

# Solutions for refugees

## CHAPTER 7





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## Introduction

Once refugee status has been determined and immediate protection needs are addressed, refugees may need support to find a long-term, durable solution.

UNHCR promotes three durable solutions for refugees as part of its core mandate:

- voluntary repatriation;
- local integration; and
- resettlement.

There is no hierarchy of durable solutions; rather, an integrated approach that combines all three solutions and is implemented in close cooperation with countries of origin, host States, humanitarian and development actors, as well as the refugees themselves usually offers the best chances for success.

Enabling refugees to become self-reliant pending the realization of an appropriate long-term solution is an important first step towards achieving any of the three durable solutions. Working towards solutions can also reduce the need for irregular onward movements by refugees.

The concept of durable solutions has traditionally been associated with permanent settlement, whether in the host country, a third country or the country of origin. However, in the context of an increasing interrelationship between refugee protection and international migration, some refugees or former refugees are using temporary or permanent alternatives offered by migration schemes, either in the host country or through regularized onward movements to a third country. Such possibilities may be considered particularly where the refugee is not able to sustain him/herself in the host country or where refugee protection is no longer necessary but where reintegration possibilities remain limited in the country of origin (e.g. during an immediate post-conflict phase). Migration schemes have also been used to broaden the protection space for refugees in States that are not party to the 1951 Convention.

This Chapter does not purport to outline anything radically new or specific to mixed movements regarding the three classic durable solutions for refugees. The practical examples contained in this Chapter constitute a small sample of the many existing initiatives on solutions for refugees. Since there is a range of publications already available on this issue, these sections are brief and cross-reference is made to sources where additional guidance can be obtained. Some of the examples in Chapter 9 (return of non-refugees) are also relevant to this Chapter and can provide additional guidance.

# Operationalizing solutions for refugees: Suggestions for stakeholders and support UNHCR can provide to partners

## Suggestions for stakeholders

- Adopt a comprehensive approach to finding appropriate durable solutions for persons recognized as refugees or others in need of international protection.
- Undertake activities to facilitate voluntary repatriation and sustainable reintegration, in cooperation with relevant partners, as well as post-return monitoring.
- Explore local integration options such as leave to remain and naturalization for certain groups.
- Explore resettlement options and quotas for specific groups, use resettlement strategically and coordinate resettlement needs with a view to adopting a region-wide approach.
- Explore opportunities within migration frameworks as a complementary avenue for refugees.

## Support UNHCR can provide to partners

### Voluntary Repatriation

- Provide information and advice on the situation in the country of origin.
- Facilitate return, by negotiating tripartite agreements between the country of asylum, country of origin and UNHCR.
- Promote “Go and See” Visits to facilitate the repatriation process.
- Monitor the repatriation and reintegration process in cooperation with other key actors.
- Promote development assistance and sustainable reintegration.

### Local integration

- Advocate for the advantages of integrating the refugee population into host communities.
- Advise on laws and policies on asylum and migration to facilitate integration.
- Promote dialogue between countries of asylum to share good practices on local integration.
- Identify implementing partners to participate in reintegration projects, such as NGOs for micro-finance schemes, vocational training and community mobilization projects.

### Resettlement

- Coordinate resettlement needs, and promote cooperation among relevant actors.
- Develop resettlement criteria, and identify candidates for resettlement.
- Promote resettlement in combination with other durable solutions.
- Lobby for resettlement opportunities, including increased quotas, diversified intake, introduction of more flexible selection criteria, and a greater number of resettlement country agreements.
- Ensure emergency resettlement, including through emergency resettlement centres.

## Solutions within migration frameworks

To enlarge the protection space available in a country, UNHCR may:

- advocate for complementary migration options for refugees, in accordance with the specific needs of the country of asylum and the profile of refugee groups (e.g. advocate for the provision of work permits where labour shortages in the country of asylum can be filled by refugees);
- advocate for cultural or family-oriented migration avenues, and lobby for group amnesties;
- enhance cooperation with regional and national agencies engaged in labour issues, including employer and professional groups, to explore labour migration options for refugees; and
- continue to raise awareness about the specific protection needs and rights of refugees while providing access to migration frameworks.

## 7.1. Facilitating self-reliance pending a durable solution

Access to durable solutions for refugees will be easier if they have been able to become self-reliant pending the identification and establishment of this solution. “Self-reliance” means the economic and social ability of the individual refugee, household or community to meet essential needs in a sustainable manner and with dignity. In practice, self-reliance usually means granting refugees access to the economy in the host country, including through access to the labour market. Education, micro-financing, language courses, vocational training, and access to adequate accommodation and social services can help refugees to become self-reliant.

Self-reliance can be encouraged during the asylum procedures, prior to recognition of refugee status, and pending the identification of a durable solution. The scope of benefits and access offered can be expanded when the person is recognized as a refugee. Facilitating self-reliance over an extended period allows the time spent between arrival, recognition of refugee status and identification of durable solutions to be constructive, both for refugees themselves and for the host community. It also improves the sustainability of any future solution.

