



Submission to 4th Thematic Discussion, Panel Two: Resettlement and Durable Solutions

The International Refugee Assistance Project (IRAP) at the Urban Justice Center welcomes the adoption of the New York Declaration, including the Comprehensive Refugee Response Framework (CRRF), and its potential to advance refugee protection. IRAP also looks forward to the Global Compact on Refugees.

One of the stated goals of these initiatives is to promote refugees' access to durable solutions. The International Refugee Assistance Project (IRAP) provides this submission to the United Nations and States to share its experience promoting refugees' access to resettlement and durable solutions.

About the International Refugee Assistance Project

IRAP provides comprehensive legal representation to refugees and displaced persons. Since our founding, IRAP has provided *pro bono* legal representation, legal advice, and expert referrals to thousands of refugees all over the world seeking legal pathways from conflict zones 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 being hunted down by the Islamic State, militias, and the Taliban in retaliation for their work with the United States and NATO.

IRAP submits this contribution as a stakeholder and partner to emphasize three important points: first, refugee resettlement remains an essential protection tool for the world's most vulnerable refugees; second, civil society partners are integral to promoting refugees' durable solutions, including resettlement; and third, the United Nations and particularly UNHCR can lead by example by promoting transparency, due process, and trauma-sensitive procedural protections in its own adjudications.

1. Resettlement remains a crucial durable solution for highly vulnerable refugees

Resettlement is a solution only for a small number of refugees. Still, it provides a durable solution for the world's most vulnerable refugees. States, as part of their commitment to refugee protection and responsibility-sharing, should commit themselves to expanding refugees' access to durable solutions, including expanding refugee resettlement opportunities or opening other alternative or complementary pathways to refugee resettlement.

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The CRRF notes that States will

consider making available or expanding, including by encouraging private sector engagement and action as a supplementary measure, resettlement opportunities and complementary pathways for admission of refugees through such means as medical evacuation and humanitarian admission programmes, family reunification and opportunities for skilled migration, labour mobility and education . . .¹

Any serious effort at improving refugee protection will require States to expand resettlement opportunities, which will include existing resettlement States expanding refugee resettlement quotas and new resettlement States opening resettlement programs.² IRAP stands in strong support of UNHCR's efforts to expand resettlement opportunities.

IRAP's work, harnessing *pro bono* legal representation to benefit refugees, demonstrate that sectors of society that have not previously contributed to refugee resettlement should be viewed as resources that can contribute to and contribute additional resources in addition to government contributions to global resettlement efforts.

2. Civil society partners are integral to refugee protection and refugee resettlement

The CRRF explicitly references the role of partners: it states that a

comprehensive refugee response should involve a multi-stakeholder approach, including national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves.³

UNHCR also noted in its strategic planning document that it “will give strong priority to extending and strengthening partnerships in ways that make the most effective use of available resources and expertise.”⁴

In both cases, these statements are positive steps, and this approach should be incorporated into the Global Compact for Refugees. The Global Compact for Refugees should also emphasize on the role of

¹ CRRF para. 14.

² CRRF, para. 15.

³ CRRF, para. 2.

⁴ UNHCR's Strategic Directions document for 2017-21, 13.



civil society in advancing refugee protection and the benefits of collaboration between civil society and the UN system.

UNHCR has a unique mandate from the international community to advance refugee protection. However, stakeholders cannot be viewed as simply implementing or operational partners whose work is subsidiary to UN efforts. Rather, UNHCR should work with civil society actors in a spirit of transparency and collaboration, to ensure that efforts are not duplicated, that as many refugees are served as possible, and that refugee protection activities are effective rather than competitive.

As one example, UNHCR has primary responsibility for identifying refugees who will be considered for resettlement. However, civil society organizations like IRAP play an essential role in building grassroots connections with exceptionally vulnerable refugee populations, including LGBTI refugees. IRAP has referred hundreds of highly vulnerable refugees for resettlement consideration to UNHCR. In the vast majority of cases, UNHCR was unaware of the particular vulnerability faced by the refugees referred by IRAP. And for good reason; no single organization can build relationships of trust in every refugee community. This illustrates that, to ensure that the most vulnerable refugees are aware of available protection services, and to ensure that UNHCR can serve its mandate to advance refugee protection, UNHCR must proactively partner with civil society organizations.

3. The Global Compact for Refugees must promote durable solutions and human rights, and UN organs must lead by example

The Global Compact on Refugees must advance fundamental procedural and trauma-sensitive protections in determinations of refugees' access to protection, including but not limited to asylum adjudications.

UNHCR's activities provide an opportunity for UNHCR to demonstrate best practices to States. In many countries, UNHCR conducts refugee status determination (RSD) as a substitute for State asylum procedures; wherever UNHCR conducts RSD, it must do so in a manner that respects human rights. Since RSD decisions often have implications for access to rights in countries of asylum and to prevent *refoulement*, UNHCR has an obligation to ensure that its policies are effective and prevent erroneous denials.⁵ Furthermore, UNHCR has an international mandate to advocate for refugees with States, and given UNHCR's role as an adjudicator, UNHCR has the potential to set a positive example to State-run RSD systems by ensuring that UNHCR RSD is conducted with maximum transparency, including due process protections such as the ability to confront evidence used against an asylum-seeker and access to counsel in all situations where refugee status may be granted or denied.

⁵ Niamh Kinchin, The Implied Human Rights Obligations of UNHCR, *International Journal of Refugee Law*, 2016, Vol. 28, No. 2, 251–275.



Likewise, in its resettlement activities, UNHCR can set a positive example to States by implementing procedural safeguards and other trauma-sensitive measures that will enhance refugees' ability to participate fully in their adjudications, including training in trauma sensitivity and allowing access to counsel in resettlement interviews.

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