for additional refugees to access resettlement or enhanced services following their resettlement.

Second, in paragraph 98, UNHCR requests that states pledge to adopt several good practices in refugee resettlement, all of which IRAP strongly supports, including flexible and emergency processing procedures and expanded emergency transit facilities. For individuals with medical emergencies, LGBTI individuals, and others with urgent protection needs, expedited processing and/or access to emergency transit facilities are essential to access protection without suffering life-threatening delays in resettlement.

IRAP suggests an additional good practice for which pledges could be sought, and which should be added to the current list in paragraph 98: “the adoption of processes that respect the dignity and autonomy of refugees being considered for resettlement.” These processes would include informing refugees of their status at all points in the resettlement process, such as by providing access to online portals containing information about the current status of their resettlement files. Additionally, procedures to assess eligibility for resettlement often mirror asylum procedures; UNHCR and states should allow refugees being considered for resettlement the opportunity to respond to evidence being considered in their application process.

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40 Rector St., 9<sup>th</sup> Floor, New York, NY 10006

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## **Provisions relating to alternative and complementary pathways**

IRAP welcomes the Second Draft's language relating to alternative and complementary pathways (ACP), and IRAP supports the adoption, expansion, and regularization of ACPs as means to improve access to durable solutions. IRAP notes that states and UNHCR must ensure that the primary goal of state protection, whether resettlement or ACP, is to offer durable solutions to refugees based on humanitarian need, including access to family reunification procedures. Subsequent drafts should further emphasize that ACPs must truly be *additional* and *complementary* to existing international obligations, including respect for the right to claim asylum, and to existing resettlement programs.

### ***About the International Refugee Assistance Project***

The International Refugee Assistance Project (IRAP) at the Urban Justice Center, based in New York, USA, provides comprehensive legal representation to refugees and displaced persons. Since its founding, IRAP has provided *pro bono* legal representation, legal advice, and expert referrals to thousands of refugees around the world seeking legal pathways from persecution to safe countries. IRAP recruits, trains, and supervises *pro bono* legal professionals to represent the world's most vulnerable refugees, harnessing private resources to advance refugees' access to durable solutions.

IRAP's clients include LGBTI individuals, religious minorities subject to targeted violence, survivors of sexual and gender-based violence, children with medical emergencies for which local treatment is not available, and interpreters who are persecuted for their work with the United States and NATO.

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