

RESETTLEMENT HANDBOOK

DEPARTMENT OF INTERNATIONAL PROTECTION

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UNHCR

HANDBOOK

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DEPARTMENT OF INTERNATIONAL PROTECTION

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RESETTLEMENT : A VITAL INSTRUMENT OF INTERNATIONAL PROTECTION AND AN ELEMENT OF COMPREHENSIVE SOLUTIONS

Resettlement serves three equally important functions. *First*, it is a tool to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge. *Second*, it is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration. *Third*, it can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share each other's burdens, and reduce problems impacting the country of first asylum.¹

This chapter defines resettlement in the context of international refugee law and policy, as a mechanism for refugee protection, a durable solution and an element of burden and responsibility-sharing. It outlines the history of resettlement, including references to major resettlement operations under UNHCR auspices. It also explains major conceptual developments from the beginning of the 20th Century to contemporary efforts toward redoubling the search for timely and durable solutions for refugees and toward using resettlement strategically for the benefit of as many refugees as possible.

¹ Quoted from *Strengthening and Expanding Resettlement Today: Challenges and Opportunities*, Global Consultations on International Protection, EC/GC/02/7 of 25 April 2002, (4th Meeting).

1.1 Introduction

Definition and concepts

Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees - with permanent residence status. The status provided should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country.

Over the past fifty years, millions of people have been provided with the opportunity to build new lives for themselves, and their families, through resettlement. Resettlement has also over the years produced secondary benefits other than to the resettled refugees themselves. In some case it has sustained first asylum in the face of a continued influx of refugees, in others it has played a role in achieving comprehensive solutions and often been an expression of burden- and responsibility- sharing. Additionally, resettlement has often engendered support for refugees among the publics of resettlement countries, and resettled refugees have also made important contributions to the countries that have received them.¹

UNHCR's Statute and subsequent resolutions from the United Nations General Assembly and the Economic and Social Council (ECOSOC) mandate the Agency to provide international protection to refugees and other persons of concern to the Office and – as a consequence - to seek permanent – or durable – solutions to their problem.² As indicated above, resettlement plays a vital role in achieving both of these objectives, and furthermore constitutes a tangible element of burden and responsibility-sharing, as confirmed most recently in the *Agenda for Protection* and under the *Convention Plus* initiative (see below for more details on both).

¹ *The Strategic Use of Resettlement (A discussion paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

² The 1950 UNHCR Statute states that UNHCR “shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of *seeking permanent solutions for the problem of refugees* by assisting Governments ... to facilitate the voluntary repatriation of such refugees, *or their assimilation within new national communities.*” (Emphasis added).

Resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or fundamental human rights are at risk in the country where they sought refuge. It is also considered a durable solution for refugees who, although not in need of immediate protection, have compelling reasons to be removed from their country of refuge. The decision to resettle a refugee is normally made only in the absence of other options such as voluntary repatriation and local integration or where resettlement under a comprehensive approach to durable solutions is seen as the optimal solution for the individual or refugee groups in question. It becomes a priority when there is no other way to guarantee the legal or physical security of the person concerned.

Resettlement may be necessary to ensure the security of refugees who are threatened with *refoulement* to their country of origin or those whose physical safety is seriously threatened in the country where they have sought sanctuary.

Resettlement is also used for other refugees at risk, such as survivors of torture and violence, the disabled and other injured or severely traumatized refugees who are in need of specialized treatment unavailable in their country of refuge. It is also appropriate for refugees without local integration prospects, for whom no other solution is available. Furthermore, resettlement is often the only way to reunite refugee families who, through no fault of their own, find themselves divided by borders or by entire continents.

No country is legally obliged to resettle refugees. Only a small number of States do so on a regular basis, allocating budgets, devising programmes and providing annual resettlement quotas. Some countries regularly accept refugees for resettlement, sometimes in relatively large numbers, but do not set annual targets. Recently, States that have not previously accepted refugees for resettlement have established resettlement programmes or expressed an interest in doing so. Accepting refugees for resettlement is a mark of true generosity on the part of Governments and UNHCR welcomes the opportunities that continue to be offered by States for the resettlement of refugees. In turn, resettled refugees could – with the appropriate integration measures in place – eventually prove to be an asset for the resettlement State, through their contribution to society at large.¹

In accordance with the goals of the *Agenda for Protection*, UNHCR continues to work towards the enhancement of protection through expanding the number of countries engaged in resettlement.

¹ Under the *Agenda for Protection*, States are encouraged to ensure that resettlement runs in tandem with more vigorous integration policy, see Goal 5, Objective 5, Action Point 5.

In other contexts, the term resettlement is commonly used to describe the transfer of populations from one area within a country to another. International financial institutions may finance resettlement projects to clear areas to be flooded as a result of dam construction. Populations may be resettled in anticipation of a natural disaster. Sometimes, returning refugees are said to be resettling in their former homes.

Closer to UNHCR's specific use of the term, a number of Governments refer to some of their migration programmes as resettlement. These programmes, however, may include persons who meet neither the definition of a refugee under the UNHCR mandate nor the specific UNHCR resettlement criteria detailed in this Handbook.

Resettlement as a tool of refugee protection

Refugees may be denied basic human rights in a country of refuge. Their lives and freedom may be threatened in the country of asylum, or they may have vulnerabilities or special needs which render their asylum untenable. The authorities in the country of refuge may be unable or unwilling to provide effective protection or address special needs. In such circumstances, timely relocation through resettlement becomes a principal objective, and an important means of protecting refugees. Consequently, resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. In the course of the *Global Consultation on International Protection* it was reaffirmed by States and UNHCR that the primary purpose of resettlement must always be the provision of individual protection for those who cannot be provided with adequate protection in a first country of asylum.¹

Resettlement of refugees should strengthen, not diminish, asylum and protection prospects for the entire refugee population. By offering an appropriate solution to refugees with individual protection or special needs, UNHCR seeks to reinforce asylum in host countries by relieving the strain on them, thereby promoting durable solutions benefiting the entire refugee population concerned. More specifically, agreement may be sought with host countries to enhance their protection capacities for refugees who remain in their territory - e.g. by institutionalizing fair and efficient asylum procedures and granting adequate asylum conditions for refugees - against resettling those with special needs to third countries. The interface with protection capacity building and burden-sharing aspects is evident in such settings.

¹ *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 8.

Resettlement as a durable solution

A fundamental objective of resettlement policy is to provide a durable solution for refugees unable to voluntarily return home or to remain in their country of refuge. In the context of the *Global Consultations on International Protection*, the *Agenda for Protection*, and *Convention Plus*, the High Commissioner has emphasised that there can be no meaningful protection without the prospect of a durable solution.¹ Absence of durable solutions for refugees will eventually become a protection concern, and the search for durable solutions, hence, constitutes an element of providing international protection. This does not preclude the application of resettlement as a durable solution for refugees who do not have *immediate* protection concerns in the country of refuge where there are no prospects for voluntary repatriation or local integration.

A decision to use the resettlement option should be based on what difference – if any – this option would make in addressing the immediate and long term problems and needs of the individual refugee or groups of refugees and to what degree it would in fact serve as a durable solution. The aim of this analysis should be to provide a realistic and comparative prognosis as to the viability and the protection impact of each of the durable solutions in the foreseeable future as well as in the longer term. The potential for other durable solutions should be reviewed simultaneously with assessing resettlement as an option. This is the case as the pursuit of one solution at the expense of the two others may result in considerable delays or misdirected efforts in a durable solution.²

In efforts to **redouble the search for durable solutions**, the *Agenda for Protection* envisages that voluntary repatriation, local integration and resettlement be integrated into one **comprehensive approach to durable solutions**, which is to be implemented in close cooperation among countries of origin, host States, UNHCR and its partners, as well as refugees.³ It calls for the expansion of resettlement opportunities through enhancing the number of resettlement countries; through more strategic use of resettlement for the benefit of as many refugees as possible; through the development of capacity building programmes with new resettlement countries; through encouraging increases in resettlement quotas on part of resettlement countries and by diversifying the intake of refugee groups as well as by introducing more flexible resettlement criteria.

¹ In the Chairman's Summary of the inaugural meeting of the (Convention Plus) Forum, the High Commissioner specified that "[I]n too many places refugee protection is becoming eroded for want of durable solutions. Let us remember that, for the refugee, the ultimate protection lies in the solution."

² Ibid.

³ *Agenda for Protection*, introduction to Goal 5 "Redoubling the search for durable solutions".

Moreover, States are encouraged to ensure that resettlement runs in tandem with a more vigorous integration policy aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country.¹ This is in accordance with the understanding that resettlement also can provide significant potential for the development of professional and skilled personnel who can contribute to the rebuilding of society if they opt to return at one point in the future.

The Working Group on Resettlement has defined the **strategic use of resettlement** as “the planned use of resettlement in a manner that maximizes the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.”²

In using resettlement more effectively as a durable solution, States and UNHCR are further asked to examine how to carry out earlier analysis of data deriving from refugee registration to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly resettlement applications particularly in emergency situations. States and UNHCR are also encouraged to ensure the availability of increased resources for resettlement activities, integrated in a balanced way in each geographic operation.³

In protracted refugee situations where protection may be available but a durable solution is not, resettlement may be relevant, in particular if it leads to enhanced conditions of asylum for those refugees remaining. In such cases, group resettlement as described in Chapter 7 may be relevant. In some cases resettlement could also be considered for residual caseloads following major voluntary repatriation movements, where certain groups of refugees are not able to return home. In other cases, resettlement may be relevant for certain groups whom due to their ethnic, religious or other affinities, have no prospects for local integration in the country to which they have fled. Caution is warranted, however, in ensuring that resettlement does not contribute to rid societies of unwanted minority groups. In some situations of mass displacement, resettlement may serve to alleviate some of the strain put on the receiving country.⁴ Finally, resettlement may in certain instances be utilized in the context of protecting refugee within broader migration movements.

¹ *Agenda for Protection*, Goal 5, Objective 5.

² See *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, p. 3, para. 6.

³ *Agenda for Protection*, Goal 5, Objective 6, Action Points 3 and 6.

⁴ For a comprehensive list of examples, see *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003.

In all these situations, resettlement can be said to form part of burden- and responsibility-sharing frameworks, according to which resettlement is used strategically as part of a comprehensive approach to durable solutions.

Efforts towards this end may be channelled through the resettlement strand under the *Convention Plus* initiative.

Resettlement as an element of burden-sharing

UNHCR has been requested by the General Assembly to provide international protection and seek durable solutions for refugees. However, the principal responsibility for providing international protection for refugees lies with States and is in the interest of the entire international community. This is indicated in the fourth preambular paragraph to the 1951 Convention and consistently reaffirmed in a number of ExCom Conclusions.¹ Most recently, the *Declaration of States Parties* recognized that respect by States for their international protection responsibilities towards refugees is strengthened through international solidarity and that the refugee protection regime is enhanced through committed international cooperation in a spirit of effective responsibility and burden sharing among all States.²

While departing from a different primary motivation, resettlement to support burden and responsibility-sharing is in essence similar to resettlement as a durable solution. Where a State undertakes to provide a durable solution through resettlement, it also participates in sharing burdens and responsibilities. Equally, when a State agrees to “burden share” through resettlement, it is expected to provide a durable solution.

As mentioned above, resettlement has over the years produced secondary benefits other than to the resettled refugees themselves. In some instances, resettlement has contributed to sustaining of first asylum in the face of a continued influx of refugees; in others it has played a role in achieving comprehensive solutions and often has been an expression of burden- and responsibility- sharing. The *Agenda for Protection* encourages the Working Group on Resettlement to examine further the potential use of resettlement as a burden sharing tool, including the issue of criteria to be applied in mass displacement situation, especially where the prospects of other durable solutions is remote or absent.³

¹ For example: Executive Committee Conclusions No. 52 (XXXIX)- 1988; No. 62 (XLI) -1990; No. 68 (XLIII) – 1992; No. 80 (XLVII) – 1996; No. 85 (XLIX) – 1998; No. 87 (L) – 1999.

² Preamble, point 8, *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol* adopted unanimously at the Ministerial Meeting of States Parties on 12-13 December 2001 under Track One of the *Global Consultations*.

³ *Agenda for Protection*, Goal 3, Objective 6, Action point 2.

While strategic use of resettlement as a burden and responsibility-sharing tool can be promoted by a single State, coordination with other resettlement countries and UNHCR is likely to maximize derivative benefits. Such coordination may involve negotiation of mutually agreeable arrangements between the international community and the State of first asylum, possibly requiring a multi-year commitment by the international community to sustain the burden-sharing, as well as possible assistance to further local integration or enhance life for refugees in first asylum countries.¹ Multilateral agreements of this kind form one element of *Convention Plus*.

The evolution of resettlement

Although the concept of resettlement was not clearly articulated until the mid-1960s, it has been undertaken in one form or another from the outset of the system of international protection for refugees. Between the two World Wars, resettlement was used as the principal or partial solution for a number of refugee situations. During the early 1920's, for example, some 45,000 White Russians who had fled to China after the Russian Revolution were subsequently resettled elsewhere. In the 1930's, a succession of international refugee organizations were charged with resettling Jews and others who were fleeing Nazi persecution.

Resettlement evolved in the context of the Cold War. The historical effort to help displaced people in the aftermath of World War II matched the desire of Governments to facilitate the movement of certain people for foreign and domestic policy reasons.

When the United Nations replaced the League of Nations in 1945, it established (in 1946) a new body, the International Refugee Organization (IRO). The IRO's mandate was to protect existing refugee groups and one new category - the 21 million or so refugees scattered throughout Europe in the aftermath of World War II. Initially, the IRO's main objective was repatriation, but the political build-up to the Cold War tilted the balance instead towards resettlement of those who had "valid objections" to returning home. Such "valid objections" included "persecution, or fear of persecution, because of race, religion, nationality or political opinions". Over a period of five years, from 1947 to 1951, the IRO resettled well over a million people (four-fifths of them outside Europe), while repatriating a mere 73,000.

The IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1950. By that time, international protection was firmly enshrined as the new organization's principal *raison d'être*.

¹ *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, EC/53/SC/CRP.10/Add.1, 3 June 2003, section IV, p. 4 ff.

The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office. The most important of these responsibilities are to provide international protection and to seek permanent solutions for the problem of refugees.

Similar to the IRO, UNHCR, during its early years, made extensive use of resettlement as a means of clearing the European refugee camps after World War II. Over the next three decades, voluntary repatriation, local integration and resettlement enjoyed equal status as durable solutions, depending on the circumstances. The Soviet invasion of Hungary in 1956 resulted in 200,000 refugees fleeing to Yugoslavia and Austria, many of whom were later resettled in other countries.

In 1972, President Idi Amin of Uganda expelled most of the country's Asian minority, many of whom were citizens and/or had lived there for decades and had no other country to go to. With the help of UNHCR, the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), and the United Nations Development Programme (UNDP), some 40,000 Ugandan Asians were resettled in a matter of a few months in a total of 25 countries.

Following a coup d'état in Chile in September 1973, another resettlement programme was launched. Refugees from neighbouring countries were faced with a new hostile regime in their country of asylum (Chile) and, fearing *refoulement*, sought sanctuary in churches and embassies. The High Commissioner addressed an appeal to the Chilean Government that refugees in that country be adequately protected and on no account expelled to their country of origin. The High Commissioner simultaneously requested assistance from resettlement countries. By March 1974, nearly 5,000 people had been resettled to a total of 19 countries. Resettlement, mainly to other countries in the region, continued to play a prominent role in Latin America throughout the 1970s and in Central America in the 1980s.

The largest and most dramatic example of resettlement in modern times occurred in South East Asia. A massive exodus from Vietnam followed the collapse of the Saigon regime in 1975. The many that crossed the perilous seas of South East Asia became known as "boat people". By 1979, a major protection crisis had developed as certain asylum countries refused to accept more refugees, prevented boats from landing and in some cases towing them out to the high seas. At the same time, over 200,000 refugees were languishing in camps in the region. Confronted with this political and humanitarian crisis, the international community decided at the first conference on refugees from Indo-China, held in 1979, that Vietnamese boat people arriving in first asylum countries in South East Asia would be allowed to land in the region but would then be resettled in other countries. In the years that followed, nearly 700,000 Vietnamese were resettled.

In 1986, the situation changed dramatically as a result of a sudden and massive increase in clandestine departures from Vietnam. The number of boat people in camps leapt from 31,694 at the beginning of 1986 to 65,349 by early 1989. Since there had not been a significant deterioration in the human rights situation in Vietnam, it was clear that the exodus, while retaining a refugee dimension, was increasingly driven by economic factors. A second International Conference on Indo-Chinese Refugees was convened in June 1989. It adopted a Comprehensive Plan of Action (CPA) in an attempt to address the issue in a global and systematic way.

The CPA did away with blanket resettlement for all boat people and introduced an approach that included the following elements:

- All Vietnamese boat people would be permitted to land in first asylum countries and would be screened for refugee status.
- All boat people who qualified as refugees would be resettled in a third country. Those who did not qualify would have to return to Vietnam under a guarantee, monitored by UNHCR, that they would not be prosecuted for illegal departure.
- A programme would be set up by UNHCR to provide reintegration assistance to the returnees.
- The Orderly Departure Programme (ODP)¹ would be expanded, its criteria liberalized and its procedures simplified to allow easier legal emigration for eligible groups such as family reunification cases and former re-education camp internees.
- A “mass information campaign” would be launched in Vietnam to inform the population of the provisions of the CPA, in order to discourage those who would not qualify as refugees from embarking on a life-threatening journey in the mistaken belief that they would automatically be resettled in the West.

The implementation of the mass information campaign and the beginning of voluntary repatriation to Vietnam brought about a substantial drop in the number of boat people.

¹ Mainly in an effort to open up the possibility of legal emigration from Viet Nam and so reduce the number of clandestine departures, which had resulted in considerable loss of life at sea, UNHCR helped set up an Orderly Departure Programme, known as the ODP, which provided a safer, officially-sanctioned channel for emigration.

In retrospect, the decision in 1979 to adopt blanket resettlement, while averting the immediate threat of massive loss of life, led to an additional problem as the number of migrants pursuing economic and social opportunities outside of their country of origin or habitual residence outnumbered the number of refugees. Meanwhile, elsewhere in the world, people who were in desperate need of resettlement suffered from lack of available places. By the late 1980s, resettlement – designed as an important solution and protection tool for individual refugees meeting certain specific criteria – had achieved its objective of safeguarding the concept of first asylum by ensuring that refuge continued to be granted in neighbouring countries. But it had also become the chief “pull-factor” in a mass-migration movement where a number of people left their homeland primarily for economic and social reasons rather than for reasons of feared persecution, armed conflict, generalised violence, foreign aggression or other circumstances having seriously disturbed public order.¹

In the late 1980s, the major focus of resettlement activity shifted to the Middle East where the Iran/Iraq war and repressive regimes lead to significant protection and resettlement needs.

The overthrow of the Shah and the creation of the Islamic Republic of Iran by Ayatollah Khomeini in 1979 unleashed serious religious persecution of Iranian Bahais. In 1979, Bahai centres, cemeteries and holy places were confiscated and the House of the Bab, the most important Bahai location in Iran, was destroyed. In 1980, 10,000 Bahais were banned from government and teaching jobs, and stripped of pension benefits. Bahai children were excluded from universities, and then from schools. Homes, farms and businesses belonging to Bahai were looted, vandalized, and seized. Consequently, during the 1980s, many Iranian Bahais sought asylum in neighbouring countries, such as Turkey and Pakistan, and were later resettled, mainly to the US.

At the beginning of March 1991 – as a result of the first Gulf War - approximately 2 million Iraqis arrived at the borders of Turkey and Iran within a period of scarcely three weeks. Over 450,000 mainly Kurdish people fled to the Turkish frontier. Turkey refused to grant the Kurds asylum, and US-led coalition forces therefore established a ‘safe haven’ for them inside Northern Iraq. Eventually most of these Kurds voluntarily repatriated once the situation had become sustainable. However, some Iraqis already present in Turkey were at risk of *refoulement* and there was no other durable solution available but to submit them for resettlement in a third country.

¹ This is the broader sense of the term “refugee” as outlined in the 1994 UNHCR Note on International Protection (UN Doc. A/AC.96/830) paras.8, 10-11 and 31-2. It reflects the requests by the General Assembly and endorsement by the international community that UNHCR’s competence be extended generally to all refugees from armed conflict or other ‘man-made disasters’ who do not otherwise come within the terms of the 1951 Convention and its 1967 Protocol.

In 1992, following the first Gulf War in 1991, UNHCR sought to resettle some 30,000 Iraqis from Saudi Arabia after efforts to explore possibilities for voluntary repatriation and local integration had failed. Between April 1992 and June 1997, approximately 21,800 Iraqis had been accepted for resettlement.

Another major challenge arose in 1992 with the need for resettlement of inmates from places of detention in Bosnia and Herzegovina. An emergency operation started on 1 October 1992 under an agreement with the International Committee of the Red Cross (ICRC) who transferred detainees to a UNHCR centre at Karlovac in Croatia. By early July 1993, 22 countries had offered temporary protection or resettlement to the ex-detainees and their families and over 11,000 people had left for third countries. By June 1997, UNHCR had been directly involved in the resettlement of some 47,000 refugees from former Yugoslavia.

In 1999, resettlement was used to support the UNHCR relief operation and “humanitarian evacuation program” (HEP) that took place in FYR Macedonia as a result of the Kosovo crisis. By the end of the emergency, almost 96,000 refugees had benefited from the humanitarian evacuation program in 28 host countries. Some of the host countries utilized their annual resettlement quotas to support this burden-sharing initiative. The Kosovar refugees that were received as part of the HEP but under regular resettlement quotas were allowed to remain in the receiving country permanently.

The civil war in Sudan, which has ravaged its southern provinces for the last 20 years, left scores of refugee children and adolescents without family protection. After experiencing years of deprivation, loss of family, war violence, and life in refugee camps, a large portion of the Sudanese refugee youth in Kenya, or the “Lost Boys”, as they have been called, was resettled in the US in two groups starting in late 2000. One group arrived in the US prior to their 18th birthday and was resettled through the Unaccompanied Minors Program. A total of 3500 Sudanese “Lost Boys” were resettled in the US, with approximately 15 % being unaccompanied minors and 85% over the age of 18. Some girls were also included in the group.

Further, UNHCR was involved for over a decade in promoting a durable solution for the over 15,000 Somali Bantu refugee population in Kenya. For several years, UNHCR sought to find a local solution for them; however these efforts were ultimately unsuccessful. It was thus decided to consider resettlement for the population and, in December 1999, the US designated the Somali Bantu as a group of special concern eligible for resettlement consideration. Arrivals began in the spring of 2003 and continue to date. The Somali Bantu represent one of the largest single groups to be resettled from Africa.

History has shown that when the needs are compelling, and the political will exists, resettlement can be arranged quickly and efficiently. With resettlement used strategically and as part of a comprehensive approach to durable solutions the aim is that this option be opened to greater numbers of refugees and that those refugees who are not resettled would nonetheless benefit from the operation, for example through enhanced protection in asylum.

Current policy developments and challenges¹

As indicated above, policy and practice in relation to resettlement have undergone significant changes in recent years. The popularity of resettlement as a solution waned over the decades following the aforementioned large-scale and systematic processing of Indo-Chinese refugees for resettlement in the late 1970s and 1980s. During the 1990s, resettlement became increasingly used as response mechanism for the protection of individual cases, based on rigorous and individualized processing. In more recent years, the function of resettlement as a durable solution has been regaining prominence, alongside its individual protection dimension. Resettlement today is thus a global programme, benefiting refugees of diverse nationalities and geographical location, with growing emphasis on the identification of caseloads according to group or category.

There has also been a marked increase both in the number of countries engaged in resettlement and in the extent of UNHCR field office involvement. Currently most UNHCR offices in all regions are involved, albeit to varying degrees, in resettlement activities. International fora have also given increasing consideration to resettlement as vital tool within the refugee protection regime. In the past few years, calls to expand the use of resettlement featured prominently both within the conclusions adopted by the Executive Committee and those of other international fora on International Protection.

These important changes in how resettlement is viewed mirror those in the international protection environment. Globalization, the proliferation of conflict-driven displacement, protracted refugee situations with no prospect of timely and safe solutions, and increasing pressures created by international, mixed migratory flows, have all compelled UNHCR to approach the solution of resettlement in a new light.

¹ See generally *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256

Agenda for Protection and Convention Plus

While voluntary repatriation may be the preferred outcome for most refugees, donor States and countries of asylum, other solutions, including resettlement, cannot be neglected. Indeed, as confirmed by the *Agenda for Protection* there is a growing recognition of the need for a more comprehensive approach to refugee problems that involves helping different groups of refugees to find appropriate solutions to their plight, according to their individual circumstances, aspirations and the opportunities available. Resettlement is an essential element in a comprehensive strategy of refugee protection, and the strategic use of resettlement forms one part of such a comprehensive approach.

Although the overall number of refugees in need of resettlement has decreased in recent years, the profile of resettlement cases has been increasingly characterized by new and diverse nationalities, and also by more complex cases originating from national armed conflicts and needing specialized attention and treatment, such as victims of torture and women-at-risk. This has generated a variety of challenges for UNHCR and for resettlement countries, ranging from how to better define the standards for resettlement, to responding to the special needs of resettled refugees, to extending support networks in the host communities. The need for broadly-based resettlement programmes may arise again as part of international endeavours to ensure protection and promote durable solutions as well as responsibility sharing.

Certainly, the role of resettlement has gained new impetus with the adoption of the *Agenda for Protection*¹ and the *Convention Plus* initiative, elements of which have been explained above.

In the context of the *Agenda for Protection*, it is sought to expand resettlement opportunities and use resettlement more efficiently both as a protection tool, a durable solution and as a tool of burden sharing. Improvements on the part of UNHCR include better management of its resettlement activities; a more comprehensive approach to the use of resettlement as a durable solution; enhanced partnership in resettlement processing; planning for the use of resettlement in a more strategic manner to maximize the benefits offered by this solution to individuals other than those who are resettled; the inclusion of a proactive planning tool for resettlement in Country Operations Plan (COP) under which all offices are responsible for examining possible resettlement needs within their operation; and the introduction of a Group Methodology.

¹ The *Agenda for Protection* (A/AC.96/965/Add.1) is the jointly owned product of UNHCR's *Global Consultations on International Protection*, launched in late 2000 to engage States and other partners in a broad-ranging dialogue on how best to revitalize the existing international refugee protection regime while ensuring its flexibility to address new problems. The *Agenda* was endorsed by the UNHCR Executive Committee (ExCom Conclusion No. 92 (LIII) – 2002) and welcomed by the United Nations General Assembly (A/RES/57/187) in 2002. Information on *Convention Plus* is available and regularly updated on <http://www.unhcr.ch>.

The *Convention Plus* initiative provides a framework for the adoption of multilateral special agreements to ensure improved burden sharing. One priority issues for such agreements is the strategic use of resettlement as a tool of protection, a durable solution and tangible form of burden-sharing. A *Framework of Understandings* is being prepared by the core group on resettlement under the Convention Plus Forum. This framework will guide deliberations on the adoption of special agreements. Actions under the Framework are delineated for the designated party or parties within the areas of

- Leadership and coordination
- Registration and documentation
- Selection Criteria
- Family Unity
- Transparency in multilateral resettlement operations
- Integrity of the Process
- Effective Programme delivery
- Integration support
- Sustained and enhanced commitment to multilateral resettlement operations

Integration of resettled refugees

As in the case of the million and more Indo-Chinese who have been resettled in Australia, Canada, France and the United States of America, third country resettlement often entails taking refugees from their country of first refuge, transporting them thousands of kilometres across the world, and helping them to adapt to societies where the culture, climate, language and social structure are unfamiliar. In spite of all efforts, refugees may face problems adapting to such different circumstances. Nevertheless, it is the experience of many Governments and non-governmental organizations that the overwhelming number of refugees successfully overcomes such challenges in order to establish themselves in their new country and community. Many resettled refugees, particularly younger family members, have made an astonishing success of their new lives.

Notwithstanding such success stories, rising xenophobia in many countries traditionally welcoming refugees and/or immigrants has carried with it greater difficulty for refugees, resettled or not, to achieve a durable and sustainable solution to their plight through integration in their new communities. For example, xenophobia may result in employers not wishing to hire refugees, thereby impeding integration through work opportunities. The *Agenda for Protection* calls upon states to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy. Language training, education, vocational training, employment, support for family reunification – these and many other activities are the building blocks of integration.

And while resettlement is a way of protecting refugees and a tangible sign of responsibility-sharing by states, there is no doubt that refugees also make important contributions to their new societies.¹ Such messages may assist in countering hostile sentiments held in some segments of society towards refugees, including those who arrived under resettlement programmes.

Costs related to resettlement

A point of criticism sometimes advanced against resettlement concerns the expense of this solution. As mentioned above, it involves arranging international transport, providing income support, helping to integrate refugees in the resettlement country and, in some cases, paying for costly follow-up medical treatment and counselling. It is also labour-intensive and requires highly trained staff. While these concerns are recognized, it should also be acknowledged that continued assistance to refugees who cannot find a durable solution, often over long years is also costly both in terms of human and financial terms. In addition, it should be mentioned that increased efforts to promote burden and responsibility-sharing in the field of resettlement form an integral part of the *Agenda for Protection* and is the very rationale for the deliberations undertaken in connection with *Convention Plus*. More specifically, the adoption and application of the *UNHCR Methodology for the Resettlement of Groups* in this regard, may result in a less labour intensive exercise compared to individual processing, thus maximising resources. Chapter 7 of this Handbook deals in detail with group resettlement under UNHCR's auspices.

The new Resettlement environment²

Resettlement activities are inevitably influenced by a number of important factors. External realities and competing pressures in the resettlement environment have to be accommodated in any solutions strategies of which resettlement is an important part. Among them are the following:

Protracted refugee situations and burdens on asylum countries. Today, there are clearly more refugees in need of resettlement than there are places or resources available. A lack of resolution of the root causes of flight and insufficient resources in host countries have resulted in refugees being unable for long periods to either repatriate safely or integrate locally. These severe strains on the protection regime in countries of first asylum lead to extraordinary pressure on the resettlement process.

¹ *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, UNHCR and the Victorian Foundation for the Survivors of Torture, 2002, Foreword by the High Commissioner.

² See *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, paragraph 11 (a-f).

Countries hosting large numbers of refugees for a long period, with no durable solution in sight, have to contend with resulting economic, social or security problems which can be additional burdens on often fragile domestic structures. These countries are increasingly looking to UNHCR to institute burden-sharing measures as well as to expedite solutions.

Managed Migration and Globalization Trends: In many parts of the world, the entanglement of migration and asylum has made the work of UNHCR more challenging. Globalisation has inter alia led to a higher degree of mobility. Resulting migration trends have influenced perceptions by governments of the proper role and function of resettlement as a feature of global governance of international migration. Efforts both to limit or indeed to expand labour migration are starting again to impact approaches to resettlement. There is a danger that the unique characteristics of refugees, just as States' obligations under the 1951 Convention, will be obscured in the process.







Irregular, Secondary or Onwards Movements: The management of migration through increasingly restrictive measures has contributed to a rise in irregular movements. This has negatively impacted on resettlement, with countries increasingly unwilling to consider accepting refugees who move irregularly, for fear that this will encourage illegal migration, and that the people smugglers who make huge profits from it will be rewarded and encouraged to continue.

Security Concerns: Heightened security concerns have led to greater restrictions on refugee admissions in major resettlement countries. While some countries have instituted more restrictive legislation and other requirements for refugees, others have reduced the number of processing locations and increased security checks which have greatly extended the time required for processing. The predictability that once characterized the commitments of resettlement countries has proven most regrettably to be another casualty of recently implemented security measures. In view of the prevailing uncertainties in terms of quotas, criteria and timing, UNHCR offices are hindered in planning their resettlement work, in terms of making the necessary resources available and submitting candidates in a timely way.

Fraud in the processes: Refugee status and resettlement places are valuable commodities, particularly in countries with acute poverty, where the temptation to make money by whatever means is strong. This makes the resettlement process quite vulnerable to abuse. It becomes increasingly vulnerable the more restricted the access, and the smaller the resettlement quotas and opportunities. UNHCR has recognized and is acting on its clear responsibilities to tackle forcefully any cases of corruption and fraud. The possibilities for abuse are not, however, a reason for reducing resettlement where the need for it persists.

Security of staff: The aforementioned factors, in particular the smuggling and corruption issues have contributed to creating an increasingly insecure environment for UNHCR field staff and staff of partner organizations. The possibility of resettlement engenders high expectations on the part of many refugees caught in limbo. Action to expose fraud, combined with frustrated expectations in the face of slow moving processes, delayed departures or rejected resettlement applications are resulting in threats to the safety of UNHCR and that of their partners in the field.

ESSENTIAL READING:

-  *Agenda for Protection*, A/AC.96/965/Add.1.
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement*, 21 June 2004.
-  *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, Standing Committee 27th meeting, EC/53/SC/CRP.10/Add.1, 3 June 2003.
-  *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, EC/GC/02/7, 25 April 2002.
-  *New Directions for Resettlement Policy and Practice*, Standing Committee Information Note, EC/51/SC/INF.2, 14 June 2001.
-  *Progress Report on Resettlement*, Standing Committee, 30th meeting, EC/54/SC/CRP.10, 7 June 2004.

FURTHER REFERENCE:



-  *Convention Plus at a Glance (as of 14 May 2004)*, UNHCR, Geneva, 14 May 2004.
-  *The State of the World's Refugees. Fifty Years of Humanitarian Action*, UNHCR. 2000.

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COMPREHENSIVE APPROACH TO RESOLVING REFUGEE SITUATIONS AND PROVIDING APPROPRIATE DURABLE SOLUTIONS

Resettlement is an essential element in a comprehensive strategy of refugee protection, the attainment of durable solutions, and burden and responsibility-sharing. There is a need for more coherence by integrating voluntary repatriation, local integration and resettlement, whenever feasible, into one comprehensive approach, implemented in close cooperation among countries of origin, host States, UNHCR and its partners as well as refugees.¹ Such comprehensive approach entails, *inter alia*, that the three durable solutions be considered simultaneously in a manner where they complement each other. Thus, it is important to note that there is no hierarchy of durable solutions. In this vein, UNHCR approaches resettlement as part of an international protection “continuum” ranging from the initial contact by the refugee with the Office or a Government in seeking protection to the final achievement of a durable solution, i.e. voluntary repatriation, local integration or resettlement.

Resettlement should be considered when refugees cannot repatriate and are at risk in their country of refuge or when they are resettled as part of a burden-sharing arrangement. The decision to resettle is taken in light of the prospects for other durable solutions and when there is no alternative and lasting way to eliminate the danger to the legal or physical security of the person concerned.

¹ *Agenda for Protection*, Goal 5: Redoubling the search for durable solutions, introductory paragraph.

In its engagement to protect refugees and promote durable solutions, UNHCR employs one comprehensive approach in order to find the most appropriate solution for the individual or groups of refugees. While voluntary repatriation in conditions of safety and with dignity remains the preferred solution for refugees, UNHCR is cognizant that local integration and resettlement continue to be applied where appropriate and feasible.² At the same time, it is important to note that a refugee who benefits from resettlement or local integration may eventually choose to repatriate.

Furthermore, it should be noted in determining the appropriate durable solution that neither the Statute of UNHCR, nor any other international instrument relating to refugees, sets out a hierarchy of durable solutions. Resettlement, as part of the comprehensive range of responses available to States and to UNHCR, is of equal importance with the other solutions, although the use of one or another of the solutions can vary greatly depending on its appropriateness, desirability and feasibility under the circumstances. UNHCR places emphasis on the use of resettlement worldwide as an integral part of comprehensive protection and durable solutions strategies.³

That the three solutions are complementary in nature, and can function simultaneously has been demonstrated in a number of recent programmes, including those for Bosnian refugees during the mid-1990s and for Afghan refugees in the early 2000s. While acknowledging that the need for temporary protection had ended and asserting the primacy of voluntary return for the majority, UNHCR also advocated with States to continue to provide protection to specific groups of refugees from the former Yugoslavia in the form of local integration and resettlement in third countries. States were encouraged to increase or maintain resettlement quotas for such groups while, at the same time, UNHCR was promoting voluntary repatriation for large parts of the refugee population. This same approach has also been taken with refugees from Afghanistan.

2.1 Voluntary Repatriation

When conditions prevail that allow return in safety and with dignity, going home is judged to be the most beneficial solution for refugees, as it enables them to resume their lives in a familiar setting under the protection and care of their home country. Improved conditions for voluntary repatriation and strengthened cooperation to make repatriation sustainable are areas identified for further attention under the *Agenda for Protection*. (See Goal 5, Objectives 2 and 3).

² States and NGOs endorsed this position in the *Declaration of States Parties*, Operative Paragraph 13.

³ *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*. Global Consultations on International Protection, 4th Mtg. UN Doc. EC/GC/02/7, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, para. 16.

The High Commissioner has further suggested an integrated approach to repatriation in post-conflict situations known as *Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)*.⁴ This approach brings together humanitarian and development actors and funds, and aims at allocating more resources for the creation of a conducive environment inside the countries of origin so as to prevent the recurrence of mass displacement and to facilitate sustainable repatriation. Pilot projects have brought together governments, development actors such as UNDP, the World Bank, UNICEF, and WFP, the donor community and bilateral aid agencies. The possibility of concluding special multilateral agreements in this regard is currently being explored under the framework of *Convention Plus*.

From UNHCR's perspective, the core of voluntary repatriation is return "in safety and with dignity", i.e. return in and to conditions of physical, legal and material safety, with full restoration of national protection the end product.⁵

Weighing the possibilities

When looking at this possible durable solution, it is important to identify the indicators which may determine that voluntary repatriation could be an option in the near or foreseeable future. For example, are peace talks underway in the country of origin, or is there a likelihood they will be in the near future? Have there been any spontaneous returns of refugees or internally displaced persons? Has the security situation in the country of origin improved? Are the minimum safeguards as to treatment upon return and conditions required to promote voluntary repatriation being met in the country of origin? Is continued asylum for those who remain refugees ensured?

These and a number of other factors as delineated in the 1996 UNHCR Handbook on Voluntary Repatriation, determine the involvement of UNHCR in any voluntary repatriation operation as well as with regard to the individual cases. In summary, UNHCR's mandate for voluntary repatriation includes the following:

⁴ *4Rs* constitute, along with *Development Assistance for Refugees (DAR)* and *Development through Local Integration (DLI)*, the so-called *Framework for Durable Solutions*. *DAR* targets protracted refugee situations and aims to equip refugees for any of the three durable solutions through self-reliance as opposed to year-long dependency on humanitarian assistance without a durable solution. The general concept of *DAR* is a better quality of life for refugees and the host community and self-reliance for the refugees. *DLI* is described below in this Chapter.

⁵ *Voluntary Repatriation*, Global Consultation on International Protection, 4th mtg., UN Doc. EC/GC/02/5, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 225-239, para. 15.