### COSTA RICA: HOUSE OF RIGHTS OF DESAMPARADOS 2007 – PRESENT

#### A. Background and Rationale

Desamparados is one of the most populated, impoverished counties in San José, Costa Rica. The population in this county includes improperly documented migrants, refugees, asylum-seekers and other persons with specific needs, including victims of sexual and gender-based violence (SGBV).

The House of Rights, which is based on an agreement between UNHCR and the Municipality of Desamparados, is a project that aims to protect the rights of asylum-seekers and refugees as well as migrants and local persons at risk. It also seeks to provide counselling to such persons.

## **B. Actors**

- Asociación de Consultores y Asesores Internacionales (ACAI), UNHCR's main implementing partner in Costa Rica;
- Municipality of Desamparados;
- UNHCR; and
- University of Costa Rica.

## **C. Actions**

- The House of Rights applies a refugee self-reliance strategy that focuses on providing adequate orientation and legal aid to refugees and asylum-seekers in order to assist them in finding employment and accessing public services, especially in the areas of health and education.
- Through legal counselling, training on HIV/AIDS and sexually transmitted infections (STI) prevention, employment opportunities, and adequate use of government services, such as health, education and other social services, the projects aims to empower those persons in the county who are most in need.
- The House of Rights integrates its services with those provided by local public institutions to avoid duplication, and also seeks to build their capacity to protect human rights and to develop new alliances between national and local institutions.

## **D. Review**

The House of Rights Project promotes the local integration of refugees in Costa Rica and provides its beneficiaries with access to legal aid. The project is instrumental in teaching refugees about their rights, including access to asylum appeal procedures and entry into the labour market, as well as about child protection, housing rights and access of female victims of violence to national legislation and protection mechanisms.

## **MOROCCO: WOMEN LEADING FOR LIVELIHOODS INITIATIVE – COMMUNITY CENTRE FOR REFUGEE WOMEN AND CHILDREN 2006 – 2007**

### **A. Background and Rationale**

In Morocco, UNHCR undertakes RSD on the basis of its mandate since the Government does not have established procedures. Since UNHCR's decisions are not formally validated by the Moroccan authorities, the Government does not issue residence and work permits to refugees recognized by UNHCR. Due to the lack of legal status, language barriers and lack of employment opportunities, refugees have difficulties in becoming self-reliant. Engagement in income-generating activities has been particularly difficult for single women, many of whom have been victims of sexual violence.

With the support of UNHCR, and through the Women Leading for Livelihoods Initiative, the Fondation Orient-Occident (FOO) established a Community Centre for Refugee Women and Children ("the centre") in 2007. The centre included a library, an internet café, and a day-care centre for young children. It offered a range of additional training and income-generating activities and services tailor-made for refugee women and children.

## B. Actors

- FOO;
- Swiss Development Cooperation; and
- UNHCR.

## C. Actions

- Vocational training courses in bakery, hairdressing and tailoring (each of which is taught by the refugees themselves) as well as courses in information technology and in Arabic and French languages are available at the centre.
- Weekly counselling sessions are conducted to address the psychosocial needs of the refugee community.
- Regular information and awareness-raising sessions on the prevention, testing and treatment of sexually transmittable diseases and HIV/AIDS are available.
- Babies can attend kindergarten and children up to seven years old can attend day-care programmes at the centre.
- Recreational activities are available for refugee women.

## D. Review

The project aims to enhance the capacities of refugee women and their families to become self-reliant by encouraging income-generating activities and offering vocational training. It also provides psychological services and recreational activities and works with members of the refugee community to raise awareness about social, educational and livelihood opportunities and about public health and hygiene issues.

Over 80 women have registered at the centre and participate in classes and income-generating activities. Fifteen boys and girls are enrolled in the centre's day-care programmes. Although the centre has been operating successfully, the absence of a residence permit keeps refugees in a precarious legal and socio-economic position which sometimes prevents them from fully participating in the centre's activities.

## E. Further Information

Available at: [www.fondation.orient-occident.org](http://www.fondation.orient-occident.org).

## UNHCR: Examples of Livelihood Projects

UNHCR supports and implements a number of livelihood projects, highlighted below, to help facilitate the integration of refugee populations into their host communities.

**The Banco del Pueblo Soberano's Micro-finance Programme in Venezuela** is a 24-month initiative that started in January 2008. Under the project, the public micro-finance institution in Venezuela aims to help refugees in the border area restart their lives, integrate into the host society and contribute to the local development. Low interest loans are available to assist small businesses in agriculture, fishing, farming and small-scale manufacturing. Financial assistance is also provided to the host community to foster solidarity, tolerance and the value of coexistence.



