

Item 2 (c)

**Executive Committee of the High Commissioner's Programme
Standing Committee – 66th Meeting
Introduction to CRP.12 on Refugee Status Determination**

- UNHCR's **new strategic direction for RSD**, developed last year, has been inspired by protection dilemmas for refugees and asylum-seekers in many different parts of world. Many of them have to wait for long periods, sometimes years, for UNHCR, under its mandate, or a State, under its responsibility, to actually make a decision on their claim. Some of these people, though, have opportunities to regularize their status, or ensure access to their rights, by other means or through other mechanisms. If their essential protection can be assured through other means, and if RSD doesn't necessarily lead to a better situation, why do it, we asked ourselves?
- The conference room paper outlines some of the thinking that went into answering that question, and above all, situates the analysis of how and when to engage with RSD squarely within a comprehensive protection and solutions strategy developed for the particular circumstance.
- The new strategic direction acknowledges that **RSD** can afford individuals access to a range of rights, including protection against refoulement. However, it also recognizes that **RSD is not an end in itself**; the RSD process should serve as a gateway or entry door to protection and rights. It is important therefore to:
 - review the circumstances under which it is **essential** to conduct RSD, in particular where RSD provides access to protection and rights;
 - consider how RSD can be **streamlined**, where it is conducted; and
 - explore how access to rights and protection might be facilitated through **other frameworks or interventions**.
- Where RSD is determined to be the most effective protection intervention, UNHCR's new strategic direction encourages consideration of two factors which must be weighed against each other: increasing the **efficiency** of RSD whilst improving or maintaining the **quality** of decision making. These considerations are equally applicable to States and UNHCR.

Efficiency:

- Whilst historically, UNHCR has advocated for an individual procedure to be conducted, UNHCR has more recently produced guidance on the use of **prima facie** refugee status, **temporary protection and stay arrangements**, and is encouraging the use of group-based methodologies for accessing refugee protection, where appropriate. UNHCR has itself relied on **accelerated** processing, **enhanced registration** and **simplified** procedures.
- Many States have responded to large numbers of applications for international protection by **diversifying their case processing** strategies and innovating in their asylum procedures in order to provide protection to a greater number of persons.
- Adequately **resourcing RSD** and equipping staff with the necessary skills is an enduring challenge. UNHCR is developing global introductory training for new RSD decision makers and has developed an on-line learning tool to provide them with related skills on country of origin information research.

- UNHCR also continued to issue country-related guidance and in the reporting period, issued guidance in relation to more than 15 countries of origin and territories, thus contributing to improving the efficiency and quality of decision-making.

Quality:

- In some regions, as well as at national level, joint UNHCR and government led RSD **quality assurance programs** such as the Quality Assurance Initiative Project in the Americas and the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus continued to contribute to high quality decision making in asylum. Dedicated quality assurance teams were established in a number of countries, joining a growing number of States with such frameworks in place.
- Asylum systems were enhanced by ongoing State-to-State support ranging from joint fact finding missions to countries of origin, to twinning and capacity building projects between adjudicatory bodies. Regional bodies such as EASO supported such activities inside the EU and beyond.
- UNHCR continued to advocate for the provision of legal representation as a key measure contributing to fair and transparent decision making and has deepened its collaboration with legal aid providers around the world, at local and global level. **New guidance was issued on ‘legal representation in UNHCR RSD Procedures’** in the context of the ongoing revision of UNHCR’s ‘Procedural Standards for RSD under UNHCR’s Mandate’. Further revisions include a new chapter on interpretation.

Transitioning towards State assumption of responsibility for RSD:

- States have primary responsibility for RSD and UNHCR is supporting **transitions** in a number of countries towards **sustainable state assumption** of responsibility for RSD.
- Transitions range from joint UNHCR/State registration of asylum applications, to State assumption of full responsibility for RSD and are best achieved when they are **gradually** carried out and **anchored** in national and policy frameworks. A number of States in Africa, Europe and Asia have made or are making steps towards assuming a larger role in RSD and UNHCR seeks to accompany these processes with technical expertise and guidance.

Communication/engagement on the new strategic direction

- Against that background, we are very pleased that this Standing Committee will discuss the issue of Refugee Status Determination, and the new strategic direction. There have been a number of opportunities for the Division of International Protection to introduce and communicate the messages in the strategic direction, through:
 - A side event in the margins of last year’s Executive Committee meeting;
 - A retreat with regional RSD officers and heads of UNHCR largest mandate RSD operations from around the globe; and
 - A retreat in the margins of this year’s NGO consultations with NGO legal service providers.

States’ leadership is essential to ensuring that asylum systems are adequately resourced so that they can function effectively at all times. At the same time, innovative thinking in terms of alternative or

complementary pathways to protection and access to rights is an essential part of rethinking the role of RSD in providing protection.

Finally, UNHCR will continue to **count on States to gradually assume more responsibility for RSD**. We look forward to having a constructive discussion with you and to witnessing in future increased and strategic State engagement with this core protection function.

Thank you so much for your attention; I look forward to your comments and suggestions.

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