- Verify the voluntary character of refugee repatriation.
- Promote the creation of conditions that are conducive to voluntary return in safety and with dignity.
- Promote the voluntary repatriation of refugees once conditions are conducive to return.
- Facilitate the voluntary return of refugees when it is taking place spontaneously, even if conditions are not conducive to return.
- Create an enabling environment to allow return in physical, legal and material safety and with dignity.
- Organize, in cooperation with NGOs and other agencies, the transportation and reception of returnees, provided that such arrangements are necessary to protect their interests and well-being.
- Monitor the status of returnees in their country of origin and intervene on their behalf if necessary.
- Raise funds from the donor community in order to assist governments by providing active support to repatriation and reintegration programmes.
- Act as a catalyst for medium and long term rehabilitation assistance provided by NGOs, specialized agencies and bilateral donors.
- Undertake activities in support of national legal and judicial capacity-building to help states address causes of refugee movements

Ensuring the durability of the solution

Voluntary repatriation is clearly a protection function of UNHCR. For this reason, and particularly in the case of mass repatriation, it is important that a legal framework is set up to protect the returning refugees' rights and interests. The task of returnee monitoring by UNHCR should include the fulfilment of any amnesties or guarantees the country of origin has undertaken to implement. The criteria applied are based on the principle of voluntariness, i.e. that refugees should not be forced or coerced to return but are able to make a free and informed decision. It is also imperative that they may return in safety and with dignity with the support and cooperation of the country of asylum and home country. Whenever possible, UNHCR also advocates that returnees should be allowed to return to their place of former residence or any other place of their choice and that property rights are restored. The protection of refugees and returnees must be safeguarded during the process of return and reintegration and involves the continued monitoring of the safety of returnees to ensure that they are not subjected to further persecution or discrimination and that national protection is re-established. This, in principle, is also the case where UNHCR has only facilitated (not promoted) voluntary return, although the conditions for monitoring and intervention in such situations may not be optimal.

Comprehensive voluntary repatriation programmes

UNHCR and its partners need to address the rebuilding and development of the home country for both the short and long-term needs of the returning refugee population and, if so requested and specifically mandated, of other disadvantaged groups like internally displaced persons (IDPs) and affected local populations. Without such structures in place, the chances for successful reintegration are often negligible, and the risk of further displacement increases. Most large voluntary repatriation programmes involve the support of Governments and NGOs who work with UNHCR to ensure that the rights of refugees and returnees are respected and that their reintegration needs are met. Along with protection, essential assistance for those in need will include preparations for travel home, along with assistance in the reintegration process. This may include special longer-term programmes of development aid carried out by the related actors.

Advice and assistance

Refugees may seek assistance to return from the authorities (or UNHCR), either in their country of first asylum or in their country of resettlement, if they have retained their refugee status. In such cases it is important to bear in mind the following points:

- refugees are free and have the right to return to their country of origin at any time;
- the decision by a refugee to return should be voluntary;
- refugees must be provided with objective and up-to-date information on the situation in their country of origin to make an informed decision about repatriation; and
- the level of assistance and protection provided in the country of refuge should not be the determining factor for refugees to decide whether or not to return.

Many refugees decide to return to their home country spontaneously. Refugees who express the wish to return home independently of an organized repatriation programme may still require advice and assistance. They may ask the authorities of the resettlement or asylum country, or they may turn to an NGO or to UNHCR.




It should always be remembered that special arrangements should be in place to organize the return of vulnerable refugees (elderly, disabled, medical cases, unaccompanied minors, etc.). Such arrangements include travel and appropriate reception and care facilities on arrival in the home country.

UNHCR assistance for individual voluntary repatriation





Some resettlement countries have procedures and financial provisions available to assist refugees with voluntary repatriation.

UNHCR Headquarters should be approached for advice and possible assistance for individual refugees living in countries with no special provisions for voluntary repatriation and where the refugee has no access to financial resources, including from NGOs or other actors.

ESSENTIAL READING:

-  *Handbook Voluntary Repatriation: International Protection*. UNHCR Geneva, 1996.
-  *Voluntary Repatriation*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/5, 25 April 2002.
-  *Handbook for Repatriation and Reintegration Activities*, UNHCR, Geneva, May 2004

FURTHER REFERENCE:

-  *Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)*, UNHCR, March 2003.
-  *Handbook for Emergencies*, UNHCR, Geneva, Second Edition, June 2000 (chapter 19, *Voluntary Repatriation*).
-  *Annual Theme: Repatriation Challenges*, Executive Committee of the High Commissioner's Programme, 48th Sess., U.N. Doc. A/AC/96/887, 9 Sept. 1997.
-  *Voluntary Repatriation (RP 1)*. Training Module. 2nd Edition. UNHCR Geneva, 1996.

2.2 Local Integration

Local integration of refugees in the country of asylum is one of the durable solutions to the problem of refugees, particularly if voluntary repatriation cannot be pursued in the foreseeable future. Successful local integration requires agreement by the host country concerned, an enabling environment that builds on the resources refugees bring with them, thereby implicitly contributing to the prevention of secondary movement.

Local integration follows the formal granting of refugee status, whether on an individual or *prima facie* basis, and assistance to settle in order for the refugee to live independently within the community.

Local integration and refugee self-reliance⁶

Local integration in the refugee context is the end product of a multifaceted and on-going process, of which self-reliance is only one part. Integration requires preparedness on the part of the refugees to adapt to the host society, without having to forego their own cultural identity. From the host society, it requires communities that are welcoming and responsive to refugees, and public institutions that are able to meet the needs of a diverse population. As a process leading to a durable solution for refugees in the country of asylum, local integration has three inter-related and quite specific dimensions.

First, it is a legal process, whereby refugees are granted a progressively wider range of rights and entitlements by the host State that are broadly commensurate with those enjoyed by its citizens. These include freedom of movement, access to education and the labor market, access to public relief and assistance, including health facilities, the possibility of acquiring and disposing of property, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of local integration. It is a process which should lead to permanent residence rights and ultimately, the acquisition of citizenship.

Second, local integration is clearly an economic process. Refugees become progressively less reliant on State aid or humanitarian assistance, attaining a growing degree of self-reliance and becoming able to pursue sustainable livelihoods, thus contributing to the economic life of the host country.

Third, local integration is a social, cultural and political process of acclimatization by the refugees and accommodation by the local communities, that enables refugees to live amongst or alongside the host population, without discrimination or exploitation and contribute actively to the social life of their country of asylum. It is, in this sense, an interactive process involving both refugees and nationals of the host State, as well as its institutions. The result should be a society that is both diverse and open, where people can form a community, regardless of differences.

⁶ *Local Integration*, Global Consultation on International Protection, 4th mtg. UN Doc. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 239- 249, Sections III and IV. This working definition may be further amended with the issuance of UNHCR's Handbook on Integration Rights in 2004.

Local integration builds on Article 34 of the 1951 Convention and can only be achieved if there is an enabling environment. This includes the grant of a legal status, temporary but renewable or permanent residence status, access to civil, socio-economic and cultural rights and, to a certain degree, political rights, as well as a viable economic situation, availability of affordable housing and access to land, as well as receptive attitudes within the host community. With the grant of citizenship, a refugee ceases to be in need of international protection and will be considered to be fully, legally integrated.

Article 34 of the 1951 Convention encourages States to facilitate, as far as possible, the naturalization of refugees through expedited naturalization proceedings and reductions of the charges and costs of such proceedings. A similar provision as regards stateless persons is included in Article 32 of the 1954 Convention relating to the Status of Stateless Persons. The *Agenda for Protection* encourages States to “examine where, when and how to promote the grant of a secure legal status and residence rights, which could include the opportunity to become naturalized citizens of the country of asylum, for refugees who have already attained a considerable degree of socio-economic integration.”⁷

Promoting *self-reliance* and reducing the need for external support is in the interests of refugees, host States and the international community generally, **whatever the durable solution may ultimately be**. For the purposes of this Handbook, self-reliance refers to the ability of an individual, household or community to meet essential needs in a sustainable manner and with dignity. Essential needs include food, water, shelter, personal safety, health and education.⁸

Promoting self-reliance helps refugees to seize available opportunities to establish livelihoods. At the same time, self-reliance contributes to the realization of durable solutions at a later stage, since self-reliant refugees have acquired skills and experience that they will be able to put to use wherever they are: in the country of origin upon return; in a country of resettlement; or in the country of asylum, should local integration become the durable solution. The process of local integration is greatly facilitated by refugees becoming self-reliant, since they are better able to interact with the local population economically and socially, and thereby contribute to local development as an asset rather than a “burden”.

⁷ *Agenda for Protection*, Goal 5, Objective 4 (Local integration having its proper place as part of a comprehensive strategy for durable solutions), Action 2.

⁸ See UNHCR (DOS), Handbook on *Self-Reliance* (publication forthcoming).

Relationship between local integration, self-reliance and local settlement⁹

Local integration and self-reliance are related but different, one from another. The following distinction can be made. *Local integration* is commonly referred to as one of the three 'durable solutions' available to refugees. It is based on the assumption that refugees will remain in their country of asylum permanently and find a solution to their plight in that State. Ideally, that will involve the acquisition of citizenship.

Self-reliance, on the other hand, does not presuppose that refugees will find a durable solution in the country of asylum. Rather, it should be seen as the precursor to any of the three durable solutions. In the context of local integration as a durable solution, self-reliance can be seen as part of a continuum, progressively leading to local integration.

Local settlement is situated somewhere in between self-reliance and local integration. It was practiced widely in developing countries, particularly in Africa, between the 1960s and 1980s, at a time when large-scale influxes were met in a number of host countries by recognition of new arrivals on a *prima facie* basis, coupled with provision of land where the refugees could establish new settlements, engage in farming and other economic activities. In some instances, locally settled refugees might indeed remain in their country of asylum and become progressively integrated there. But in other instances, local settlement is a temporary phase, allowing refugees to become self-reliant, pending the time when they are able to benefit from the solution of voluntary repatriation.

Development towards self-reliance and local integration

In most developed countries, Governments and NGOs work closely to provide the necessary infrastructure and resources to assist refugees to integrate in their new host society. This includes assistance to regularize legal status, exercise civil, cultural and socio-economic rights, including the right to employment, and to have access to social counselling, language courses and various vocational training. In other parts of the world, UNHCR and NGOs provide material and financial assistance as well as counselling to refugees, enabling them to become self-reliant, whether they are located in urban or rural areas of settlement. This assistance may consist of income-generating, agricultural or community development projects, the latter benefiting the region or local communities.

Development programmes aim to benefit both refugees and local populations and eventually render the refugees self-reliant to reduce dependency upon outside financial assistance.

⁹ *Local Integration*, Global Consultation on International Protection, 4th mtg. UN Doc. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 239- 249, Section V, paras. 14-17.

This approach is taken under the *Framework for Durable Solutions*, in particular as regards *Development through Local Integration (DLI)*, a strategy proposed by the High Commissioner. Empowerment and enhancement of productive capacities and self-reliance of refugees through *Development Assistance for Refugees (DAR)* would lead equipped and capacitated refugees to either of the durable solutions, including local integration in the country of asylum. *DLI* is based on the understanding that those refugees who are unable to voluntarily repatriate and are willing to integrate locally will find a solution to their plight in their country of asylum. Central to the success of a *DLI* strategy is the commitment and attitude of the host government and local authorities, as well as the commitment on part of the international donor community to provide additional assistance.

Similar to *DAR*, the *DLI* programming approach envisions broad-based partnerships between governments, humanitarian and both multi-and bilateral development agencies. As with *DAR*, *DLI* would be applied in protracted refugee situations where the State opts to provide opportunities for the gradual integration of refugees. By soliciting additional development funds for durable solutions through local integration, better quality of life and self-reliance for refugees would be achieved along with improvements in the quality of life for host communities.¹⁰





Constraints to local integration

It should be noted, however, that opportunities for local integration in countries of asylum are limited. Some asylum countries are not signatories to universal or regional instruments concerning refugees and/or do not apply practices akin to the rights enumerated under the 1951 Convention. For others, the absorption of refugees into the host community may be economically, socially or politically destabilising, especially in large-scale influxes. UNHCR's efforts to achieve universal accession to the 1951 Convention and its 1967 Protocol,¹¹ as well as the comprehensive approach to durable solutions adopted under the *Agenda for Protection and Convention Plus* aim at alleviating these constraints to local integration prospects for refugees.

¹⁰ *Development through Local Integration, DLI- Framework*, UNHCR Core Group on Durable Solutions, 19 March 2003.

¹¹ *Agenda for Protection*, Goal 1, Objective 1.

ESSENTIAL READING:

-  *UNHCR Handbook on Integration Rights* (draft to be issued 2004).
-  *Local Integration*, Global Consultations on International Protection, 4th mtg. U.N. Doc. EC/GC/02/7, 25 April 2002.
-  *Development Assistance for Refugees (DAR)*, UNHCR Core Group on Durable Solutions, 19 March 2003.
-  *Development through Local Integration*, DLI-Framework, UNHCR Core Group on Durable Solutions, 19 March 2003.

2.3 Resettlement in the context of other durable solutions

Voluntary repatriation and resettlement

As a matter of UNHCR policy stipulating in favour of a comprehensive approach to durable solutions, the possibility of resettlement for certain individuals or for specific groups of refugees is not precluded by voluntary repatriation within a population. At all stages of voluntary repatriation - that is during spontaneous returns, during facilitation or active promotion of voluntary return, and for residual caseloads - there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin or other reasons. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation. Equally, resettlement under UNHCR's Group Methodology (see Chapter 7 of this Handbook) should in principle only be considered where returns are spontaneous or as a means of possibly dealing with residual caseloads. All resettlement criteria would apply in situations of spontaneous returns and with regard to possible residual caseloads, while during facilitated or promoted voluntary repatriation operations the emphasis would, in principle, be on criteria pertaining to legal and physical protection as well as refugees with special needs.¹²

Local integration, self-reliance and resettlement

The complementarity of the three durable solutions has been mentioned above in reference to specific groups of refugees from the former Yugoslavia as well as Afghans.

¹² Draft *Parameters for [the] use of resettlement during voluntary repatriation operations*, UNHCR Regional Resettlement Strategic Planning Meeting, Nairobi, Kenya, 6-8 February 2004.

Concerning these caseloads, States were encouraged to increase or maintain resettlement quotas at the same time as local integration was promoted on part of some refugee groups, and voluntary repatriation promoted as regards large parts of the refugee population.

UNHCR offices in the field have reported on some occasions that refugees equate self-reliance with local integration, and erroneously perceive that the pursuit of self-reliance jeopardizes resettlement submissions referring to the absence of “local integration prospects”. See Chapter 4 of this Handbook for details. As has been explained above, *self-reliance* provides the basis for all three durable solutions, and *as such it does not in itself constitute local integration nor does it preclude resettlement*. Inadequate handling of information on resettlement possibilities might lead to wrong expectations and hopes on part of the refugees, and therefore the following points should be borne in mind when communicating with refugee, governments and other partners.

- **Information:** Where resettlement is not an option for refugees, UNHCR must provide clear messages to refugees that this is the case, in order to dismantle unrealistic hopes. In case of rejections of resettlement applications, applicants should be notified in accordance with established standards. See Chapter 6 of this Handbook on basic procedures.
- **Counselling:** Refugees must be appropriately counselled through the various phases of their refugee life on the nature of the different durable solutions. Those with special needs should be counselled on prospects in future host countries, in particular as to their possibilities of being integrated into the labour market. Refugees who have unsuccessfully applied for resettlement should be counselled with a view to reaching alternative solutions, including self-reliance through appropriate schemes and vocational training.
- **Partner organisations:** Provide clear information to partner organisations on resettlement possibilities and provide proper training on resettlement to enable partners to adequately counsel and inform refugees.
- **Tools:** In cooperation with local authorities and refugee community leaders, establish and maintain a refugee skills database aiming at promoting self-reliance projects and enhancing refugees’ capacities to achieve durable solutions, including resettlement where established criteria are met.

Integration of resettled refugees

The *Agenda for Protection* calls on UNHCR to seek the expansion of the number of countries engaged in resettlement and on States to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy.¹³ Language and vocational training, access to education, employment, support for family reunification are examples of activities that are the building blocks of integration. Integration of resettled refugees, in turn, would benefit the host State as empowered refugees more easily can make valuable contributions to their community. The definition of resettlement - as include in Chapter 1 of this Handbook - implicitly suggests measures to be undertaken with a view to integrate resettled refugees as a means of providing a sustainable, durable solution.¹⁴ Moreover, while the comments above on local integration of (non-resettled) refugees are tailored to the situation of refugees in countries of asylum, they generally also apply for resettled refugees.

The success of integration programmes have primarily depended on the political commitment of resettlement countries in this regard, and - consequently - the financial and human resources made available by the host Government. However, attitudes among resettled refugees have to some degree also determined the outcome of integration efforts, sometimes adversely.

Also, a number of countries have set up resettlement programs for the first time, including some located in the same regions as the countries the refugees have fled.

Against this backdrop, the need was identified to provide guidance on the reception and integration of resettled refugees. A Handbook was issued by UNHCR in 2002 to meet this need, as a response to an idea emerging from the 2001 *International Conference on the Reception and Integration of Resettled Refugees*, in Norrköping, Sweden, which was attended by Governments, UNHCR, NGOs and resettled refugees alike.¹⁵ The Handbook on reception and integration of resettled refugees is intended as a resource to help in the development of sound programs for the integration of resettled refugees. It provides practical examples of "best practices" in various areas of integration.

¹³ *Agenda for Protection*, Goal 5, Objective 5, Actions 1 and 5.

¹⁴ "Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them - as refugees - with permanent residence status. The status provided should ensure protection against *refoulement* and provide a resettled refugee and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals. It should also carry with it the opportunity to eventually become a naturalized citizen of the resettlement country."

¹⁵ The handbook is entitled *Refugee Resettlement. An International Handbook to Guide Reception and Integration*, A publication sponsored by the Office of the United Nations High Commissioner for Refugees in collaboration with its governmental and non-governmental partners and resettled refugees, UNHCR and the Victorian Foundation for Survivors of Torture, 2002.






The Handbook is not a “how to”- guide, but is intended to assist any government or community planning to receive resettled refugees and should be particularly useful for countries or communities considering refugee resettlement for the first time.

The Handbook describes integration in the following manner:¹⁶





- “Integration is a mutual, dynamic, multifaceted and on-going process. From a refugee perspective, integration requires a preparedness to adapt to the lifestyle of the host society without having to lose one’s own cultural identity. From the point of view of the host society, it requires willingness for communities to be welcoming and responsive to refugees and for public institutions to meet the needs of a diverse population.” [The section in quotation marks is adapted from the European Council on Refugees and Exiles (ECRE), *Policy on Integration*, 1999.]
- “Integration is “multi-dimensional in that it relates both to the conditions for and actual participation in all aspects of the economic, social, cultural, civil and political life of the country of resettlement as well as to refugees’ own perceptions of, acceptance by and membership in the host society.”[The section in quotation marks is adapted from *Policy on Integration*, ECRE, 1999].
- Opportunities for resettled refugees to become citizens and to enjoy full and equal participation in society represent an overarching commitment by governments to refugee integration.
- Family reunification is crucial to refugee integration. Similarly, relatives and ethnic community networks can play key roles in successful refugee integration.
- A multi-dimensional, comprehensive and cohesive approach that involves families, communities and other systems can help refugees to restore hope and to re-build their lives.

¹⁶ “Guiding principles”, “Integration”, pp. 12-13.

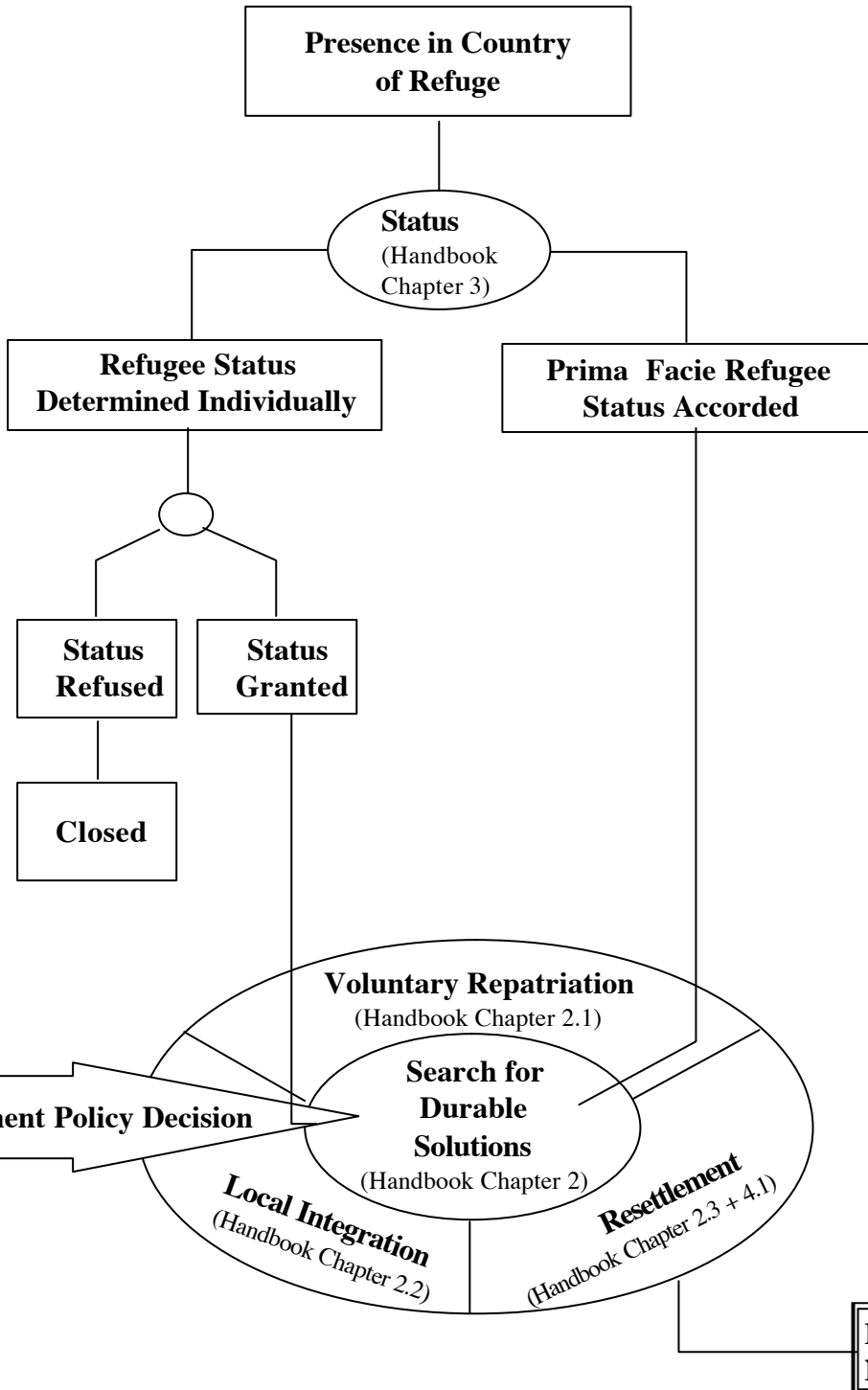
ESSENTIAL READING:

-  *Agenda for Protection*, A/AC.96/965/Add.1.
-  *Refugee Resettlement. An International Handbook to Guide Reception and Integration. A publication sponsored by the Office of the United Nations High Commissioner for Refugees in collaboration with its governmental and non-governmental partners and resettled refugees.* UNHCR and the Victorian Foundation for Survivors of Torture, 2002.
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement*, 21 June 2004.
-  *Convention Plus at a Glance (as of 14 May 2004)*, UNHCR, Geneva, 14 May 2004.
-  *Progress Report on Resettlement*, Standing Committee, 30th meeting, EC/54/SC/CRP.10, 7 June 2004.

FURTHER REFERENCE:

-  *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities, Global Consultations on International Protection*, EC/GC/02/7, 25 April 2002.
-  *New Directions for Resettlement Policy and Practice*, Standing Committee Information Note, EC/51/SC/INF.2, 14 June 2001.
-  *The Strategic Use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, Standing Committee 27th meeting, EC/53/SC/CRP.10/Add.1, 3 June 2003.
-  *Progress Report on Resettlement*, Standing Committee, 30th meeting, EC/54/SC/CRP.10, 7 June 2004.

Resettlement Process Flowchart



Resettlement Need



Identification of Resettlement Needs

(Handbook Chapter 6.1)

Case Assessment and Verification

Resettlement may be an
appropriate solution
(Handbook Chapters 6.1 + 6.2)

**Decision by the accountable
officer
on the need for Resettlement**

**Resettlement is
an appropriate
solution**

**Resettlement is
not an appropriate
solution**

**Continued Need
for Protection**
(Handbook Chapter 3)

**Seek other
Durable
Solution**

**Status
Refused/
Withdrawn**

Status Confirmed

Closed

**Resettlement
Documentation**



Resettlement Documentation



Resettlement Interview

Apply Resettlement Criteria

Legal & Physical Protection Needs (Handbook Chapter 4.2)	Medical Needs (Handbook Chapter 4.4+6.5)	Survivors of Violence and Torture (Handbook Chapter 4.3+6.4)	Women-at-Risk (Handbook Chapter 4.5+6.6)	Family Reunification (Handbook Chapter 4.6+6.7)	Children and Adolescents (Handbook Chapter 4.7+6.8)	Elderly Refugees (Handbook Chapter 4.8)	Refugees without Local Integration Prospects (Handbook Chapter 4.9)
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Compilation of Resettlement Registration Form (RRF) and related documentation

Decision by the accountable officer on the quality of the Resettlement submission

To Be Submitted

(Handbook Chapter 6.9)

Submission

To be Reviewed

Resettlement Submission Procedure



Resettlement Submission

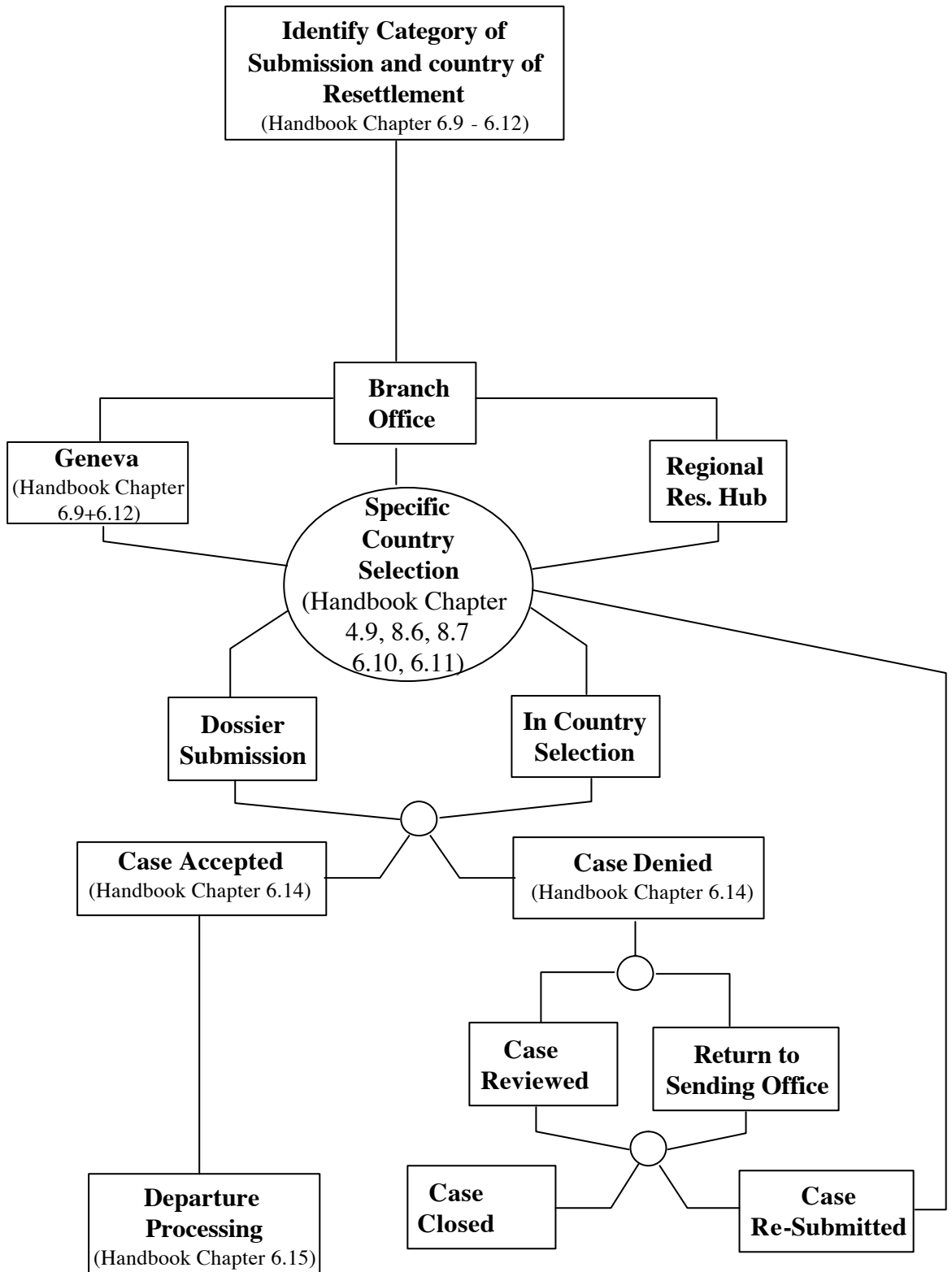


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REFUGEE STATUS AND RESETTLEMENT

Resettlement under the auspices of UNHCR is strictly limited to mandate refugees who have a continued need for international protection.

3.1 General Considerations

Normally, a decision on the refugee status of an individual should already have been made before resettlement is considered. However, there may be a need to review and clarify this decision before resettlement is pursued. Some key issues are introduced in this Chapter.

A complete discussion of the relevant parts of refugee law and eligibility determination would exceed the scope of this Handbook. Persons dealing with resettlement are therefore strongly encouraged to consider the items under *Essential Reading* at the end of this Chapter, to ensure the necessary comprehensive understanding of the relevant issues.

In practice, resettlement and protection staff needs to cooperate closely to ensure that individuals have been determined to be refugees, be it individually or *prima facie* as a group, and that cases have been adequately documented before resettlement is pursued.

3.2 Refugee Status as a Precondition

Resettlement under the auspices of UNHCR is strictly limited to refugees under its mandate. It is therefore essential to ensure that each individual referred for resettlement is determined to fall under UNHCR's mandate. In the family context, particularly in cases of family reunification under resettlement provisions (see Chapter 4.6 for details), it suffices that one family member has been determined to be a refugee within UNHCR's mandate. Resettlement of persons who are not within the mandate of UNHCR should not be undertaken. UNHCR Headquarters should be consulted in case of doubt.

UNHCR's Mandate

The mandate of UNHCR derives from the Office's Statute, and subsequent resolutions of the United Nations General Assembly and Economic and Social Council (ECOSOC). UNHCR is also institutionally linked to international conventions pertaining to refugees and stateless persons, through e.g. Article 35 of the 1951 Convention, which delineates UNHCR's supervisory responsibility relating to this Convention; and also (indirectly) through Article 11 of the 1961 Convention on the Reduction of Statelessness and Articles 22 and 45 of the 1989 Convention on the Rights of the Child. Moreover, UNHCR acts in accordance with decisions and conclusions adopted by the Executive Committee of the High Commissioner's Programme.

Mandate Refugees¹

According to its Statute and subsequent General Assembly and ECOSOC resolutions, UNHCR is mandated to provide international protection and humanitarian assistance to refugees as well as to promote durable solutions to the problem of refugees. Following requests by the General Assembly and endorsement by the international community, the Office's competence with regard to refugees covers all persons who are refugees within the meaning of the 1951 Convention as well as those who are outside their country of origin or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalised violence or events seriously disturbing public order, and who, as a result, require international protection. Resettlement under the auspices of UNHCR can be carried out on behalf of refugees recognized by States as well as refugees recognized by UNHCR pursuant to its mandate.

¹ Refugees that fall within the mandate of UNHCR whether recognized as refugees by States or by UNHCR. According to UNHCR/BOM/49/81, *Categories of persons to whom the High Commissioner is competent to extend international protection*, UNCHR reserves the right not to consider as falling within its mandate any person recognized by a State as a refugee if there are serious reasons to believe that the

3.3 Convention Status and Mandate Status

Refugee status at the universal level is governed by the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. These two international legal instruments have been adopted within the framework of the United Nations and are applicable to persons who are refugees as therein defined. The assessment as to who is a refugee, i.e. the determination of refugee status under the 1951 Convention and the 1967 Protocol, is incumbent upon the Contracting State to which the refugee submits an application for recognition as a refugee.

The refugee status of applicants in receiving States party to the 1951 Convention and/or the 1967 Protocol is therefore normally determined by the authorities of those countries. A determination need not, however, be considered binding by UNHCR and in certain circumstances the Office may make its own determination under its mandate. In countries not party to the Convention or the Protocol, the competent UNHCR Field Office is required to determine the status of those being considered for resettlement.

Persons who meet the eligibility criteria of the UNHCR Statute and the 1951 Convention or who fall within UNHCR's broader protection mandate as established by subsequent General Assembly and ECOSOC resolutions, qualify for the protection of the United Nations provided by the High Commissioner, regardless of whether they are in a country that is a party to the 1951 Convention and/or the 1967 Protocol (or, if applicable, a regional instrument) or whether they have been recognised by the host country as refugees under either of these instruments. Such refugees, being within the High Commissioner's mandate, are usually referred to as *mandate refugees*.

From the foregoing, it will be seen that a person can simultaneously be both a mandate refugee and a refugee under the 1951 Convention or the 1967 Protocol. A person may, however, be in a country that is not bound by these instruments, may be denied access to the refugee determination procedure, or may not be eligible for recognition as a Convention refugee by the application of the dateline or the geographic limitation. An application may furthermore be rejected erroneously or for reasons related to application of the refugee definition which, in the view of UNHCR, is not in line with the accepted interpretation of the 1951 Convention. This includes individuals who have been rejected in a refugee status determination procedure on purely formal or procedural grounds (for example, pursuant to the application of time limits for submitting an asylum claim) or on substantive grounds with which UNHCR would not concur (such as in the case of persecution by non-State agents, refugees fleeing persecution from areas of ongoing conflict, persons who fear or suffer gender related persecution, or because of an unreasonably high burden of proof). In such cases, the applicant would still qualify for international protection under the terms of UNHCR's

person in question does not meet the basic refugee requirements or that the person falls under one of the exclusion clauses.

mandate and thus be eligible for resettlement, provided that the criteria for this solution are met.

3.4 Eligibility under the 1951 Convention and Regional Instruments

While UNHCR considers the effects of recognition under the 1951 Convention or a regional instrument to be the same, many States may only consider refugees determined under the 1951 Convention to be eligible for resettlement in their territory.

Pertinent examples of regional instruments are the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and the 1984 Cartagena Declaration on Refugees. Both these instruments contain a broader definition than that found in the 1951 Convention. They include persons who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order, are compelled to seek refuge or who left their country because their lives, safety or freedom were threatened by generalized violence, internal conflicts or a massive violation of human rights.

3.5 *Prima Facie* Eligibility

Refugee status must normally be determined on an individual basis, but situations often arise in which large populations have been displaced under circumstances indicating that most members of the population could be considered individually as refugees. In such situations, the need to provide protection and assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of that population. Recourse is therefore made to so-called *group determination* of refugee status, whereby each member of the population in question is regarded *prima facie* (in the absence of evidence to the contrary) as a refugee. In other words, the presumption is that individual members of the population concerned would be considered as refugees in need of protection.

In situations where resettlement is considered for persons who have been accorded *prima facie* refugee status, UNHCR in the past has held the position that it usually would be necessary to conduct an assessment of individual eligibility. However, in practice resettlement countries have, in some instances, accepted resettlement submissions from UNHCR on behalf of *prima facie* refugees. Therefore, it may be sufficient for UNHCR offices, in their resettlement submissions, to simply **substantiate** the *prima facie* recognition, rather than necessarily establishing that individual eligibility criteria have been met, provided the refugee cases do not show evident exclusion elements. Toward this end, the Convention ground(s) relevant for the group recognition, or the reasons to consider a group as mandate refugees *prima facie*, could be referred to in a generalized manner.

The Programme of Action under the *Agenda for Protection* supports this policy approach in calling upon “States to examine how more flexible resettlement criteria could be applied with regard to refugees recognized on a *prima facie* basis in mass displacement situations to which Article 1 F does not apply...”, and in promoting the expansion of resettlement opportunities particularly through “Asking States that offer resettlement opportunities to consider increasing their resettlement quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.”¹ Elsewhere, “resettlement countries are encouraged to harmonize their resettlement criteria with UNHCR’s mandate to allow for due consideration of the unique circumstances and resettlement needs of *prima facie* refugees”².

3.6 Continued Need for Protection

If individual refugee status was formally determined in the past, a review of the refugee claim may be advisable to confirm that there is a continuing need for international protection and that none of the cessation clauses stipulated in the relevant instruments have become applicable in the meantime.

A renewed eligibility determination can furthermore ensure that all facts relevant to the case have been established and considered.

¹ *Agenda for Protection*, Goal 3, Objective 6.; and Goal 5, Objective 5, Action 4.

² *Strengthening and Expanding Resettlement today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/7, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, pp. 249-256, paragraph 16.

A full examination of the individual's refugee claim where the determination has taken place in the past is also recommended as many resettlement countries will conduct their own refugee status determination and thus the facts in the case should be elucidated prior to submission for resettlement. This will help to confirm that the submission is fully substantiated and thereby should expedite processing.

In situations where a refugee recognized as such on a *prima facie* basis is submitted for resettlement, it would also be relevant to establish whether a continued need for protection exists. This should be done by ascertaining whether the objective situation in the country of origin having given rise to the particular exodus of persons continue to expose individual members of the group to danger or other serious consequences, for reasons relevant to the 1951 Convention definition, in the event they return to their home country.

3.7 Exclusion of Persons considered To Be Undeserving Of International Protection

Certain acts are so grave as to render their perpetrators undeserving of international protection as refugees. The rationale of the exclusion clauses as enshrined in Article 1F of the 1951 Convention is to deprive persons for whom there are serious reasons for considering that they are individually responsible for acts within the scope of that provision of international protection and to ensure that such persons do not abuse the institution of asylum in order to avoid being held legally accountable for their acts.

It is paramount that Field Offices consider issues relating to (inclusion and) exclusion from refugee status carefully **before making any demarches toward resettlement**. Standard Operating Procedures for the processing of cases involving exclusion considerations are delineated below.

The exclusion clauses should be used scrupulously to protect the integrity of the institution of asylum. At the same time they should always be applied with great caution and only after a full assessment of the individual circumstances of the case given the possible serious consequences of exclusion. They should, therefore, always be interpreted in a restrictive manner.

