

ANNUAL TRIPARTITE CONSULTATIONS ON RESETTLEMENT

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NGO Note for the Agenda Item:

INNOVATIONS AND STRATEGIES IN CASE IDENTIFICATION FOR RESETTLEMENT

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What is to Blame for Empty Seats on the Resettlement Lifeboat: Rigid Criteria, or Inefficient Identification?

1. On average more than 10,000 funded resettlement slots expire unfilled, year after year. Over the last decade, more than 100,000 refugees in need of resettlement could have been rescued from danger, or been provided with an opportunity to lead productive fulfilling lives, rather than living off handouts in squalid camps or struggling underground as urban refugees. In spite of this chronic under-utilization of available resettlement resources, the UNHCR Global Consultations paper on Resettlement accurately laments that there are “clearly more refugees in need of resettlement than there are places or resources available.”
2. During the Global Consultations, resettlement was widely acknowledged as an important tool of “responsibility-sharing.” Yet even if every resettlement quota were to be filled, by some estimates there would only be one refugee resettled for every 165 who are in a country of first asylum.
3. Thus, there are many more refugees who desperately need resettlement than there are resettlement places – yet thousands of resettlement places go unused. Resettlement has at least modest potential as a tool to share responsibility with countries of first asylum, yet still thousands of resettlement slots remain empty.
4. Under these circumstances, it is no wonder that, during the Global Consultations Track III Session on Mass Influx in March 2001, states hosting large numbers of refugees appealed for more flexible resettlement criteria. Twelve months later, the Working Group on Resettlement met to discuss the issue.
5. The Chair’s summary of the meeting demonstrates the complexity of efforts to effectively apply resettlement in situations of mass influx. Clearly, the answer is not simply a matter of making resettlement criteria more flexible. After all, UNHCR points out that, even under the current “rigid” criteria, there are too few resettlement places and too many refugees who need resettlement. Under these circumstances, would it be advisable to broaden resettlement criteria?

6. Certainly not. Rather, a critical element to make resettlement a more effective tool of responsibility sharing, *and* a more efficient protection tool, is to improve the mechanisms for identifying refugees for resettlement. This need is identified in the Resettlement Working Group Paper, and is nicely developed in the UNHCR paper on Refugee Identification Mechanisms.
7. Under current practices, UNHCR often relies on refugees to identify themselves for resettlement, and then uses its overwhelmed protection officers or deployees to determine which “self-referred” cases meet resettlement criteria. This method tends to identify the strongest and most vocal refugees – not those who are the most vulnerable and in the greatest need of resettlement.
8. This paper is an attempt to build on the concepts developed in the UNHCR paper, rather than repeat them. The UNHCR paper concentrates largely on the potential for NGOs to identify refugees for resettlement. Indeed, NGOs, as the implementing partners of UNHCR, have the most direct contact with refugees, and are therefore in the best position to identify refugees in need of resettlement. Below are some building blocks that I would like to propose so that the potential for developing this urgent role can be reached in a responsible manner.

Need for UNHCR Support – through Better Staffing, Supervision and Training – to Nurture New NGO Referral Mechanisms

9. First and foremost, NGOs cannot be expected to identify refugees without strong and effective training, supervision and guidance. NGOs involved in resettlement identification efforts must have a supervisory or coordinating entity to whom they have direct access, and who shall be held accountable for all referrals. This mechanism could consist of an NGO project akin to the UNHCR funded IRC “Durable Solutions” Project model currently operating in Pakistan, and the independently funded HIAS Refugee Trust Project currently under development in Kenya. An alternative mechanism could consist of a regional or local UNHCR protection officer fully dedicated to refugee identification. In either case, an accessible local or regional Senior Protection officer at UNHCR fully trained in resettlement and the other durable solutions must monitor and be accountable for such NGO referral mechanisms.
10. At this time, Senior Protection officers who are well versed in resettlement are lacking in many posts. ICMC resettlement deployees report that some UNHCR Protection Officers who supervise them have little interest or knowledge about resettlement criteria. Other Protection Officers claim to be experts on Resettlement criteria without ever having opened the Resettlement Handbook.
11. To improve identification of refugees for resettlement, through NGOs and directly from UNHCR, the resettlement states and UNHCR should ensure that the 18

permanent Resettlement Officer positions currently slated for Africa are, in fact, funded and filled, and that more soon follow in other parts of the world.