**The Cities of Solidarity Programme in Costa Rica and Panama** helps refugees integrate into local communities in towns and cities through increased self-reliance. Since host communities are often poor and already under strain, the programme is sensitive to the needs of the whole community. UNHCR has developed a wide range of local integration initiatives, including microcredit projects and grants for bakeries, restaurants, beauty salons, crafts workshops, candy producers and musical bands. In addition, UNHCR provides vocational and business training for those who lack professional skills and organizes labour insertion programmes.

**The Zambia Initiative** placed refugees at the centre of a holistic livelihood approach. It provided opportunities for refugees and recognized the positive role that refugees can play in alleviating poverty in host communities. The aim of the Zambia Initiative was to contribute towards a development-oriented programme for the local rural population and to assist in the integration of refugees into Zambian society. Refugees were given opportunities to acquire skills to rehabilitate and rebuild host communities, thereby enabling refugees to be productive members of the society in which they reside.

### Quick Impact Projects: A Provisional Guide



The Provisional Guide was developed to provide practical suggestions on designing Quick Impact Projects (QIPs) in a way that contributes to solutions for refugees. It is designed to propose a standardized approach to QIPs to ensure sustainable outcomes. QIP describes small-scale, low cost projects that assist in the reintegration of returnees and displaced persons through income-generating and microcredit schemes.

**Annex 1** – UNHCR, *Quick Impact Projects (QIPs): A Provisional Guide*, 2004

## 7.2. Durable solutions

### 7.2.1. Voluntary repatriation

Voluntary repatriation, where and when feasible, is one of the three durable solutions for refugees.<sup>1</sup> It generally requires appropriate measures to ensure that any choice regarding return made by refugees is voluntary, free from coercion, and based on objective information. Support for the return of refugees to conditions of physical, legal and material safety, with full restoration of national protection as the ultimate end, ensures that return takes place in safety and with dignity and that it is sustainable.

Involvement of all stakeholders, including returnees, host and origin countries, UNHCR, other international organizations, and partner NGOs, is an important element in successful repatriation exercises. Cooperation arrangements ensure that an appropriate framework for sustainable return is established both in the host country, through the provision of information, documentation and financial support, and in the country of origin through legal guarantees for amnesties, property restitution and reintegration projects.

<sup>1</sup> For further details on voluntary repatriation, see: <http://www.unhcr.org/pages/49c3646cfe.html>.

## **BURUNDI: NATIONAL PLAN OF ACTION TO EDUCATE REPATRIATED CHILDREN 2008**

### **A. Background and Rationale**

In 2008, the Ministry of Education of Burundi, together with local partners, developed a Plan of Action (“the plan”) to address the lack of education of many refugee children who were repatriated from Tanzania to Burundi. The plan aimed to address the educational needs of 13,200 repatriated children.

### **B. Actors**

- Ministry of Education of Burundi;
- WFP; and
- UNICEF.

### **C. Actions**

- The plan included a budget for the construction of classrooms in returnee areas.
- An Early Childhood Development Programme and a Teacher Emergency Package (TEP) for out-of-school children, aged nine to 14 years, who desired to return to school, as well as vocational training for youth were developed to address the educational needs of different categories of children.
- With support from UNICEF and WFP, the Ministry of Education initiated a pilot intensive accelerated French and Kirundi language programme at the primary and secondary school levels.
- Forty qualified teachers were selected by the provincial office of the Ministry of Education to undergo a four-day training course on addressing the needs of newly repatriated children.
- Teachers were provided with orientation and teaching materials to integrate life skills into teaching methods, including on topics such as human rights, human values, peace education and environment.

### **D. Review**

Out of 1,007 pupils who started the school year in September 2009, a total of 875 pupils in two provinces completed a seven-week, accelerated language programme. Nearly 87 per cent of all pupils completed the programme, and 52.7 per cent of pupils were girls.

The initiatives to reintegrate repatriated children into the education system in Burundi had positive impacts on the children, parents, community and the country. Specifically, the education programme helped with the reintegration of children and youth into Burundian society. This, in turn, facilitated community and societal reintegration of families as the parents of the schoolchildren participated in school and parental committee activities. The programme was largely successful. However, it could benefit from the support of other sectors, such as health and vocational skills training.