The *2003 Guidelines and Background Note on Exclusion* set out the relevant standards and principles to guide Field Offices on the application of the exclusion clauses, be it exclusion as part of RSD, revocation of refugee status or cancellation of an erroneous initial recognition decision on the basis of exclusion.¹

¹ See paragraphs 14-17 of the Background Note for explanation of the terms cancellation and revocation.

As part of developments in the global security environment, particularly since 2001, States are manifesting an increased interest in the issue of exclusion. Whenever the background and/or profile of an individual who is submitted for resettlement raises possible exclusion issues, it is of critical importance that the RRF contain a thorough exclusion analysis explaining why the person concerned has *not* been excluded from international refugee protection.¹

A question which has received increased attention is that of the treatment of asylum applications of combatants. UNHCR's Executive Committee has defined combatants in ExCom Conclusion No. 94 (LIII) of 2002 as "persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum". Military activities are by nature incompatible with the civilian character of asylum. Therefore, active combatants are not eligible for international refugee protection and assistance. By contrast, former combatants who request asylum should be admitted into asylum procedures once it has been established that they have genuinely and permanently renounced military activities. Their asylum claims should be examined in individual RSD procedures, which should encompass an assessment of the possible application of Article 1F.

The fact of having taken part in armed conflict does not in and of itself constitute a ground for exclusion, nor does it as such establish a presumption of responsibility for acts within the scope of an exclusion clause, although an assessment of the applicant's conduct during armed conflict will be required. Likewise, mere membership in a group or organisation involved in violent crimes is not necessarily a sufficient basis for a presumption of responsibility for excludable acts. However, under certain conditions, a rebuttable presumption of individual responsibility for excludable acts may arise for members of groups or organizations proven to be particularly violent.

Another area receiving increased attention has been that of the applicability of the exclusion clauses to acts commonly considered as 'terrorist'. Guidance on this issue is set out in the *2003 Exclusion Guidelines and Background Note*.² In each case, it will be necessary to assess the nature and impact of the acts in question. In many cases, they will come within the scope of Article 1F.

It is also necessary to establish whether the person concerned incurred individual responsibility for such acts. An exclusion analysis is also required for those who have been included in a national or international list of terrorist suspects, or are associated with an organisation designated as 'terrorist' by a State, or an international or regional institution.

¹ In addition to the guidance contained in the Background Note on Exclusion, Field Offices undertaking RSD should use the RSD Assessment Form to structure their analysis (see RSD Procedural Standards Annex 4.2).

² See paragraphs 25-26, 15, 17 and 19 of the *Guidelines*, and paragraphs 79-84, 41, 49, 59-62 and 109 of the *Background Note*.

In certain cases a presumption of individual responsibility for excludable acts may be justified.¹ Consideration of the exclusion clauses is, however, often unnecessary as persons suspected of having committed ‘terrorist’ acts may not meet the inclusion criteria of the refugee definition.

Exclusion in situations of mass displacement

In situations of mass influx, refugee status is often determined on a *prima facie* basis. This means that all members of a group are presumed to meet the inclusion criteria applicable in the particular context. Where active or former combatants may be mixed with the refugees, any declaration or statement of *prima facie* refugee status, setting out the eligibility criteria to be met by members of the group, should state that the *prima facie* recognition does not apply to either category.

As noted in the section above, active combatants are not eligible for international refugee protection while former combatants who request asylum should be admitted to individual RSD procedures. An exclusion assessment will need to form part of these procedures and must be reflected in the RRF.

Exclusion considerations may also arise in other cases if information comes to light which indicates that an individual among a group of *prima facie* refugees may have committed a crime within the scope of Article 1F. In such cases, the Field Office should carry out cancellation or revocation proceedings as appropriate. The resettlement submission should only be made after the Field Office has established that the exclusion clauses are not applicable.

Upcoming *Guidelines on the Application of the Exclusion Clauses of the 1951 Convention relating to the Status of Refugees in mass influx situations* will set out detailed guidance on legal and practical aspects of exclusion in this regard. However, the standards and criteria governing the application of Article 1F of the 1951 Convention remain those set out in the *2003 Exclusion Guidelines and Background Note*, which apply also in the context of mass influx.

The determination of whether or not a person is undeserving of international refugee protection requires an individualized assessment in all cases, including in situations of mass influx.

The exclusion clauses may never be applied on a group basis. For exclusion to be justified, it must be based on individual responsibility in relation to a crime within the scope of Article 1F.

Standard Operating Procedures relating to Resettlement Submissions following an examination of the Exclusion Clauses

¹ For further details on the significance of ‘terrorist’ designations, please see paragraph 80 of the Background Note on Exclusion.

Because of the particular serious implications for the individual concerned and the complex criteria that are relevant to the determination, examination of the application of the exclusion clauses in Article 1F should only be undertaken by UNHCR Protection staff who are **knowledgeable about the relevant evidence and principles**. Further guidance on procedures for examining the application of Article 1F, including review requirements, is provided in the *Procedural Standards for RSD under UNHCR's Mandate*, Unit 4, sections 4.8.2 and 4.8.3.











In cases in which exclusion considerations are triggered but Article 1F is found not to be applicable and resettlement is identified as the appropriate durable solution, the following review procedures are required:


1. Before submitting the case for resettlement, the RSD decision should be reviewed by the RSD Supervisor or the Head of Office.
2. Once the RSD decision has been finalized by the UNHCR Field Office it should be submitted, together with the Office's detailed analysis and recommendation, to the Senior Legal Adviser of the relevant Regional Bureau for clearance.
3. In cases which involve complex doctrinal issues related to the interpretation of Article 1F, DIP should be consulted by the Bureau before a final RSD decision is taken.


All of the above-mentioned steps should be taken before the case reaches the Resettlement Unit or Resettlement Hubs as applicable. If these SOPs have not been followed, the Resettlement Unit or Hub will return the case to the Field Office concerned.


4. Alternative procedures for review of exclusion cases may be adopted in certain RSD operations where the Bureaux and DIP determine that only cases of a specific type or exceptional nature need be referred to HQs.


ESSENTIAL READING:


-  *An Introduction to the International Protection of Refugees. Training Module.* UNHCR Geneva. (Draft to be issued 2004).
-  *Guidelines on the Application of the Exclusion Clauses of the 1951 Convention relating to the Status of Refugees in mass influx.* (Draft to be issued 2004).
-  *UNCHR Guidelines on the Cancellation of Mandate Refugee Status.* (Draft to be issued 2004).
-  *Guidelines on International Protection: Religion-Based Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees,* HCR/GIP/04/06, 28 April 2004.
-  *Procedural Standards for Refugee Status Determination under UNHCR's Mandate,* IOM/FOM 44/2003 of 20 November 2003.
INTERNAL
-  *Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* UNHCR, HCR,/GIP/03/05 , September 2003.
-  *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees,* September 2003.
-  *Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* UNHCR, HCR/GIP/03/04, July 2003.
-  *Guidelines on International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses),* February 2003.
-  *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees,* HCR/GIP/02/01 7 May 2002.

-  ***Guidelines on International Protection: “Membership of a Particular Social Group” within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, May 2002.***


-  ***Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees, UNHCR, April 2001.***


-  ***Addressing Security Concerns without Undermining refugee Protection, UNHCR, November 2001.***

-  ***Asylum Processes (Fair and Efficient Asylum Procedures), Global Consultations on International Protection, 2nd mtg. U.N Doc. EC/GC/01/12, 31 May 2001.***

-  ***Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. UNHCR Geneva, Re-edited January 1992.***

FURTHER REFERENCE:

-  S. Kapferer, *Cancellation of Refugee Status*, Legal and Protection Policy Research Series, Department of International Protection, UNHCR, PPLA/2003/02, March 2003.

-  *Human Rights and Refugee Protection. Part II: Specific Issues (RLD 6)*. Training Module. UNHCR Geneva, 1996.


-  *Human Rights and Refugee Protection. Part I: General Introduction (RLD 5)*. Training Module. UNHCR Geneva, October 1995.

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UNHCR CRITERIA FOR DETERMINING RESETTLEMENT AS THE APPROPRIATE SOLUTION

This Chapter describes the UNHCR resettlement criteria and related considerations, which form the basis for the identification of refugees in need of resettlement and the pursuance of resettlement as the appropriate solution. It also provides guidance on specific procedural aspects relating to particular categories of vulnerable refugees and the resettlement process. This guidance is additional to the basic procedures and standards of the resettlement process outlined in Chapter 5 of this Handbook.¹

Individual resettlement countries generally concur with UNHCR's resettlement criteria. Other elements are also applied in accordance with national legislation and practice. The various provisions for countries with resettlement quotas are outlined in the Country Chapters of this Handbook.

¹ The categories are *Survivors of Torture and Violence*, *Medical Cases*, *Cases of Women-at-Risk*, *Family Reunification Cases*, and *Children and Adolescents*. The guidance included here is essentially identical with Chapter 6 of the 1997 Handbook as updated in 1998 and 2002. Many of the issues raised are complex and the guidance provided here should not be considered exhaustive. The Resettlement Section at UNHCR Headquarters should be contacted if additional guidance is required.

4.1 Basic Considerations

UNHCR resettlement activities constitute a means of providing international protection and appropriate durable solutions to refugees. As seen in previous chapters of this Handbook, resettlement also plays a role in sharing responsibilities and burdens of the refugee problem.

Resettlement should be considered when refugees are at risk in their country of refuge or have particular needs as detailed under the various criteria in this Chapter. The absence of (prospects for) another durable solution is also relevant for determining whether resettlement should be pursued. Before a decision is taken to pursue the resettlement of a refugee, first every effort should be made to fully explore the possibility of local solutions. At the same time, the possibility of voluntary repatriation in the foreseeable future (within an acceptable time frame) should also be evaluated.

This approach will ensure that the needs of refugees identified as requiring special attention are met without unnecessarily uprooting them and that scarce resources are adequately and rationally used. This does not, however, imply a mechanical process, where certain steps have to be taken one after the other over an extended period of time. The potential for any durable solutions may be reviewed at the same time and it may not be necessary that various options for local solutions are followed through, if they are not likely to be successful. As mentioned in Chapter 3, a comprehensive approach entails that the three durable solutions be applied simultaneously in a manner where they complement each other.

While it is UNHCR's obligation to ensure the protection of refugees, where necessary by promoting their resettlement, unlike voluntary repatriation or seeking asylum, resettlement is not a right of the individual.

The identification of refugees potentially in need of resettlement and the assessment of cases should be an active and systematic process. Close cooperation among all concerned staff across functional units and when applicable with implementing partners, is of considerable importance. The identification and promotion of resettlement cases should depend on the real needs of individual refugees and should not be influenced by external factors (e.g. availability of resettlement places or quotas).

However, in cases not related to immediate protection concerns, particularly those falling under the criteria of *lack of local integration prospects*, a decision to refer for resettlement may be influenced by the availability of places. Without reasonable assurances that cases will be considered, UNHCR abstains from referring cases because doing so may raise expectations, create an unmanageable demand, and in turn even lead to security problems.

At the same time, the potential of resettlement as a durable solution for certain refugees should be brought to the attention of the Resettlement Section at UNHCR Headquarters, so that steps can be taken with a view to request an increase in quota allocations.

It is important that UNHCR resettlement activities are carried out on the basis of a correct and consistent application of the criteria and considerations detailed in this Handbook. This approach will ensure that all refugees in need of resettlement receive the appropriate attention. It will, in addition, help to avoid frustration and aggression among refugees as well as other negative phenomena, like secondary or onwards movements, often related to inconsistent resettlement activities.

A rational and transparent approach will, furthermore, strengthen the credibility of UNHCR in general and widen the confidence of refugees, resettlement countries and other partners, which in turn should help to ensure that resettlement can be done efficiently and effectively.

Among cases to be promoted for resettlement, priority attention should be given to those refugees with acute legal and physical protection needs and, in particular to the most vulnerable such as women-at-risk and unaccompanied children for whom resettlement has been found to be in their best interests.

While the notion of integration potential should not negatively influence the selection and promotion of resettlement cases, it is important to choose the most appropriate resettlement country for an individual refugee, where such choice exists. For many refugees, moving to a country with a familiar culture, language or climate could make social adjustment and integration much easier. Often, and foremost in cases relating to protection problems, the main objective is, however, the timely relocation of the refugee at risk. Educational level, for example, or other factors considered to be enhancing the prospects for integration, should not be determining factors when submitting cases for resettlement.¹

Resettlement should not be pursued because individual refugees have become a burden or because of their behaviour or solely in response to action undertaken by refugees to draw attention to their demands - for example, violent or aggressive action towards office staff or hunger strikes.²

¹ In the context of the *Global Consultations on International Protection* it has been stated that “Integration potential” should not play a determining role in the consideration of protection resettlement cases”, see *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, Global Consultations on International Protection, 4th mtg., EC/GC/02/7, 25 April 2002.

² Please refer to the *Guidelines on Security Incidents (OMS 2)* and *Guidelines on Security (PER 2)* for further information related to these issues.








While such individuals may have concerns which need to be heard and require an appropriate response, resettlement should only be considered if the case meets UNHCR's criteria.

Resettlement should again not be promoted merely for reasons of pity for a refugee's plight, because of the individual's impressive qualifications or previous professional status or as a reward for a "deserving" individual.

Decisions on whether or not to promote resettlement should not be clouded by value judgements. This is equally true for efforts to reach a decision on an *individual's need* for resettlement. A distinction should be drawn between a refugee's *need* for resettlement and the possible *desire* of that person for this durable solution. Some may maintain that offering the possibility of a *better* quality of life, which is assumed to be provided by developed countries, is inevitably in the best interests of a refugee from a developing country. Others may share, with equal conviction, an assumption that resettlement in a third country is always a traumatic and undesirable experience which should only be contemplated as a last resort. Furthermore, refugees, some claim, are not always welcome in the resettlement countries and have serious difficulties integrating thereby eventually representing a long-term problem for the receiving nations. Particularly when resettlement is considered as a durable solution for reasons other than individual protection needs, there is a risk that decisions may be driven by such value judgements.

The particular criteria outlined in the following Sub-Chapters should be seen as dynamic. In many cases, criteria may overlap and cumulative effects should be considered and emphasized in a resettlement submission.

FURTHER REFERENCE:

-  *Guidelines on Security Incidents (Sample Indicators and Scenarios) (OMS 2)*. UNHCR Geneva, December 1992.
-  *Guidelines on Security (PER 2)*. UNHCR Geneva, December 1992.
-  *Security Recommendations*. UNHCR Geneva, 1995.
-  *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003.
-  *Guidelines for Handling Protests, Demonstrations and other Group Disturbances*, 12 May 2004.
-  *A Framework for People Oriented Planning in Refugee Situations Taking Account of Women, Men and Children*. UNHCR Geneva, December 1992.
-  *People Oriented Planning at Work*. Using POP to Improve UNHCR Programming. UNHCR Geneva, December 1994.

4.2 Legal and Physical Protection Needs

As an instrument of international protection resettlement is, first, a guarantee for the legal and physical protection of refugees. Resettlement may offer the only means to preserve human rights and to guarantee protection when refugees are faced with threats which seriously jeopardize their continued stay in a country of refuge. The legal and physical protection needs of refugees may differ depending on personal characteristics of the individual concerned, such as their sex, age, disability, or other characteristic.

Gender may play a role in determining both the nature of the threat and the required responses and/or preventative measures needed. For instance, in the case of refugee women and girls, the threat to physical safety may take the form of sexual violence, including rape, trafficking for the purposes of sexual slavery, and forced marriage. These acts can be committed at the hands of persons in authority, paramilitary groups, quasi-state actors, fellow refugees, members of the local population, or even nationals or residents of the refugee's country of origin who have easy access to the country of asylum due to porous borders or otherwise.

It is the responsibility of any country to provide protection to and ensure the safety of refugees on its territory or at its borders.

It is UNHCR's responsibility to intervene with the authorities of the country of refuge with a view to ensure that such protection is provided. Only if all means of intervention have been exhausted or at least evaluated, should resettlement based on individual protection needs be considered. In certain instances, careful consideration has to be given in deciding on resettlement or not, weighing in the balance the need for resettlement against the interest of prosecution of culprits by the appropriate authorities or enforcement of legal remedies.

Resettlement is linked to legal and/or physical protection when a refugee's situation meets one or more of the following conditions:

- Immediate or long-term threat of *refoulement* to the country of origin or expulsion to another country from where the refugee may be *refouled*.
- Threat of arbitrary arrest, detention or imprisonment.
- Threat to physical safety or human rights in the country of refuge, rendering asylum untenable.

4.2.1 Threat of *refoulement*, expulsion and arbitrary arrest and/or detention

In some circumstances refugees may be refused entry to the country to which they have been trying to flee or may be threatened with expulsion. Such a scenario is most likely to occur when the potential country of asylum believes that the refugees concerned would threaten its political, social or economic stability if they were allowed entry or to remain. Refugees may also be under threat of deportation, possibly combined with prolonged arbitrary detention, in situations where the Governments of the country of origin and the country of refuge enjoy a close political relationship and share a mutual antagonism towards the exiles concerned, or insist there is no reason to flee from the country of origin.

In some countries which are not signatories to the 1951 Convention or its 1967 Protocol, asylum-seekers or even refugees who are recognized under UNHCR's mandate are subject to detention and prosecution, if not deportation. In order to ensure that refugees will not be *refouled* or deported to a country where their life, safety and freedom may be endangered, resettlement may be the only option. A number of countries offer asylum to refugees only on a temporary basis, on condition that they are subsequently resettled, sometimes within a specific time frame. Where UNHCR in principle should promote state responsibility for refugee protection, including the provision of a durable solution, resettlement may be resorted to in such cases if the alternative would be that protection of the refugee would not be available.

Where asylum seekers or refugees are subjected to detention, prosecution and or deportation in countries that *are* State Parties to the 1951 and/or its 1967 Protocol, UNHCR should advise the State to live up to international standards for refugee protection. In such situations resettlement should normally not be considered. However, in practice resettlement may in fact be the only solution.




4.2.2 Threat to physical safety or human rights in the country of refuge

Where a direct, current threat to the life and/or personal safety of a refugee exists, resettlement may be the only solution. The threat must be real and direct, not accidental or collateral. While past harassment, especially when repetitive, may provide such an indication, it is not a prerequisite. The threat may be targeted at an individual, but it also can be aimed at a group - such as a family or neighbourhood. The threat must still exist. Past harassment, even if repetitive, would normally not be enough, although an assessment of the appropriateness of resettlement would depend on the circumstances.

In situations where it has been established that the denial of human rights by the authorities of the country of asylum places the refugee at risk and renders asylum untenable, resettlement should be pursued after all other efforts have been exhausted or at least considered.

In other situations, refugees who have been admitted to a country of asylum may be threatened not by the authorities of that State, but by other hostile groups or Governments. If under such circumstances the host country is not willing or able to provide protection from such threats, resettlement may be the only solution. This may exceptionally include cases of domestic violence, blood or family feuds where the physical safety or human rights of the refugee is threatened in the asylum country. In addition, such circumstances would also need to be deemed as rendering asylum untenable before pursuing resettlement as an option. Re-establishment of protection by the authorities or relocation internally in the country of asylum where feasible should be pursued prior to submission for resettlement.

FURTHER REFERENCE:

-  *An Introduction to the International Protection of Refugees*. Training Module. UNHCR Geneva. (Draft to be issued 2004).
-  *Human Rights and Refugee Protection. Part I: General Introduction* (RLD 5). Training Module. UNHCR Geneva, October 1995.
-  *Human Rights and Refugee Protection. Part II: Specific Issues* (RLD 6). Training Module. UNHCR Geneva, 1996.

4.3 Survivors of Violence and Torture

4.3.1 Eligibility for resettlement under this criterion

Basic guidance on how to recognize people who have been subjected to severe forms of violence and how to interact with them may be obtained from the WHO/UNHCR publication *Mental Health of Refugees*.

The *1984 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* defines torture in the following manner:

“Article 1(1). For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third persons has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

Article 16 refers to acts of cruel, inhuman or degrading treatment or punishment.

Where resettlement is determined to be the appropriate durable solution, torture survivors submitted either for protection reasons or compelling medical reasons, should be given priority.

4.3.2 Specific Aspects in Cases of Survivors of Torture and Violence

In dealing with resettlement cases considered under the present criterion, specific aspects – procedural and otherwise - need to be taken into consideration:

Survivors of torture or other severe forms of violence will require coordinated medical care, counselling and other types of special assistance, in particular when they suffer from physical and/or serious psychological problems. Not all torture survivors develop medical conditions which are easily identifiable. In cases of refugees who sustained torture but do not show obvious consequences of it, one should always consider the risk of latent effects.

It is important to remember that the families of the survivors may have complex feelings of trauma, guilt and helplessness and may in turn need special care and attention. Furthermore, information on how a particular community reacts to trauma, loss, grief and mental illness will have to be considered and included in the resettlement file. This is particularly relevant in cases of sexual violence, including rape, where the victim and the victim's spouse and family may face further victimisation and/or ostracism by their community.





Violence and torture may be experienced differently by women and men and they may have different coping mechanisms that are particular to their sex. The forms of violence and torture may also vary, depending on the sex or age of the victim. In the case of women and girls, violence may be inflicted through rape and other forms of sexual assault.

The report of a qualified physician having examined a refugee's physical condition is required. Qualified observations and comments by a psychologist or psychiatrist on a refugee's psychological state are also important. If it is not feasible to have such reports, observations and comments prepared by qualified medical personal (which might not be available in some locations), this should be explained in the RRF. If no symptoms or injuries are evident, it is particularly important to ensure that the RRF is properly documented so that the receiving country will have as much relevant information on the refugee's background as possible. In cases of refugees who sustained torture but who do not show obvious consequences, the resettlement country to which they are presented should be informed of the history of torture in order that appropriate services can be provided.

Care must be taken that survivors of violence and torture are resettled to locations where adequate services, both medical and psychological, will be available to meet their needs.

Good communication with Headquarters, Field Offices in resettlement countries and where appropriate, with officials of resettlement countries, will help ensure that such persons receive appropriate assistance in the country of resettlement. It should, however, be noted that UNHCR cannot guarantee that the refugee will always have access to required counselling and support services.

ESSENTIAL READING:

-  *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, UNHCR, Geneva, May 2003.
-  *Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations (Report of Inter-Agency Lessons Learned Conference Proceedings, 27-29 March 2001, Geneva)*.
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *Draft Guidelines: Evaluation and Care of Victims of Trauma and Violence*. UNHCR Geneva, December 1993.

4.4 Medical Needs

Before considering a person for resettlement on the basis of medical needs, special care must be exercised by all staff concerned to ascertain whether the basic considerations outlined in Chapter 4.1 have been fully applied. Medical cases must be approached on a case-by-case basis. It is essential that qualified medical personnel be consulted when determining whether to recommend resettlement of a medical case. The resettlement of persons with medical needs is challenging, and resettlement opportunities are limited. It is essential that UNHCR identify cases with the most serious problems that can only be addressed through resettlement.

4.4.1 Specific determination criteria

To specifically determine that resettlement is the appropriate solution to the medical needs of a refugee, the following conditions must be met:

- o The health condition is life-threatening without proper treatment; or
- o There is a risk of irreversible loss of functions; or
- o The health condition presents a significant obstacle to leading a normal life and achieving self-sufficiency;

and

- o Adequate treatment is not available in the country of asylum, due to lack of medical facilities and expertise;

- o Adequate treatment cannot be ensured through temporary medical evacuation¹;

- o In the case of a disability, the situation in the country of asylum prevents the individual from becoming well adjusted and from functioning at a satisfactory level;

and

- o There is a favourable prognosis that treatment and/or residence in the country of resettlement would successfully address the health problem and, if possible, given the expected state of health after treatment/relocation, enable the individual to gain partial or total independence; or
- o The particular situation in the country of asylum is the reason for, or significantly worsens, the health condition;

and

- o It is the expressed wish of the individual, after having been counselled in particular with regard to the social, cultural and psychological adaptation required in a new community.

4.4.2 Setting priorities

Among cases meeting the above conditions, priority should be given to the needs of persons whose medical condition is directly related to their persecution, flight or exile (see also 4.3 Survivors of Violence and Torture).

Priority should furthermore be given to children and to women alone or with children/dependants.

4.4.3 Family unity

Both married and single persons are eligible and the disabled or sick person must be resettled with the family/ dependants.

¹ See UNHCR/FOM/58/96 dated 18 July 1996 on Guidelines for International Medical Referral of Refugees under Project VAR/LS/401. Only limited funds are available under this project.

If resettlement is done on emergency and urgent cases basis, measures should be taken to ensure that family members/dependants of the resettled refugee be reunified with him or her in the country of resettlement.

4.4.4 Disabilities

Disabled refugees who are well-adjusted to their disability and are functioning at a satisfactory level are generally not to be considered for resettlement. For example, deaf and mute refugees who have learned sign language and who are able to exercise a profession, or who can benefit from training in the country of refuge, would not need resettlement. Conditions which can be properly addressed through the provision of such things as hearing aids or prosthetics should be treated in the country of refuge whenever possible. Only when such disabilities are untreatable locally, and when they seriously threaten the person's safety or quality of life, should resettlement be explored.

4.4.5 Diseases and other medical conditions

Cases in which a disease or medical condition can be adequately addressed by medication, a change in diet or environment, or through other treatment available in the country of refuge, should not be referred for resettlement. Where it is believed that a medical condition might be amenable to treatment elsewhere, it should be determined if indeed such treatment is available locally, and whether medical evacuation or other alternatives to resettlement might be feasible.

4.4.6 Considerations in dealing with refugees with HIV/AIDS

The fact that a refugee has HIV/AIDS should not adversely affect a resettlement claim based on other grounds such as family reunion, protection, or other special needs.

In some circumstances, the awareness among other refugees, the local population, or government authorities that a refugee has HIV/AIDS might result in risk to the person's physical safety, or jeopardize the individual's asylum status. Such cases, although presenting a medical problem, may need resettlement based on legal/protection grounds.

UNHCR has developed a policy on refugees and HIV/AIDS¹ which provides guidance on issues such as medical considerations, voluntary counseling and testing (VCT), and confidentiality of information.

¹ UNHCR Strategic Plan (2005-2007): HIV/AIDS and Refugees)

UNHCR and IOM have issued a joint policy which opposes mandatory HIV screening and/or restrictions based on a refugee's HIV status. Nevertheless, a few resettlement countries have adopted mandatory HIV testing as part of the pre-departure medical screening. These resettlement countries undertake such screening in order to ensure that appropriate services are in place prior to the person's arrival, or to evaluate whether related health-care costs may prove a bar to resettlement. It is UNHCR's position that where HIV seropositivity or AIDS constitutes a bar to resettlement, the person concerned should be granted a waiver as a matter of course¹; however this position has not been accepted by all resettlement countries.

States should advise refugees regarding the legal options for persons with HIV/AIDS, e.g. waiver procedures, exceptions, etc.

While UNHCR recognizes that HIV testing in the context of resettlement may not be strictly voluntary, when required by resettlement countries, such testing must be carried out in line with international standards and best practice.² UNHCR must closely monitor medical screening practices to ensure that appropriate pre- and post- HIV test counselling is provided and that confidentiality is maintained when the refugee concerned is notified of test results.³ Notification of results should be in the context of post-test counseling so that appropriate advice and referral to support services can be ensured. States may also require that the applicant be officially notified of test results in writing; this should not occur in advance of notification by the physician or relevant counselor during post-test counseling⁴.

A key area of concern is the need to respect an individual's right to privacy and to confidentiality of all information relating to his or her HIV status. Procedural safeguards should be put in place to ensure that HIV test results are kept confidential and are only shared with 3rd parties, including family members, implementing partners and UNHCR staff, after having obtained the informed consent of the concerned individual.⁵

¹ Please see the relevant country chapters for procedures on medical screening and waivers.

² In addition to the documents cited above on *HIV/AIDS and Human Rights*, see also, for example: *Opening up the HIV/AIDS epidemic: Guidance on encouraging beneficial disclosure, ethical partner counseling & appropriate use of HIV case-reporting*, (Geneva, November 2000). Available at: http://www.unaids.org/html/pub/Publications/IRC-pub05/JC488-OpenUp_en_pdf.pdf

³ See Article 17 of the International Covenant on Civil and Political Rights. See also UNAIDS/OHCHR *HIV/AIDS and Human Rights: International Guidelines* (Geneva, 23-25 September 1996), available at: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.1997.37.En?Opendocument#guidelines](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.1997.37.En?Opendocument#guidelines); as well as UNAIDS/OHCHR, *HIV/AIDS and Human Rights: Revised Guideline 6*, available at: <http://www.unhcr.ch/hiv/g6.pdf>

⁴ Panel physicians conducting medical screening on behalf of resettlement countries, in addition to their contractual obligations under that agreement, are usually bound by strict ethical guidelines on VCT issued by their national professional body (i.e., non-adherence could affect registration with a professional council).

⁵ See UNHCR's Confidentiality Guidelines of August 2001 (IOM/71/2001-FOM/68/2001) and UNHCR Policy and Guidelines regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS)" (IOM/82/92-FOM/81/92 of 12 November 1992).

In cases where a child has tested HIV positive, it should be noted that there is an obligation to protect confidentiality of the test results consistent with the child's right to privacy. Information on the HIV status of children should not be disclosed to third parties, including parents, without the child's consent, unless the best interests of the child so demand. Counselling and testing services must pay due attention to the evolving capacities of children taking into consideration the standards set out in the Convention on the Rights of the Child.¹

In view of the complicated nature of HIV testing in the context of resettlement, Offices in the field which become aware of a denial (or non-acceptance) based on HIV status may wish to contact the Resettlement Section at UNHCR Headquarters for advice and guidance on general requirements for waivers or exceptions. Similarly, incidents where pre- and post-test counseling has not been provided to an individual, or confidentiality has not been maintained in notification of results, including when the responsibility for notification falls erroneously to a UNHCR Officer, Offices should inform authorities from the concerned country as well as UNHCR Headquarters (Resettlement Section).

4.4.7 Specific Aspects in Medical Cases



For submissions under the medical need criteria, the following should be borne in mind:

- The Resettlement Registration Form should always be completed with the head of family as the Principal Applicant, and not the sick/disabled family member (if not at the same time the head of the family).
- The UNHCR Medical Assessment Form should be used. It should be fully completed by the examining physician.
- If the UNHCR form is not used by the attending physician, the report provided should include details of:
 - the medical history;
 - the diagnosis;
 - the prognosis, including recommended treatment; and
 - the follow-up required.
- The Medical Assessment Form and/or other medical reports should be *legible*.
- All documents should be signed and dated.
- X-rays, CT scans, photographs, etc., if available, should be included in the file.










¹ See, *inter alia*, Articles 3, 12, 13, and 16 of the Convention on the Rights of the Child, as well as General Comment by the Committee on the Rights of the Child on "HIV/AIDS and the rights of the child", No. 3 (2003).

The Resettlement Section at Headquarters will continue to receive and facilitate medical referrals.

ESSENTIAL READING:

-  *UNHCR Policy and Guidelines Regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS)*, 12, Nov. 1992
-  *UNHCR Policy Regarding Refugees and Acquired Immune Deficiency Syndrome (AIDS)*, UNHCR/IOM/78/98, UNHCR/FOM/84/98, 1 Dec. 1998.

FURTHER REFERENCE:

-  *Refugees and HIV/AIDS*, Executive Committee of the High Commissioner's Programme, Standing Committee, 20th mtg., UN Doc. EC/51/SC//CRP.7, 15 Feb 2001.
-  *Assisting Disabled Refugees. A Community-based Approach*. UNHCR Geneva, May 1996 (Second Edition).
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *IOM Medical Manual 1993*.
-  *UNHCR Strategic Plan (2005-2007): HIV/AIDS and Refugees)*
-  *Opening up the HIV/AIDS epidemic: Guidance on encouraging beneficial disclosure, ethical partner counseling & appropriate use of HIV case-reporting*, Geneva, November 2000.
-  *UNAIDS/OHCHR HIV/AIDS and Human Rights: International Guidelines*, Geneva, 23-25 September 1996.
-  *UNAIDS/OHCHR, HIV/AIDS and Human Rights: Revised Guideline 6*
-  *General Comment by the Committee on the Rights of the Child on "HIV/AIDS and the rights of the child", No. 3 (2003)*.

4.5 Women-at-Risk

Like other refugees, refugee women and girls may face physical and legal protection problems in the country of refuge. In this respect, they need to be safeguarded against *refoulement*, arbitrary arrest or other forms of human rights violations. They also require a legal status that accords adequate social and economic rights and access to such basic necessities as food, shelter and clothing. In addition, they may face unique or gender-related forms of persecution or violence, as a result of their sex. These particular protection challenges faced by women and girls often require specific responses.

Historically, this is one of the reasons why certain countries introduced special resettlement quotas and/or programmes for refugee women.

In a given refugee context, women refugees may be more vulnerable than other refugees, finding themselves separated from their family members or traditional support mechanisms, or isolated from their communities. They may have to assume new roles and status as a result. In addition to coping with the impelling reasons for their flight, they may be confronted with new challenges, such as providing for themselves and their children in situations of particular hardship, as well as new forms of violence and risks, in the country of refuge.

While resettlement opportunities for women exist equally under the other resettlement criteria, the complexity of their individual situations and/or the particular nature of their protection needs may necessitate a specific response. The Women-at-Risk resettlement criterion is one of these responses.

An accurate and gender-sensitive assessment of the refugee's protection needs and particular vulnerabilities in the country of refuge can sometimes be critical in determining her eligibility for resettlement. In this regard, it is important to bear in mind the role that gender can play in refugee status determination and resettlement eligibility interviews.

4.5.1 The rationale for the Women-at-Risk criteria:

- To provide international protection and assistance through resettlement to refugee women who face particular protection problems, as a result of their sex.
- To obtain priority processing and accelerated departure for those refugee women considered "at-risk".
- To ensure that refugee women-at-risk receive specialized care, if needed, and appropriate support upon arrival in the country of resettlement with a view to achieving socio-economic integration and self-sufficiency.

4.5.2 Identifying Women-at-Risk for Resettlement

In the context of displacement and refugee flight, in either refugee-camp or urban situations, women and girls may experience special protection problems as a result of their sex. Risks of abduction, rape, sexual abuse, harassment and exploitation are just some of the problems experienced by refugee women, *whether they are single, widowed, or accompanied by a male family member.*

In particular instances, past traumatic experiences in the country of origin and circumstances of severe hardship in the country of refuge may magnify or exacerbate the protection problems of refugee women and add to the precariousness of their situation. Early identification and assessment of these protection problems is critical for a correct application of the Women-at-Risk criteria.

Definition of a Women-at-Risk

For the purposes of resettlement, UNHCR considers as women-at-risk those women or girls who have protection problems particular to their gender, whether they are single heads of families, unaccompanied girls, or together with their male (or female) family members. Refugee women or girls may be at risk of or have suffered from a wide range of protection problems, including expulsion, *refoulement* and other security threats, sexual violence, physical abuse, intimidation, torture, particular economic hardship or marginalization, lack of integration prospects, community hostility, and different forms of exploitation. Such problems and threats are often compounded by the effects of past-persecution sustained either in their country of origin or during flight. The trauma of having been uprooted, deprived of normal family and community support systems and cultural ties, the abrupt change in roles and status, the fact or threat of violence, or the absence of male family members (while not an absolute condition), may render some refugee women or girls particularly vulnerable. These are contributing factors in determining whether resettlement is the appropriate solution.

4.5.3 Precarious security situations

Refugee women may suffer from a wide range of threats to their personal security, including risk of expulsion, *refoulement*, or sexual and gender based violence, such as sexual harassment, domestic violence, abuse, torture, trafficking for the purposes of sexual slavery or exploitation or forced labor, and other forms of exploitation. The fact of displacement often exacerbates these threats. Such threats may be derived from the host community, local government or military, other armed elements, or from within the refugee community itself. Members of her family or community may prove unable to address her concerns, or may even be unwilling to offer assistance due to social or cultural attitudes which do not recognize the rights of refugee women. UNHCR and other aid agencies may also be unable to address these issues in the short-term in any effective way, due to the endemic nature of the problem or the difficulty in changing long-held cultural values. Strict social codes in the refugee community can mean that the physical protection of refugee women is further jeopardized.

The victimization and stigmatization of women victims of rape, abuse, or other forms of violence, is not uncommon, particularly in traditional societies, and can require the immediate removal of such victims, possibly by way of third country resettlement.

Specifically as regards cases of domestic violence considered for resettlement under the Women-at-Risk criterion, a number of practical and legal aspects may appear to be insurmountable to field offices and hence comprise a *de facto* obstacle to resettlement. For example, it may be required to move the woman and any children in the relationship to a secure location pending emergency resettlement. It may be necessary to change that location for security reasons. Moreover, if the partner of the woman becomes aware of the involvement of UNHCR and/ or other organizations, this may lead to security concerns for staff members. The office may also need to address complex legal issues relating to the custody of children and to marriage law of the country in question.

In principle, UNHCR should not stop short of exercising its mandate by using resettlement as a means of protection in cases involving domestic violence. This also applies where child custody or other rights of the husband or partner become relevant in the course of pursuing resettlement for the woman and child(ren). Where children are involved, BID principles should be applied, see Chapter 5.1 of this Handbook.

As these issues may, however, be contentious and complex, and put the office under some strain as a result, Headquarters should be consulted and kept informed of the case(s) in question. Moreover, it is crucial that *national authorities in the country of asylum and authorities in the potential resettlement country have indicated their willingness to accept resettlement as a solution and offer their full cooperation throughout the procedure.*

4.5.4 Specific needs arising from past persecution and/or past trauma

Past persecution may affect a refugee woman's protection situation in the host country and her ability to cope with the challenge of displacement. The assessment of past persecution provides important indicators of the needs of refugee women and the required response or preventive action required.

Very often, refugee women who have already been severely traumatized in their country of origin are more vulnerable to being re-traumatized. Latent psychological effects of past torture or trauma, coupled with adverse circumstances in the country of refuge, are likely to exacerbate their state of mental health. Such women may require mental, psychological or social counseling or rehabilitation or qualified medical care for any meaningful recovery, and such opportunities may not be readily available in the country of refuge.

Past trauma may also negatively affect a refugee's capacity and willingness to locally integrate in the country of refuge and to provide for her own children. It is equally important, in the search for solutions, to ensure the protection of secondary victims, often her children or family members. In the case of women victims of sexual violence, specific medical assistance may be needed in order to address the consequences of, for example, self-practiced abortion, sexually transmitted diseases including HIV/AIDS, or other related health problems.

4.5.5 Circumstances of severe hardship

For some refugee women, severe hardship in the host country, combined with a precarious legal and social status, may result in further exposure to the risk of abuse and exploitation/extortion. Some women may be subjected to extremely difficult living conditions and forced to sell their personal possessions to provide for themselves and their children, or they may be forced into prostitution.