Need to Clearly Define Scope of *Individual* NGO Referrals

12. The scope of NGO referrals needs to be carefully defined. In terms of individual referrals, NGO referrals should be limited to cases that are verifiable and clearly meet UNHCR resettlement criteria. These could include medical cases wherein a life, limb, or life function could be saved, meaningfully improved or prolonged through resettlement; family reunion cases, wherein NGOs may make the initial identification of refugees who are separated from household members; and protection cases wherein the individual has a particularized security concern distinguishing him or her from other refugees in his or her community.

Need for States to Promote *Group* Referrals by UNHCR and NGOs

13. At the same time, states should encourage both UNHCR and NGOs to identify definable groups which lack local integration prospects or which share serious protection concerns. When such groups are identified, either by UNHCR itself or NGO partners, states should consider (1) allowing UNHCR to submit a streamlined “group referral,” with a verified list of group members; (2) processing “category members” through a designated NGO, without the need for individual UNHCR referrals; or (3) reviewing cases on a dossier basis (without interview), once UNHCR has completed individual resettlement assessments in the group. UNHCR should work with states and NGOs to promote the processing of groups and ensure that those submitted actually belong to the designated group.
14. UNHCR made an effort to promote the resettlement of such groups in a 14 June 2001 letter to the U.S. State Department – assessing 11 different groups identified by NGOs for processing without individual UNHCR referrals, and recommending an additional four groups on its own initiative. The states should nurture and actually implement such pro-active initiatives by UNHCR in the future.

Need for More Effective Refugee Registration Prior to Resettlement

15. As pointed out in the Resettlement Working Group Paper and throughout the Global Consultations, an effective registration process done outside the context of resettlement, and as soon as possible after flight, would contribute greatly to ensuring the ease and integrity with which group referrals could be processed.

Need for More Regular Tripartite Mechanisms to Promote Refugee Identification

16. In order for such tripartite resettlement identification initiatives to work effectively, there is a need for more tri-partite initiatives coming from Geneva and the resettlement capitals. While we can respect the states’ decision to limit full participation in the Resettlement Working Group to UNHCR and the states, there

should be more tripartite initiatives than one annual “consultation.” Little momentum is built from annual meetings, after which it is too easy for follow-up to fade into the sunset. The Resettlement Working Group should facilitate tripartite subcommittees that would meet regularly – at least quarterly - on well-defined issues and/or regions of shared concern.

Summary - Recommendations

In summary, I would make the following recommendations:

- (A) Even at present resource levels, resettlement is underutilized and cannot be a more effective durable solution, tool of responsibility sharing, or protection without major tripartite initiatives in refugee identification.
- (B) Such initiatives would require that UNHCR facilitate the training of NGOs and UNHCR staff in the identification of refugees for resettlement. They would also require the expansion of supervisory mechanisms to promote and monitor NGO identification of resettlement cases, along the lines of the Durable Solutions Project in Pakistan or other models.
- (C) Such initiatives also require focused tripartite mechanisms that meet regularly to complement the work of the Resettlement Working Group by monitoring and promoting tripartite partnerships in refugee identification.
- (D) In order to ensure the integrity of the process, UNHCR should encourage – and limit – NGO referrals of *individual* refugees to resettlement cases on medical grounds, household reunification, or security cases for refugees with distinct and specific protection needs.
- (E) At the same time, states should encourage UNHCR and NGOs to identify specific *groups* in need of resettlement for protection or lack of local integration prospects, then (a) consider members of the group on the basis of a well-documented UNHCR-generated “group” referral; or (b) review cases on a dossier basis (without interview), once UNHCR has completed individual resettlement assessments. UNHCR and states should not squander precious resettlement resources by requiring *both* UNHCR *and* states to complete exhaustive and redundant resettlement forms and interviews when the resettlement needs of a particular group have been firmly documented and established. There should always be “double-checking,” however, to verify group membership.
- (F) In order to more effectively identify refugees in need of resettlement on the basis of group membership, the importance of a reliable refugee registration process, done outside the context of resettlement and as soon as possible after flight, cannot be overstated.