## UNHCR: Examples of Refugee Repatriation

- **Mauritania** - UNHCR has resumed its repatriation operation for Mauritanian refugees from Senegal. Voluntary repatriations from Senegal to Mauritania were suspended in December 2009 pending a tripartite meeting of the two countries with UNHCR that took place in July 2010. UNHCR was planning weekly convoys to transport approximately 2,500 refugees home by the end of 2010.
  - **Great Lakes Region** - UNHCR has promoted voluntary repatriation as part of the durable solutions for Congolese, Rwandan and Burundian refugees. While observing the evolving diplomatic situation between Rwanda and DRC as well as security conditions in each of these countries, the return of 52,000 Congolese refugees could become possible along with the effective return of approximately 10,000 Rwandan refugees, through the provision of return packages and a well devised plan for reintegration activities.
  - **Afghanistan** - In 2008, the Afghan Government and UNHCR organized an International Conference on Return and Reintegration of Afghan Refugees to pledge support for the sustainable return of Afghan refugees from neighbouring Iran and Pakistan. During the conference, the Afghan Ministry of Refugees and Repatriation highlighted the need to strengthen reintegration programmes for returnees in the sectors of land, shelter, water, sanitation, education, health care and livelihood.
  - **Tajikistan** - UNHCR supports the newly established Refugee Department under the Ministry of the Interior of Tajikistan. The Office will facilitate the voluntary repatriation of Afghan refugees and their transit through Tajik territory as part of a larger comprehensive panel of solutions and joint activities to ensure protection within mixed flows.
  - **Sri Lanka** - UNHCR has taken action to facilitate the voluntary repatriation of Sri Lankan refugees from India. In 2010, UNHCR's strategy focused on the voluntary return of IDPs including return assistance in the form of non-food items, basic shelter support and coordination with governmental and other actors. Sustainability of the return is insured by the implementation of Quick Impact Projects (QIPs) to reconstruct community infrastructure, rebuild community-based organizations and provide livelihood opportunities.
- Further information is available at: <http://www.unhcr.org/4c657ec69.html>.

### The Sample Tripartite Voluntary Repatriation Agreement



The Sample Tripartite Voluntary Repatriation Agreement between the Country of Asylum, the Country of Origin and UNHCR outlines the voluntary nature of repatriation as a solution and emphasizes, inter alia, safe and dignified returns, freedom in the choice of destination and family unity, legal status and documentation, and access to services once repatriated.

**Annex 2** – UNHCR, Sample Tripartite Voluntary Repatriation

### 7.2.2. Local integration

Local integration in the country of first asylum can be an appropriate solution in some countries and/or for some groups of refugees.<sup>2</sup> The 1951 Convention provides a legal framework for the integration of refugees in States party to the Convention.

<sup>2</sup> For further details on local integration, see: <http://www.unhcr.org/pages/49c3646c101.html>.

The scope and pace of the integration process depend on the refugee caseload and the social and economic conditions in the host society. Groups which are often considered on a priority basis for local integration include refugees born on the territory of the host country who may otherwise be stateless, refugees who do not have the possibility to repatriate in the foreseeable future, and refugees who have established close links to the host country. Host countries sometimes also adopt an incremental approach to local integration by granting permits to stay that gradually lead to a wider range of rights and entitlements over time. Some rights that are normally provided from the outset include documentation, administrative assistance and freedom of movement, as well as the rights to work, education, health care and family unity.

In certain situations, host countries may be willing to integrate refugee populations but may lack sufficient resources and require assistance and support from the international community. The “Development through Local Integration” methodology can assist host countries in such situations.<sup>3</sup>

## BELARUS, MOLDOVA AND UKRAINE: REGIONAL LOCAL INTEGRATION PROJECT 2009 – 2010

### A. Background and Rationale

The Regional Local Integration Project (“the project”) covers three countries along the Eastern Border of the EU, namely Belarus, Moldova and Ukraine. The project foresees the development of the international protection capacities of these countries and the improvement of the integration prospects of refugees in each respective country.

### B. Actors

- Participating countries, namely Belarus, Moldova and Ukraine;
- NGOs, civil society and refugee communities; and
- UNHCR.

### C. Actions

- A Regional Steering Committee was established to coordinate and monitor implementation of the project.
- UNHCR provides continuous capacity-building support to ensure that refugees are assisted to integrate into their host country and to become self-reliant.
- UNHCR and its partners publish a monthly bulletin on the activities of the project and issue leaflets targeting specific issues related to refugee integration.
- In Belarus, the project aims, inter alia, to enhance the capacity of State social centres to assist refugees with social issues and to develop and implement vocational skills trainings, employment, housing and language training programmes for refugees.
- In Moldova, support is provided to finalize the rehabilitation of a reception facility and to improve the existing infrastructures, to implement a comprehensive employment programme for refugees and local populations in need, and to implement a local settlement programme for refugees with specific needs.

<sup>3</sup> For further details, see *Framework for Durable Solutions for Refugees and Persons of Concern*, May 2003, available at: <http://www.unhcr.org/refworld/docid/4124b6a04.html>.

- In Ukraine, the project entails building pilot projects in Kyiv, Odessa and Kharkiv for employment and self-employment of refugees, providing capacity-building support to regional employment and social services, and developing professional local language courses.

#### **D. Review**

Since November 2009, some 137 refugees have attended classes organized in universities in the three official languages of the countries of asylum (i.e. Russian in Belarus, Romanian in Moldova and Ukrainian in Ukraine). Vocational trainings and re-qualification trainings have commenced in each of the three countries, and 22 refugees are enrolled in them.