Circumstances of hardship may be particularly acute in the context of urban settings, where access to humanitarian assistance and income-generating activities is often minimal. Women who have managed to find employment may suffer from discrimination and harassment by their local employers because of their sex, ethnicity or uncertain legal status. In the context of a precarious legal regime, some refugees may face eviction from their homes and forced to live in abject poverty. To overcome these difficulties, some refugee women may be induced or forced to rely on "local protectors" in exchange for material assistance, accommodation, personal documentation and/or residence permits. Protracted situations of severe hardship may result in higher levels of physical and mental illness for refugee women and/or their families, as well as increases in domestic violence.

4.5.6 Changes of social status as a result of suspension or deviation of social norms

Social norms are often spontaneously suspended in times of civil conflict and refugee displacement. Suspension of social norms, customs, laws and values under refugee conditions often leaves women unprotected and subject to various violations of their human rights. The perpetration of particular crimes, such as rape or other forms of sexual aggression, increases significantly in situations of displacement compared with non-refugee-situations, due to the break-down in traditional or legal protection and conflict resolution mechanisms, leaving women particularly vulnerable and perpetrators free from prosecution or sanctions.

Suspension of traditional norms brings changes in the prevailing social mores, including the attitude and the perception of the 'proper' role of women. In some instances, this triggers a positive redefinition of traditional notions of sex and gender in women's favor and results in an improvement of women's self-definition.

New and creative mechanisms such as women's associations or networks may replace traditional protection structures and provide alternative reference points and different systems of support. In other cases, however, traditional mechanisms of protection and social norms remain in place but deviate substantially within the refugee context thus becoming a threat to refugee women. Shifts in cultural values, in fact, may lead to clashes within the refugee's family or the extended community and this often results in instances of serious domestic violence or stigmatization of the refugee woman by her community. In the case of victims of sexual or gender-related violence within the refugee community, the implementation of community-based customary practices to settle the offence may result in serious violations of a woman's basic human rights.

4.5.7 Refugee Girls

Resettlement under the Women-at-Risk criteria is equally open to refugee girls facing particular types of protection concerns. Where these factors exist, special attention should be given to refugee girls, who, because of their age and level of maturity, may be at increased risk of violence, abuse or exploitation, and may be less able to cope with any associated trauma, or their circumstances of displacement. Young girls without adult supervision due to separation from family members, or death of parents, often find themselves responsible for younger siblings. In such cases, the burden on young girls is particularly severe, with access to school limited due to other household and family responsibilities, and heavy responsibility for younger family members who may also be at risk of various protection threats. Girls in foster care also often face deprivation of their rights to participate in community life, including school, and may face threats of exploitation. Such girls may need to be separated from their foster families. Refugee girls may also face forced or early marriage; they may be at risk of female genital mutilation to which they object, or sexual slavery, as well as at greater risk of exploitation. Such cases should be considered for resettlement under the Women-at-Risk criteria.

Resettlement of refugee women or girls to be considered when:

- She faces precarious security or physical protection threats as a result of her sex.
- She has specific needs arising from past persecution and/or traumatization.
- She faces circumstances of severe hardship resulting in exposure to exploitation and abuse, rendering asylum untenable.
- There has been a change in the social norms, customs, laws and values resulting in the suspension of or deviation from traditional protection and conflict resolution mechanisms and the lack of alternative systems of support and protection. Consideration should be given to resettlement under such circumstances if this places the refugee woman or girl at such risk that it renders asylum untenable.

4.5.8 Identification of refugee Women-at-Risk: Operational guidelines**Accurate assessment of the refugee protection situation**

A proper and correct identification of refugee Women-at-Risk begins with an accurate, systematic and early assessment of the overall protection situation in the country of refuge. Close and regular monitoring activities should be engaged by protection, field and resettlement staff, as well as community, social and medical services staff. Other partners such as religious leaders, local hospitals, local charitable organizations, and in particular refugee groups, should be involved in the process, in particular, refugee women's groups and leaders. A multi-sectoral approach is essential to the early and effective identification of the protection needs of refugee women.

Through systematic monitoring, cases of Women-at-Risk will be identified, after which, an assessment of their immediate protection needs, followed by their longer-term protection needs, should be undertaken. Resettlement is not necessarily the solution in all cases of refugee women facing particular protection problems, but in line with the Women-at-Risk criteria, together with the other resettlement criteria, an assessment of her resettlement needs should include the *intensity* of one or more of the factors mentioned above, as well as the *urgency* of the case, as well as any specific follow-up action in the country of resettlement should be determined.

4.5.9 Counseling of refugee Women-at-Risk

Because of the sensitivities often associated with the protection needs of refugee women, discrete and confidential counseling services should be provided to refugee women identified as “at risk” by qualified female staff.

Each refugee woman qualifying for resettlement should be counseled prior to the submission of their case to a resettlement country, as well as in preparation for departure. All family members and particularly the refugee’s husband where applicable, should receive appropriate counseling.

A uniform and consistent approach for submissions under the Women at-Risk criteria is promoted.





4.5.10 Specific Aspects in Cases of Women-at-Risk

Submissions of cases under Women-at-Risk criteria may be made directly by a Field Office. As basic documentation, the *Special Needs* section of the Resettlement Registration Form (RRF) must be completed by the UNHCR Field Office or its implementing partner. A complete narrative, including reasons why the refugee is considered a woman-at-risk, should be contained in the submission.







The completeness of submissions in this special category is important in order to avoid processing delays.

Useful guidance for the assessment of cases of women refugees is provided in the documents reproduced in Annex 6. In addition to the information already provided in this Chapter 4.5, please refer to Annex 7 for more details on the specific submission requirements under the special women-at-risk programmes. Australia, Canada and New Zealand have special programmes to address the resettlement of women-at-risk. Other countries which do not have specific AWR programmes also accept women-at-risk.

ESSENTIAL READING:

-  *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, UNHCR, Geneva, May 2003.
-  *Mental Health of Refugees*. World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999. (Especially Unit 9: Helping victims of rape and their communities).
-  *Guidelines on the Protection of Refugee Women*. UNHCR Geneva, July 1991.
-  *UNHCR Policy on Refugee Women*. UNHCR Geneva, 1990.

FURTHER READING:

-  *Procedural Standards for Refugee Status Determination under UNHCR's mandate*, specifically unit 3.4.4 on *Women with Special Needs*, and unit 4.3 on *The RSD Interview*.
-  *Refugee Women*, Global Consultations on International Protection, 4th mtg., U.N. Doc. EC/GC/02/8. 25 April 2002.
-  *A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff*. UNHCR Geneva, 1996 (Draft).
-  UNHCR Training Module RLD4 *Interviewing Applicants for Refugee Status* (1995) generally, and specifically, Chapter 4 on *Interviewing Women Refugee Applicants*.
-  UNHCR Training Module RLD3 *Interpreting in a Refugee Context* (June 1993) generally, and specifically, pages 34-38: *Interpreting for Refugee Women*.
-  *A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff*. UNHCR Geneva, 1996 (Draft).

4.6 Family Reunification

The importance of resettlement as a tool of international protection extends to cases where it preserves or restores the basic dignity of a refugee's life, for example, through family reunification. When refugees flee their country of origin, family members are frequently left behind or dispersed during flight. In some cases, refugee families are separated when a family member has not been able to accompany the rest of his or her family to a country of resettlement.

In such situations, separation leads to hardship and sometimes has tragic consequences. It may also create serious obstacles to a refugee's integration in a new country. Indeed, the realization of family unity is considered an important aspect of local integration in the country of refuge.¹ This is also the case where the issue is integration of resettled refugees. Otherwise, resettlement runs the risk of not being a meaningful, durable and sustainable solution. Guided by both humanitarian and practical considerations, and pursuant to its responsibility under the Statute to provide international protection to refugees, to promote measures designed to improve the situation of refugees and to facilitate their integration within new national communities, UNHCR seeks to ensure the reunification of refugee families separated as a result of their persecution or flight.

The criteria and policies set out in this Handbook are to be followed by UNHCR staff in handling family reunification cases, despite the fact that UNHCR criteria may not always correspond with those applied by the State to which applications for family reunification are submitted.

4.6.1 The right to family unity

UNHCR's action in promoting family reunification is supported by the principle, set forth in both the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State."²

In its Final Act, the Conference of Plenipotentiaries which adopted the 1951 Convention relating to the Status of Refugees, unanimously approved the following recommendation on the subject of family unity in the case of refugees:

"The Conference,

Considering that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and

Noting with satisfaction that, according to the official commentary of the *Ad Hoc* Committee on Statelessness and Related Problems the rights granted to a refugee are extended to members of his family,

Recommends Governments to take the necessary measures for the protection of the refugee's family, especially with a view to:

¹ *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, para. 6.

² See Annex 2 for additional references to relevant international provisions.

- (1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,
- (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.”

The need to promote the reunification of dispersed families was also underlined by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts of 1977.¹

Family reunification was also considered by the Executive Committee of the High Commissioner's Programme (EXCOM) which has adopted Conclusions on this matter on several sessions.²

The 1989 Convention on the Rights of the Child (CRC) reaffirms that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.” Articles 9 and 10 of this Convention concern children separated from their families and emphasize that the reunification of children with their parents should be dealt with in a “positive, humane and expeditious manner.”³

4.6.2 State approaches to family reunification

Governments have adopted a variety of approaches with regard to the reunification of refugee families across international borders. Some States consider such cases within overall resettlement quotas; others have created separate quotas for the purpose of family reunification; still others process applications for family reunification on an individual basis under general provisions of their immigration laws. Corresponding to these approaches, countries apply varying types of procedures and criteria. There are also differences in the type of status the person may receive, for example, a family member may be granted a residency status that provides less protection against deportation, possibly amounting to *refoulement*, than does refugee status.

Some resettlement countries do not provide for family (re)unification of refugee families where a resettled refugee marries or finds a partner outside of the resettlement country subsequent to the arrival in the resettlement country.

¹ Article 74 of Protocol I Additional to the Geneva Convention of 1949, reproduced in Annex 2.

² See Annex 1.

³ These and other relevant articles of the CRC are reproduced in Annex 2.

In these situations, the question as to whether or not the spouse should be permitted to enter the State to establish or reestablish family life would generally be determined by the domestic law normally applied to non-nationals in the State.

Sometimes refusal to allow entry would present a serious impediment to (re)establishing family life, bearing in mind in particular that the refugee cannot be returned to his or her country of origin. If, in such situations, it would be practically impossible for the refugee to live outside the country of asylum, then any interference in the right to family unity and to marry and found a family¹ would need to be proportionate to the legitimate aim pursued by the State. To make this assessment, it would be necessary to bear in mind the refugee's particular situation, which precludes return to the country of origin, and to assess whether family life could be established elsewhere, including whether refugee status would be maintained with no danger of *refoulement* in the alternative country. Other relevant factors include

- the situation of the spouse/partner;
- the degree of family members' economic and social integration and prospects for the future in each State;
- the State in which the greater number of family members resides;
- the duration of residence in each State; and/or
- the likelihood of maintaining a livelihood and of achieving effective protection, including access to durable solutions.

4.6.3 UNHCR activities to promote refugees' family unity

One of the main functions of UNHCR in facilitating family (re)unification is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and resources permitting reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and orderly resolution of family reunification cases is a normal part of UNHCR's international protection activities. Besides promoting liberal admission policies, the Office seeks, whenever appropriate, to ensure that family members are granted the same legal status and accorded the same standards of treatment as refugees.

In seeking to promote the reunion of separated refugee families (as well as the family unity and right to marry and found a family of resettled refugees)

¹ According to the Human Rights Committee, "[t]he right to found a family implies, in principle, the possibility to procreate and live together ...". See Human Rights Committee, General Comment No. 19 on Article 23 of the 1966 International Covenant on Civil and Political Rights (ICCPR), 1990, paragraph 5. The right to marry and found a family is contained in Article 16 of the 1948 Universal Declaration of Human Rights (UDHR); Article 23 of the 1966 ICCPR; Article 5 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (providing that "States Parties undertake "to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of... the right to marry and choice of spouse"); Article 17 (2) of the 1969 American Convention on Human Rights (ACHR); and Article 12 of the 1950 European Convention for the Protection of Fundamental Rights and Freedoms (ECHR).

UNHCR is guided by basic humanitarian considerations and also by its Statute of the Office which entrusts the organization, *inter alia*, with the functions of improving the situation of refugees and facilitating their assimilation¹ within new national communities. In its 1977 Conclusion No. 9 on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunion and reaffirmed the coordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with inter-governmental and non-governmental organizations.²

4.6.4 Eligibility for UNHCR assistance with family reunification

UNHCR promotes and assists the reunification of families of persons who are refugees within its mandate. In addition, UNHCR may extend such assistance to displaced persons outside their country of origin who are considered to be of concern to the Office by virtue of applicable UN General Assembly Resolutions.

Except for certain special programmes,³ eligibility for UNHCR assistance with family reunification requires that at least one person within the family unit which is to be reunited must be a refugee under UNHCR's mandate or a person otherwise of concern to the organization.⁴

In a case where a non-refugee is being resettled in order to join a family member who is a refugee, UNHCR considers that it is the refugee who is the recipient of the Office's assistance.

In a mass influx situation, where circumstances may appear to render the reunification of families temporarily impractical, Field Offices should consult with UNHCR Headquarters as to the course of action to be followed.

4.6.5 Family reunification cases outside the competence of UNHCR

UNHCR Offices sometimes receive requests for help with family reunification or travel with respect to persons not eligible for assistance under the established criteria and procedures.

¹ While both Article 34 of the 1951 Convention and UNHCR's Statute make reference to "assimilation", the international community has otherwise generally rejected the notion that refugees should be expected to abandon their own culture and way of life, so as to become indistinguishable from nationals of the host community. See *Local Integration*, Global Consultations on International Protection, EC/GC/02/6, 25 April 2002, para. 5, footnote 3.

² EXCOM Conclusions Nos. 1, 9, 24, 84, 85 and 85 each reaffirm States' obligation to take measures which respect family unity and family reunion, see Annex 2.

³ One example is the Orderly Departure Programme (ODP) from Vietnam, where UNHCR was requested to undertake special programmes which may even benefit persons not within its mandate who are in need of assistance with family reunification.

⁴ See also Chapter 5.2 of this handbook as regards the possibility of resettling non-refugee stateless persons.

Such requests may involve persons not within the mandate of the Office, relatives not belonging to the family unit, or family members wishing merely to visit the refugee family in the country of asylum. They often relate to the completion of formalities, obtaining visas and travel documents, or even the financing of travel. When it is determined that a request is outside the mandate of UNHCR, an applicant should be advised that UNHCR cannot assist and should be directed to the relevant embassy, immigration office or non-governmental organization, where appropriate. An applicant may be advised to contact IOM for information about the latter's subsidized migration schemes.

4.6.6 Who can be a family member?

A *nuclear family* is generally accepted as consisting of husband and wife, their minor or dependent, unmarried children and minor siblings.

Beyond this, the concept of dependency is central to the factual identification of family members. Dependency infers that a relationship or a bond exists between family members, whether this is social, emotional or economic. For operational purposes, with regard to the active involvement of UNHCR offices in individual cases, the concept of *dependant* should be understood to be someone who depends for his or her existence substantially and directly on any other person, in particular for economic reasons, but also taking social or emotional dependency into consideration. The relationship or bond between the persons in question will normally be one which is strong, continuous and of reasonable duration. Dependency does not require complete dependence, such as that of a parent and child, but can be mutual or partial dependence, as in the case of spouses. Dependency may usually be assumed to exist when a person is under the age of 18 years, or if the individual (over the age of 18) in question is not financially independent, for example because he or she is a full-time student. Dependency should be recognized if a person is disabled and incapable of self-support, either permanently or for a period expected to be of long duration. Dependency can also include dependent elder members of the family, such as grandparents.

4.6.7 Setting priorities

UNHCR offices should give priority attention to the reunification of family members mentioned in Section (a) below and, in particular, to unaccompanied minors.

4.6.8 Types of family reunification promoted by UNHCR

In accordance with the principles referred to above, the following types of family reunification should receive the support of UNHCR:

(a) Reunification of the *nuclear family*

There is a consensus in the international community concerning the need to reunite members of the *nuclear family*. In this respect and in addition to the general definition provided above, the following points should be noted:

Husband and wife

Besides legally married spouses, couples who are actually engaged to be married, who have entered into a customary marriage, or couples who have formed a household of reasonable duration are eligible for UNHCR assistance. Principles of non-discrimination also indicate that same sex partnerships should be included in the definition of family.

The same applies in principle to spouses in a polygamous marriage, if it was contracted in a valid manner. However, most resettlement countries will only accept one spouse in view of their own national legislation forbidding polygamy. In such cases, it is better not to risk splitting up the family by requesting that one spouse be chosen. It would normally be more appropriate to explore the possibility of reunification in a country which would allow the family to be resettled together.

On the other hand, estranged spouses who do not intend to live as a family unit in the country of resettlement are not normally eligible for UNHCR assistance for reunification with each other; they may, however, qualify for reunification with their children.

Parents and children

Although some countries of asylum make a distinction between minor children and those who have come of age, it is UNHCR policy to promote the reunification of parents with dependent, unmarried children, regardless of age, who were living with the parents in the country of origin. This would include adopted children, whether adopted legally or on a customary basis.

Separated and unaccompanied children and parents or siblings

The special needs of children and adolescents for a stable family environment mean that the reunification of separated and unaccompanied children with their parents or guardians should be treated as a matter of urgency. In addition, reunification of an unaccompanied child with another sibling should also be accorded priority because of the importance of the support that siblings can give to each other. Family reunification may not, however, always be the best solution for a child/adolescent. In all situations involving separated or unaccompanied children, an assessment should be made based on the best interests of the minor (see Chapter 5, Special Issues, of this Handbook).

The quality of the relationship between the child and the parent(s) and whether the parents will be able to offer guidance, support and emotional care are among the issues which must be assessed.

If a child has arrived first in a country of asylum, the right to family unity requires that the child's next-of-kin be allowed to join him or her in that country, unless it is in the best interests of the child under the circumstances to join the relative in the country where the relative resides or in a third country.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee or displaced separated or unaccompanied children as well as issues related to the tracing of family members are treated in separate chapters of this Handbook (see Chapters 4.7 and 5.8).

(b) Reunification of other dependent members of the family unit

It is UNHCR's position that the reunification of the following categories of persons of particular concern is also required by the right of family unity:

Dependent parents of adult refugees

Based on humanitarian and economic considerations, reunification should be carried out for dependent parents who originally lived with the refugee or refugee family, or who would otherwise be left alone or destitute.

Other dependent relatives

Where persons such as single/lone brothers, sisters, aunts, uncles, cousins, etc. were living with the family unit as dependants in the country of origin, or where their situation has subsequently changed in such a way that they have become dependent upon refugee family members in the country of asylum (e.g., by the death of a spouse, parent or wage earner/breadwinner), they should also be considered eligible for family reunification. Unaccompanied children may be considered for family reunification with relatives who are not part of the nuclear family when this is in the child's best interests, and when it will not interfere with family tracing.

Other dependent members of the family unit

Sometimes families have taken in and cared for other individuals, such as friends or foster children, with whom there is no blood relation. If these individuals are in the same situation as the relatives mentioned under *Other dependent relatives* above, they should also be considered eligible for UNHCR assistance with reunification. Particular care should be taken to verify the true situation and circumstances of such persons.

With regard to foster children, arrangements should be made to maintain records and notify all concerned of the child's location, in order to ensure that the child can be easily located if tracing efforts are successful.

Due consideration should be given to any implication the reunification may have on the legal status or nationality of the child, in particular where the child is a national of the asylum country.

(c) Other relatives who may be considered for resettlement

In certain cultures, the basic family unit also includes grandparents, grandchildren, married brothers and sisters, their spouses and children, etc. For practical reasons, however, it is not the policy of the Office to actively promote the reunification of members of an extended family or other relatives, unless they come within the categories of persons defined above.

UNHCR nevertheless strongly supports the adoption by States of broad and flexible criteria for family reunification with respect to the selection of refugees for resettlement. Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who need to be resettled in countries where they have relatives or other personal ties.

4.6.9 Specific Aspects in Family Reunification Cases

Family reunification is undertaken, in accordance with the basic criteria of Chapter 4.6, with a view to respecting basic rights as well as improving the prospects for integration upon resettlement.

Several mechanisms exist for family tracing and reunification, including direct processing by resettlement countries and immigration procedures initiated by family members either in the country of resettlement or from abroad. Some Governments have established separate quotas for family reunification cases under humanitarian categories. Others do not limit the number of family reunification cases.

International organizations, such as International Committee of the Red Cross (ICRC) and IOM, and various NGOs implement projects supporting family tracing and family reunification.

Particular scenarios encountered

In practice, the issues which arise when seeking to reunite a refugee family vary depending on the circumstances. The main scenarios encountered are outlined below:

- One part of the family has reached a country of resettlement, while the rest of the family is still in the country of origin. This is a common situation in which UNHCR assistance with family reunification is warranted. It may be necessary to intervene with the respective authorities in order to obtain authorization for the departure of family members from the country of origin and/or for their entry into the country of resettlement.
- One part of the family has reached a country of resettlement, while the other is in a country of refuge. Although in this case all members of the refugee family have left the country of origin, reunification sometimes still presents problems. Difficulties or delays may be encountered in obtaining admission of the remaining family members into the country of resettlement and UNHCR intervention in this respect is often necessary.
- Members of the same family have reached different countries of temporary refuge. In such cases, Field Offices should where possible promote the reunification of the family members in one of the countries of temporary refuge while awaiting a durable solution. Where there are specific concerns, resettlement should be coordinated between relevant UNHCR offices, Governments and partners to allow for eventual family reunification in the same country of permanent asylum. This could be the case in circumstances where urgent relocation of one or both parts of the family is necessary under other UNHCR resettlement criteria, e.g. if particular physical, legal and material protection needs arise.
- Members of the same family are separated in different parts of the same country of temporary refuge. This often occurs when refugees are confined in camps in situations of mass influx. The Office should promote reunification of family members as soon as this is feasible.
- Members of the family find themselves in different countries of resettlement. Owing to the absence of precise rules concerning which part of a family should join the other, problems may arise if the authorities of the countries of resettlement concerned refuse entry because each is of the opinion that reunification should take place in the other country. Sometimes personal disagreements between individual family members, especially with respect to living conditions or job opportunities, prevent such families from reuniting. Although dependants can normally be expected to proceed to the country where the head of the family is resettled, a different solution may be appropriate under certain circumstances, e.g. when the prospects for the successful integration of the family in that country are poor or when the family has much closer links elsewhere.

4.6.10 UNHCR activities

(a) Promoting the adoption of appropriate national policies

One of the functions of UNHCR in facilitating reunification of refugee families is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and measures permitting such reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and regular resolution of family reunification cases is a normal part of UNHCR's international protection activities which must be undertaken vis-à-vis both countries of asylum and countries of origin. In its 1977 Conclusion No. 9 (XXVIII) on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunification and reaffirmed the co-coordinating role of UNHCR with a view to promoting the reunification of separated refugee families through appropriate interventions with Governments and with inter-governmental and non-governmental organizations. See also ExCom Conclusion No. 88 of 1999.

Promotion of inclusive family reunification

In many cases, a refugee's next-of-kin remain behind in the country of origin, or in a country of first refuge, because they are not considered by the prospective country of reception to belong to what is known as the "nuclear family", that is to say father, mother and minor children. While there is justification in giving priority to safeguarding this basic unit, the exclusion of members of a refugee household, who have been deprived of their social and economic support as a result of the break-up of the family unit, often results in hardship. While it may not always be possible to reunite entire groups which, in the country of origin, formed part of a family in the broad or traditional sense, Governments should be encouraged to give positive consideration to the inclusion of those persons - regardless of their age, level of education or marital status - whose economic and social viability remains dependent on the nuclear family. This concept of dependency is set out in greater detail in section 4.6.6 above.

Requirements for documentary evidence

A related problem is that of determining the marital or civil status of family members for admission purposes. While every effort should be made to establish parentage and filiations, the particular circumstances existing in the refugees' country of origin or in their country of refuge may need to be taken into account. These circumstances may make it difficult or even impossible for a refugee to meet formal requirements or to bring the documentary evidence normally required before family reunification can be authorized. UNHCR should therefore encourage government's to adopt legislation and practice on family reunification which does not per se require documentary proof of the formal validity of a marriage or of the filiations of children.

Special measures

Family reunification is often prevented or delayed by the operation of general domestic immigration regulations requiring that individuals sponsoring applicants be able to provide accommodation and support them. Refugees are often unable to fulfill such requirements especially if family members are experiencing economic, employment or housing problems in the country of resettlement. As it is known that prolonged separation creates serious social problems for both sides of split families, it is highly desirable that in such cases receiving States adapt their legal provisions in this respect or take special measures to assist refugees to accommodate their dependants, thereby facilitating early reunification.

Status of joining family members

The status provided for refugees under the relevant international instruments and national legislation has as one of its principal aims to facilitate their integration in new national communities and to help them to cease being refugees as rapidly as possible. In order to promote the smooth and timely integration of refugee families in the country of settlement, it is necessary to grant joining family members the same legal status and facilities as those family members already present. Unless their personal situation expressly excludes them (e.g. due to formal consideration, such as a different citizenship, or the application of exclusion clauses), the family members concerned should have their status as refugees regularized, if they so wish.

(b) Types of UNHCR assistance in individual cases

The Office encourages members of dispersed families to take the first steps towards reunification and to initiate the necessary formalities, whenever this is possible without risk to themselves or other family members. In such cases, the role of the Office is limited to informing refugees of the procedures to be followed and monitoring the process. In many cases, however, the help of UNHCR is required to bring about reunification. UNHCR assistance may extend to the following fields:

Tracing family members

When the whereabouts of relatives is unknown, it may be necessary for UNHCR to facilitate tracing. The Central Tracing Agency of the ICRC and its national counterparts have special competence in this area and may be of assistance. Recourse may also be had in certain circumstances to country-level UNHCR bio-data systems, or to the records of the authorities of countries of resettlement. Experience has shown, moreover, that the efforts of refugees themselves, using their own contacts, are often a most effective method of tracing. When special problems arise, such as the tracing of the families of separated or unaccompanied children involuntarily separated from their parents, UNHCR Headquarters should be consulted.

Caution should be had as regards contacting the country of origin for tracing purposes as this may violate UNHCR policy on confidentiality and international principles on data protection.

Travel documents

When it is not feasible for family members to use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of a visa from the authorities of the destination country may suffice. Often, however, a more formal travel document is needed. Certain countries of temporary stay may be willing to issue a special, or aliens, passport. In States party to the 1951 Convention and/or its 1967 Protocol, a Convention Travel Document shall be granted to family members who also qualify for refugee status. When no other travel document is available and the family members are outside their country of origin, an ICRC Travel Document may be obtained. UNHCR Headquarters should be consulted if assistance is needed.

Entry visa

Refugees residing in a country of settlement who wish to be reunited with other family members who are still in the country of origin or in third countries should be advised, in the first instance, to apply to the competent authorities for the necessary entry visas or immigration authorization for their family members.

Should difficulties arise, the competent UNHCR Field Office may have to intervene with the Government concerned in order to seek permission for such reunification, pointing where necessary to the relevant international instruments and to the Executive Committee Conclusions on the subject. (See above and EXCOM Conclusion No. 24 (XXXII) of 1981 on family reunification.) Where countries make admission contingent upon the fulfillment of conditions which the refugee cannot meet, or refuse altogether to authorize certain types of family reunification, such difficulties should be reported to UNHCR Headquarters. Since the objective is reunification of the refugee family, the Office should ensure that any visa issued allows indefinite stay.

Exit visa

In many cases, family members are required to make a formal application for authorization to leave the country of origin or temporary refuge. Where this is feasible, family members in the country of origin should try to obtain these authorizations themselves provided they can do so without placing themselves or others at risk. When in such cases UNHCR assistance becomes necessary, it should be kept in mind that interventions may be a very delicate matter and are not always successful. Family members should be counseled in advance to this effect.

Travel arrangements

Unless travel is arranged within the framework of an ongoing resettlement operation, making travel arrangements is in principle the responsibility of the refugee family. Nevertheless, some countries make and meet, usually through IOM, the costs of travel arrangements for the individual family reunification of refugees.

UNHCR would provide assistance only if needed, as, for example, in the case of separated or unaccompanied children. Family members may, however, be advised to contact IOM for more information about its subsidized migration schemes. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements. IOM has concluded special tariff agreements with the airline industry which allow for considerable reductions in air fares and may also provide an increased free baggage allowance. Where direct communication between family members and IOM is not possible, UNHCR Field Offices may be requested to help.

Financial assistance

As with travel arrangements, the financing of the travel of family members from abroad is in principle the responsibility of the refugee family, unless travel is arranged within the framework of an ongoing resettlement operation.

UNHCR funding of costs relating to family reunification cases may be considered once the case has been thoroughly assessed to identify whether it meets *all of* the following conditions:

- all family members concerned are eligible for family reunification under the established criteria (see Chapter 4.6); in particular:
- at least one of the family members has been determined as a refugee under UNHCR's mandate;
- the separation of the refugee family was involuntary and related to persecution or flight;
- the granting of assistance is appropriate under UNHCR guidelines (see Chapter 5.4 on Onward or Secondary Movement); and
- the family members are in need and therefore unable to meet the travel expenses themselves; and
- no other source of funding is available (e.g. from the receiving country, relatives, sponsors or charitable organizations); and
- adequate financial resources under the project are available.

Where UNHCR Field Offices do not have travel funds placed under their direct responsibility, prior authorization from UNHCR Headquarters must be obtained.

All requests for financial assistance for family reunification cases to the Resettlement Section at UNHCR Headquarters should be submitted together with a completed Family Reunification Questionnaire and a recommendation for travel assistance. The family members in the anticipated country of resettlement should be requested to complete this form - Part A, while family members in the country from which the movement is to take place should be asked to complete Part B of the questionnaire (sample reproduced in Toolkit, Annex 2). UNHCR offices responsible for the respective countries should exchange copies of these forms. Where UNHCR Headquarters involvement is required, copies of both parts should be provided to the Resettlement Section.

Upon approval of the request, UNHCR Headquarters will liaise with IOM Geneva to make travel arrangements or alternatively authorize the Field Office to arrange travel locally, charging the appropriate resettlement project. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programmes. Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

Family members should be advised of the possibility of directly procuring air tickets at reduced fares through IOM, without involvement of or approval by UNHCR.

Resettlement processing

When members of a refugee family are in one or more countries of temporary refuge, it may be necessary for UNHCR Field Offices in those countries to intervene so as to ensure their admission to the same country of resettlement in accordance with the right to family unity. Such intervention is often required to prevent the separation of foster children, adult dependants, fiancé (e)s, or other relatives forming part of the basic family unit. The assistance of UNHCR Headquarters should be requested when the matter cannot be resolved by the Field Offices concerned.

Separation due to admission criteria




A refugee family may be separated because a family member has not been able to accompany the rest of the family to a country of resettlement because he or she does not meet that country's criteria for admission. In such cases, it is often necessary for the Office to approach the authorities of the resettlement country with a view to the family member being admitted on humanitarian grounds or on the basis of international obligations.

(c) Considerations in cases of unaccompanied minors




Problems related to family reunification have assumed considerable importance with regard to the situation of unaccompanied minors, especially infants and young children. Unaccompanied children and adolescents are a priority concern of UNHCR. Particularly in refugee emergencies, there will usually be minors who are separated from their families.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee unaccompanied minors as well as further issues related to the tracing and reunification of family members are treated in a separate chapter of this Handbook (see Chapter 4.7).

ESSENTIAL READING:

-  *Guidelines on International Protection: The Right to Family Unity and Family Life*, UNHCR, Geneva (Forthcoming).
-  *Summary Conclusions on Family Unity*, Global Consultation on International Protection, Geneva Expert Roundtable, 8-9 November 2001.
-  *Background Note for the Agenda Item: Family Reunification in the Context of Resettlement and Integration. Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*, Annual Tripartite Consultations on Resettlement, Geneva, 20-21 June 2001.

FURTHER REFERENCE:

-  *Report on Family Reunification. Overview of Policies and Practices in IGC Participating States*. Secretariat of the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). Geneva, March 1997.
-  *UNHCR Guidelines on Reunification of Refugee Families*, July 1983.
-  *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, 1979, Re-edited 1992, Chapter VI, Paragraphs 181-188.

4.7 Children and Adolescents

Under the Convention on the Rights of the Child, children and adolescents are “entitled to special care and assistance”. Their developmental needs, their dependency, and the questions of their “lesser” legal and social status make this special attention essential. This Section will discuss how resettlement criteria should be applied to minors.

The *Convention on the Rights of the Child* (CRC)¹ applies to everyone below the age of eighteen years unless, under the applicable law, majority is attained earlier (article 1). In other words, it applies to all minors. The terminology of the CRC causes confusion, however. Article 1 says that, “For the purpose of the present Convention, a child means” Confusion is caused because the word *child* in the treaty is being used in an unusual way. According to the dictionary, a *child* is a person who has not yet reached puberty or sexual maturity, and in common usage it is not applied to anyone over 14 or 15 years. A person who is no longer a child but not yet an adult is an adolescent. It is helpful to remember that article 1 of the CRC is defining a word in a legal text, and is not defining real life human beings. In lawyers’ jargon, the term *child* is a *legal fiction*, that is, an artificial definition in a legal text.

Who is a child?²

For operational purposes, UNHCR takes the definition of a child given in Article 1 of the CRC, which defines a **child** as any person under the age of 18, unless under the (national) law applicable to the child, majority is attained earlier.

Separated children are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.

Unaccompanied children (also called unaccompanied minors) are children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Orphans are children, both of whose parents are known to be dead. In some countries, it should, however, be borne in mind that a child who has lost one parent is called an orphan.

¹ The CRC is the treaty which sets the most standards concerning children. While the CRC is not a refugee treaty, refugee children are covered because all CRC rights are to be granted to all persons under 18 years of age (article 1) without discrimination of any kind (article 2). Selected articles of the CRC are reproduced in Annex 2.

² These definitions are taken from the *Inter-Agency Guiding Principles on Unaccompanied and Separated Children* of January 2004, p. 13.

4.7.1 Unaccompanied or separated minors are a priority concern to UNHCR

Experience has shown that in emergency situations refugee children may be with an extended family member, therefore “accompanied”, but they may still face risks similar to those faced by unaccompanied refugee children. To ensure that all such children benefit from efforts to trace and to reunify them with their previous primary caregivers, UNHCR, UNICEF, ICRC, the International Save the Children Alliance and other organizations have adopted the broader concept “separated children”.¹

Separated children are defined as children under 18 years who are separated from both parents or from their previous legal or customary primary caregiver.²

The terms *unaccompanied minor* or *separated minor* should be distinguished from *orphan*. A person is an orphan only if both parents are dead. This always requires careful verification and must never be merely assumed.

It may be difficult for an unaccompanied minor to establish refugee status using the same refugee criteria and procedures applied to adults. When a child is unable to articulate a claim, or it is not possible to determine the refugee status of a minor, a decision should be made as to what durable solution would be in the minor’s *best interests*.³ In the context of resettlement, it should be borne in mind that some countries require that every individual, including children, meets the refugee definition. UNHCR encourages countries to consider the best interests of the child when determining the refugee status of a minor, and to determine refugee status using the broadest possible interpretation. See also Art. 22 of the CRC.

UNHCR has developed comprehensive guidelines on protection and care of refugee children which set forth clear principles and procedures to ensure the protection and care of all refugee children including the most vulnerable, namely those who are unaccompanied. In the context of a determination as to whether resettlement is the appropriate solution for an unaccompanied minor, the following issues have to be considered:

¹ *Refugee Children*, Global Consultations on International Protection, 4th Meeting, UN Doc. EC/GC/02/9, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p.266, para.5.

² Use of the term “unaccompanied children” has declined. It was used to define those who are separated from both parents and are not being cared for by any adult who, by law or custom, is responsible for doing so. The definition of “separated children” is included in EC/50/SC/CRP.7 of 7 February 2000 and sought and received wide support by the UNHCR Standing Committee.

³ For details on the *best interests rule* see Chapter XX5 (Special Issues) of this Handbook as well as Chapter 8 of *Refugee Children: Guidelines on Protection and Care*.

- ❑ Any intervention on behalf of unaccompanied minors, particularly their movement, must *follow the existing guidelines* given in UNHCR's *Refugee Children: Guidelines on Protection and Care*¹. It must be ensured that the best interests of the child are met.
- ❑ Resettlement of unaccompanied or separated minors should be considered carefully only where other solutions are not appropriate. Decisions concerning durable solutions for unaccompanied or separated refugee children must, ideally, be taken by competent bodies that include *experienced child welfare personnel*. The possibility of voluntary repatriation should always be given full consideration in the first instance, particularly if the minor has family remaining in the country of origin.
- ❑ The procedure should permit the *effective participation of the refugee child* and, as with status determination, arrangements should be made for the minor to be represented. It should be ensured that the *minors be informed* that what is happening affects their future. Too often, things are done to, for or on behalf of children and adolescents, ostensibly in their interest, but without letting the minors know. Where possible, the views of the parents, or others who perform this role, should be obtained.

Unaccompanied or separated refugee minors over the age of 16 are usually mature enough to make their *own decisions* about long-term solutions and some even at an earlier age. Depending on their degree of maturity, children over the age of nine or ten may be able to make rational choices if provided with adequate information. Their preferences should, therefore, receive consideration.

Children below nine or ten years of age may not be sufficiently mature to make an independent judgement; but they should always be given the chance to express their views. In each case, a minor's evolving mental maturity must be determined in the light of the personal, family and cultural background.

- ❑ Where the resettlement, local integration or repatriation of a *family caring for a child or adolescent other than their own* is being considered, the nature and durability of the relationship between the minor and the family must be carefully assessed by an experienced child welfare worker to determine whether they should remain together. There must be assurances that the family will continue to provide for the minor. It is important to balance the minor's need for continuity of care and the degree of attachment to the foster family against the possibility of ultimate family reunification.

¹ See in particular Chapters 10 and 11.

Resettlement may be determined as the appropriate solution for an unaccompanied minor if the basic considerations outlined in Chapter 4.1 are met and the child or adolescent falls within the categories outlined in the following.

4.7.2 Basic principles of child protection

Experience globally shows that the vast majority of unaccompanied or separated children and adolescents do in fact have parents or other relatives alive who can be located through tracing activities and who are able and willing to care for the minor. Recognition of this fact is fundamental to the approach to helping unaccompanied minors and to the basic principles listed below.

Most of these principles are in accordance with provisions laid out in the 1989 Convention on the Rights of the Child (see Annex 2). All policies and actions regarding unaccompanied minors should be in keeping with international provisions and relevant national child welfare legislation. In case of refugee children and adolescents, the provisions of the 1951 Convention and the 1967 Protocol also apply. Minors in countries other than their own are entitled to care, protection and representation regardless of their legal status.

