

ANNUAL TRIPARTITE CONSULTATIONS ON RESETTLEMENT
Geneva, 18-19 June 2002

Background Note for the Agenda Item:
INNOVATIONS AND STRATEGIES IN CASE IDENTIFICATION FOR
RESETTLEMENT

1. The 2001 EXCOM Conclusion on International Protection acknowledged that resettlement “is a process beginning with the identification and assessment of refugees requiring protection...”¹ Identification is, indeed, arguably the most crucial and challenging aspect of the resettlement process. Failure to correctly identify a vulnerable refugee in need of resettlement will result in an unnecessary continuation of insecurity for that refugee. Incorrect identification of a refugee for resettlement could result in the development of unobtainable expectations.

2. These challenges are especially acute in protracted *prima facie* refugee situations. In such situations, identifying individual vulnerable refugees in need of resettlement, without the benefit of early and effective registration and individual refugee status determination, is an essential but complex task. Innovations in case identification are especially needed to ensure that the protection and durable solutions needs of refugees are effectively addressed in such circumstances, and are consequently the focus of this paper.

3. Given the diversity of global resettlement activities, and the diversity of field contexts and capacities, a unified and universal set of procedures for the identification of refugees in need of resettlement is neither possible nor desirable. While most UNHCR-referred resettlement cases in *prima facie* situations are identified through the day-to-day protection activities of Field Offices, various offices have developed identification mechanisms appropriate to the needs of the refugee population and feasible given current capacities. These additional mechanisms include:

- internal referrals from Protection / Field / Community Services
- referrals from other organisations working with vulnerable refugees
- screening unsolicited resettlement requests from refugees

4. It is, however, clear that current procedures for identifying refugees in need of resettlement are insufficient as it is generally held that they are unable to effectively and consistently identify those most in need of resettlement. At the same time, they may be said to be inefficient, as they do not take full advantage of all available opportunities for the identification of refugees in need of resettlement.

More sufficient and efficient identification

5. The development of more sufficient and efficient identification mechanisms could build on valuable partnerships already established in the resettlement process, especially the positive contribution resulting from the tripartite approach to resettlement. In the same way that the tripartite process has resulted in greater harmonisation of resettlement policies at the global level, partnerships between UNHCR, resettlement countries and NGOs can be developed at the field level to facilitate the task of more effectively identifying individual refugees in need of resettlement.

¹ Executive Committee of the High Commissioner’s Programme Conclusion 90 (LII) – 2001 Conclusion on International Protection.

6. Using UNHCR's resettlement criteria as guidelines, the potential for greater NGO involvement in the identification process must especially be stressed. In many field operations, NGOs have a greater degree of qualitative contact with vulnerable refugees on a day-to-day basis through the nature of their projects. As outlined in *Protecting Refugees: A Field Guide for NGOs*, NGOs can, on the basis of such contact, identify refugees with special protection needs who may be in need of resettlement.

7. There are three primary arrangements through which NGOs may play a role in identifying resettlement cases:

- i. **Formal arrangements:** Through a specific sub-agreement, NGOs may run pre-screening programmes to assess protection and other needs in large refugee populations. Such an arrangement was established between UNHCR and IRC in Pakistan. Notwithstanding the particular nature of the project in Pakistan, the possibility of replicating this approach in other regions should be explored.
- ii. **Partnerships with secondary protection functions:** Refugee assistance programmes benefit greatly from the contribution of implementing partners who, by the terms of their sub-agreement with UNHCR, provide certain services in refugee camps and settlements. The possibility of writing protection and resettlement-identification functions into these sub-agreements, especially in the case of NGOs working with particular groups of vulnerable refugees, should be explored.
- iii. **Informal NGO referrals:** In many field operations, NGOs working with vulnerable refugees may not wish to incorporate formal protection components into their programmes for fear of compromising the integrity of the original programme. In such cases, however, mechanisms could still exist to facilitate informal referrals on a case-by-case basis.

8. The success of these three possible approaches, individually or as part of a combined approach, will depend on the field situation, the urgency of resettlement need, the nature of resettlement need, and the field capacities of NGOs and UNHCR. All three approaches do, however, hold significant potential and are, to a certain degree, already employed in various forms. A comprehensive review of NGO referral mechanisms currently in existence might yield best practices and standards that could be replicated in other field situations.

Important considerations

9. While the potential for developing NGO referral mechanisms is significant, it is important to emphasise from the outset a number of considerations that must be incorporated by tripartite resettlement partners in all future referral mechanisms:

- **Training:** Any development in resettlement responsibilities must be preceded by appropriate training on resettlement procedures and criteria.
- **Accountability and oversight:** Any referral mechanism must be formalised to the extent that it operates according to accountable and transparent standards. To this end, all arrangements must specify, in writing, guidelines on the specific roles and responsibilities of the NGO and UNHCR, responsibilities of feedback to the NGO and to the refugee, a definition of the relationship between the NGO and UNHCR, and recognition of the criteria contained in the Resettlement Handbook. Oversight must also be ensured through regular meetings between

representatives of the NGO and UNHCR to discuss activities and concerns, and to conduct spot-checks on the referral activities.

- **Standardisation:** Standard Operating Procedures (SOPs) must be developed detailing the referral, reception, treatment and follow-up on NGO-referred cases, and measures must be implemented to ensure that all cases are referred according to these SOPs.
- **Safeguards:** In the interest of maintaining the integrity of not only the resettlement activities of the office, but also the original NGO programme, safeguards must be incorporated into the mechanisms to ensure that possibilities for misfeasance and malfeasance are reduced.
- **Managing expectations:** Any increase in identification activities will likely result in heightened resettlement expectations within the resettlement population. As such, a common strategy must be developed for the management of resettlement expectations through discussions with refugee leaders and mass information.

10. The development of more co-operative approaches to the identification of refugees in need of resettlement could have a number of complementary benefits. Such an approach could contribute greatly to ensuring an increase in the number of refugees referred for resettlement without diminishing the quality of each individual referral. By diversifying the means of identifying refugees for resettlement, such an approach could also contribute to ensuring that the most vulnerable refugees are considered for resettlement on a priority basis. Finally, more co-operative, tripartite resettlement procedures could contribute to a more transparent, credible and responsive approach to the difficult task of identifying vulnerable refugees in need of resettlement.

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