While relevant governmental organizations have become more involved in issues related to refugee integration, the absence of national refugee integration programmes and the lack of institutional mechanisms to facilitate the involvement of NGOs in refugee integration projects make it unlikely that partners will be able to assume full responsibility of these projects without UNHCR's continued financial support.

#### **E. Further Information**

More information about the local integration project is available at:  
[http://unhcr.org.ua/main.php?part\\_id=32](http://unhcr.org.ua/main.php?part_id=32).

## **IRAN: COMPREHENSIVE REGULARIZATION PLAN FOR FOREIGN NATIONALS JULY – AUGUST 2010**

### **A. Background and Rationale**

In response to the vast number of undocumented Afghan nationals residing in Iran, a regularization project was established, entitled the Comprehensive Regularization Plan for Foreign Nationals ("Comprehensive Regularization Plan"). The National Security Council's ordinance requires that all undocumented Afghan nationals register with one of the Registration Centres of the Bureau of Aliens and Foreign Immigrant Affairs (BAFIA). The aim of the Comprehensive Regularization Plan is to encourage the development of policies which facilitate population movement within the region. In addition to addressing the issue of the undocumented Afghan nationals, it also may help prevent the smuggling and trafficking of refugees and migrants into Iran.

### **B. Actors**

- Government of the Islamic Republic of Iran (GIRI).

### **C. Actions**

- Undocumented Afghan migrants and formerly registered refugees may register their stay in the Islamic Republic of Iran at one of the 146 centres set up in 17 provinces around the country.
- Once their stay in Iran has been regularized, they may present themselves at a "surety institute" (several of which are still in the process of being established) in order to receive assistance in applying for a job.

## D. Review

It is still too early to review the success of the Comprehensive Regularization Plan, the second phase. Nonetheless, BAFIA informed UNHCR that approximately two million undocumented Afghans have registered for the Comprehensive Regularization Plan.

### **Panama: Regularization Law and Public Awareness Programme 2008 – 2010**

According to Law 25/2008, refugees and persons granted political asylum who held refugee status for 10 years or more at the time the law entered into force may apply for permanent residency status. Permanent residents have the right to apply for naturalization after five years (or after three years if they have Panamanian children).

The law accordingly opens opportunities for refugees to integrate fully into society. Prior to the enactment of the law, refugees and their families only had temporary status which impeded integration. The law will only be in force for a period of two years until November 2010, unless it is renewed or replaced by similar legislation.

A joint information brochure, published by the Ombudsperson's Office and UNHCR, helped to enhance awareness of this opportunity amongst the refugee community.

Law 25/2008 is available online at: <http://www.unhcr.org/47f250744.html>.

### **Tanzania: Burundi Naturalization, A Model for Local Integration and Durable Solutions for Protracted Refugees 2008**

Naturalization of Burundian refugees was introduced by the Government of Tanzania as part of a comprehensive solution strategy. Burundian refugees who sought refuge and had been resident in Tanzania since the 1972 crisis in Burundi were given the option of either returning home or obtaining citizenship in Tanzania.

The initiative, which was introduced in 2008 by the Government of Tanzania, foresaw the implementation of a massive naturalization programme for 160,000 Burundian refugees.

The naturalization programme has been commended by the international community as a remarkable step in finding solutions for one of Africa's longest staying refugee populations.

While the naturalization process is now completed, the relocation and reintegration of the newly naturalized Tanzanians elsewhere in the country has not yet started. It will require significant efforts by the Government, UNHCR and other partners, as well as donor support.

**Annex 3** – Hovil, L. and Kweka, O., *Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania*, Citizenship and Forced Migration in the Great Lakes Region: Working Paper No. 1, 2008

Available online at: <http://www.ssrc.org/publications/view/F24DFE71-2755-DE11-AFAC-001CC477EC70/>.

## Central Europe: The Integration Guide and Evaluation Tool for Refugee Integration<sup>4</sup>



**The Integration Guide** was commissioned by UNHCR and developed by the Migration Policy Group. The Integration Guide is a user guide that provides a critical review of the integration of beneficiaries of international protection through the Common European Asylum System. It also reviews broader EU cooperation on the integration of third country nationals and mainstreams open methods of coordination in other EU policy areas, such as equal treatment and non-discrimination, socio-economic inclusion, education and intercultural dialogue, health, enterprise, multilingualism, research and public opinion. The Integration Guide includes a number of recommendations for policy makers and stakeholders.

**Annex 4** – EU Support for Integration: What about Beneficiaries of International Protection? A User's Guide to EU Standards, Funds and Cooperation

**The Integration Evaluation Tool** is part of a necessary strategy shift in Europe where integration is the most common durable solution for refugees. It comprises 200 indicators grouped under four themes: general conditions; legal integration; socio-economic integration; and socio-cultural integration. It covers every aspect of a refugee's life from job skills and enrolment at school to government budgets for cultural orientation and social integration programmes.