(a) Basic rights of children and adolescents

Best interest

The best interest of the minor is the overriding consideration in all decisions and actions concerning young persons separated from their families. When tracing is successful, an assessment must still be undertaken to determine whether family reunification is in the best interest of the minor. For details see Chapter 7.1 of this Handbook.

Protection

All minors, including those who are separated from their families, are entitled to protection of their personal security and rights under national and international law, to provision for their basic subsistence and to care that is nurturing and appropriate to their age and individual needs.

Participation

Children and adolescents of all ages, in keeping with their degree of mental, emotional and social maturity, have the right to express their views and have those views taken into account in decisions regarding arrangements for themselves and their siblings.

Legal representation and rights

Unaccompanied or separated minors have a right to physical and legal protection as their individual circumstances require. This includes legal representation and designation of guardians, where needed, and securing land and other inheritance rights when all immediate family members have died.

Family unity

All children have a right to a family, and families have a right and responsibility to care for their children. All reasonable measures should be taken to help families stay together and to reunite families which become separated. Action should never be taken if it might encourage family separations or make family tracing and reunification more difficult.

Reunification of separated families

Unaccompanied or separated minors have a right to be reunited with parents, guardians, siblings or extended family members. Those intervening on behalf of unaccompanied minors have an obligation to assist them to find, communicate with and rejoin family members through tracing and other services. Family tracing is pursued as a priority for all children and adolescents separated from their families.

(b) Appropriate care

Safety and well-being

Pending family reunification, unaccompanied minors should be cared for in ways which assure their safety, protect them from abuse and exploitation, and meet their individual emotional and developmental needs as well as their physical needs.

Community integration

Separated minors should be integrated with the rest of their communities, their needs met and services provided to a similar level and, to the extent possible, in the same manner available to other young persons.

Stability and continuity

Continuity should be preserved as much as possible in separated minor's relationships with adults and other youngsters, and in their cultural and religious traditions. Sibling groups should be kept together. The care of unaccompanied minors should be provided by members of their own community wherever

Community responsibility

Communities and local authorities have a responsibility for assuring the protection and care of unaccompanied minors, and assisting family reunification.

No separate evacuation

Separated minors should be evacuated from an area only if it is deemed necessary to evacuate all young persons living in the area or community concerned. However, this is not an absolute policy in all situations. Some, albeit rare, situations call for the evacuation of unaccompanied or separated minors before the evacuation of the community.

No early adoption

Separated minors shall not be considered for adoption during an emergency or before extensive tracing efforts have been made without success, normally over a period of at least 2 years. For further information on tracing and adoption, reference is made to Chapters 4.7.4 and 4.7.5 below.

4.7.3 Best Interests of Children and Adolescents

The *best interests rule* is one of the fundamental rights in the 1989 Convention on the Rights of the Child (CRC).¹ But while the phrase *best interests of minors* is a simple expression, applying it to real life situations is not so easy. This section presents a framework for the application of the *best interests rule*.

A framework for applying the *best interests rule* to refugee minors

The best interests rule is contained in article 3 of the Convention on the Rights of the Child. It states that:

“In all matters concerning [minors], whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of [minors] shall be a primary consideration.”

The best interests rule covers all persons under the age of 18 years, or the age of majority (legal adulthood) in any country where majority is attained earlier. Because the CRC has been almost universally ratified, the best interests rule should be considered to apply in any State’s decision that affects a minor who is present in that State, and this includes all refugee or asylum seeking minors. Furthermore, because UNHCR has adopted the CRC as its *normative frame of reference* the rule should be applied in any decision made by the Office which affects a minor of concern to UNHCR.

The best interests rule was originally devised to guide judges when they decide custody disputes during divorce cases or petitions for adoption. Under the “traditional” best interests rule, the welfare of the minor must be *the primary* or *the paramount* consideration, that is, the interests of the minor must over-ride the interests of either parent, or prospective parents, in these types of cases.

The best interests rule in article 3 differs from the “traditional” rule in family court cases in several respects. Because our framework for applying article 3 is based on the traditional rule, and because many people have at least some familiarity with the traditional rule in the context of custody disputes, it will be helpful to begin by comparing article 3 and the traditional rule.

¹ Selected articles of the CRC are reproduced in Annex 2.

First, article 3 not only applies to decisions that have an impact on an individual minor, it also applies to decisions that affect a group of minors. This complicates matters because sometimes the interests of an individual minor will conflict with the interests of a group of minors.

Second, article 3 *expands* the traditional rule because it applies to *all* decisions that a Government makes that may affect minors, and is not limited to just divorces and adoptions. This expansion further complicates matters because the interests of minors can sometimes conflict with the interests of other groups in society.

Third, article 3 *contracts* the traditional rule: Article 3 only requires that the best interests of minors be “*u* primary consideration”, in contrast to the traditional rule which requires that their interests be *the* primary consideration. Under article 3, a Government must actively take into account the interests of minors, but their welfare does not automatically override all other societal interests. The complication here is that the best interests rule in article 3 does not tell us how to resolve conflicts between interests; it does not tell us when to give priority to the interests of an individual minor or group of minors.

Fourth, the requirement in article 3 that the best interests of minors be “a primary consideration” is only a minimum standard. There will still be categories of situations where a minor’s interests will need to be given priority, as in the case of adoptions (e.g. CRC article 21).

Sometimes the traditional rule is criticized because it does not contain any standards by which judges can evaluate what course of action will be best for a young person. While this objection is superficially correct, judges do employ principles or standards in deciding custody and adoption cases. It is by identifying these underlying principles that we can construct a framework for applying the best interests rule of article 3.

In essence, **the best interests rule is composed of four elements.**

The rule is:

- a set of principles about the developmental needs of children and adolescents;
- a set of attitudes that a decision-maker needs to have;
- a set of procedures that a decision-maker needs to follow; and
- various institutional structures to help ensure rationality and fairness in the decision-making process.

The rest of this Section will outline the contents of these four elements.

(a) Principles relating to developmental needs of minors

- psychological and social needs must be given equal importance to physical needs;
- children and adolescents need to feel wanted and valued;
- there must be continuity of a minor's emotional bonds with the "psychological parents";
- we need to consider the infant's and young child's "sense of time";
- socialization, or the learning of social and cultural values and skills, is essential;
- minors must be prepared for adulthood: earning a living, parenthood, and citizenship;
- continuity of a minor's sense of identity should be maintained;
- participation in decision-making is important to healthy development.

(b) Attitudes that a decision-maker needs to have

The decision-maker must have willingness to:

- separate the interests of the minor(s) from the interests of all others, including the parents, other adults, social groups, institutions, and the State itself.
- subordinate the interests of all others in favour of the minor's welfare.
- take the thoughts and feelings of a young person seriously.
- perceive children and adolescents as bearers of human rights.

(c) Procedures that a decision-maker needs to follow

- conduct an impact-assessment on how a course of action may affect decision-making must be individualised whenever possible.
- minors need to participate in the decision-making process;
- there should be an independent assessment of the minor's best interests; and
- there must be an opportunity for the decision-maker to receive input from persons who are experienced in child- or adolescent-welfare issues.

(d) Institutional structures

Suggestions for governmental structures include:

- an ombudsman for children and adolescents;
- an office responsible for minors' issues, at the appropriate level of Government;
- inter-ministerial and inter-departmental committees on minors;
- independent advisory panels;
- systematic data collection and research focused on children and adolescents;

- a yearly “state of the nation’s youth” report;
- dissemination and training on the CRC;
- forums and procedures for the participation of minors;
- procedures for on-going consultations with citizens’ groups concerned with the rights and welfare of minors.

4.7.4 Identification of unaccompanied or separated minors and tracing activities

(a) Identification

Searches and inquiries should be organized within each community to identify minors who are unaccompanied or separated, but in a way that does not disrupt existing care arrangements or encourage families to abandon children. Community social workers, volunteers, community and religious leaders should be mobilized to do this early in an emergency. All youngsters who appear to be unaccompanied or separated must be immediately screened to determine whether or not they are indeed separated from their families and, if they are, whether there is another adult with whom the child has been living who, with some support, could continue providing appropriate care. Only young persons who will be without continued care should be placed in emergency care.

For each minor who cannot be immediately reunited with parents or members of the extended family, immediate action should be taken to register information concerning the minor, including where and when the minor was found, who brought the minor to the attention of UNHCR or who the minor was with when found, photographs, details of accompanying siblings, and circumstances of the separation. It is also necessary to provide each minor with an identity bracelet or an identity card and to arrange a health check and psychological screening.

Similar arrangements are needed to record documentation on parents who have lost their children and are searching for them. A central database is established, normally by ICRC, to receive and store data in a standard format on both children and parents. In recent emergencies, it has been agreed between UNICEF, UNHCR and the main participating NGOs that ICRC would maintain the database on unaccompanied or separated children and information from the database would be accessible to all users.

(b) Tracing

As soon as a minor is identified as unaccompanied or separated, tracing efforts are started. All tracing activities are carried out in a manner that protects the personal security of the minor and family members concerned. No action is taken that may hinder eventual family reunification, such as adoption, change of name or movement to places far from the likely locations of family reunification. Usually, “passive” and “active” tracing efforts are simultaneously implemented by organizations working at the local level. Passive tracing involves comparing records of children and records of parents searching for lost children in order to match them.

This is done both centrally and at the local level by each organization involved in the registration and documentation of separated family members. Active tracing involves actually pursuing investigations concerning the identity of the minor, the identity and location of parents or other close family members.

During the tracing process, co-ordination and information sharing between ICRC and organizations dealing with unaccompanied minors is essential. All parties involved in providing care and protection for unaccompanied or separated minors participate in efforts at local level, but common standards and systems of notification or verification should be agreed upon, as well as a common approach concerning confidentiality and the best interests of the minor. Where host Governments have the right of access to information on unaccompanied minors, this should only be done in the best interest of the minors.

In cases of refugee minors, tracing activities must be closely co-ordinated between the country of asylum and the country of origin. Arrangements must also be made for the reunification of youngsters with their families found in another country, and for the continuation of care for and tracing of minors among the population groups returning to their country of origin as part of a voluntary repatriation programme. This requires close co-operation and joint planning between Governments, UNHCR, ICRC, UNICEF and implementing agencies in both countries.

4.7.5 Family reunification, alternative long-term placements and adoption

When tracing is successful, an assessment is undertaken to determine whether family reunification is in the best interests of the minor. If assistance with family reunification is granted, follow-up with the reunited family should be undertaken by UNHCR or other qualified agents, including the host government departments. However, alternative long-term care arrangements should be made when family reunification proves not to be possible within a reasonable period and when it is considered that reunion would be harmful to the minor's interests.

UNHCR decisions concerning family reunification or alternative long-term care arrangements should be made on a case-by-case basis on the advice of trained child welfare personnel, within the framework of statutory or customary law, taking account of:

- the wishes and rights of the parents;
- the age and wishes of the child or adolescent;
- the length of separation (especially in the case of infants and very young children);
- the strength of the minor's psychological attachments to the present care-givers (i.e. foster parents);
- the wishes of the present care-givers;
- the previous family/child relationship.

The safety, immediate well-being, and the long range developmental needs of the minor are always the overriding concerns, but decisions are not always easy; the young person and adults may not agree on what is in the young person's best interests.

In order to avoid occurrences where private foster care services make the critical decisions regarding the minor's placement or future, reunification programmes should be monitored for compliance with the law and child welfare principles. The rights of children and adolescents to be with their families and to have all decisions made in light of their best interests must always prevail.

With regard to foster children, arrangements should be made to maintain records and notify all concerned of the minor's movement so that the young person can be located in the event that family tracing is successful.

Other aspects of the special responsibility of UNHCR to promote the best interests of refugee or displaced unaccompanied or separated minors, as well as issues related to the tracing of family members, are treated in separate chapters of this Handbook.

Adoption is not normally thought of as a resettlement possibility because in almost all cases where a child needs to be adopted there will be extended families members, others from the child's community of origin, or from the country of asylum, who can fulfil this need. If efforts are made to locate these persons, and perhaps to provide some initial support services, then there is rarely a need for international adoption.

In the resettlement context, adoption might be sought by extended family members or by persons who are unrelated to the child. In such cases, strict compliance with legal standards must be observed. The Convention on the Rights of the Child requires that "the best interests of the child shall be the paramount consideration", that is, the welfare of the child must never be compromised by competing interests, including those of the proposed adoptive parents. Furthermore, the Convention requires, among other things, that all necessary steps are taken to "ensure that the adoption of the child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary". (CRC article 21(a))

The Convention also requires that "due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background" (CRC article 20.3). This article does not prohibit inter-ethnic, -religious, or -racial adoptions. Instead, all factors must be considered, with the final judgement made on a case-by-case basis, with the child's best interests being the paramount consideration.

International adoption is also regulated by the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption with respect to State parties to the treaty.¹

Based on its experience, UNHCR has adopted standards which are applicable to all minors of concern whenever adoption is being considered.







Refugee Children: Guidelines on Protection and Care states:

“It is UNHCR’s policy that children in an emergency context are not available for adoption. Any adoption of an unaccompanied child of concern to the High Commissioner must be determined as being in the child’s best interests and carried out in keeping with applicable national and international law. It should not be carried out if:






- o there is a reasonable hope for successful tracing and family reunification in the child’s best interests;
- o a reasonable period (normally at least two years) during which time all feasible steps to trace the parents or other surviving family members have been carried out has not elapsed;
- o it is against the expressed wish of the child or the parent; or
- o voluntary repatriation in conditions of safety and dignity appears feasible in the near future and options in the child’s country of origin would provide better for the psycho-social and cultural needs of the child than adoption in the country of asylum or a third country” (pages 130-131).





¹ UNHCR’s policy on intercountry adoption is elaborated in UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children dated 22 August 1995. This document also contains relevant articles of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the Recommendation concerning the Application to Refugee Children and other Internationally Displaced Children (1994) of this Convention. See also, *Refugee Children*, Global Consultations on International Protection, 4th Meeting, UN Doc. EC/GC/02/9, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p.267 f., para.9, recommendations 6 and 7.

ESSENTIAL READING:

-  *Refugee Children*, Global Consultation on International Protection, 4th mtg., U.N. Doc. EX/GC/02/9, 25 April 2002.
-  ***Refugee Children: Guidelines on Protection and Care.* UNHCR Geneva, 1994.**
-  ***Guidelines for Interviewing Unaccompanied Refugee Children and Adolescents and Preparing Social Histories.* UNHCR Social Services Section, April 1990.**
-  ***Adoption of Refugee Children*, UNHCR/IOM/59/95-FOM/62/95, 22 August 1995.**
-  *Best Interest Determination Guidelines in the case of Sudanese Unaccompanied and Separated Children in the refugee camps in western Ethiopia*, UNHCR-RTSS, DRAFT November 2002.
-  *Action for the Rights of Children Resource Pack, Foundations, International Legal Standards*, September 2002, pp.16-17, and *Foundations, Child and Adolescent Development*, April 2001, topic 6, pp. 36-41

FURTHER REFERENCE:

-  *UNHCR Policy on Refugee Children.* UNHCR Geneva, August 1993.
-  *Interviewing Applicants for Refugee Status (RLD 4).* Training Module. UNHCR Geneva, 1995 (in particular Chapter Five: Interviewing Children).
-  *Mental Health of Refugees.* World Health Organisation/ United Nations High Commissioner for Refugees, WHO Geneva 1999.
-  *UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children* dated 22 August 1995.
-  *Evacuation of Children from Conflict Areas. Considerations and guidelines.* UNHCR/UNICEF. Geneva, December 1992 (Edited by Everett M. Ressler).

-  *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum.* UNHCR Geneva, February 1997.
-  *Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally.* General Assembly Resolution A/RES/41/85, 3 December 1986.
-  *Working with Unaccompanied Minors in the Community. A Family-Based Approach.* UNHCR (PTSS/Community Services) Geneva, 1994 (especially Chapter 3: Communication and Documentation).
-  *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,* UNHCR, Geneva, re-edited January 1992 (paras. 213-219).

4.8 Older Refugees

Older refugees may be particularly vulnerable when confronted with the causes and effects of becoming a refugee. Some may have been separated from family, friends or community during their flight, or have witnessed the killing of family members. The physical hardship of exile may well take its toll on the older refugees, who, if already frail, may not have the strength to ward off disease and illness. The stresses of being forced to flee and then having to adapt in a new environment during the first stages of exile, particularly for those without the support of family, place untold demands on the coping ability of many older refugees.

There is no fixed age to define an older refugee as *elderly*, largely because life expectancy differs among groups, and the process of ageing is affected by a number of factors, such as an individual's physical and psychological health, along with family and social support, cultural background, living conditions and economic situation.

It should be noted that some resettlement countries set age limits for the admission of older dependent parents under family reunification criteria or otherwise strictly apply dependency criteria.




Whenever possible, older refugees should be reunited with their family or members of their community.

If the family members of an older refugee cannot be traced in the country of refuge (or in the country of origin), an appropriate foster family should be found. It should be remembered that most refugee communities have great respect for their older members. They should participate in planning and implementing of community programmes.

Unless an individual has his/her own claim to resettlement under other criteria outlined in this Handbook, resettlement of the older should only be considered in the context of family reunification and elderly dependants should be included in resettlement submissions. It should, however, be understood that older refugees are sometimes reluctant to uproot themselves and leave an asylum country either with or to join family members who are already living in a resettlement country. In such circumstances, their interests and needs should be taken into account before a decision on resettlement is reached.

Further considerations and criteria related to family reunification are summarized in Chapter 4.6.

FURTHER REFERENCE:

-  *Age and gender dimensions in international Refugee law*, Alice Edwards in *Refugee Protection in International Law*, UNHCR's Global Consultation on International Protection, Erika Feller, Volker Türk and Frances Nicholson (Eds.), Cambridge University Press, 2003.
-  *Older Refugees: Looking Beyond the International Year of Older Persons*, Executive Committee of the High Commissioner's Programme, Standing Committee, 17th mtg. UN Doc. EC/50/SC/CRP.8, 7 Feb. 2000.
-  *The Situation of Older Refugees*, Executive Committee of the High Commissioner's Programme, Standing Committee, 48th Sess., UN. Doc. EC/48/SC/CRP.39, 14 Aug. 1998.

4.9 Refugees without Local Integration Prospects

Resettlement may be considered for refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational backgrounds.

Resettlement may be promoted under such circumstances when it can be established that a refugee, unable to return home in the foreseeable future, is also not able to integrate locally. In this regard, the quality of asylum and the level of social prospects inherent in it should play a key role in the assessment of resettlement needs.

Under the broad concept of seeking resettlement as a durable solution when resettlement for immediate protection reasons is not necessary, UNHCR may consider promoting resettlement for specific individual cases or even groups. However, resettlement of refugees without local integration prospects, as distinguished from the more immediate need of resettlement for reasons of protection, should be promoted by UNHCR only when specific conditions are met, as specified below.

The concept of “local integration” as a durable solution is defined above in Chapter 2 of this Handbook, as is the relationship between local integration, self-reliance and local settlement. As a concept, local integration sets explicit legal, economic, social and cultural standards for its attainment. The resettlement criterion of “lack of local integration prospects”, in fact, is *future-oriented*. It balances the quality of asylum in a given country at a given moment against the prospects of enhancing asylum and prospects of local integration within a specific timeframe. The major challenge for UNHCR in this respect is to continue upholding its protection principles by resettling refugees who objectively are without local integration prospects in the host country, while at the same time working towards expanding and strengthening the quality of asylum and the refugees’ local integration prospects in that same country. This comprises the rationale for the premise that all resettlement efforts, in particular resettlement as a durable solution, should be incorporated into a broader, comprehensive, protection framework that provides for a clear strategy in this regard.

It should be recalled that *self-reliance* is promoted by UNHCR at all times, and provides the basis for any of the three durable solutions. *As such it does not in itself constitute local integration nor does it preclude resettlement*. Field Offices should reflect this in communicating with refugees, governments and other partners, in order to address any misperceptions and to ensure a correct understanding of the applicability of the resettlement criterion ‘lack of local integration prospects’, see below for details.

In submitting a case for resettlement based on a *lack of local integration prospects* as the primary criterion, it is paramount to include adequate justification in the RRF. A blanked reference to lack of local integration prospects does not suffice. In the assessment and justification, the indicators and preconditions listed below would need to have been considered carefully in reaching a decision.

4.9.1 Basic considerations and methodology

The basic considerations outlined in Chapter 4.1 have to be fully applied and met. Moreover, in order to facilitate implementation and ensure consistency, a methodology is required.

- The first step in such a methodology would be the *profiling of a resettlement caseload*. Application of the present criterion is greatly facilitated by the undertaking of the “mapping needs exercise” described in Chapter 8.3 of this Handbook, which identifies groups or categories of refugees with common resettlement needs and characteristics. Understanding the needs of the refugee population, and instrumentalizing the provision of appropriate solutions to their specific problems, is the primary means of realizing the *complementarity* of the three durable solutions, an element that is of particular importance in ascertaining the potential applicability of the resettlement criterion “lack of local integration prospects”.
- Second, in determining whether a refugee or a group of refugees are without local integration prospects, the formulation and application of a set of *objective indicators related to different areas of protection* is crucial. These are set out below and count indicators related to legal protection and durable solutions, conditions of asylum, socio-economic considerations, and psycho-social considerations.
- Third, it should be noted that an individual-level analysis may identify case-specific grounds for utilizing this resettlement criterion, thereby adding a subjective element to the use of the indicators.
- Fourth, as it will be apparent the objective indicators provided below are of an interrelated, general and non-exhaustive nature. Therefore, UNHCR field offices are encouraged to develop additional, country specific indicators as needed and appropriate.

4.9.2 Setting Objective Indicators

All the indicators that local integration is not an option, which have been listed below are to be met in order for a refugee or a particular refugee category to be considered for resettlement under this criterion.

4.9.2.1 Indicators relating to Legal Protection and durable solutions

(a) Legal, social and economic protection in the country of asylum

The definition of local integration, as included under Chapter 2 of this Handbook includes as a key element a “*legal process*, whereby refugees are granted a progressively wider range of rights and entitlements by the host State

that are broadly commensurate with those enjoyed by its citizens”.¹ Broadly speaking, this can be translated into the question as to whether the host country – at the minimum - provides a protection regime which complies with the principles enshrined in the 1951 Convention with regard to the treatment of refugees as well as with basic international human rights instruments. In the affirmative, the refugees in question would not be a resettlement priority at the moment.

Where, however,

- *refugees are at best only tolerated in the country of refuge and/or considered as “illegal immigrants”, or*
- *their stay in the host country is based on a temporary protection regime, which is discretionary in nature,*

the lack of local integration criterion would still be an option and application of the remainder of the indicators would need to be analysed.

(b) Prospects for voluntary repatriation in the foreseeable future

A determination of whether voluntary return to the country of origin is feasible in the foreseeable future is necessary. While this assessment needs to take into account individual socio-economic and psycho-social aspects (see below), an analysis of mere objective factors may lead to the assumption that

- *voluntary repatriation in safety and with dignity is still precluded for the specific category of refugees under consideration, and*
- *there are no indicators that the situation in the country of origin will improve in the foreseeable future for any category within a refugee population.*

Both would be indicators that the lack of local integration prospects criterion for resettlement might remain an option for the refugee(s) in question.

Voluntary repatriation does not necessarily foreclose the possibility of resettlement for certain individuals.

In situations where spontaneous voluntary repatriation takes place or when voluntary repatriation is actively promoted, there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation. In consultation with UNHCR Headquarters, a determination should be made as to whether resettlement is warranted in such cases, provided resettlement places are available.

¹ *Local Integration*, Global Consultations on International Protection, 4th mtg., UN DOC. EC/GC/02/6, 25 April 2002, in *Refugee Survey Quarterly*, Vol. 22, No. 2/3 2003, p. 240, para. 6.

(c) Do refugees have meaningful prospects of local integration in the country of refuge ?

This may not be the case where local authorities despite efforts on part of UNHCR, refugees themselves and other actors remain firmly opposed to the facilitation of, even limited, integration opportunities for the refugee population in general or the category/nationality under consideration.

Indications of meaningful integration prospects include (but are not limited to) issuance of work permits, inclusion of refugees in local apprenticeship schemes, significant number of marriages between refugees and the members of the local population and an inclination on part of the authorities to grant citizenship to refugees of a specific nationality/category.

An individual refugee's case for resettlement should, furthermore, be examined in light of conditions faced by other refugees similarly situated. This includes a realistic evaluation of how best to address the needs of other refugees in a similar category or those in identical circumstances in the country of refuge or neighbouring countries. For these purposes and to ensure regional consistency, close consultations should be held among UNHCR offices with a refugee population of a similar profile.

4.9.2.2 Indicators relating to Conditions of Asylum

(a) Length of stay in the country of refuge

There is no definite length of stay in a country of refuge after which it can be said that a refugee lacks a durable solution. The emphasis in this regard is on the careful assessment of the local integration prospects of the individual or group rather than on hard and fast rules relating to time frames.

However approximate time-frames can be set out as a yardstick in determining local integration prospects, under the basic assumption that the longer the stay without having been provided with a durable solution, the lower the potential for eventually being allowed to locally integrate. The indicators below include such approximate time frames, in noting situations under which the application of the criterion 'lack of local integration prospects' is relevant:

- Refugees have been staying in the country of refuge for a protracted period of time (more than six years). Refugee children and adolescents born in the country of refuge have never known any other environment (refugee camp, urban area) nor seen their homeland. Given their overall situation these children/adolescents are at risk of becoming a "lost generation".

- Refugees have been in the country of refuge *between two and six years*. Refugee children born in the country of refuge have completed a primary cycle of education and there is still potential for them to recover from the negative consequences of their prolonged refugee situation.

(b) Refugees' living conditions in the country of refuge

Where refugees are located

- in *closed camps*, or
- in an urban setting in *below standards living conditions* (i.e. with an income below the minimum wage of local daily labourers in the host country),

this would indicate that local integration prospects are limited. If refugees, on the contrary, are based in open camps with freedom of movement from/to the camp and opportunities for interaction with the local population this would represent the opposite assumption. This also applies for refugees living under reasonable living conditions in an urban setting (meaning that they reach the minimum wage of local daily labourers in the host country).

(c) Refugees' living conditions within the region compared to refugees of the same group/category

In the event that living conditions in the country of refuge are worse or similar to those of refugees in other countries within the region, resettlement should be maintained as an option. For example, if refugees of a particular profile (ethnicity, nationality etc.) are hosted in closed camps in one country but enjoy freedom of movement in neighbouring country this would call for further analysis of the potential for usage of the 'lack of local integration prospects' criterion.

4.9.2.3 Socio-Economic Indicators

(a) Access to fundamental services.

In the instance that refugees do not have access to basic services (essentially constituting certain human rights), indications are that resettlement may be relevant. The pointers listed below are indicative of lack of local integration prospects:

Education

- Refugee children do not have access to primary public education facilities
- Refugee children and/or adults do not have access to the secondary public education or vocational training schemes

Medical services

- Refugees have no access/limited access to public medical facilities:
 - because they are refugees
 - because as refugees belonging to a minority they have poorer facilities or limited access to general facilities

Access to work

- Refugees do not enjoy the right to employment or access to other economic activity because, for example, they are prevented from trading in local markets or vulnerable to harassment or detention when pursuing economic opportunities in urban areas.

Access to property

- Refugees are *de jure* or *de facto* prevented from renting or buying property. A *de facto* obstacle may derive from discrimination against the refugee category or population generally and take the form and shape of, for example, an obligation to pay higher prices than the local population.

(b) Overall living standards for local population in a similar situation

Where refugees, compared to the local population in a similar situation, are discriminated against with regard to access to services and/or accommodation, as a matter of government policy, and such treatment cannot be justified under the 1951 Convention or international human rights instruments, this may indicate that resettlement should be pursued if other indicators equally point to this solution.

(c) Resettlement opportunities for the particular refugee category within the region.

The below listed assumptions indicate that resettlement might be appropriate:

- Resettlement under this criterion is carried out consistently for the same category of refugees within the country of refuge, whether in camps or in urban areas.
- Refugees belonging to the category under consideration have equal resettlement opportunities within the region.
- Resettlement for the refugee category under consideration is carried out as part of a regional integrated approach that aims at attaining local integration for other categories among the same refugee constituency (e.g. refugees married to local citizens; refugees with the same cultural and linguistic background).

(d) Family support and integration into the refugee community

This indicator goes more to the subjective level of the individual refugee. It should be established whether the refugee individual/group is: Separated from close family members; or has lost close family members; or s/he is single. In addition, s/he has no support from the refugee community. If it is concluded that family or community support is absent, resettlement should be considered.

(e) The refugees' individual socio-economic profile

- The refugee individual/group is excluded from refugees' predominant social, economic and community networks. (*Note: This is particularly relevant in urban contexts, where refugees are known to survive thanks to the support of community-based networks and the sharing of resources among members of the same clan or community*).
- The refugee individual/group is entirely dependent upon UNHCR's assistance and is inactive for external reasons (e.g. a Government's restrictive approach to refugees).

In these cases, resettlement should be considered.

4.9.2.4 Psycho-Social Indicators

(a) The refugees' past history of persecution and circumstances of flight

As with other indicators listed in this section, if the subjective indicators outlined below are met, resettlement should be considered in so far as all the other indicators also apply.

- The persecution history of the refugee individual/group is relatively more severe than that of other refugees/groups in a similar situation. *Without meeting the requirements for submission under special needs categories*, the circumstances of the refugee's/the group's flight have resulted in a negative impact on his/her/its motivation, emotional capacity and strength to cope with the challenge of integrating in his/her/its present country of refuge.
- The refugee individual/group has a several-year multiple flight history behind him/her/them (e.g. Refugees who were uprooted from their home country at a very young age and have not stopped fleeing ever since then).
- This has strongly affected the refugees' emotional stability and their opportunities for self-development (education and training). Refugees under this category are considered socially and economically disadvantaged.

(b) Efforts made on part of the refugees to improve their personal situation

- The refugee individual/group has demonstrated self-initiative and resourcefulness in trying to improve his/her/its own situation in the country of refuge by taking advantage of all existing opportunities (e.g. community work, self-education, language-training).

4.9.3 Adverse effects

When a determination is made of the need of an individual or group of refugees for resettlement because of a lack of local integration prospects, it is important to ensure that there will be no negative effects on other areas such as the prevailing asylum conditions and the standards of protection in the region for other individuals or groups of refugees.

Particular care must be taken so that “pull-factors” do not compromise or overwhelm a specific initiative.

4.9.4 Consultation process

Identification of cases without local integration prospects should take into account the likelihood of resettlement countries accepting such cases. For this reason, UNHCR Field Offices should consult with UNHCR Headquarters when considering the promotion for resettlement of such caseloads in order to determine resettlement countries’ criteria and capacities in this regard. This will help inform the decision-making of UNHCR Field Offices so that a realistic assessment of resettlement possibilities can be made. It may be necessary to promote a *broad-based* approach, involving several resettlement countries.

In the context of such consultations, and *prior* to initiating resettlement interviews or indicating to refugees that resettlement is a possibility, a resource assessment of the availability of resettlement places, financial requirements and the processing capacity of all parties involved has to be undertaken. This includes detailed planning and negotiations with countries of resettlement, UNHCR Headquarters, and interested and experienced NGOs.

4.9.5 Setting priorities

Individuals or groups should be assisted only where the opportunity (resettlement quota/places being offered) arises, and if resources (including staff and funding) are available. It is recognized that such cases have an on-going, not an urgent, need for resettlement. When resettlement places are limited, or adequate resources for conducting resettlement activities are not available, cases related to urgent protection concerns will *always* take precedence.

FURTHER REFERENCE:




-  *Global Consultations on International Protection, 4th meeting, 25 April 2002, EC/GC/02/6, Local Integration.*
-  *Refugee Resettlement: An International Handbook to Guide Reception and Integration, 30 Sept. 2002.*
-  *Framework for Durable Solutions for Refugees and Persons of Concern (DAR, 4Rs, DLI), Core Group on Resettlement, UNHCR Geneva, May 2003.*

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SPECIAL ISSUES

5.1 Stateless Persons

5.1.1 UNHCR's mandate and activities

A link between statelessness and displacement has been established for some time, given that statelessness often, though not necessarily, occurs in the context of refugee flows. UNHCR has concisely defined responsibilities for stateless *refugees* flowing from paragraph 6 (A)(II) of the Statute and Art. 1 (A) (2) of the 1951 Convention.

The *1954 Convention relating to the Status of Statelessness* outlined for the first time a legal framework to ensure a legal status and basic standard of treatment for all *non-refugee* stateless persons. Art. 1 of this Convention defines a stateless person as follows: “For the purpose of this Convention, the term “stateless person” means someone who is not considered as a national by any State under the operation of its law” (*de jure* stateless). However, the Final Acts of both Conventions recommend that persons who are stateless *de facto* should as far as possible be treated as stateless *de jure* to enable them to acquire an effective nationality.

The 1961 Convention on the Reduction of Statelessness was adopted with view to provide a new framework for avoiding future cases of statelessness. The Convention provides for acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through factors of birth on the territory or descent from nationals.

The protection of nationality once acquired and nationality determination in cases of the succession of States are also addressed. As such, the Convention addresses both nationality issues within the jurisdiction of a State and offers solutions to nationality problems that might arise between States. To this end, the principles outlined in the Convention have served as an effective legal framework within which to resolve issues of statelessness on the national, regional and international levels. When this instrument entered into force in 1974, UNHCR was designated by the United Nations General Assembly, pursuant to Art. 11 of the Convention, as the body to which a person claiming the benefits of the Convention may apply for the examination of her or his claim and for assistance in presenting it to the appropriate authorities. As such, UNHCR has a specific role to play in advising States parties to this instrument on how to resolve a case of statelessness.

In 1995 and early 1996, UNHCR's Executive Committee and the United Nations General Assembly¹ requested UNHCR to broaden its activities as regards statelessness to include *all* States, by

- promoting accession to the 1954 and 1961 Statelessness Conventions;
- provide legal advice on the preparation and implementation of nationality laws to all interested States;
- to cooperate closely with States and partners to ensure that problems of statelessness can be identified and effectively resolved;
- to disseminate information on the problem of statelessness globally;
- to train staff and government officials; and
- to report back regularly to the Executive Committee on these activities.

It is the sovereign right and responsibility of each State to determine, through the operation of national law, who are its citizens. UNHCR *has no authority to make declarations concerning nationality status*. The office, rather, acts as a catalyst to encourage States to make their determinations of nationality status in accordance with international conventions, international custom and the principles of law generally recognized with regards to nationality², which stipulate against the creation of statelessness.

¹ ExCom Conclusion No. 78 (XLVI) - 1995 as endorsed by the UNGA through its Resolution 50/152, 9, February 1996.

² The 1948 Universal Declaration of Human Rights declares in Article 15 that everyone has the right to a nationality and no one should be arbitrarily deprived of nationality or of the right to change nationality. The 1966 International Covenant on Civil and Political Rights proclaims that every child should be registered immediately at birth and has the right to acquire a nationality. The 1989 Convention on the Rights of the Child has a similar provision and also states that the child's right to preserve his or her identity, including nationality, shall be respected. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women stipulates that women should have equal rights with men with regard to acquisition, change and retention of nationality, and that women should be given rights equal to those granted to men in passing their nationality to their children. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination provides that there is a right to equality before the law without discrimination, including as regards the right to a nationality. Regional treaties, such as the 1961 American Convention on Human Rights, the 1990 African Charter on the Rights and Welfare of the Child and the 1997 European Convention on Nationality also underline the need of every person to have a nationality, and seek to clarify the rights and responsibilities of States in ensuring individual access to a nationality.

Access to the protection of a State is clearly not available for persons who do not have a legal bond of nationality with reference to the laws of any State. Hence, such persons normally are excluded from access to basic political, economic, social and cultural rights in the country where they live. Travel may be impossible, and many stateless persons have no documents to indicate their identity.

The 1954 and 1961 Conventions provide valuable guidance for States in the protection of stateless persons and the avoidance of future cases of statelessness. Application of the provisions of these instruments improves international relations and stability by avoiding and resolving cases of statelessness, and by providing legal clarity concerning the status of stateless persons, decreasing the potential for unrest or displacement. Support for these instruments by way of accession assists those covered by the Conventions, and improves international relations by developing legal principles related to the status of stateless persons, the reduction of statelessness and, in turn, strengthens the international protection regime. Despite this extensive legal framework a gap remains in the international protection of stateless persons.

5.1.2 Resettlement of non-refugee stateless persons

In the refugee context it has to be acknowledged that stateless refugees, because of their lack of nationality and absence of future availability of national protection, may be more vulnerable than refugees who have a nationality. UNHCR undertakes resettlement of stateless refugees, when advisable and under stipulated conditions.

In its General Conclusion on International Protection No.95 (LIV) of 2003, the Executive Committee of UNHCR recommends that States consider resettlement of *non-refugee stateless* persons under certain exceptional circumstances.





States are encouraged "...to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious"

Field Offices considering resettlement of non-refugee stateless persons in these circumstances should confer with the Resettlement Section in UNHCR Headquarters prior to submission. Certain stateless persons can be in a situation whereby they are persecuted on the grounds provided by the 1951 Convention but have not left the country of origin and cannot therefore be formally recognised as refugees.

In other situations, despite repeated efforts made by the international community, it is clear that neither the present State of residence nor an eventual former State of residence or of nationality will in the foreseeable future grant its nationality or enable the stateless person to live in a manner in which his basic rights are guaranteed.

Ideally, the status to be given to resettled non-refugee stateless persons should be similar to that of resettled refugees, i.e. a status that provides the person in question and his/her family or dependants with access to civil, political, economic, social and cultural rights similar to those enjoyed by nationals, and the opportunity to eventually become a naturalized citizen of the resettlement country. At the very minimum, a status as a stateless person under the 1954 Convention relating to the Status of Stateless Persons should be provided, encompassing rights and obligations enshrined in this instrument³.

FURTHER REFERENCE:

-  *Executive Committee Conclusion No. 78 (XLVI) – 1995 on Prevention and Reduction of Statelessness and the Protection of Stateless Persons.*
-  *UNHCR's Activities in the Field of Statelessness: Progress Report, EC/53/SC/CRP.11, 3 June 2003.*
-  *Information and Accessions Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, UNCHR, Division of International Protection, June 1996, Revised Jan. 1999.*
-  *Evaluation of UNHCR's role and activities in relation to statelessness, UNHCR, Evaluation and Policy Analysis Unit, EPAU/2001/09, July 2001.*

5.2 Returnees



UNHCR's responsibilities include a substantive involvement in securing protection and providing assistance to returnees in the country of origin. Where there are indications or evidence that the freedom or security of returnees is at risk due to a lack of adequate State protection, UNHCR, as part of its returnee monitoring activities, should do whatever it can to remedy the situation and relieve the plight of the returnees. UNHCR must intervene where human rights abuses or severe discrimination come to light. The form UNHCR's intervention takes will vary, but may include seeking remedial action and/or making a formal protest at the local/central level and making formal representations to regional or international bodies.

³ The 1954 Convention contains provisions regarding stateless persons' rights and obligations pertaining to their legal status in the country of residence which are similar to the legal regime provided by the 1951 Convention relation to refugee status. These rights include access to courts, property rights, which are, at a minimum, equal to those granted to aliens generally, and freedom to practice their religion. Obligations include conformity to the laws and regulations of the country. The Convention further addresses a variety of matters that have an important effect on day-to-day life, such as gainful employment, public education, public relief, labour legislation and social security.

Where problems and abuses are not isolated and there appears to be a risk of future occurrences, UNHCR should not promote further repatriation until the problems are rectified.

If UNHCR's intervention fails to solve the problem and fails to prevent the risk of further harm, and such risk is serious and imminent, measures may have to be taken by suitable actors to ensure that the affected returnees can leave the country to seek safety as refugees once again. These actions may, in special cases, include consideration of resettlement.

FURTHER REFERENCE:

-  *Handbook Voluntary Repatriation: International Protection*. UNHCR Geneva, 1996.
-  *Returnee and Displaced Person Monitoring Framework (RMF), Inter-Agency Memorandum of Understanding (MOU) Between the United Nations High Commissioner for Refugees (UNHCR) the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the Organization for Security and Cooperation in Europe (OSCE), and the European Community Monitoring Mission (ECMM)*, 2 February 1999.

5.3 Irregular, Secondary or Onward Movement

UNHCR and Governments are faced with the issue of “irregular”, “secondary” or “onwards” movements in several regions, and it is also a predominant topic in the urban refugee dynamic. Resettlement can have a positive, mitigating influence on secondary movements when it is implemented across regions and in all countries on the basis of clear and consistent criteria, and when it is used as a tool to reinforce protection in countries of first asylum.

In a number of situations around the world, where refugees lack local integration prospects, host countries expect UNHCR to facilitate resettlement of these refugees (see Chapter 4:9 for details on this resettlement criterion). When resettlement is undertaken in such contexts, there is an evident risk that additional asylum seekers and refugees will be attracted to the country or city concerned, leading to the growth of an unmanageable (urban) caseload. In its discussions with authorities, UNHCR should point out that an approach exclusively promoting resettlement may increase rather than diminish the numbers of refugees residing in the country.

The concept of irregular, secondary or onward movement

ExCom Conclusion No. 58 (XL) on the *Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection* provides the following definition of Irregular Secondary Movement:

“...refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which *they have already found protection*, in order to seek asylum or permanent resettlement elsewhere...” (Emphasis added).

Similarly, according to the *1997 UNHCR Policy on Urban Refugees* (paragraph 13) “the movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as “irregular movement, and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection.”

Compelling and legitimate reasons for onward movement include specific protection or security problems in the country that the refugee concerned left, for example risk of refoulement, arbitrary detention, physical assault and other serious human rights violations. It also includes the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement. Systematic and discriminative material deprivation may also legitimize onward movement.

Moreover, onward movement for the purpose of reunification with close family members may also be justified if the refugee in question has exhausted all available means of doing so, and if UNHCR’s efforts to facilitate family reunion have proved unsuccessful within a reasonable period of time.

UNHCR’s response to cases of irregular movement

If a refugee or asylum seeker has moved from a country of first asylum with valid reasons, as defined above, the person should be treated like any other refugee for assistance and resettlement purposes.

However, if a refugee or asylum seeker has moved from a country of first asylum *without legitimate reasons*, the person *should not normally be considered for assistance*, with the obvious exception of life-saving assistance that is not available in a timely manner from another source. Refugees and members of refugee households whose security and protection are compromised by material deprivation may also be considered for assistance, in particular with regard to children, elderly and disabled people.



All asylum seekers, refugees and other person of concern to UNHCR are entitled to the protection of the organization, irrespective of their location and the means (including the legality) of their movement. Therefore, protection is inviolate and not affected by irregular movement.

One of the reasons for secondary or onward movement to occur is that refugees may be looking for resettlement opportunities. The resettlement of refugees who have engaged in onward movement without a legitimate reason often encourages additional movements of this type and takes place at the expense of refugees who have remained in their country of first asylum.



Therefore, refugees who have engaged in onward movement without valid reasons should ***normally not be considered or presented for resettlement***. Exceptions to this principle may be made in situations where resettlement is required for:

- Life-saving security or medical reasons;
- Situations in which it is determined that the person(s) concerned would have met the criteria for resettlement if they had remained in their country of first asylum and they have not found protection in a second country of asylum; and
- Cases where the person concerned have close relatives in resettlement countries who they wish to join for family reunification purposes.

ESSENTIAL READING:

-  *Executive Committee Conclusion No. 58 (XL) - Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection.*
-  *Summary Conclusions on the Concept of “Effective Protection” in the Context of Secondary Movements of Refugees and Asylum-Seekers, Global Consultations on International Protection, Lisbon Expert Roundtable, 9 and 10 December 2002.*

FURTHER REFERENCE:

-  *Executive Committee Conclusion No. 8 (XXVIII) - Determination of Refugee Status.*
-  *Executive Committee Conclusion No. 15 (XXX) - Refugees without an Asylum Country.*

5.4 Stowaways

Refugees who have stowed away on boats or other international transport should not automatically be considered for resettlement. Field Offices should first establish that the individual is of concern to UNHCR and then look at the possibilities of either voluntary repatriation to the country of origin, or alternatively to his or her return to the country of first asylum or previous port of call so that asylum procedures may be initiated.

When neither of these options is available, initial efforts should be made to ensure protection of the refugee in the country of disembarkation, rather than seeking resettlement.

ExCom Conclusion No. 53 “reaffirms the necessity of giving proper attention to the need of stowaway asylum-seekers including arranging for their disembarkation, determining their refugee status and, whenever required, providing them with a durable solution”. States and UNHCR are recommended to “take into account the following guidelines when dealing with actual cases of stowaway asylum-seekers:

1. Like other asylum-seekers, stowaways must be protected against forcible return to their country of origin.
2. Without prejudice to any responsibilities of the flag State, stowaway asylum-seekers should, whenever possible, be allowed to disembark at the first port of call and given the opportunity of having their refugee status determined by the authorities, provided that this does not necessarily imply durable solutions in the country of the port of embarkation.
3. Normally UNHCR would be requested to assist in finding a durable solution for those found to be refugees, based on all relevant aspects of the case.”

ESSENTIAL READING:

Executive Committee Conclusion No. 53 (XXXIX) - Stowaway Asylum-Seekers.



UNHCR Practical Guidelines relating to stowaway asylum-seekers, 17 January 1992

FURTHER REFERENCE:

Trafficking of Women for Sexual Exploitation: A Gender-based Well-Founded Fear? An examination of refugee status determination for trafficked prostituted women from CEE/CIS countries to Western Europe – A research paper submitted to the University of Pavia ESAS-CS by Jenna Shearer Demir, January 2003.

5.5 Criminal Records

Refugees who have been convicted of severe or multiple criminal offences will normally not be accepted for resettlement by resettlement countries. If such cases are identified and all possible local options are exhausted, further advice should be sought from the Resettlement and Special Cases Section at UNHCR Headquarters. Refugees who have served their sentences should, in principle, not be denied the possibility of resettlement if they otherwise meet UNHCR's criteria.

It should be noted that cases of the above-mentioned nature may give rise to exclusion considerations under Article 1F of the 1951 Convention, either during RSD or as the basis for cancellation or revocation. The applicability of the exclusion clauses enshrined in Article 1F must be established in proper procedures and according to the standards set out in the *2003 UNHCR Exclusion Guidelines and Background Note*. See also Chapter 3.7 of this Handbook on Exclusion of Persons Considered as Undeserving of International Protection. It is paramount that in determining whether a person is a refugee under UNHCR's international protection mandate, Field Offices consider issues relating to both inclusion and exclusion carefully **before making any demarches toward resettlement**. Standard Operating Procedures for the processing of cases involving exclusion considerations are set out above under Chapter 3.7.

5.6 Ex-combatants

In its Conclusion No. 94 (LIII) of 2002, UNHCR's Executive Committee has defined combatants as persons taking active part in hostilities in both international and non-international armed conflict who have entered a country of asylum. While active combatants are not eligible for international refugee protection on account of the incompatibility of their activities with the civilian nature of refugee status, asylum claims of former combatants should be examined in individual RSD, which should include a thorough assessment of the applicability of Article 1F. Please see Chapter 3.7 of this Handbook for guidance on how to deal with such cases.

Some resettlement countries do not accept ex-combatants for resettlement. The interpretation of what constitutes a combatant varies from one country to another.

Where a former combatant has been found to be a refugee, as a result of proceedings in which both inclusion and exclusion aspects of an asylum claim were examined, and resettlement has been identified as the appropriate durable solution for that person, Field Offices should clarify the policy of potential resettlement countries with regard to ex-combatants prior to submitting the case for resettlement. As a first step, the relevant country chapters of this Handbook should be consulted. If these do not contain pertinent information, Field Offices should approach the authorities of the resettlement countries concerned and, if necessary, UNHCR Headquarters.

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BASIC PROCEDURES TO BE FOLLOWED IN FIELD OFFICE RESETTLEMENT OPERATIONS

6.1 Overview of Basic Resettlement Procedures

Resettlement is a vital instrument of protection and a durable solution for refugees whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. The decision to resettle a refugee is normally taken, with priority, when there is no alternative way to guarantee the legal or physical security of the person concerned. UNHCR resettlement criteria aim not only at resolving possible immediate danger to a refugee's life and security. Resettlement, as a tool of international protection, is also directed at addressing the special needs of a refugee which cannot be met adequately in the country of refuge. Finally, resettlement is a durable solution for larger numbers or groups of refugees, alongside the other durable solutions of voluntary repatriation and local integration.

6.1.1 *Range of resettlement contexts*

UNHCR's resettlement activities have expanded significantly in the recent years. This expansion has resulted in both the diversification of nationalities resettled and in the diversification of the contexts within which resettlement activities take place.

UNHCR resettlement activities currently take place in almost all contexts of UNHCR's work, with urban refugee populations, in refugee camps, and in refugee settlements.

Resettlement may be undertaken in field operations where refugees systematically undergo individual status determination procedures. In other cases, UNHCR undertakes resettlement activities in *prima facie* refugee situations.

Resettlement activities are both possible and potentially necessary in any and all of these circumstances. Given the diversity of field contexts, however, the individual procedures of various Offices will likely differ, according to their capacity and resettlement needs. At the same time, it is recognized that the detail of an Office's procedures will be a reflection of the scale of its on-going resettlement activities.

6.1.2 Stages in the resettlement process

Regardless of the field context, all resettlement activities must conform to basic standards. The preparation of individual resettlement submissions must pass through the following common stages of the resettlement process:

1. **Identification** of refugees in need of resettlement consideration
2. **Assessment** of individual resettlement need
3. **Preparation** of a resettlement submission
4. UNHCR **submission** decision
5. Resettlement **country decision**
6. **Departure** arrangements and monitoring

The purpose of this Chapter is to specify the potential roles that UNHCR Field Offices have to play in each of these stages and to provide guidelines on how these roles may most effectively be met. This Chapter will also introduce a number of practical tools designed to facilitate the implementation of these standards that Field Offices may develop to their particular resettlement needs.

6.2 Standards, Accountability and Safeguards in the Resettlement Process

Given the diversity of field contexts, specific resettlement procedures will differ from Field Office to Field Office. It is neither possible nor desirable to have a single, universal set of Standard Operating Procedures (SOPs) to be followed by all UNHCR Field Offices. Instead, each Field Office should review their capacities and resettlement needs and determine a resettlement process appropriate to their context and in adherence with the basic standards contained in the Resettlement Handbook.

The High Commissioner's IOM/25/2002 – FOM/24/2002 dated 15 March 2002 (included in Annex 11) clearly specifies the importance of the effective management of all protection activities, including resettlement. While Chapter 8 addresses the more general question of managing resettlement activities in Field Offices, this Chapter illustrates that there are a number of safeguards that must be incorporated into the resettlement process at each stage to ensure its integrity and credibility.

These safeguards include:

Standards – All resettlement submissions prepared in a Field Office must be processed according to established and objective standards and procedures. These standards must be developed to address the needs and capacities of individual Field Offices, and in adherence with the basic standards contained in this Handbook.

IOM/25/2002 – FOM/24/2002 outlines the responsibility of each Field Office to develop Standard Operating Procedures (SOPs), as addressed in Chapter 8.1 of the Resettlement Handbook.

Transparency – All resettlement decisions must be taken in a transparent manner. The most effective means of ensuring transparency is through the documentation of all stages of the resettlement process. The file belonging to a refugee under consideration for resettlement must contain sufficient documentation justifying the decisions taken on that individual case. All documentation contained in a file must be signed and dated.

It is also important that the resettlement process be transparent *vis-à-vis* refugees and resettlement partners. In this regard, information meetings may be held to inform refugees and resettlement partners of the standards and procedures governing the resettlement process in a given Field Office. Such transparency will serve to enhance the credibility of resettlement, and is an important foundation for greater co-operation and confidence in the resettlement process.

This external transparency should not, however, extend to disclosure of the names of UNHCR Staff responsible for taking decisions in the resettlement process, and must not extend to sharing the contents of an IC's file (Please see UNHCR's *Guidelines on the Sharing of Information on Individual Cases*).

Authorization and Accountability – In all Field Offices, the UNHCR Representative must designate an officer accountable for resettlement activities. Designating an officer accountable for all resettlement activities is an important first step in ensuring the effective management of resettlement activities within a Field Office. The decision to both process and submit a refugee's case to a resettlement country for their consideration must be authorized by the officer accountable for resettlement activities. (Please see Chapter 8.1.2)

Oversight – Resettlement activities must benefit from the oversight of a designated officer within individual field offices. The preparation of resettlement submissions should benefit from periodic random checks to ensure that individual submissions are prepared according to the criteria contained in this Handbook and as a means of ensuring quality control. Oversight of the resettlement process should also result in an on-going review and improvement of the process as needs, resettlement needs and Field Office capacities change over time.

At the same time, the resettlement process in an individual Field Office may benefit from oversight by external or regional UNHCR Officers, in the same way that the accuracy and credibility of financial procedures are ensured through external oversight.

Combating fraud and corruption in the resettlement process – Safeguards must be incorporated into every step of the resettlement process to combat fraud and corruption. Such steps include, but are not limited to:

- verifying registration details and refugee status prior to the preparation of a resettlement submission;
- paying particular attention to family compositions;
- ensuring that photographs of each member of the resettlement case are included in the refugee's file and attached in a tamper-proof manner;
- sensitizing the refugee population to the potential consequences of fraud;
- conducting identity checks at key stages in the resettlement process; and,
- ensuring that all decisions relating to resettlement are documented, dated and signed

While combating resettlement fraud and corruption is addressed more comprehensively in Chapter 8.4, various elements of fraud and corruption prevention will be proposed through the steps outlined in this Chapter.

As emphasized by the High Commissioner's IOM/25/2002 – FOM/24/2002, resettlement activities are particularly vulnerable to fraud because of the benefits they offer. Incorporating safeguards into the resettlement process minimizes fraud possibilities, protects refugees from further victimization, protects innocent staff from false allegations, and contributes to the overall credibility and effectiveness of UNHCR's resettlement activities.

The only way to effectively combat fraud and corruption in the resettlement process is proactively through the development and implementation of accountable and transparent resettlement procedures. Field Offices must not wait until allegations emerge before undertaking measures to combat fraud and corruption in the resettlement process.

6.3 Step 1: Case Identification

EXCOM Conclusion 90 (LII) – 2001 acknowledged that resettlement “is a process beginning with the identification and assessment of refugees requiring protection...” Identification is arguably the most crucial and challenging aspect of the resettlement process. Failure to identify a refugee in need of resettlement in a correct and timely manner 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.

These challenges are especially acute in protracted *prima facie* refugee situations. In such situations, identifying refugees in need of resettlement, without the benefit of early and effective registration and individual refugee status determination, is an essential but complex task.

Active and systematic case identification among UNHCR offices in the field and with operational partners in the field, as well as co-operation between the relevant sections *within* a given Field Office, are essential in order to ensure that cases in need of resettlement are identified.

Resettlement needs should be identified proactively and as part of UNHCR’s standard assessment of protection and durable solutions needs, rather than reactively through the demand of an individual. For this reason, resettlement must be employed as part of a comprehensive protection strategy to address the needs of refugees in a country of asylum and include an *identification and referral system* to facilitate the active identification of cases.

The initial registration of refugees should ensure the early identification of specific categories of refugees who may have special needs. Such categories will include unaccompanied children and the physically or mentally disabled, single women and single parents. Officers working directly with refugees will furthermore be in a position to identify individuals and families for resettlement consideration.

Early and effective registration coupled, where possible, with individual status determination procedures provide the most effective means of identifying refugees in need of resettlement consideration in a pro-active and on-going basis.

It should, however, be noted that the identification of a refugee as being vulnerable in their country of asylum does not necessarily mean that the refugee is either eligible for or in need of resettlement. Resettlement is one possible tool at the disposal of field offices to address a refugee’s particular vulnerability.

In addition to the identification carried out by UNHCR directly, information from other organizations, especially those dealing with medical and social services, may prove useful. It is important to utilize structures within a refugee population to identify individuals who may need special attention.

It is not, however, advisable to ask persons like refugee community leaders who they would select or recommend for resettlement. While refugee community leaders can play an important role in identifying persistent protection concerns and in disseminating information on resettlement, involving them in the referral of refugees for resettlement is a process that has proven to be problematic.

6.3.1. Identification actors and procedures

While various actors may be engaged in the initial identification of a refugee in need of resettlement consideration, it is essential that these activities are closely managed by the officer accountable for resettlement activities, that the identification process is well documented, and that cases are followed-up in a timely manner. It is also important that transparent identification procedures are developed and implemented in all Field Offices.

The focus of this section is the identification of individual refugees in need of resettlement consideration. The identification of groups or populations in need of resettlement consideration is addressed in Chapter 7.3 of this Handbook.

The identification of an individual refugee in need of resettlement consideration is typically the result of a referral received from within UNHCR, from an organization external to UNHCR working with refugees, or from refugees themselves. The most effective and responsive resettlement procedures will include consideration of referrals from all three sources.

By considering referrals from all three sources, Field Offices may also ensure effective access to the resettlement process for those most in need. Ensuring access to the resettlement process should be seen as a priority, especially as those refugees who are most vulnerable are often the least visible and the least vocal. Effective identification and referral mechanisms should concentrate on ensuring access to the resettlement process for those most in need in a proactive way.

6.3.2 Internal referrals

Various sections within a Field Office may be well-placed to make resettlement referrals on the basis of their day-to-day contact with refugees. The Protection Unit will be well-placed to identify refugees with persistent protection problems that cannot be addressed in the country of asylum. The Community or Social Services Unit may identify vulnerable refugees according to the criteria established in Chapter 4 of this Handbook, most particularly Women-at-risk, Survivors of Violence and Torture, Unaccompanied Minors and refugees with particular Medical Needs.

Co-ordination and training are essential within a Field Office to ensure that internal referrals are effective in identifying refugees in need of resettlement consideration. Field Office staff must be informed on the nature and limitations of resettlement to ensure that only appropriate referrals are made, and to ensure that unrealistic resettlement expectations are not raised.

Standard procedures must be developed in all Field Offices governing the referral of refugees in need of resettlement consideration from other Sections. **All referrals must be in writing**, and contain the following basic information:

- basic bio-data of the Principal Applicant and all dependents;
- the basis of the referral;
- the immediacy of the need;
- the name and title of the referring staff member; and,
- the date of the referral

A **focal-point** should be identified within all field offices for receiving internal referrals. This focal-point would be responsible for documenting receipt of the referral in the resettlement database or registry, retrieving any file or documentation held by the Field Office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

The task of making, receiving and assessing internal referrals has been greatly facilitated in a number of UNHCR Field Offices through the development of a standard referral form. A “Sample Referral Form” is included in Section 2 of the Resettlement Tool-Kit. This form may be adapted by individual Field Offices to suit their particular context and needs.

6.3.3 External referrals

Actors external to UNHCR can also potentially play a valuable role in the identification of individual refugees in need of resettlement consideration. This is especially true when considering the involvement of non-governmental organizations (NGOs) working directly with refugees. (For more information on the role of NGOs in global resettlement efforts, please see Chapter 10.)

Using the criteria contained in this Handbook, there is great potential for NGO involvement in the identification process. In many field operations, NGOs have a greater degree of qualitative contact with refugees on a day-to-day basis through the particular 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 concerns who may be in need of resettlement.

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

- 1. Formal arrangements:** Through a specific sub-agreement, NGOs may run pre-screening programs to assess protection and other needs in large refugee populations. Such sub-agreements should not be concluded at the field level, but the potential benefits of such an arrangement, especially in the context of large, protracted *prima facie* refugee situations, could be raised with the Resettlement Section in UNHCR Headquarters.
- 2. Partnerships with secondary protection functions:** Refugee assistance programs benefit greatly from the contribution of 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, could be explored at the field level. The development of any such arrangement must, however, be the responsibility of the officer accountable for resettlement in a given Field Office, in consultation with UNHCR's Country Representative, and with the agreement of the NGOs country representative, where applicable.
- 3. Case-by-Case NGO referrals:** In many field operations, NGOs working with vulnerable refugees may not wish to incorporate formal protection components into their programs for fear of compromising the integrity of the original program. In such cases, however, mechanisms could still exist to facilitate informal referrals on a case-by-case basis.

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.

The formal development of any external referral mechanisms must be authorized by the officer accountable for resettlement activities and must incorporate a number of important elements:

- **Training:** Any resettlement-referral mechanisms involving actors external to UNHCR must be preceded by appropriate training on resettlement procedures and criteria.
- **Accountability and oversight:** Any referral mechanism must be formalized 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.
- **Standardization:** A separate set of 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 Field Office, but also the original NGO program, safeguards must be incorporated into the mechanisms to ensure that possibilities for abuse 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 (Please see Chapter 8.5).

A **focal-point** should be identified for receiving external referrals. Where appropriate, multiple **focal-points** may be identified for receiving external referrals, depending on the nature of the external referral source. These focal-points would be responsible for documenting receipt of the referral in the resettlement database or registry, retrieving any file or documentation held by the field office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

These focal-points would retain responsibility for liaising with the external referral source throughout the resettlement process, and providing the referral source with regular updates on the status of the resettlement case.

Depending on the capacity of a given Field Office, the focal-point for external referrals may be the same individual as the focal-point for internal referrals.

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

6.3.4 *Dealing with unsolicited requests*

While priority should be placed on the identification of refugees in need of resettlement consideration through internal and external pro-active referral mechanisms, Field Offices should also develop procedures for responding to unsolicited resettlement requests from individual refugees. These requests, typically – but not exclusively – written requests, have become a common feature of resettlement activities in most UNHCR Field Offices around the world.

While the credibility of written resettlement requests, including unsolicited requests sent by e-mail, may be considered questionable, they have proven to be both an effective means of identifying vulnerable refugees and providing refugees with direct access to the resettlement process. When dealing with written requests for resettlement, it is important that the contents of the request are not taken at face-value, but are independently confirmed through either an interview, a home-visit or a file study.

The difficulty with treating unsolicited requests is the bias it often has against refugees who are not capable of expressing their protection needs in writing. It is for this reason that resettlement activities must never be based exclusively on the treatment of unsolicited resettlement requests.

Dealing with unsolicited requests can prove to be an exceptionally time-consuming task, and Field Offices should ensure that time dedicated to the treatment of unsolicited requests is not at the expense of the treatment of internal and external referrals.

Central to the effective treatment of unsolicited requests is managing the expectations of refugees sending such requests. Refugees submitting resettlement requests must be advised that the submission of a request will not necessarily result in the opening of a resettlement case, and will certainly not necessarily result in the resettlement of the refugee (Please see Chapter 8.5).

Refugees submitting unsolicited requests for resettlement should also be advised on the processing times for such requests or if, in fact, all unsolicited requests will receive a response. These issues should be decided, in advance, by the officer accountable for resettlement in consultation with the Senior Staff responsible for Protection.

Refugees may request resettlement in response to a need that can and should be met by other Units within UNHCR. Unsolicited requests should consequently be screened upon receipt to possibly identify a Unit within UNHCR that would be better suited to address the need conveyed by the refugee – typically the Protection Unit or the Community or Social Services Unit.

A **focal-point** should be identified within all Field Offices for dealing with unsolicited requests. The focal-point, under the supervision of the accountable officer, would be responsible for screening unsolicited requests for resettlement and directing non-resettlement requests to the relevant Units of the UNHCR office. The focal-point would then be responsible for documenting receipt of the resettlement-related request in the resettlement database or registry, retrieving any file or documentation held by the Field Office on the refugee in question, and forwarding the referral and documentation to the designated officer responsible for conducting a Resettlement-Needs Assessment (see below).

Depending on the capacity of a given Field Office, the focal-point for unsolicited requests may be the same individual as the focal-point for internal and external referrals.

If the Field Office does not hold a file for the refugee under consideration, an individual file should be created for the refugee at this stage, and in accordance with the guidelines outlined in Chapter 8.2.2.

6.4 **Step 2: Case Assessment and Verification**

Organizational structures and the availability of human resources vary among Field Offices. The recommendations provided in this Section, therefore, will have to be adapted to the specific circumstances of a particular Field Office.

All refugees identified as being in need of resettlement consideration must pass through two stages before a resettlement submission may be prepared:

1. Resettlement-Needs Assessment
2. Verification of registration details and refugee status

These stages are designed to ensure the credibility and need of the individual case, and to ensure consistency in the Field Office's resettlement activities. The introduction of these stages need not necessarily add to the processing time of individual cases if Field Office's develop efficient and effective mechanisms and procedures appropriate to their field context. The Resettlement Tool-Kit contains a number of sample forms that will assist Field Offices in developing such procedures.

6.4.1 **Resettlement-Needs Assessment**

Under the supervision of the officer accountable for resettlement activities, resettlement referrals should be assigned, according to the urgency of resettlement need, to UNHCR staff with designated resettlement responsibilities for a **Resettlement-Needs Assessment**. This assessment should be conducted on the basis of the information contained in the referral (internal, external or unsolicited) and any relevant information contained in the refugee's file.

The **Resettlement-Needs Assessment** should be a written assessment of the refugee's need for resettlement based on the information provided, and should include, at minimum, the following information:

- Source and date of the referral
- Name of the Principal Applicant (PA)
- Country of birth (and nationality if different)
- Date of birth
- Family size and composition
- Information on family links abroad
- Remarks on protection environment and vulnerability in country of asylum
- Brief assessment of resettlement need
- Basis of the referral according to the criteria of Chapter 4
- Recommended follow-up action
- Priority of case
- Name of staff member conducting Assessment
- Date of assessment

A sample Resettlement-Needs Assessment form is included in Section 2 of the Resettlement Tool-Kit. The Tool-Kit also contains the Resettlement Needs Assessment as a Microsoft Word template, to facilitate completing the form in electronic format and the later transfer of this information directly to the Resettlement Registration Form (RRF).

On the basis of the analysis of the assessment, one of three possible follow-up actions may be recommended:

- The resettlement referral appears **founded**, and should proceed to the verification stage;
- **Additional information** is required from the referral source; or,
- The resettlement referral appears **unfounded**, and the referral source should be notified that the refugee will not be considered for resettlement referral at that time.

If the assessment indicates that the resettlement referral appears **founded**, then the Resettlement-Needs Assessment Form and the refugee's file should be forwarded to the relevant Unit for **verification**.

If the assessment indicates that the resettlement referral appears **unfounded**, the assessment should be forwarded to the officer accountable for resettlement for authorization. If the assessment is authorized, the referral source should be notified **in writing** that the refugee will not be considered for resettlement at that time and outline the basis of this assessment. A copy of this notification should be kept in the refugee's file.

The referral source may request UNHCR to **reconsider this assessment**. Such requests must be made in writing, and should be considered by the Field Office in light of the priorities of other pending resettlement cases. Senior Staff responsible for Protection should be consulted on the development of a mechanism for considering requests to reconsider resettlement assessments appropriate to the given field context.

If the assessment indicates that **additional information** is required from the referral source, the assessment should be forwarded to the officer accountable for resettlement for authorization. If the assessment is authorized, a letter requesting additional information should be sent to the referral source.

Both forms of notification should be in writing, and signed by the officer accountable for resettlement. The original letter should be sent to the referral source, while a copy of the letter, along with the Resettlement-Needs Assessment, should be retained in the refugee's file.

Sample texts for these letters are included in Section 2 of the Resettlement Tool-Kit.

In situations where individual case files are not maintained by a Field Office, an interview with the refugee may be required to gather sufficient information to adequately complete the Resettlement-Needs Assessment. Such interviews should be scheduled in consultation with the officer accountable for resettlement.

It is important to emphasize that the completion of a Resettlement-Needs Assessment does not necessarily mean that a refugee will be found to be eligible for a UNHCR resettlement referral. As such, special care should be taken not to raise resettlement expectations at this stage in the process.

6.4.2 Verification of registration details and refugee status

If the **Resettlement-Needs Assessment** indicates that the resettlement referral appears **founded**, then the the following elements of the refugee's file should be verified:

- That the **registration details** contained in the refugee's file are current, with particular emphasis on family composition, and **include a recent photograph of the Principal Applicant and all dependants**; and,
- That the refugee has been recognized, at minimum, as a refugee under UNHCR's Mandate as the result of an **individual status determination** procedure, and that this assessment is still valid. Any details regarding protection concerns that the refugee may face in the country of refuge should also be noted. (Please see Chapter 3 of the Resettlement Handbook)

These two elements should be confirmed in a **non-resettlement context** (i.e. through a home-visit, or an interview with a protection assistant where resettlement is not mentioned directly with the refugee). This precaution is important for two reasons. First, it ensures that the details contained in the file, especially family composition, are accurate and not biased by resettlement considerations. Second, it does not raise premature resettlement expectations on the part of the refugee.

The UNHCR staff who conducted the initial assessment maintains responsibility for the case through the verification process, and is specifically responsible for ensuring that the verification is conducted in a timely manner.

If all elements are current and contained in the refugee's file, the confirmation should be noted in the relevant field of the Resettlement-Needs Assessment Form, dated and signed by the UNHCR staff member responsible for that element of the verification.

Once all elements of the Assessment and Verification stage have been completed, the Resettlement-Needs Assessment requires the authorization of the officer accountable for resettlement activities before a resettlement submission may be prepared.

If any of these elements are missing from the refugee's file, the officer accountable for resettlement should forward the file to the relevant Units of the Field Office to complete the necessary sections, and assign a caseworker to follow-up in a specified time-frame.

6.4.4 Regular Resettlement Meetings

A number of Field Offices have adopted the practice of holding regular resettlement meetings, chaired by the officer accountable for resettlement, to discuss the assessments of Resettlement-Needs Assessments and, as discussed below, the subsequent submission of resettlement cases.

These resettlement meetings, with the participation of relevant staff from the Protection and Community or Social Services Units, may provide an effective forum for discussing and approving individual resettlement cases and for reviewing resettlement practices and procedures.

Resettlement meeting may, however, result in a bottle-neck in the resettlement process if cases are strictly required to pass through a resettlement meeting for authorization. While resettlement meetings can provide a useful forum for discussing particular or difficult resettlement cases, they cannot replace the authorization of the officer accountable for resettlement activities.

The responsibility of authorizing the progress of cases through the resettlement process remains with the officer accountable for resettlement activities.

Once authorization has been granted, the designated UNHCR staff member may pursue follow-up activities. It is important that the decision be recorded in writing in the refugee's file and that the referral source be notified of the progress of the case at this stage.

6.4.5 Use of specialist staff

Care must be taken to identify and prepare cases for resettlement submission with particular regard to recording specifics on all medical cases. Even in Field Offices with medical and community services staff, recognized and qualified experts (surgeons, psychologists, etc.) may have to be requested to provide a specialist opinion. For this purpose, recognized UN doctors should be given preference.

In the same way, the preparation and submission of Unaccompanied Minors for resettlement requires a Best Interest Determination according to the standards and procedures outlined in Chapter 8.1 of the Resettlement Handbook. Given the particular expertise required for conducting Best Interest Determinations, specialist staff should be involved.

Should the situation arise where there is no access to specialist staff or for any reason there are unusual delays in preparing necessary reports, the Resettlement Section at UNHCR Headquarters should be consulted for advice.

FURTHER REFERENCE:



UNHCR Handbook for Social Services. UNHCR Geneva, 1984.

6.5 Conducting Interviews

6.5.1 *Preparing and conducting an interview*

Interviews may play an important role in the preparation of a Resettlement-Needs Assessment, and will **always** be necessary during the preparation of a resettlement submission.

It is important to be fully prepared for interviews, and be fully versed in the contents of the refugee's file, in addition to the current conditions in the country of origin and country of refuge.

It is also important that the Principal Applicant and all dependants be present for the initial and final resettlement interview, and that the identity of all dependants be verified before the start of the interview.

The documents referred to under "Essential Reading" contain important information on how to prepare and conduct interviews in a refugee context. Of particular relevance is the Training Module on Interviewing Applicants for Refugee Status in which issues pertaining to the effects of trauma (Chapter Three), interviewing women refugees (Chapter Four) and interviewing children (Chapter Five) are elaborated upon.

6.5.2 *Security recommendations when conducting interviews*

Regrettably, hostile acts against persons conducting interviews sometimes occur. Therefore it is crucial that security measures are guaranteed prior to meeting or interviewing individuals or groups.

The following recommendations are meant to enhance the safety of UNHCR officers and staff of partners involved in the interview process:

- all interviews should, where possible, be by appointment;
- trained guards should control access to the building and the main entrance to the interview area. If deemed necessary, the guards should carry out searches of individuals seeking access to the building or use a metal detector;
- the interview area should not be exposed visually to the waiting room;
- only a minimum number of people should be allowed into the waiting area at any one time;

- any known record of violent behavior should be noted on the individual's file. This will alert the interviewer to take precautionary measures if deemed necessary;
- there should be no objects in the interview room which could be used as weapons (e.g. heavy paper weight, letter opener, stapler, etc.);
- no wall lights or electrical wires should be exposed as these might be used as a weapon or for suicide attempts;
- procedures to evacuate an interview room should be established and a mechanism or procedure should be in place for summoning help;
- furniture in the interview room should be arranged to give protection to the interviewer. Interviewers should have their chair located so as to provide easy access to the door. Doors to the interview rooms should be lockable from the outside only;
- in the case of security incidents, serious consideration must be given to bringing to justice any individual who assaults an interviewing officer.

The following additional recommendations should be considered when conducting interviews in remote field locations:

- interviews should be conducted in a discreet location so as not to attract undue attention;
- ground transportation should remain on stand-by at all times;
- arrangements should be made to ensure proper communications at all times (radios or walkie-talkies);
- several staff should travel together and arrangements should be made with local authorities for assistance to be provided if needed;

Concerning precautions and practices to be followed in specific locations, it is suggested that advice be sought from specialized security personnel, especially the Field Security Advisor.

6.5.3 Working with interpreters

Interpreters play a vital communication role in interviews with refugees. The majority of interviews are held with the assistance of an interpreter. Interpreting is a skill, and interpreters should have access to special training so they may carry out their task more efficiently and professionally.

Interpreters should always:

- receive an adequate briefing before the interview;
- have a clearly defined role;
- have the support of the interviewer;
- work with accuracy;
- be treated with respect.

It is also essential that interpreters understand the confidential nature of all protection interviews, and resettlement interviews in particular. Interpreters must agree, in advance, to the following conditions:

- that they will not share the contents or nature of any interview in which they assisted;
- that they will not share the contents or nature of any documents they handle within the UNHCR premises related to their duties as an interpreter;
- that they will not solicit or accept any fee, either directly or indirectly, from refugees;
- that they will not provide advice or guidance to any refugee about the resettlement process, either during interviews or outside their official functions;
- that they will uphold the highest standards of efficiency, competence and integrity in their work;
- that they will be dismissed from their duties as an interpreter if they breach these conditions.

Many Field Offices have adopted the practice of having all interpreters sign an undertaking prior to the start of their first interview. A sample of such an undertaking is included in Section 1 of the Resettlement Tool-Kit.

It is important to be sensitive to a refugee's culture and background when selecting an interpreter. Remember that a woman refugee will likely be more comfortable speaking through a female interpreter to a female interviewer. Many women refugees are unwilling to speak to male interpreters and interviewers.

There may also be occasions when a male refugee would be more at ease with a male interpreter and a male interviewer.

When working with children and adolescents, care should be exercised to select interpreters who have the necessary skills. Interpreters should be both neutral and objective in their role.

Given the importance of an interpreter's neutrality and objectivity, Field Offices should avoid using refugee interpreters. Where refugee interpreters are used, it is important to ensure that they are not in any way related to the refugee, either through family relationship, or other ties such as political associations. In the same way, interpreters must indicate if they have a conflict of interest related to the refugee being interviewed before the start of the interview.

To ensure the independence of the interpreter, it is also recommended that, where possible, the interpreter for a resettlement interview should not be the same interpreter that was used during the refugee status determination interview.

Before starting an interview, it should be ensured that the interpreter is properly briefed and understands his or her role and the purpose of the interview. Confidentiality for the refugee is of the utmost importance and should be stressed, even though a trained interpreter will be aware of this. An interview should begin by introducing the interpreter to the refugee and explaining his or her role. It is also important to assure the refugees of their right to confidentiality, and that both the interviewer and the interpreter will respect this.

Questions should be directed to the refugee, and not to the interpreter. The interpreter should translate precisely what is said by the interviewer and the refugee, and not summarize, elaborate or attempt to provide an explanation of what is said. The interpreter should also be trained to take notes during the interview. This will assist in recording all the information accurately, especially important facts such as dates, names of persons and places. All notes taken by the interpreter during an interview should be kept in the refugee's file.

Refugees should also be advised that they may stop the interview or refuse the services of a given interpreter if they are not satisfied with the interpretation.

Special attention should also be paid to the security of interpreters. Cases have been reported where interpreters have been threatened and even attacked by refugees not referred for resettlement. Interpreters may be blamed for influencing the outcome of the resettlement interview, and consequently the resettlement process. It is for this reason that special attention must be paid not only to the selection and training of interpreters, but also arrangements to ensure the personal safety and security of interpreters involved with the resettlement process. In this regard, it is suggested that advice be sought from specialized security personnel, especially the Field Security Advisor.

6.5.4 *Conducting interviews in places of detention*





In some circumstances one may be obliged to conduct an interview in a place of detention, which means that an applicant is not free to leave a place under official control. This could include airport detention centers, prisons, or police stations. Conducting interviews in such locations should, if at all possible, be avoided. However, authorities may not allow access to the individual in any other location.

It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum seekers who are detained be provided with an opportunity to contact UNHCR, or in the absence of such office, available national refugee assistance agencies. In countries without a UNHCR office, but with UNDP representation, the latter usually assists in interviewing asylum-seekers and refugees and in documenting their cases.