**Annex 5** – UNHCR, Refugee Integration Evaluation Tool: Helping Governments Measure Impact of Integration Policies

### 7.2.3. Resettlement

Resettlement of refugees to a third country where they can enjoy long-term protection and integrate into the host society can be a solution for some refugees, particularly those with limited prospects for local integration or voluntary repatriation, or for those with specific needs who cannot find adequate protection in the country of origin or the country of asylum.<sup>5</sup>

In the context of mixed movements, resettlement can be an effective mechanism for burden sharing and international cooperation, providing options to assist first countries of asylum consistent with the principle of international solidarity. It can also allow first asylum countries to enhance the efficacy of protection, thereby diminishing secondary movements (as discussed further in Chapter 8). Resettlement agreements can encourage coastal States to allow for the disembarkation of refugees rescued at sea, by differentiating responsibilities for initial reception and processing arrangements from the provision of long-term solutions. A strategic use of resettlement in the context of a comprehensive approach that includes access to all three durable solutions, depending on protection needs, also decreases the risk of resettlement becoming a pull factor.

While strategic use of resettlement as part of a burden-sharing arrangement can be promoted by a single State, cooperation and coordination among numerous resettlement countries, first asylum countries and UNHCR, as well as other interested stakeholders, is likely to maximize the benefits. Negotiations between resettlement countries and countries of first asylum could establish the parameters for resettlement programmes, including multi-year resettlement agreements and assistance for local integration and other improvements in conditions for refugees in countries of first asylum.

<sup>4</sup> See UNHCR, *Being a Refugee: How Refugees and Asylum Seekers Experience Life in Central Europe, 2009 Report*, 2010.

<sup>5</sup> More information on refugee resettlement is available at: <http://www.unhcr.org/pages/4a16b1676.html>.

## RESETTLEMENT COMPONENT OF THE MEXICO PLAN OF ACTION 2004 – PRESENT

### A. Background and Rationale

The Mexico Plan of Action (MPA) was adopted in November 2004 to promote concrete actions to protect refugees in Latin America. The programmes envisaged in the MPA have also been applied to IDPs and migrants in Latin America. Among its components is a regional resettlement programme called the “Solidarity Resettlement Programme” (*“Reasentamiento Solidario”*) that promotes an equitable and strategic division of responsibility among countries in Latin America, building on regional solidarity and highlighting the importance of a regional approach.

### B. Actors

- All Latin American countries;
- civil society;
- over 100 NGOs; and
- UNHCR.

### C. Actions

- Selection missions, composed of government representatives and delegates from UNHCR, identify the refugees to be resettled on the basis of their protection needs. For example, Brazil selects women-at-risk as the prime candidates for resettlement and prioritizes the processing of their applications.
- Resettlement States provide refugees with information on conditions in the country of resettlement. For example, Argentina, Brazil and Chile provide future candidates with audio-visual information about cultural, political, economic, social and geographical conditions in their countries.
- Resettlement States provide refugees with pre-departure support. For example, Costa Rica and Ecuador provide physical, legal and socio-economic pre-departure support to urgent resettlement cases, including women-at-risk and victims of torture.
- All refugees selected for resettlement have the right to refuse the option of resettlement.

### D. Review

A relatively small number of refugees have been resettled. This is largely due to financial limitations in emerging resettlement countries. However, The MPA was instrumental in opening resettlement channels in the region, both for refugees from within and outside the region. The MPA’s Solidarity Resettlement Programme has encouraged three more Latin American countries (Argentina, Paraguay and Uruguay), in addition to Chile and Brazil, to provide resettlement as a durable solution for refugees.

### E. Further Information

**Annex 6** – Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America, 16 November 2004



## Italy: Resettlement of a Group of Eritrean Women Detained in Libya 2007

In 2007, the Italian Government responded positively to the call of UNHCR to resettle 36 refugees, mostly women, selected from among approximately 600 Eritreans living in the detention centre of Misratha, in Libya. Each of these women had been victims of violence, including sexual abuse, during their flight from Eritrea through Sudan to Libya, and could not obtain international protection in Libya, as they were under threat of being forcibly repatriated.

Most of the women who arrived remained in the programme and successfully integrated into Italian society, thus making the programme a model for receiving groups with specific protection needs. Some individuals who arrived with the first group left Italy and travelled irregularly to other countries to reunite with family members, thereby illustrating the importance of managing the expectations of refugees and providing them with information about the resettlement country before they are resettled.

## ROMANIA: EMERGENCY TRANSIT CENTRE 2008 – PRESENT



### A. Background and Rationale

The Emergency Transit Centre (ETC) was set up in Timișoara, following a Tripartite Agreement concluded between the Government of Romania, UNHCR and IOM in 2008. It is based on the recognition that evacuation from host countries may be needed to assure physical safety, prevent *refoulement* and address the needs of refugees who face particular risks, pending resettlement processing. The ETC hosts a maximum of 200 refugees for a period of six months.