The following precautions should be taken if an interview is to be conducted in a place of detention:



- the interviewer and any accompanying personnel should have proper identification documents when attending to an interview. It is also important to seek prior authorization from the competent authorities to access the detention center. The person to be interviewed should be given advance notice of the appointment;
- the interpreter should be provided by UNHCR and be briefed on the circumstances of the interview, including the interview environment;
- the interview should be conducted in a private room. If this is not possible, no other persons (such as guards, other detainees, etc.) should be present or able to overhear the interview proceedings;
- before beginning the interview, a brief discussion should be held with the applicant to create a calm and reassuring atmosphere;
- when taking notes during the interview, it should be considered whether they may be confiscated or photocopied by the authorities upon leaving the detention center. If this is a possibility, only brief notes using key words should be made during the interview and full notes prepared immediately after leaving the premises.

ESSENTIAL READING:

-  *Interviewing Applicants for Refugee Status (RLD 4). Training Module.* UNHCR Geneva, 1995.
-  *Interpreting in a Refugee Context (RLD 3). Training Module RLD 3.* UNHCR Geneva, June 1993.
-  *Guidelines on Security Incidents (Sample Indicators and Scenarios) (OMS 2).* UNHCR Geneva, December 1992.
-  *Guidelines on Security (PER 2).* UNHCR Geneva, December 1992.

* These resources are contained in Resettlement Tool-Kit

FURTHER REFERENCE:

-  *Interview Management. "A Reader".* UNHCR Geneva, October 1995.
- Training Video: *Interpreting in a Refugee Context.* UNHCR Geneva, 1995.
-  *Security Recommendations.* UNHCR Geneva, 1995.

6.6 Step 3: Preparation of a Resettlement Submission

On the basis of a **Resettlement-Needs Assessment**, the officer accountable for resettlement may authorize the preparation of a resettlement submission. Each submission *must* include a **Resettlement Registration Form (RRF)**, with a special needs assessment and medical reports prepared by a *Community Services Officer* or a *Health Coordinator* if appropriate, drawing on the information and recommendations provided by competent UNHCR Staff.

In addition to a substantiated explanation of the need for resettlement, it is important that the RRF include a comprehensive outline of the refugee claim and of the UNHCR determination of the case. This is of particular relevance as the majority of resettlement countries will, as part of their decision-making process, carry out an eligibility determination, either through selection missions or on the basis of the case file received in capitals (see Chapter 3 of this Handbook). For the compilation of relevant additional information gathered during the case assessment, the section of the RRF entitled *Special Needs* and the Medical Assessment Form may be used. Photocopies of supporting documents should be attached.

The electronic version of the Resettlement Registration Form (RRF) allows for initial referrals to be made by e-mail. Submissions by e-mail must be followed by the submission of hard copies of the RRF, including photographs and signatures (see below). The system also includes built-in links to the Resettlement Handbook and other useful information concerning resettlement policies and activities.

The electronic versions of the RRF and the Resettlement-Needs Assessment are also compatible. To save time in the preparation of resettlement submissions, the assessment completed in the Resettlement-Needs Assessment may be transferred to the RRF, on the condition that the information is prepared according to the standards presented in this section.

Two templates of the RRF are contained in Section 3 of the Resettlement Tool-Kit. Version 1 is the standard format for resettlement submissions of 7 individuals or less. Version 2 is the standard format for resettlement submissions of 13 individuals or less. Guidance should be sought from the Resettlement Section in UNHCR Headquarters for the submission of resettlement cases including more than 13 individuals.

Section 3 of the Resettlement Tool-Kit also contains templates of the supplemental *Medical Needs* and *Social Assessment*.

6.6.2 The Step-by-Step User Guide

In December 2001, the Resettlement Section in UNHCR Headquarters issued the *Step-by-Step User Guide* for completing the RRF. This Guide is an invaluable resource, and is included in Section 3 of the Resettlement Tool-Kit.

Ensuring a high standard in the RRF is essential to ensuring a high level of acceptance of resettlement cases as the RRF is the primary tool at UNHCR's disposal to represent the needs of individual refugees to resettlement countries.

The *Step-by-Step User Guide* was prepared to provide objective standards for the preparation of individual submissions. To increase the quality of individual submissions, thereby increasing the probability of acceptance by resettlement countries and reducing the number of returned RRFs, it is important that the standards of the Guide are adhered to by all Offices.

All UNHCR staff members responsible for preparing resettlement submissions should, therefore, be fully versed in, and adhere to, the standards presented in the *Step-by-Step User Guide*.

Ensuring quality control for the preparation of RRFs will make resettlement activities more efficient, as fewer RRFs are returned for questions and corrections, and more credible, as RRFs received by resettlement countries will be more consistent.

It is the responsibility of the officer accountable for resettlement to ensure that all RRF submitted from their Field Office conform to the standards established in the *Step-by-Step User Guide*.

6.6.3 **Additional RRF controls**

RRFs must be filled out by UNHCR staff and not by the refugee. There can be *no exceptions* to this standard.

RRFs should be typed and not hand-written. Corrections by hand should be avoided. If corrections by hand are absolutely necessary, they should not be made with white-out. Instead, the old information should be crossed-out, the new information written above in pen, and the date and initials of the individual changing the information should be noted next to the correction.

Electronic versions of RRFs must be stored on a limited access computer drive or be password protected. Electronic versions of partial or completed RRFs must be stored in a way that prevents unauthorized access and/or alterations. In cases where RRFs are stored on a network drive, safeguards should be implemented to ensure that accesses to those documents are password protected. In cases where RRFs are stored on a computer's hard-drive, it should be ensured that access to that drive is strictly limited.

A photograph of the Principal Applicant and all dependants in Section 2 of the RRF must be attached to the RRF in a tamper-proof manner. Each Field Office should develop their own means of ensuring that the photos affixed to the RRF cannot be subsequently altered without proper authorization. Such means might include the use of the UNHCR dry embosser, the use of serial-issued codes, the use of special backgrounds in the photographs, and the use of wet-stamps. The name, date of birth and registration number of the individual in the photo should be written on the back of each photograph. In the same way, a photograph of the Principal Applicant and all dependants must be attached in the refugee's file for future verification and to prevent the substitution of family members. Where possible, Field Offices should consider the possibility of using digital cameras.

6.6.4 **The Special Needs section of the RRF**

The purpose of a special needs assessment is to provide valuable background information concerning the particular needs of refugees in order to assist the resettlement country in the selection process and in post-arrival service delivery.

While all cases submitted for resettlement would benefit from a special needs assessment, a duly completed Special Needs section of the RRF is compulsory for:

- survivors of violence and torture;
- medically-at-risk/disabled refugees;
- women-at-risk;
- unaccompanied minors;
- elderly refugees; and
- other cases deemed to have special needs or be at-risk.

Information provided in the Special Needs section should include:

- simple description of the refugee;
- family situation;
- living conditions;
- daily activities;
- prospects for self-reliance;
- efforts made to promote local integration or voluntary repatriation.

The Special Needs section of the RRF should be completed on the basis of an assessment by UNHCR staff, preferably a Community Services Officer, or by qualified implementing partners.

For cases submitted under the Medical Needs criteria (see Chapter 4.4), a Medical Needs Assessment form must also be completed.

6.6.5 Country-specific guides for RRF preparation

A number of Field Offices have prepared country-specific guides for completing RRFs, intended to provide specific guidelines on issues related to the particular contexts of that office. Such guides may address particular recurring concerns relating to family relations, presentation of names, validity of travel documents or period of detentions. Such guides typically make reference to issues particular to that field context that would affect a significant number of refugees submitted for resettlement.

The preparation of such country-specific guides is a useful practice, but should be undertaken mindful of the standards contained in the *Step-by-Step User Guide* and in consultation with either a Regional Resettlement Officer or with the Resettlement Section in UNHCR Headquarters.

6.6.6 Family Composition

As emphasized in the *Step-by-Step User Guide*, Section 2 of the RRF may prove to be a difficult section to complete, especially when working with refugee populations containing complex family relationships. Particular care should be taken when completing this Section as it is on this basis that the composition of the resettlement case will be determined by the resettlement country.

The fraudulent representation of family compositions has also been found to be among the most common forms of fraud in the resettlement process (Please see Chapter 8.4). While this misrepresentation may be unintentional, the resettlement case may be rejected by the resettlement country if the family relations presented in Section 2 are found to be lacking in credibility.

Following is a list of interview techniques developed to facilitate the process of “figuring out families” for Section 2 of the RRF. The questions below should be asked in a sensitive, non-threatening, conversational way. The goal of this process should be to ensure that all individuals who are legitimately a part of a family structure, **whether by blood or custom**, are considered together for resettlement. If relationships are not part of the nuclear family, the nature of the dependency, both economic and emotional, should be documented in Section 15 of the RRF.

- Confirm that all persons to be included on a case are physically present for interview. Sometimes people are included in the submission but are not at the same location. As a general rule, unless the case has urgent needs, postpone interviewing for submission until the entire family can be seen.
- Check available identity documents and record information for each family member who has identification.
- Ask the family relationship for each individual on the case.
- Verify the full name, date and place of birth for all family, present and not present.
- Confirm what family members are living and deceased, left in the country of origin, physically present in the country of asylum, as well as in the same location.
- Record the parents for Principal Applicant and spouse and verify that both father and mother are birth parents, not stepparents.
- Take care to confirm whether the Principal Applicant and spouse have any prior marriages or polygamous relationships. If father and/or mother have more than one partner, record the names of all partners, as well as whether the marriage is legal or informal.
- For siblings, confirm that both father and mother are the same. If the sibling has a separate father or mother, record the names and note the relationship.

- For children, confirm that these are the children of both husband and wife. If the children are the children of only the husband or the wife, record the names of the other natural parent, note the relationship to the person on the case, and ensure that the location of the other parent is recorded.
- If the child is not the natural child of either the father or mother, determine the names of the natural mother and father, and ask what the relationship is to the family and how long the child has been with them and how the child came to live with them. (Verify this against community service and registration records.)
- Ensure that you ask whether “family” members are blood relatives, neighbors, members of the same clan or tribe. (That is, define “brother,” “sister,” “cousin,” “aunt,” “uncle,” etc. by asking if the mother of the aunt is the same as the mother of their mother.)
- Be sure to go back at least to the name of the grandfather for each person, since in many naming systems that will establish the family structure.
- Establish whether others were living in the same household in the country of origin, noting whether that means under the same roof, in the same compound, or as part of the household economic unit.
- Establish whether persons who were living in the same household in the country of origin are part of the same household in the asylum country, and if not, where they are.

For additional information on addressing complex family compositions or addressing concerns relating to the fraudulent representation of family compositions, contact the Resettlement Section in UNHCR Headquarters.

6.6.7 Guidelines for signing the RRF

The signing of the RRF is a significant stage in the overall resettlement process. If handled incorrectly, the signing of the RRF may result in unrealistic expectations on the part of refugees. If handled correctly, the signing of the RRF can be a useful occasion to manage resettlement expectations, address concerns about fraud and counsel refugees on the meaning of resettlement.

It is important to ensure that the RRF is signed at the correct time, in the correct way, and that the correct information is conveyed during the signing of the RRF. The RRF Declaration should only be signed once the entire RRF has been completed, and should be according to the following ten steps:

- The information contained in the completed RRF should be read by the refugee, or interpreted to her/him, and any errors corrected.
- The refugee should be counseled that they are responsible for the information contained in the RRF, and that their case will be rejected and likely closed if that information is later found to be fraudulent.
- The refugee should be given the opportunity to change any information in the RRF they know to be incorrect, including family composition.
- The refugee should be counseled that signing the RRF does not guarantee that they will be resettled, that UNHCR does not resettle refugees, and that the final decision remains with the resettlement country.
- The refugee should be counseled that the signing of the declaration authorizes UNHCR to share the information contained in the RRF with resettlement countries and that UNHCR is authorized to receive information and documents from the resettlement country relating to the refugee's resettlement.
- The refugee should be given the opportunity to ask questions and consider these implications before signing the RRF.
- If the refugee is in agreement, the refugee, the UNHCR interviewer and the interpreter (where applicable) should all sign the RRF.
- All parties should sign the declaration at the same time.
- The refugee should be counseled on the next steps in the resettlement process.

Refugees are entitled to copies of some section of their completed RRF. According to UNHCR's Guidelines on the Sharing of Information of Individual Cases, "the IC is in principle entitled to obtain information s/he has provided. The same applies to the duly authorized representative of the IC. Other individuals must have legitimate reasons. Staff safety considerations are often an important factor in this context." (Part 2(I), page 7). In the context of the RRF, this is taken to mean that a refugee may have a copy of the information they provided for the preparation of the RRF, but is not necessarily entitled to a copy of UNHCR's analysis of refugee status (final element of Section 12 of the RRF) nor UNHCR's analysis of resettlement need (Section 13 of the RRF).

Please contact the Resettlement Section in UNHCR Headquarters for additional guidance.

6.7 **Step 4: UNHCR Submission Decision**

In Field Offices, the decision to resettle an individual should be taken in full consultation among professional staff and be cleared by the UNHCR Representative or the delegated responsible officer. It is for this reason that all resettlement submissions must normally pass through the Branch Office for final approval.

The decision to submit a refugee for the consideration of a resettlement country should be taken according to objective criteria and is a decision that should be taken in a transparent way.

6.7.1 **Threshold for submission decisions**

Two questions must be asked before the decision is taken to submit a refugee for the consideration of a resettlement country:

- Should this case be submitted for resettlement?
- To which resettlement country should this case be submitted?

These two questions should be taken in order, and the second question should not, strictly speaking, influence the outcome of the first question.

When determining **if the case in question should be submitted for resettlement**, five conditions must be met:

1. The case in question must, at minimum, have been recognized as a refugee under the Mandate of UNHCR, according to Chapter 3 of the Resettlement Handbook.
2. The case in question must have been found to be eligible for resettlement according to the criteria outlined in Chapter 4 of the Resettlement Handbook.
3. The prospects of other durable solutions must have been given full consideration and resettlement identified as the most appropriate durable solution.
4. The refugee's file must contain evidence that the resettlement process was followed in accordance with the standards contained in this Chapter, including:
 - A documented initial referral
 - A completed and authorized Resettlement-Needs Assessment
 - Verified registration and refugee status
 - A completed and signed RRF
 - All necessary supporting documentation

5. The *universal imperative* must be applied: If the Field Office submits this case for resettlement, it should, as a general rule, be willing to submit all cases with a similar profile.

If the case is found not to meet any of these five requirements, the officer accountable for resettlement activities must suspend the case and address the requirements that were not met.

If, after careful consideration, it is concluded that resettlement referral appears **unfounded** and that the refugee in question is not eligible for resettlement, the referral source should be notified in writing that the refugee will not be considered for resettlement at this time. This notification should contain a justification for this decision, and a copy of this notification should be kept in the refugee's file.

The referral source may request UNHCR to **reconsider this assessment**. Such requests must be made in writing, and should be considered by the Field Office in light of the priorities of other pending resettlement cases.

If the case is found to meet all five of these requirements, then the case should be submitted for resettlement.

6.7.2 Transparency and the submission decision

As with the approval of Resettlement-Needs Assessments, the submission decision must be taken with the authorization of the officer accountable for resettlement activities. The decision and justification for submission must be documented, and included in the refugee's file.

The transparency of the submission decision is also reinforced by the fourth requirement: that all necessary documentation is included in the refugee's file, and that it has been confirmed that the resettlement process was correctly followed before a resettlement submission can be made.

As concerns about resettlement submissions do not end once a particular case has been submitted, or even accepted, for resettlement, it is important that the documented justification for submitting a case for resettlement remains in the Field Office long after the individuals involved in the case have left. In the event of secondary review, or in the event of future family reunification, documentation must be contained in the refugee's file to justify the decisions taken at every stage of the resettlement process.

Given the responsibility associated with a resettlement submission, it is essential that submissions are made only with the authorization of the officer accountable for resettlement activities at the Branch Office level.

When making a resettlement submission, RRFs and supporting documentation should be accompanied by a covering memo from the officer accountable for resettlement activities authorizing the resettlement submission. The memo should specify, *inter alia*:

- the recognition date of the refugee
- the composition of the case
- the submission criteria
- the prioritization of the submission
- any particular vulnerabilities of the case
- any recommendations of resettlement country

A copy of this submission memo should be kept in the refugee's file, along with the original signed RRF. A photocopy of the signed RRF should be included in the physical submission, in addition to photographs of all individuals included in sections 1 and 2 of the RRF.

When multiple RRFs are submitted at the same time, a single memo should be prepared with a submission table listing the above details for each case.

6.7.3 Identification of a possible Resettlement Country

Once it has been decided that a particular case should be submitted for resettlement, it will be necessary to ask **to which resettlement country** should the case be submitted.

Major considerations on the basis of which a suitable resettlement country should be identified include:

- selection criteria of countries
- admissibility priorities of countries
- family links
- health requirements/ availability of treatment
- language
- culture
- nationality
- education background
- skills
- family configuration
- proximity to the home country
- status of country (regional) annual quota

Cases of individuals in need of resettlement are usually referred to one of the principal resettlement countries. These countries have established refugee resettlement quotas or ceilings which allow for referral of such cases.

Other countries accept resettlement cases on an *ad hoc* basis and some maintain special programs benefiting refugees with special needs. Efforts are underway to increase the number of countries which may consider candidates for resettlement.

All Field Offices should avail themselves of every opportunity in their dialogue with officials from resettlement countries to promote understanding of UNHCR goals and flexibility on selection decisions. Resettlement selection missions of specific countries also offer an opportunity to represent the interests of cases meeting UNHCR criteria, even if they do not meet the standard admission criteria of the country concerned.

Field Offices should also ensure that refugees are counseled on the resettlement country to which their case has been referred. This is an important aspect of managing resettlement expectations (see below).

Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who should be resettled to a country where they have relatives or other personal ties.

While family links or other links to prospective resettlement countries may clearly indicate where submissions should be made, the issue of where to direct submissions may not be clear for many cases. When in doubt, Field Offices should consult with the Resettlement Section at UNHCR Headquarters.

6.7.4 Routing of resettlement submissions

All resettlement submission routes should be confirmed by consulting the updated Country Chapters contained in this Handbook.

Field Offices should file submissions for *Australia, Canada and the United States of America* directly through local embassies, provided that there is an immigration representation with a designated procedural role. The same applies to submissions for countries without annual resettlement programs.

In regions with Regional Resettlement Hubs, all resettlement submissions must be routed through the Regional Resettlement Officer to ensure the quality and integrity of the resettlement process.

For decisions regarding the resettlement of emergency cases, a recommendation should be forwarded by the Field Office to UNHCR Headquarters, again in full consultation with other professional staff and cleared by the officer accountable for resettlement. Action will then be taken by UNHCR Headquarters and communicated to the Field Office.

Similarly, in case of submissions for *Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland*, the dossiers have to be forwarded by Field Offices to UNHCR Headquarters, which will take the final decision and make arrangements for the submission of the case to a Government. Submissions for *New Zealand* should be routed through the UNHCR Regional Office in Canberra.

For all cases in which Field Offices anticipate problems with local submissions, UNHCR Headquarters should be requested for guidance and assistance.

All selection missions from capitals should be coordinated through UNHCR Headquarters.

Regular Submission

With regard to direct submissions, UNHCR Headquarters does not require copies of the case files that are submitted or accepted locally. It is, however, the responsibility of the Field Office to ensure that statistical data concerning submitted, pending, accepted and departed cases is accurately recorded and reported (See Chapter 9).

Multiple submissions

Cases should not be submitted to more than one country at a time owing to the self-evident risk to the credibility of the Office if a case is accepted by more than one country. If, however, owing to unique protection problems, a Representative feels obliged to exceptionally submit a case to a second country while the case remains under consideration by another country, the Field Office must inform both countries as well as the Resettlement Section of the dual submission and immediately advise all parties of an acceptance.

Countries with annual resettlement programs

Field Offices should file local submissions for *Australia, Canada and the United States of America* directly through local embassies, provided that there is a regular immigration representation with a designated procedural role. Where this is not the case, offices with designated regional resettlement functions may be requested to facilitate submissions.

In the case of submissions for *Denmark, Finland, the Netherlands, Norway, Sweden and Switzerland*, files must be forwarded by Field Offices to UNHCR Headquarters. Headquarters will in turn submit them to the relevant authorities in the capitals either directly or via the Permanent Missions to the UN in Geneva. It is advisable for the Field Office to inform the local embassy of submissions, as an embassy may be requested by the capital to follow up.

Where exceptional circumstances/procedures prevail due to special resettlement operations, Field Offices may, in consultation with the Resettlement Section at UNHCR Headquarters, submit cases directly to local embassies or capitals. Submissions for *New Zealand* should be routed through the UNHCR Regional Office in Canberra.

Countries without annual resettlement programs

Submissions should be made by the Field Office through the local embassy or UNHCR Headquarters. The UNHCR Office responsible for the resettlement country should be advised of the submission and be provided with a copy of the submission letter.

Urgent and Emergency Submissions

All those countries offering a specific number of emergency resettlement places draw them from existing quotas. However, some have introduced accelerated procedures for emergency needs. Other countries, while not specifying emergency sub-quotas, will consider emergency resettlement submissions and can and do respond rapidly when circumstances warrant. Others announce no quotas for resettlement but can and do respond rapidly to emergency cases if so called upon.

UNHCR Headquarters must be kept informed of any emergency submissions made locally.

Strict categorizations of resettlement priority

Emergency resettlement must be used selectively and on the basis of a thorough and objective assessment of both refugee status and urgency of removal, in order to preserve credibility.

Resettlement needs under the emergency category are defined as those in which the immediacy of security and/or medical threat faced by the refugee necessitates his or her removal from the threatening conditions within a very few days, if not within hours. For the sake of clarity a notional limit of a maximum of five days is understood.

Refugees who face conditions requiring their expeditious resettlement but within a less limited time-frame than indicated above, are categorized as **urgent** cases. Urgent cases as such require close and early follow-up with resettlement Governments to ensure their consideration before regular cases, which can sometimes remain pending many months. Field Offices may request Headquarters' support, if it is not already involved in the original submission. Staff are reminded to consider carefully the appropriate categorization and to proceed accordingly. Clearly, abuse of the emergency category will erode the credibility of UNHCR's judgment concerning such submissions, thereby reducing the effectiveness of these channels.

Emergency resettlement procedures

With the limited number of emergency places available and the consequent need to avoid overburdening certain resettlement countries with emergency submissions, it is necessary for UNHCR Headquarters to coordinate submissions within this category. Nevertheless, in some circumstances, submissions may have to be made by Field Offices, though in prior consultation with UNHCR Headquarters. The majority of resettlement Governments' emergency resettlement procedures require submission through UNHCR Headquarters.

When faced with an emergency resettlement requirement, time available for investigation of a refugee's statement may be severely limited. Nevertheless, such time as may be available before departure must be used to the maximum with a view to checking the veracity of the story and its consistency.

The following information should be conveyed to Headquarters immediately:

- full name, date of birth, place of birth, sex, nationality and ethnic origin;
- details on status determination (Convention or mandate);
- whether accompanied by family (if so, size);
- details of each dependent to accompany the candidate;
- brief explanation of need(s) for resettlement;
- brief justification for emergency categorization, and required time-frame for departure;
- whether valid travel documents held by all refugees concerned;
- in case of medical emergency: diagnosis, prognosis, current condition of refugee (family members), whether escort needed;
- recommendation on countries of resettlement and reasons, including third country links.

A full submission, including the RRF and supporting documentation, must follow by the fastest means available.

Once a resettlement submission has been made, a **focal-point** should be designated to follow-up on the particular case, thereby ensuring that the case proceeds in a timely manner and that all unnecessary delays are avoided.

6.8 Step 5: State Decisions

Resettlement depends on the willingness of the resettlement country to accept a refugee for legal stay in its territory, in accordance with the laws and regulations of the resettlement country. It is the resettlement country, therefore, that makes the decision on whether a refugee will be accepted for resettlement. Each resettlement country has its own regulations and procedures in respect to the resettlement of refugees, as detailed in the Country Chapters of the Resettlement Handbook.

UNHCR has no decision-making authority on resettlement cases. While UNHCR may recommend cases for resettlement, it cannot guarantee that the recommendation will be accepted.

According to its regulations and procedures, resettlement countries may consider resettlement requests in a dossier basis in their capital, and not require a direct interview with the refugee. In such cases, the importance of the UNHCR resettlement submission cannot be overstated.

In other cases, resettlement countries, by either discretion or law, conduct individual resettlement interviews with refugees under resettlement consideration. Such interviews are typically undertaken as part of a resettlement selection mission.

6.8.1 Selection missions

UNHCR is a partner in global resettlement activities, along with resettlement countries, their missions abroad, NGOs and the International Organization for Migration (IOM). Each of these actors has a potential role to play in the planning and support of resettlement selection missions to the field to adjudicate on submitted cases.

UNHCR Field Offices capacities vary, and not all Offices will be able to support resettlement mission in the same way. What is possible, however, is an early evaluation of what the Field Office can and cannot provide in support of a resettlement mission.

Field Offices are encouraged to conduct an early assessment of the support they can provide to selection missions, and to communicate these capacities either directly to the resettlement country or through the Resettlement Section in UNHCR Headquarters as early as possible, and preferably more than two weeks prior to the start of the selection mission.

An early statement of possibilities and limitations will enable resettlement countries to make alternate arrangement to ensure that they have the support they require during their resettlement selection missions.

Early planning will inevitably result in more successful missions, and Field Offices should be proactive in identifying what support they can and cannot provide.

The requirements of selection missions to the field may include, *inter alia*:

- Entry visas
- Airport reception
- Ground transportation
- Accommodation
- Interview space
- Interpreters
- Clerical support
- Access to a photocopier
- Notification of refugees to be interviewed
- Briefing papers on conditions on the country of origin and asylum
- Typical case profiles

Where selection missions are co-ordinated by capitals through UNHCR Headquarters, the Resettlement Section will:

- liaise with the relevant Field Office and the capital to clarify dates for the mission, which may cover more than one country in the region;
- request the Field Office to identify relevant case files and advise the Field Office of the selection mission's interests in terms of refugee group composition and numbers;
- advise whether copies of the case files or information concerning details of the processing are required;
- send, where required, the case files selected by the Field Office for the selection mission for pre-screening directly to the capital of the country concerned after identifying cases with special needs;
- advise the Field Office of the cases pre-screened and selected for an interview by the country capital.

Where selection missions are organized directly between authorities of a resettlement country and a Field Office, the Resettlement Section at UNHCR Headquarters and Field Offices in the region should be kept informed. This will help to better co-ordinate missions and avoid overlaps or delays of missions to countries in the region.

In most cases, it is useful to hold an initial briefing with the selection mission shortly after their arrival and prior to their interviews to discuss the mission schedule and logistics, current conditions in the country of refuge and country of origin, and common profiles of UNHCR-referred cases under consideration. A debriefing may also be useful at the end of the selection mission. Field Offices should offer an initial briefing and a debriefing to selection missions.

6.8.2 Requests for additional information

During both selection missions and dossier considerations, representatives from the resettlement country may ask for additional information contained in the refugee's file. In such circumstances, the officer accountable for resettlement should consult UNHCR's *Guidelines on the Sharing of Information on Individual Cases* to determine which elements of the refugee's file may be shared with the resettlement country. The officer accountable for resettlement should also be mindful of the terms of the waiver contained in the text of the RRF Declaration, which authorizes UNHCR to share information or documents pertaining to the refugee with resettlement countries in the context of a resettlement submission.

According to UNHCR's *Guidelines on the Sharing of Information on Individual Cases*, "IC information may be shared with countries of resettlement for specific purposes providing the IC has given her or his consent." (Part 2(IV), page 11) The Guidelines state that, as a general rule, no further documentation on the IC, other than the RRF and the Medical or Social Assessment Forms, needs to be shared with countries of resettlement, and that internal UNHCR assessments should not be shared with external parties.

If additional guidance is required, the officer accountable for resettlement should consult with the Senior Staff responsible for Protection in the Field Office or with the Resettlement Section in UNHCR Headquarters.

6.8.3 Rejection

If a case which was submitted locally is rejected, the local Field Office should follow up to establish:

- the reason for the denial; and
- if reconsideration by the country is feasible.

At the same time, the case should be reviewed in order to ascertain if the Field Office's initial assessment of the case was correct or if resettlement remains the most appropriate durable solution, particularly if the case has been pending for a long time. If a case is continually rejected after submission to a number of countries, the originating UNHCR Office may consider suspending the case pending developments in the case.

The advice of UNHCR Headquarters should be sought in this regard. Prior to the re-submission of a case, all relevant information should be checked in order to verify whether the dossier needs updating or amendments.

6.8.4 Acceptance

In the case of submissions through UNHCR Headquarters, the Resettlement Section will notify the Field Office of the acceptance of a submission and request liaison with the relevant embassy for collection of visas and travel documents.

6.8.5 The importance of counseling throughout the process

Counseling is of utmost importance from the beginning of UNHCR's contact with a refugee and should take the form of an open dialogue between the refugee and UNHCR, in close collaboration with Government and NGO staff involved in the process.

Owing to the traumas connected with departure from the country of origin and/or problems in the country of asylum, refugees may harbor unrealistic expectations in terms of both the ease of obtaining a resettlement place and the opportunities awaiting them in the country of resettlement. In fairness to the refugees, staff involved in resettlement should explain as realistically as possible the challenges of resettlement.

If more than one actor is involved in counseling, the information to be provided should be clearly agreed upon prior to counseling the individual. As appropriate, counseling on the other durable solutions, namely voluntary repatriation and local integration, should precede any discussion with the refugee on resettlement.

Once resettlement has been identified as the appropriate solution, utmost transparency as to criteria, procedures and prospects of acceptance as well as what is to be expected in the resettlement country are called for.

As in voluntary repatriation operations, only an informed decision based on full knowledge of all relevant facts will do justice to the individual refugee's needs and circumstances. During the counseling process, it needs to be pointed out that resettlement takes place based on set criteria and follows defined procedures. Realistic expectations on the part of refugees will avoid undue frustration, and in the worst case, aggression or violence on the part of those whose expectations are not met.

All family members (with the exception of small children) should receive appropriate counseling. It is not enough to counsel the head of the family since the perceptions, expectations and needs of refugee women and girls may differ substantially from those of their male family members.

Their concerns and needs have to be addressed in a gender- and age-sensitive manner.

Particular effort should be made to avoid the perception on the part of the refugee that a choice exists in terms of prospective resettlement countries (the “travel agency” syndrome). Refugees must understand that there is a very limited choice of resettlement countries owing to several factors, including quota availability, admission criteria as well as the refugee’s own background including family, cultural, linguistic, education and work experience. It must also be noted that distant family links or friends already resettled in certain countries may not be taken into consideration by resettlement countries.

Moreover, accommodation in countries of resettlement for those newly arrived may be modest and employment opportunities limited. The same may be said with regard to prospects for education, especially higher education. Failure to communicate the foregoing may result in false expectations and unnecessary frustrations for persons designated for resettlement. Gender- and age-sensitive counseling is important in order to facilitate cultural adaptation of refugees once resettled.

Counseling Refugees in Preparation for Resettlement

When counseling individual refugees in preparation for resettlement, it is important to explain clearly the process involved in the preparation and submission of the applicant’s case file. Information may be provided in various forms: by pamphlets, poster, by letter or by a personal interview. Refugees often believe that the process of resettlement will be more rapid than it usually is, and that obtaining a resettlement place is automatic, once the case has been submitted. It is, therefore, important to explain that the process takes time due to the processing procedures of resettlement

countries. It should be made clear that acceptance is not automatic. Refugees should be counseled regarding the resettlement process, anticipated processing times of resettlement countries and UNHCR’s involvement in follow-up.

Refugees should also be informed of how and when the outcome of the case will be communicated to them. Care should be taken not to build up the refugees’ hopes and/or expectations and not to make promises that UNHCR cannot fulfill.

A refugee may clearly state a preference for a particular resettlement country. There may be valid reasons for expressing a country of choice; for example, family members may already be settled there. Close family links should always be considered for the purpose of family reunion. Distant family links, friends or even political allies in the country of resettlement are not necessarily deemed to be reasons for resettlement by resettlement countries.

It is important to explain to refugees that while family links may be given priority by UNHCR for submission, they do not guarantee acceptance by the resettlement country.

In preparation for interviews by Government representatives, the procedure should be explained to the refugees. It is particularly important to advise refugees that they must be prepared to articulate their refugee claim. Case files should be up-to-date and information clarified if necessary.

In some instances, refugees may refuse to go to a country despite an offer of resettlement. It is important to explain to them that they cannot have a choice and “shop around” for the country of their preference. The constraints which accompany the processing of resettlement places should be explained carefully. A deadline for reflection should be given, but it must be made clear that refusal to go will, depending on the particular circumstances, either result in no further processing for resettlement or a deferment of the case. Cases of this nature should usually be re-assessed.

Many refugees have unrealistic expectations about resettlement. They may associate the resettlement country with a “get rich quick” lifestyle. The reality may be in stark contrast. On arrival, for example, they may find themselves in modest reception facilities along with other refugees and with no immediate prospects for employment or higher education. Learning a new language may be the starting point in their new life. It is also important to realize that refugees who have remained in a camp for a prolonged period may be unable to cope with a new life which will require them to return to everyday decisions, and very often in a different culture and surroundings. It is also important to explain that the integration process may be difficult and that its success will very much depend upon the individual refugee’s personal motivation and willingness to succeed.

Refugees should have as much information as possible of what awaits them upon arrival in the resettlement country. Their active participation will be indispensable. If possible, refugees should be given information concerning the language, culture, climate and population of the country. Some countries provide information or even orientation courses for refugees prior to departure. It is strongly recommended that, where feasible, counseling be done in close collaboration with the Government which has accepted the refugees for resettlement.

Many Country Chapters of this Handbook provide details of counseling material available from resettlement countries. Additional information may be requested from the Resettlement Section at UNHCR Headquarters. Special reference should also be made to the forthcoming *UNHCR Handbook on Reception and Integration of Resettled Refugees*.

Counseling Refugees whose Application for Resettlement has been Rejected

A refugee whose case has been rejected, sometimes on several occasions, is often depressed or angry. It is important to inform a refugee promptly and if possible directly once a case is rejected. If possible, the reasons for the rejection should be explained. Whatever the behavior, the refugee is probably feeling very dejected and should be informed of any further action proposed. Cases which have continually been rejected should always be reassessed to see if resettlement is the most appropriate solution. If voluntary repatriation has become a realistic option in the meantime, the refugee should be counseled accordingly.

Refugees may undergo a range of feelings and behaviors depending on their experiences. Anger, aggression, denial, depression and loss of interest are common behavioral traits. Social counseling can assist refugees in coming to terms with their situation and to address their future.

6.9 Step 6: Departure Arrangements and Monitoring

6.9.1 Supporting departure arrangements and the importance of oversight

Once a refugee is accepted for resettlement, a number of formalities will have to be undertaken prior to departure. Departure formalities differ from country to country. The length of time taken to complete these formalities will differ considerably according to where the refugee is located. Cases which have been submitted and accepted under the emergency procedures should have travel arrangements expedited.

Regardless of the particular field contexts, refugees remain under the Mandate of UNHCR until they benefit from the effective protection of another State. In real terms, this means that UNHCR must maintain its responsibility for refugees during departure arrangements and processing.

Depending on the presence of other resettlement partners in a given country, especially an office of the International Organization for Migration (IOM), UNHCR may have greater or fewer specific responsibilities in arranging the departure requirements for refugees accepted for resettlement.

To ensure that this oversight function is effectively carried-out, a **focal-point** should be identified in all Field Offices to assume the responsibility of monitoring the departure arrangements and processing.

This focal-point would be specifically responsible for ensuring that post-acceptance and pre-departure identity checks are conducted, that pre-departure formalities are conducted as expeditiously as possible, and that refugees benefit from UNHCR's protection until they travel under the protection of the resettlement country.

6.9.2 *Follow-up with Governments*

The follow-up on cases is essentially the responsibility of the UNHCR Office which made the submission. Local submissions are therefore the responsibility of the Field Office, and follow up should be effected directly through the local embassy. UNHCR Headquarters or the relevant Field Office in the resettlement country may be asked to assist. The time required for processing varies from country to country, depending on the procedures.

6.9.3 *Withdrawal or suspension of resettlement cases*

In certain circumstances, UNHCR may withdraw or suspend cases; for example, if the refugee disappears and can no longer be contacted in the country of refuge, if urgent protection problems suddenly arise requiring an urgent resolution to a case which remains pending with a country, or if there are allegations of fraud relating to a specific case. A case may also have to be withdrawn when the reasons for the submission substantially change or cease to exist. This could, for example, be the case when, during the often long processing periods, the situation in the country of origin changes and voluntary repatriation becomes a viable option or when a woman submitted under a Women-at-Risk program changes her family status or situation and she is no longer considered at-risk.

In all such circumstances, a written explanation should be provided to the resettlement country explaining the withdrawal or suspension of the case. Where the priority of a case has to be upgraded, it should be clarified whether the country could accommodate the submission under the new terms. If a case has been suspended due to allegations of fraud or corruption, the resettlement country should be specifically advised on the expected duration of the investigation and the date by which a decision may be reached on either proceeding with or withdrawing the case.

Cases may only be suspended or withdrawn with the authorization of the officer accountable for resettlement, the UNHCR Representative, the Regional Resettlement Officer, or the Resettlement Section in UNHCR Headquarters.

6.9.4 *Updating of information*

Information on changed circumstances, including changes in the family composition (e.g. through births, deaths, divorces, etc.), should immediately be brought to the attention of the resettlement country to which a submission was made. Refugees should also be advised that they are responsible for advising UNHCR of any change in their circumstances so that UNHCR may inform the resettlement country.

6.9.5 *Mandatory medical screening*

Some resettlement countries insist on mandatory medical screening of candidates for resettlement. In many countries, IOM is responsible for medical screening, processing and treatment of refugees prior to resettlement. The protocols for these activities are defined by the resettlement country. In general, the intention of medical screening is to identify disease at an early stage, and should therefore ideally always be followed by treatment or cure. Resettlement countries may use medical screening to exclude refugees, for fear that their health problems will pose a financial burden, create excessive demands on existing national health services, or to prevent the introduction of communicable diseases and protect public health.

Mandatory HIV testing for resettlement has created very sensitive ethical problems, particularly as most refugees might not receive any form of counseling and a cure for HIV/AIDS is still not available. For this reason, UNHCR and IOM formulated guidelines for pre- and post-test counseling which provides refugees with information on HIV, including means of prevention as well as personal and family concerns.

Throughout its experience in medical screening world-wide, IOM has developed technical expertise in a number of areas, including diagnosis and management of TB and leprosy, psychiatric services and the implementation of effective immunization programs. Field Offices may therefore liaise with local IOM offices if such health issues become relevant to the resettlement processing.