### B. Actors

- Government of Romania;
- IOM;
- UNHCR; and
- other partners, including the Generați Tânără, a Romanian NGO, local implementing partners, as well as resettlement countries, international donors, and Romanian citizens living in the vicinity of the ETC.

### C. Actions

- UNHCR is responsible for identifying persons in need of evacuation and providing certification of their refugee status. UNHCR also covers the costs of food and domestic items, psychosocial support, educational and recreational activities, as well as language training and necessary medical care at the ETC.
- IOM handles the transportation of the refugees to Romania and from Romania to their resettlement countries, as well as health screenings and assessments prior to the evacuation journey, medical examinations for resettlement purposes and brief pre-embarkation medical checks before the final departure. During the stay at the ETC, IOM provides cultural orientation programmes to help refugees prepare for resettlement.

- The Government of Romania issues identity documents to refugees who are transferred to the ETC and is responsible for maintaining order at the centre. Seven days after UNHCR identifies the refugees in need of evacuation, the Romanian Immigration Office makes the final determination on whether to allow persons identified by UNHCR to enter Romania. The Government waives the requirement of visas for refugees to be accommodated at the ETC.
- Upon arrival at the ETC, refugees are counselled about their rights and obligations during their stay and provided with bed sheets, towels personal hygiene items, and clothing as needed. The ETC is equipped with prayer rooms, a leisure space for women and men, a sports hall, sports fields and a play area for children. Generali Tănără provides assistance to refugees and organizes trips to visit the city, make purchases and attend religious services.

#### D. Review

The ETC is a unique facility providing protection and assistance to refugees who are in urgent need of resettlement but who cannot access international protection in the first country of asylum because the security is not conducive to the processing of resettlement claims or due to a risk of *refoulement*.

The ETC is an innovative model that has made a difference in the lives of many refugees with specific needs. It is testament to Romania's commitment to protect refugees and find solutions to the challenges they face. It also demonstrates practical implementation of the principles of international solidarity and burden sharing and addresses an acute protection gap for refugees requiring emergency protection pending resettlement to third countries. The model has been replicated in the Philippines.<sup>6</sup>

#### E. Further Information

**Annex 7** – Tripartite Agreement between the Government of Romania, UNHCR and IOM Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement, signed 08 May 2008

**Annex 8** – Government of Romania, IOM and UNHCR, *The Emergency Transit Centre in Romania: Bringing refugees to safety*, 2009

### 7.3. Solutions based on migration frameworks

Refugees may be able to access temporary or longer-term solutions within existing migration frameworks. Such solutions may include options to legalize their status (regularization) or possibilities for onward legal migration to another country. This can be based on national law, bilateral agreements or regional frameworks and may arise at any time during the individual's life as a refugee. Migration frameworks can include free movement agreements, targeted programmes for specific groups, such as those with ethnic affiliations with the population of the host country, labour programmes, amnesties, and family reunification. Migration options may be provided in addition to solutions already available within the refugee-protection framework. However, they are especially important in circumstances where solutions for refugees are unavailable or ineffective in a host country and where a legal status under migration law could substantially reduce protection risks and provide access to the labour market, health services and education.

<sup>6</sup> Further details on the Philippine initiative are available at: <http://www.unhcr.org/4a9be1526.html>.

In order to function as an effective alternative solution, migration options for persons with protection needs would normally allow for a stable and secure period of residence in the host country, provide sufficient guarantees against *refoulement*, deportation and expulsion, and offer the enjoyment of a progressively wider range of rights. The fact that a refugee acquires legal status under national immigration law may, but does not automatically, lead to a cessation of refugee status in international law. Even if refugees find solutions within existing migration frameworks, it is important to assess their protection needs and ensure that they are not at risk of *refoulement*.

While the refugee regime and labour migration schemes are based on two distinct rationales (i.e. international protection considerations in the former, and labour market requirements in the latter), there are situations where access to migration schemes can be beneficial to refugees.

## MALAYSIA: SHORT-TERM RESIDENCE PERMITS FOR ACEHNESE REFUGEES AND MIGRANTS 2005

### A. Background and Rationale

The Government of Malaysia is not a signatory to the 1951 Convention and does not have a national asylum procedure in place to recognize refugees and provide them protection. As a result, UNHCR-Malaysia issued temporary protection documents to Acehnese refugees. However, the authorities did not recognize the documents and did not provide redress from detention for unauthorized entry. Prior to the tsunami, the Government of Malaysia regarded Acehnese refugees as irregular migrants and continued to arrest and detain them. Releases were difficult to obtain, except for resettlement purposes.

In the aftermath of the tsunami, which also brought an end to the conflict in Aceh in 2005, the Malaysian Government, acting upon the request from its Indonesian counterparts and local leaders in Aceh, agreed to regularize the situation of some 30,000 Acehnese residing in the country by issuing IMM-13 residence and work permits. UNHCR then decided to gradually phase out the issuance and renewal of temporary protection documents to Acehnese refugees in Malaysia.

### B. Actors

- Government of Indonesia; and
- Government of Malaysia.

### C. Actions

Temporary work permits were provided to 30,000 Acehnese refugees, thereby legalizing their status in Malaysia. The permit granted them:

- the right to enter and remain on the territory for a period of two years;
- the right to work and have access to health-care facilities, comparable to that enjoyed by migrants in a regular situation on the national territory; and
- access to primary education on a discretionary basis.

The IMM-13 cards were first issued for a period of two years and later renewed for another year. The decision to grant the IMM-13 was based on humanitarian grounds.

## D. Review

The IMM-13 residence and work permit legalized the stay for certain groups of refugees who were not willing or able to repatriate. Malaysia, which faced shortages in the labour market, also benefited from the continued presence of the Acehnese refugees who joined the labour force.

While the exercise is largely viewed as successful, problems remained with regard to access to the full range of human rights, including the right to education. In addition, the IMM-13 cards were of poor quality and were sometimes dismissed as fakes and their holders detained until their status was clarified.

## E. Further Information

**Annex 9** – Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, 15 August 2005

## NIGERIA: REGULARIZATION OF SIERRA LEONEAN AND LIBERIAN REFUGEES 2007 – PRESENT

### A. Background and Rationale

The 1975 Economic Community of West African States (ECOWAS) Treaty and the 1979 Protocol relating to the Free Movement of Persons, Residence and Establishment together with its four Supplementary Protocols are designed to facilitate integration in the West Africa region. They confer upon citizens of ECOWAS Member States the right to enter, reside and establish themselves in the territory of any Member State, provided they possess a valid travel document and international health certificate. Refugees originating from ECOWAS Member States enjoy equal treatment as host country nationals.

When peace was restored in Sierra Leone and Liberia, the Governments of the Republic of Liberia and Sierra Leone, the Government of the Federal Republic of Nigeria, ECOWAS and UNHCR signed a multipartite agreement in 2007 to integrate remaining Liberian and Sierra Leonean refugees in Nigeria, while a cessation of their refugee status was pending.

The agreement acknowledges that the ECOWAS Protocols could be applied to refugees from Sierra Leone and Liberia in Nigeria and promotes the exploration of legal migrant status by all parties as a “solution” for refugees upon cessation of their refugee status.

### B. Actors

- ECOWAS;
- Government of Liberia;
- Government of Nigeria;
- Government of Sierra Leone; and
- UNHCR.

### C. Actions

- Liberian and Sierra Leonean refugees have the possibility to opt for legal migrant status on the basis of the ECOWAS Free Movement Protocol.
- The Governments of Sierra Leone and Liberia provide their citizens who opt for this solution with valid identity and travel documents.

- The Government of Nigeria provides such refugees with residence permits for a period of two years, with the possibility of renewal. This permit allows individuals to work, reside and move freely within Nigeria.
- Once issued an ECOWAS residence permit, the individuals are considered to have re-availed themselves of the protection of their country of nationality and no longer benefit from refugee status.
- UNHCR covers the fees incurred for the issuance of passports and residence permits.
- Refugees who decide not to opt for local integration continue to enjoy refugee status until it ceases and may apply to remain in the country of asylum on other protection grounds.

#### D. Review

The multipartite agreement offers Sierra Leonean and Liberian refugees in Nigeria, many of whom have been in their host country for a number of years, the option to reside and work while retaining their original nationality. It also releases post-conflict countries of origin from having to integrate too many returnees. Many of the citizens working outside their home countries in other ECOWAS Member States contribute remittances to their home countries and thereby contribute to reconstruction and development efforts.

Out of 1,634 Sierra Leonean refugees registered in Nigeria before the cessation, 339 opted for local integration. Since then, Sierra Leone has issued 242 passports to its citizens residing in Nigeria and Nigeria has issued the correlate two-year renewable resident permits, allowing these former refugees to stay and work in Nigeria.

While the process is less advanced for Liberians, according to a recent profiling exercise, an estimated 61 per cent of registered Liberian refugees and asylum-seekers have opted for local integration in Nigeria. UNHCR has already received and forwarded 185 Liberian passports to the competent Nigerian authorities for the issuance of residence permits.

Although the multipartite agreement is only applicable in Nigeria, several other countries in the region (e.g. Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, and Senegal) have also applied the protocols to facilitate the integration of former Sierra Leonean refugees. Following a total of 6,012 applications for local integration throughout the ECOWAS protocols, Sierra Leone has issued 5,150 passports to its citizens established in neighbouring ECOWAS countries.

#### E. Further Information

**Annex 10** – Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria, June 2007

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