6.9.6 *Language training and cultural orientation*

In order to facilitate resettlement, language and cultural orientation courses may be considered, to provide refugees with basic skills in the language and customs of the receiving country. These can range from pre-departure training and employment readiness to post-traumatic stress counseling with an aim to prepare refugees for integration in the host country.

6.9.7 Travel documents

As refugees should not use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of visa from the authorities of the destination country may suffice. Often, however, a more formal travel document is needed. Certain countries of refuge may be willing to issue aliens passports.

In States party to the Convention and/or the Protocol, a Convention Travel Document may be a possibility for persons who have been granted refugee status. When no other travel document is available, an ICRC Travel Document may be obtained locally or by ICRC Geneva via UNHCR Headquarters upon completion/receipt of an application form and photographs, signed by the applicant. UNHCR Headquarters should be consulted if assistance is needed.

6.9.8 Visas

Entry visa

Some receiving countries will inform the Field Office directly or through UNHCR Headquarters of the consular post to which the visa authorization will be forwarded. If there is no local consular representation, UNHCR Headquarters will request the receiving country to send visa instructions either to a suitable consular post nearby or alternatively to their United Nations Mission at Geneva to be forwarded to UNHCR Headquarters for onward transmission to the Field Office.

Transit visa

Transit visas, if required, should be obtained from the appropriate local embassy. IOM has special agreements with a number of Governments and airlines to waive transit requirements.

Exit visa

In some countries, residents including recognized refugees are required to make a formal application to the competent authorities for an exit visa. In such cases, UNHCR intervention with the authorities of that country may be necessary.

6.9.9 Travel expenses

Unless travel is arranged within the framework of an ongoing resettlement operation, the organization and financing of the travel is in principle the responsibility of the refugee, with UNHCR providing assistance only if needed. Travel costs for most resettlement cases

are met by the receiving country either in total or under a Government loan scheme. Other sources of funding may come from NGOs or loan schemes administered by IOM.

When a refugee is not able to meet travel expenses and when no other source of funding is available, UNHCR will normally provide funding and authorize IOM to make the necessary arrangements by charging costs to a UNHCR project. Where, in such cases, the UNHCR Field Office does not itself administer a project for resettlement travel, prior authorization must be obtained from UNHCR Headquarters. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programs.

Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

6.9.10 Transportation

In many countries, IOM makes transportation arrangements on behalf of UNHCR or the resettlement country concerned. If there is a local IOM office, the UNHCR Field Office should arrange travel directly through them, once the refugee is ready for travel and final destination and suitable date of reception are confirmed by the receiving country.

The special IOM fares benefit all categories of persons assisted under the auspices of the Organization and allow for considerable reductions in air fares and provide also an increased free baggage allowance. Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation may be arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

Note should be taken that during peak periods, usually holiday seasons, the booking of air tickets at special IOM tariffs may not be possible or at least not without considerable advance notice. For special cases, in particular when medical needs of refugees have to be accommodated during air travel, an advance notice of at least 2-3 weeks is required. If there are “no shows”, i.e. persons booked who do not show up for departure, the Field Office should inform the responsible IOM office immediately in order to effect re-bookings or cancellations. In this respect, any unused ticket must be forwarded to IOM to enable them to obtain a refund from the air carrier.

Where IOM is not present or where agreements with IOM are limited to certain functions, the UNHCR Field Office may have to cover the following tasks:

- Field Offices may be required to arrange the movement of refugees from camps or other areas to points of departure. If this necessitates transfer to another country, the Field Offices involved should liaise to obtain entry permission from the Governments concerned and if required with UNHCR Headquarters so that travel may be arranged for minimum stopover period.
- Field Offices should advise the Resettlement Section at UNHCR Headquarters when the individuals are in possession of the necessary travel documents and visas and are ready to travel, so that IOM Geneva may book appropriate flights. UNHCR Headquarters will then confirm flight details to the Field Office and the receiving country. In cases processed via UNHCR Headquarters:
- The Field Office should confirm flight arrangements to UNHCR Headquarters, in order to advise the receiving country accordingly, enabling them to arrange the reception. IOM, when involved, will usually also advise the receiving country.
- Field Offices should confirm a refugee's departure to UNHCR Headquarters. It is important that a confirmation of the departure is also forwarded to the responsible IOM office.
- If for some reason a person is unable to travel as scheduled, the Field Office should inform UNHCR Headquarters immediately, so that IOM may be requested to make re-bookings and keep the receiving country informed in good time in order to arrange reception.

6.9.11 Medical preparations and escorts

In order to secure safe travel for refugees with medical conditions and to ensure that airline requirements are met, IOM can perform pre-embarkation checks and, when needed, provide medical escorts. The necessity for medical escorts and the medical judgment as to refugees' fitness to fly is based on IATA regulations.

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GROUP RESETTLEMENT : EXPANDING RESETTLEMENT OPPORTUNITIES AND USING RESETTLEMENT STRATEGICALLY

The concept of resettling refugee groups has been introduced into UNHCR's operations with a view to expanding resettlement opportunities and contributing to a more efficient, comprehensive and strategic use of resettlement. The *UNHCR Methodology for Group Resettlement* provides a new framework for the identification and processing of refugee groups by UNHCR, in partnership with resettlement partners and countries, without the submission of individual Resettlement Registration Forms (RRFs). Hence, the methodology for group resettlement allows for an increase in the number of beneficiaries through a simplified and accelerated UNHCR process where appropriate. It should be noted, however, that the group methodology or "group resettlement" is not intended to replace the responsibility and accountability of UNHCR offices in the field for the identification and processing of individual resettlement cases based on established resettlement criteria and procedures.

7.1 Purpose

In keeping with the Goals of the *Agenda for Protection*, UNHCR has expanded its efforts to create more resettlement opportunities for refugees by designing an approach for the identification and processing of groups for resettlement consideration. UNHCR's Group Methodology is intended to assist in integrating and systematizing enhanced resettlement efforts into UNHCR office operations and durable solutions planning.

In this respect, it is intended to supplement and serve as an additional component of UNHCR's resettlement and durable solution activities. Key to the success of UNHCR's Group Methodology is involving resettlement countries and partners in various case processing tasks under UNHCR's leadership and direction. Implementation of the Group Methodology is also fundamental to facilitating UNHCR's involvement in designing and implementing multi-lateral initiatives, such as *Convention Plus*, which have as their goal increased burden sharing, and the comprehensive resolution of protracted and other refugee problems through the complementary use of the various durable solutions.

As will be detailed below, UNHCR's new group methodology is mainly built around the: 1) *Conceptualization* and 2) *Evaluation and Analysis* of certain types of information, followed by the preparation of a 3) *Group Profile and Proposal Document*, followed by the 4) *Submission*, or initial presentation of the proposed group to one or more resettlement countries and partners, and a 5) *Group Processing Plan of Action*, which details the roles and responsibilities of all partners in relation to case preparation and other procedures, as well as the fraud and security safeguards and communication strategies developed to deter associated refugee movements. 6) *Verification* is the final ascertainment of preliminarily identified individuals who qualify for inclusion in the group, followed by 7) *Group Resettlement Processing*, which will benefit from incorporating the gains made by UNHCR in developing and implementing effective registration of refugee populations.

7.2 Methodology

The *UNHCR Methodology for Group Resettlement* is included in Annex 2 to Chapter 7 (below). The Methodology was distributed as a UNHCR IOM/FOM by the Director of the Department of International Protection in October 2003 and it has been incorporated into the annual Country Operations Plan (COP).

The Group Methodology intends to enhance and systematize the identification of refugee populations for whom resettlement may be an appropriate durable solution, in the context of a UNHCR's comprehensive protection strategy. Group resettlement contemplates processing by a resettlement country without the submission by UNHCR of individual RRFs. However, it is important to note that resettling groups of refugees is intended to supplement UNHCR's traditional resettlement activities. Group resettlement does not replace the responsibility and accountability of UNHCR Offices for the identification and processing of individual resettlement cases based on established resettlement criteria and procedures.

The methodology is implemented through a series of steps that may vary depending on the complexity of the caseload and issues associated with the decision to employ group processing methods. A summary of the steps is provided below in Annex 1 to Chapter 7.

7.3 Tailored Approach

Developing a Group Profile: How is “a group” defined?

The IOM/FOM on Group Methodology contains some guidance with respect to general parameters that may assist in identifying a potential group for resettlement.

As indicated, members of a group should ideally have the same nationality; share common characteristics; be clearly delineated and finite; its location(s) should be known and established; and ideally group-members should possess some form of identification, photo or otherwise.

Group members who have been identified for resettlement also typically share a common refugee story or claim. They may have fled during a similar period and for similar reasons, received similar treatment or had a particular and common experience in a country of origin or country of asylum. They also may share the same need for resettlement.

Preferably, the characteristics that are used to define group membership can be verifiable by some concrete or objective data. Frequently facts or criteria, such as for example, nationality, date of arrival, residence in a certain camp during a certain period of time, can be determined from materials UNHCR develops or maintains in a non-resettlement context.

It is also helpful to keep in mind that a group profile, which can be thought of as a “group RRF” should address the general issues and questions a selection officer from a resettlement country typically must examine in the context of a resettlement selection interview.

Other Important Considerations

Other important considerations in group processing include the type of information that will be presented in case files for group members. Typically there will be a need for UNHCR to present to resettlement countries bio-data information, information concerning family composition, and photographs. It may however, be possible for this information to be compiled with the help of resettlement partners, working under the leadership and supervision of UNHCR. Standards should be put in place to ensure that uniform information is presented in each case file. Care should be given to ensure that only those cases that meet the definition of the group are presented for consideration to a resettlement country.



How and by whom the list of members will be prepared, and maintaining confidentiality with respect to the criteria for group members until relevant decisions have been taken, are other important matters to keep in mind in developing a resettlement group proposal, as fraud prevention measures.

Once group criteria are defined, and, for example, a preliminary list of group members or a foundation for group membership is established, there may be a need to conduct an additional verification exercise. Although UNHCR in a group resettlement operation is

not providing individual RRFs for individual group members, the verification exercise determines that the cases presented in fact meet the profile that has been established.

This verification exercise also provides an opportunity to seek any additional information or requirements of resettlement processing. Standard questions and forms can be helpful in this regard.

FURTHER REFERENCE:

-  *IOM/FOM 67/2003 on the Methodology for the Resettlement of Groups.*
-  *Convention Plus Core Group on the Strategic Use of Resettlement: Multilateral Framework of Understandings on Resettlement, June 21, 2004.*

Annex 1: Operational Framework for Group Resettlement

IOM/FOM 67/2003, dated 16 October 2003, Methodology for the Resettlement of Groups (see Annex 2) introduced the general concepts, procedures and materials to be used when considering or undertaking the resettlement of groups. As noted in the IOM/FOM the group methodology was an initial effort to develop a practical tool for this purpose. Since the issuance of the IOM/FOM a number of group resettlement activities have occurred within the context of the Group Methodology. The Resettlement Section held a workshop 12-13 October 2004 for the purpose of identifying best practices and synthesizing lessons learned during this first year's experience. The workshop also sought to address other issues that have arisen during the past year that relate to the resettlement of groups. One such issue was the use of expedited individual processing procedures and its relationship to group resettlement. In addition, the workshop reviewed developments in Project Profile with a view toward its impact on future group resettlement activities.

As a result of the workshop, the following framework refining operational guidance was prepared. Field offices are encouraged to apply this operational framework to assist in the identification of resettlement opportunities as part of their comprehensive durable solutions strategies. This in turn will allow UNHCR to consolidate improvements in its global management and planning of resettlement.

Operational Framework

The framework encompasses the following stages:

- 1) Conceptualization
- 2) Evaluation and Analysis
- 3) Feasibility and Preparation of Group Profile and Proposal Document (GPPD)
- 4) Submission
- 5) Group Processing Plan Of Action
- 6) Verification
- 7) Resettlement Processing

1. Conceptualization

Conceptualization is the first stage of the group resettlement process and has itself several stages.

The basic concept of what constitutes a group is defined in the IOM/FOM 67/2003 on the Methodology for Resettlement of Groups.

As indicated, group resettlement should be systematically incorporated into field office strategic planning efforts, including the preparation of Annex 6 to the Country Operations Plans (COP) and other protection and strategic planning documents of an office.

Sources for flagging the potential existence of groups may be:

- **internal** (through profiling of the refugee population and COP preparation exercises, annual protection reporting, UNHCR special protection initiatives, and needs identified through Refugee Status Determination (RSD), community services and other field activities;
- **external** (host governments, NGOs, embassies or in circumstances such as camp closure or emergency interventions); and
- **joint activities** (the Working Group on Resettlement, Annual Tripartite Consultations on Resettlement, and the Global Indications Conference).

Once a caseload, or part of a caseload, is considered as a possible group for resettlement and the preliminary consideration has received the endorsement of the head of office, a brief preliminary group proposal document (approximately two pages) should be prepared and should include:

- a basic description of the potential group, including estimated size;
- the protection rationale for proposing the resettlement of the potential group;
- identification of the commonalities of the group;
- nature of the common refugee claim;
- possible constraints to successful resettlement;
- preliminary resource implications for UNHCR and resettlement country(ies);
- recommended processing modality (group, expedited processing such as short referral forms instead of RRFs, other local arrangements or regular RRFs);
- suggested countries for submission.

Best Practice: Use of Preliminary Group Proposal and Profile Document (Annex 3)

2. Evaluation and Analysis

The preliminary group proposal is submitted to the Resettlement Section (RS) at Headquarters for preliminary feedback, analysis and evaluation. The Resettlement Section will share the proposal with the Regional Bureau and other actors at Headquarters. As the result of this preliminary evaluation, one of the following five possible responses will be proposed to the field by the RS:

1. The caseload should be pursued as a “group” (proceed to feasibility stage).
2. The caseload requires additional information before its feasibility can be determined. This may include field, Resettlement Hubs, RS or interagency exploratory missions, or gathering of additional information as requested by Headquarters.
3. The caseload should be processed according to other processing modalities (see above).
4. The caseload should be prepared as individual RRFs.
5. The proposal is not appropriate for further action and resettlement of the caseload should not be pursued.

In determining which of the above responses is the most appropriate, the following considerations should be taken into account:

- size of the caseload (groups tend to be large);
- impact that group submission would have on office’s protection strategy (strategic value of resettlement in comprehensive solutions strategy); Convention Plus considerations
- commonality of claims (resettlement countries emphasize common claims);

- complexity of claims (very complex claims may not be appropriate for group submission);
- quality and freshness of registration (recent registration makes group processing more feasible);
- whether or not the caseload had undergone RSD;
- stable or fluid nature of the population;
- resources required for verification (level of assistance required by field office);
- potential for pull factors;
- security concerns, (as well as access to population by UNHCR and resettlement partners);
- nature of local cooperation between UNHCR and embassies/IOM/Overseas Processing Entity (OPE) (extent of cooperation, existence of established expedited processing mechanisms, processing capacity);
- which modality (group or expedited processing) is most efficient and economical (in terms of time and resources);
- existence of alternatives to group submission;
- resettlement country preferences;
- consistency with regional approach to a given caseload;
- capacity of resettlement country to absorb.

3. Feasibility and Preparation of Group Profile and Proposal Document (GPPD)

Following a response by the Resettlement Section to pursue the caseload as a group, a Group Profile and Proposal Document (GPPD) should be prepared by the field office. Although thoroughness and cogency are important, the GPPD is an evolving, working document and will be elaborated upon throughout the various phases of its preparation.

Depending on the needs identified in the GPPD, an exploratory interagency mission (potentially including staff from country offices or Regional Resettlement Hubs, resettlement countries, IOM, settlement agencies or others) may be proposed. Findings from such missions would be incorporated into the final version of the GPPD.

Upon finalization of the GPPD itself, the field office will be requested to draft an **abstract** setting out the following:

- a readable, compelling summary of the group submission, tailored as may be necessary to individual resettlement countries;
- an identification of the resources (funds, deployees, technical assistance) required by all partners implicated in the group submission;

- a clear (though preliminary) timeline for the processing and out-processing of the group (it is especially important to establish the out-processing timeline in writing and achieve resettlement country agreement).

The GPPD, with the abstract attached, would then constitute the document that the field office sends to Headquarters for final clearance.

In some cases, the completion of the GPPD will only be possible where a Plan of Action (see below) has also been elaborated (for example where the plausibility of the submission is highly dependent on access to the group or logistical concerns or funding or a registration exercise required). In most cases, however, the Plan of Action will be prepared at a later stage.

Once the field office has forwarded the GPPD to the Resettlement Section and the Bureau, the Resettlement Section will meet with the Bureau, for final decision on the group proposal. The results of this meeting would then be shared by the Resettlement Section with the field office through a Note for the File. Further clarification may be sought from the field, as necessary.

4. Submission

An official submission occurs when the Chief of the Resettlement Section sends the cleared and completed version of the GPPD, including an abstract, to the appropriate resettlement country(ies). The submission fixes for statistical reporting purposes the number of persons included in the submission. This is adjusted subsequently by RS following the verification of the group (which may result in either a smaller or larger number of persons being submitted than originally counted).

While in many cases the completion of the GPPD is preceded or attended by detailed discussions between UNHCR (both field and RS) and the resettlement country(ies), such discussions are certain to occur after submission.

5. Plan of Action for Group Processing

The field office with input and direction from Resettlement Section finalizes a Plan of Action setting out in detail the proposed group resettlement operation*. Local circumstances will of course largely determine the precise exercise but all plans should contain:

- Number and nature of personnel required;
- Logistical support, including transportation and other arrangements;
- Timeline and work plan for verification exercise;

- Agreement concerning contents of individual files;
- Agreement with resettlement countries concerning the definition and process for dealing with issues of dependency (to protect against the splitting of families or creation of unaccompanied minors);
- Strategy for handling rejected cases.
- Costing and budget.

In all cases, the Plan of Action should give special attention to the best interests of separated children. Similarly, possible reception and integration issues peculiar to the group should, where possible, be flagged for the attention of the resettlement country(ies).

* No single format for the Plan exists, though several examples are contained in the CD entitled Group Resettlement Resource Material available from the Resettlement Section.

Best Practice: Plan of Action/Provisional Timeframe for the Canadian Pilot Project (Annex 4a) and Budget. (Annex 4b)

6. Verification

Verification is the final ascertainment of preliminarily identified individuals who qualify for inclusion in the group. The timing of this exercise may vary depending on the circumstances of the caseload as well as the group definition and criteria.

The sophistication of the verification exercise is likely to vary depending on how recently registration was conducted and the commonalities of the refugee claims. Where comprehensive, accurate, recent registration has taken place and group members can be identified through this information, verification exercises may not have to be elaborate.

The verification exercise is generally jointly undertaken by UNHCR and one or more partners: host governments, IOM, Overseas Processing Entity (OPE), resettlement countries. While the respective roles of the actors in the verification exercise is set out in the GPPD abstract, it will likely be supplemented by local meetings and agreements, which should be put in writing and kept on file.

Best Practice: Operational Plan, Procedures (Annex 5a) and Questionnaire for Verification, UNHCR Kenya. (Annex 5b)

7. Resettlement Processing

Following the verification exercise, a final number of persons to be submitted for resettlement is arrived at. The Resettlement Section adjusts its statistics based on this.

UNHCR provides resettlement countries with the materials that constitute the case files for each individual/case in the group. These materials or case files normally include the verification forms, digital photographs, and historical registration data, as per the specific Plan of Action.

Transparency as a principle should guide field office's presentation of materials to resettlement countries, particularly in relation to issues identified during the verification process relating to discrepancies with the group definition and possible excludability concerns.

UNHCR's involvement does not cease following the transfer of case files to the receiving country. In addition to monitoring the results of the resettlement processing and handling issues associated with rejected cases, it is also highly recommended that the local office undertake a post-submission analysis of the operation. Such an analysis would briefly identify whether the strategic and other objectives of the group resettlement were achieved and document lessons learned.

Inter-Office Memorandum No 67/2003
Field-Office Memorandum No 67/2003

To/à: **All Representatives and Chargés de Mission in the Field,
All Directors and Deputy Directors of Bureaux and Divisions
All Chiefs of Sections and Heads of Units/Services at Headquarters
All Heads of Desks and Desk Officers
All Protection and Resettlement Officers at Headquarters and in the
Field**

From/de: **Erika Feller, Director, Department of International Protection**

Ref. / réf.: **ADM-01-01**

Date/date: **16 October 2003**

Subject/objet: Methodology for the Resettlement of Groups

1. Consistent with the High Commissioner's objective to enhance the use of resettlement as a protection tool and a durable solution, I am pleased to forward to you the attached [methodology for the profiling of refugee groups for resettlement](#). This document has been prepared by the Resettlement Section with in-puts from protection and resettlement staff in the Bureaux and a number of field locations.

2. The aim of the methodology is to enhance and systematize the identification of refugee populations for whom resettlement may be an appropriate durable solution and establish a common basis for decision making on proposals received for the resettlement of groups. I am aware that despite resource constraints, field offices in a number of locations have already made significant progress in the identification of refugee groups for resettlement. It is hoped that the attached document will further facilitate the work of UNHCR offices in the resettlement of groups.

3. The Group Methodology will also be an important aid in our discussions and negotiations with resettlement countries in establishing more predictable and efficient frameworks for group submissions and processing.

4. It should be viewed as a first effort to develop a practical tool in this area. The methodology will be further refined on the basis of experience accrued in the field in its implementation and additional comments from field offices.

TOP

SHORT GROUP PROFILE WORKSHEET - Oct 2004

Group	Population Size	Location

Why do they need resettlement?

What makes them a group (commonalities)?

How might we identify individuals who belong to the group?

What is the legal basis or foundation of the Group's common refugee claim?

What are the strategic benefits of resettling this group?

What are the resources/implications for HCR and Resettlement countries?

Recommended modality and Resettlement country/ies?

PROVISIONAL TIMEFRAME FOR THE CANADIAN PILOT PROJECT
Group Verification in Dadaab (May/June 2003)

DATE	ACTION	ACTION BY	NOTES
PREPARATION PHASE			
01 MAY 2003 (Thursday)	Meeting with CHC, AHC, IOM and UNHCR at BO Kenya (Nairobi)	UNHCR Nairobi	
02 MAY 2003 (Friday)	Meeting with GOK National Registration Bureau to discuss availability of GOK data to assist verification exercise	UNHCR Nairobi	
07 MAY 2003 (Wednesday)	Meeting with IOM to discuss timelines, clarify division of responsibilities and flag budget issues	UNHCR Nairobi / IOM Nairobi	
08 MAY 2003 (Thursday)	Dadaab finalises list of beneficiaries	UNHCR Dadaab	
09 MAY 2003 (Friday)	Decision / proposal on verification site	UNHCR Dadaab IOM / UNHCR Nairobi	
12 May 2003 (Monday)	Letter sent to Permanent Secretary, Ministry of Home Affairs and copy list of beneficiaries sent to GOK Registration Bureau	UNHCR Nairobi	
12 MAY 2003 (Monday)	Scope the availability of Somali and Sudanese interpreters at Dadaab	UNHCR Dadaab	
12 MAY 2003 (Monday)	Advertise for Somali and Sudanese interpreters at Dadaab - previous work experience with UNHCR / NGOs essential - do not mention the nature of the exercise	UNHCR Dadaab	
13 MAY 2003 (Tuesday)	Meeting: UNHCR / IOM to confirm budget requirements	UNHCR Nairobi / IOM Nairobi	

14 MAY 2003 (Wednesday)	Confirmation by UNHCR Dadaab on verification site	UNHCR Dadaab	
16 MAY 2003 (Friday)	Interview / provisionally select Somali and Sudanese interpreters	UNHCR Dadaab	
16 MAY 2003 (Friday)	Finalisation of database design	UNHCR Nairobi	
19 MAY 2003 (Monday)	Data entry commences	UNHCR Nairobi	
20 MAY 2003 (Tuesday)	Meeting IOM / UNHCR / CHC to finalise budget requirements and operations plan	UNHCR Nairobi / IOM Nairobi	
23 May 2003 (Friday)	Finalisation of verification SOPs and formats	UNHCR Nairobi / Dadaab	
23 May 2003 (Friday)	Finalisation of information strategy	UNHCR Nairobi / Dadaab	
23 May 2003 (Friday)	Verification team identified / administrative arrangements	UNHCR Nairobi / Dadaab IOM Nairobi CHC / AHC Nairobi	
23 May 2003 (Friday)	Receive data from GOK Registration Bureau	UNHCR Nairobi	
23 May 2003 (Friday)	Finalisation of security / emergency plan	UNHCR Dadaab	
26 May 2003 (Monday)	Verifiers' meeting in Nairobi	UNHCR / IOM Nairobi	
26 May 2003 (Monday)	Special Operations Meeting at Dadaab	UNHCR Dadaab	

PROVISIONAL TIMEFRAME FOR THE CANADIAN PILOT PROJECT

DATE	ACTION	ACTION BY	TICK
IMPLEMENTATION PHASE			
27 May 2003 (Tuesday)	Somali Midgan meeting (Hagadera) – post interview list	UNHCR Dadaab	
28 May 2003 (Wednesday)	Somali Midgan meeting (Ifo and Dagahaley) – post interview list	UNHCR Dadaab	
31 May 2003 (Saturday)	Verification Team travel to Dadaab by Minibus (35 Seater)	IOM Nairobi	
01 June 2003 (Sunday)	Orientation workshop for Project Team	UNHCR Dadaab	
01 June 2003 (Sunday)	Preparation of verification site (Hagadera)	UNHCR Dadaab / Project Team	
01 June 2003 (Sunday)	Trouble shooting / dry run	UNHCR Dadaab / Project Team	
02 June 2003 (Monday) HAGADERA	<ol style="list-style-type: none"> 1. Verification at Hagadera Transit Centre (Somali Midgan at Hagadera) - 91 cases / 352 pax (commencing at 09:00 hrs) 2. Data entry: Somali Midgan 3. Sudanese refugees information meeting (Ifo and Dagahaley) 	<ol style="list-style-type: none"> 1. UNHCR Dadaab / Project Team 2. UNHCR Dadaab / Project team 3. UNHCR Dadaab 	
03 June 2003 (Tuesday) HAGADERA	<ol style="list-style-type: none"> 1. Verification at Hagadera Transit Centre (Somali Midgan at Hagadera) – 91 cases / 352 pax (commencing at 09:00 hrs) 2. Data entry: Somali Midgan 3. Sudanese refugee information meeting (Hagadera) 	<ol style="list-style-type: none"> 1. UNHCR Dadaab / Project Team 2. UNHCR Dadaab / Project team 3. UNHCR Dadaab 	
04 June 2003 (Wednesday) IFO	<ol style="list-style-type: none"> 1. Preparation of IFO verification site (IFO Transit Centre) – AM 2. Verification at IFO Transit Centre (Somali Midgan at IFO) – 43 cases / 141 pax (commencing at 10.00 hrs) 3. Data entry: Somali Midgan 	<ol style="list-style-type: none"> 1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team 3. UNHCR Dadaab / Project Team 	

DATE	ACTION	ACTION BY	TICK
05 June 2003 (Thursday) IFO	1. Verification at IFO Transit Centre (Somali Midgan at DAGAHALEY) – 27 cases / 116 pax (commencing at 09.00 hrs) 2. Data entry: Somali Midgan	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team	
06 June 2003 (Friday) IFO	1. Verification at IFO Transit Centre (Sudanese at DAGAHALEY) – 99 cases / 223 pax (commencing at 09.00 hrs) 2. Data entry: Midgan and Sudanese	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team	
07 June 2003 (Saturday) IFO	1. Verification at IFO Transit Centre (Sudanese at IFO) 208 cases / 427 pax (commencing at 09.00 hrs) 2. Data entry: Sudanese (NB: increase number of verifiers to 15 persons)	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team	
08 June 2003 (Sunday)	FREE DAY	FREE DAY	
09 June 2003 (Monday) IFO	1. Verification at IFO Transit Centre (Sudanese at IFO – cont.) 208 cases / 427 pax (commencing at 09.00 hrs) 2. Data entry: Sudanese 3. (NB: increase number of verifiers to 15 persons)	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team	
10 June 2003 (Tuesday) HAGADERA	1. Preparation of HAGADERA verification site (AM) 2. Verification at HAGADERA Transit Centre (Sudanese at Hagadera) – 128 cases / 322 pax (commencing at 10.00 hrs) 3. Data entry: Sudanese	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team 3. UNHCR Dadaab / Project team	
11 June 2003 (Wednesday) HAGADERA	1. Verification at HAGADERA Transit Centre (Sudanese at Hagadera) – 128 cases / 322 pax (commencing at 09.00 hrs) 2. Data entry: Sudanese	1. UNHCR Dadaab / Project team 2. UNHCR Dadaab / Project team	
12 June 2003 (Thursday)	1. Finalisation of data entry and QAP	1. UNHCR Dadaab / Project Team	

15 June 2003 (Sunday)	Finalisation of data entry and QAP	UNHCR Dadaab / Project team	
16 June 2003 (Monday)	Verification team travel to Nairobi (special air charter or by road)	UNHCR Dadaab / UNHCR Nairobi	
18 June 2003 (Wednesday)	Submissions sent to CHC / AHC	UNHCR Nairobi	
18-30 June 2003	Finalisation of residual cases and decline letters dispatched	UNHCR Nairobi / UNHCR Dadaab	

PROVISIONAL BUDGET PROJECTION FOR THE IMPLEMENTATION OF THE CANADIAN PILOT PROJECT

SECTOR	EXPENSE / ACTIVITY	QUANTITY	UNIT COST (KSH)	KSH	USD
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INFRASTRUCTURE

Repairs	Hagadera site / pit latrines (superstructures)	06 Pit Latrines	5,000	30,000	428.57
Repairs	Hagadera site / improvements to fencing for crowd control		10,000	10,000	142.86
Labour	Hagadera site / labour to mend pit latrines and fencing		10,000	10,000	142.86
Repairs	IFO site / pit latrines (superstructures)	06 Pit Latrines	5,000	30,000	428.57
Repairs	IFO site / improvements to fencing for crowd control		10,000	10,000	142.86
Labour	IFO site / labour to mend pit latrines and fencing		10,000	10,000	142.86

STATIONERY

Stationery	A4 Paper for Interview Forms	600 x 10 pages = 6,000 pages	KSH 330 / 500 pages	3,960	56.57
Stationery	A4 Paper for GOK Registration Data	600 x 2 pages = 1,200 pages	KSH 330 / 500 pages	792	11.31
Stationery	A4 Paper for Submission Forms	600 x 10 pages = 6,000 pages	KSH 330 / 500 pages	3,960	56.57
Stationery	A4 Paper for Copies of Submissions to CHC	600 x 20 pages = 6,000 pages	KSH 330 / 500 pages	7,920	113.14
Stationery	A4 Note Pads for Project Team	20 x note pads (A4)	KSH 55.00	1,100	15.71
Stationery	Box Files	30 x Box Files (600 cases: 10 pages / case, 200 p	KSH 120.00	3,600	51.43
Stationery	Pens for Protect Team	30 x black pens and 20x red pens	KSH 300 / 50	300	4.29
Stationery	Permanent Markers for Notices / Photo ID	10	85	850	12.14
Stationery	Whiteboard Markers for Notices	10	100	1,000	14.29
Stationery	Ink for ink Pads	15 bottles	75	1,125	16.07
Stationery	Ink Pads for Thumb Prints	15 (Pads)	82	1,230	17.57
Stationery	Staplers	5	300	1,500	21.43
Stationery	Paper Punch	5	350	1,750	25.00
Stationery	Ink Cartridge for Laser Printer	2	10,900	21,800	311.43
Stationery	Ink Cartridge for Laser Printer (GOK Registration)	2	10,900	21,800	311.43
Stationery	Ink Cartridge for Photocopier (Dadaab and Nairobi)	2	6,500	13,000	185.71
Stationery	Miscellaneous: staples / rubber bands / erasers / paper clips etc.	Unknown	Contingency	7,000	100.00
Stationery	Computer Discettes	20 (2 boxes)	190	380	5.43

REGISTRATION DATA

GOK Registration Data	Photograph, Thumbprint and Biodata from GOK	1,600 Persons Covered by the Pilot Project		-	0.00
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MISCELLANEOUSS

Refreshments	Snacks and juice drink for approximately 500 refugees	unknown			500.00
Misquito Nets	Mosquito nets for project team members	12	2x 420 and 10x400	4,840	69.14

SATURDAY (7 JUNE 2003) - PROJECT TEAM TRAVEL TO DADAAB

Transport	Charter Flight to Dadaab	2.4 hours at \$635 per hour	USD 635		1,524.00
Transport	Landing and Navigation Fees		USD74		74.00
Transport	Fuel for Charter Flight				242.00

SUNDAY (08 JUNE 2003) - PROJECT TEAM ORIENTATION / BRIEFING AND PREPARATION OF SITE

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	Drive UNHCR 4 x 4	2,066 per day	2,066	29.51
Fuel	#1 UNHCR 4 X 4 (5 people)	1x return trip to camps	1,000	1,000	14.29
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	Drive UNHCR 4 x 4	2,066 per day	2,066	29.51
Fuel	#2 UNHCR 4 X 4 (5 people)	1x return trip to camps	1,000	1,000	14.29
Labour	Truck Driver	1x Driver	2,066 per day	2,066	29.51
Fuel	UNHCR truck return trip to camp	1x round trip to camp	2,000	2,000	28.57
Labour	Refugee incentive to assist with tables and tents	6 refugees recruited at Dadaab	200 per person	1,200	17.14
Fuel	Police escort to camp	1x round trip to camp	1,000	1,000	14.29
Police	Incentive for special escort expenses for day	5 Officers	100 per Officer	500	7.14

MONDAY (09 JUNE 2003) - SATURDAY (14 JUNE 2003) - 6 DAYS

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	1x driver x 6 days	2,066 per day	12,396	177.09
Fuel	#1 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 6 days	1,000	6,000	85.71
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	1x driver x 6 days	2,066 per day	12,396	177.09
Fuel	#2 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 6 days	1,000	6,000	85.71
Labour	Truck Drivers x 2	2x drivers x 6 days	2,066 per day	24,792	354.17
Fuel	2x UNHCR trucks return trip to camp	3x return trips to camps x 2 trucks x 6 days	2,000	72,000	1,028.57
Fuel	Police escort to camp	6x round trips to camp x 6 days	1,000	36,000	514.29
Police	Incentive for Police in transit center and escort	20 persons x 6 days	100 per Officer	12,000	171.43
Refreshments	Snacks for 61 Persons (Staff 21; Interpreters 12; Drivers 3; Police 25)	61 Persons x 6 days	70	25,620	366.00
Labour	Interpreters	12 persons x 6 days	450	32,400	462.86

SUNDAY (15 JUNE 2003) - QAP AND DATA ENTRY - REST DAY

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MONDAY (16 JUNE 2003) - FRIDAY (20 JUNE 2003) - 5 DAYS

Labour	Driver of #1 UNHCR 4 X 4 (5 people)	1x driver x 5 days	2,066 per day	10,330	147.57
Fuel	#1 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 5 days	1,000	5,000	71.43
Labour	Driver of #2 UNHCR 4 X 4 (5 people)	1x driver x 5 days	2,066 per day	10,330	147.57
Fuel	#2 UNHCR 4 X 4 (5 people)	1x daily return trip to camp x 5 days	1,000	5,000	71.43
Labour	Truck Drivers x 2	2x drivers x 5 days	2,066 per day	20,660	295.14
Fuel	2x UNHCR trucks return trip to camp	3x return trips to camps x 2 trucks x 5 days	2,000	60,000	857.14
Fuel	Police escort to camp	6x round trips to camp x 5 days	1,000	30,000	428.57
Police	Incentive for Police in transit center and escort	20 persons x 5 days	100 per Officer	10,000	142.86
Refreshments	Snacks for 61 Persons (Staff 21; Interpreters 12; Drivers 3; Police 25)	61 Persons x 5 days	70	21,350	305.00
Labour	Interpreters	12 persons x 5 days	450	27,000	385.71

FRIDAY (20 JUNE 2003)

Transport	Chater Flight - UNHCR to absorb costs			-	0.00
Labour	Refugee incentive to assist with tables and tents	6 refugees recruited at Dadaab	200 per person	1,200	17.14

				KSH	USD
PROJECT TOTAL				650,079	11,626.84



Resettlement Unit
UNHCR Kenya

DRAFT

OPERATIONAL PLAN AND PROCEDURES

**UNHCR VERIFICATION OF THE SOMALI BENADIR REFUGEES
AT THE DADAAB REFUGEE CAMPS FOR RESETTLEMENT TO
THE UNITED STATES OF AMERICA**

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1. Introduction

- 1.1 The UNHCR Office in Kenya has embarked on a project whereby the Government of the United States of America seeks to resettle approximately 2,500 refugees from the Dadaab refugee camps in conjunction with UNHCR. The project seeks to achieve a durable solution for refugees under the mandate of UNHCR. The refugees who have been identified for possible resettlement to the United States of America are a group of Somali Benadir who were not previously identified for resettlement and for whom voluntary repatriation is not a viable option in the foreseeable future; see *Group Resettlement Submission* attached in the annex.
- 1.2 Pursuant to the above, the project seeks to achieve the following objectives: (i) to provide resettlement as a durable solution for vulnerable refugees as stipulated in the UNHCR mandate; and, (ii) reiterate the United States' position and willingness to assist UNHCR and the Government of Kenya by offering durable solutions for vulnerable refugees in Kenya.
- 1.3 The verification of the Somali Benadir refugees at Dadaab is scheduled to commence on 7 June 2004, with a series of interviews spanning about two weeks. Actual resettlement for approved individuals will take place over the following 12 months. To qualify for consideration under this verification exercise, the refugees must be registered with UNHCR as belonging to the identified group. Further, the refugee's civil status, fingerprint, photograph and signature – recorded by the National Registration Bureau in year 2000 – should be matched against the individuals who present for interview.
- 1.4 The Somali Benadir refugees who will be eligible to attend the verification interviews have been identified through the UNHCR registration database (RAPID). The list of eligible candidates was “closed” when the registration database was downloaded by the Resettlement Unit in April 2004. To further ensure the integrity of the process and orderly implementation, UNHCR has maintained the highest level of confidentiality concerning the project, especially at the camp level to avoid raising expectations which might compromise the smooth running of the project.
- 1.5 This *Operational Plan and Procedures* sets out the basic steps for the operation, human resource requirements, budgetary issues and time frame for implementation. However, it must be stated that this is a major resettlement operation involving collaboration between UNHCR and its partner agencies, which by necessity requires the cooperation of different organizations and functional units within UNHCR. A delay imposed by any of these key partners could significantly delay the project. Accordingly, the timeframe must be viewed as flexible.

- 1.6 An important requirement of the verification exercise involves the Joint Voluntary Agency (JVA). The JVA is a non-governmental organization that routinely screens refugees for resettlement to the United States. The JVA will send a small team to Dadaab – under the auspices of UNHCR – to assist in the verification of these refugees. The collaboration between UNHCR and other partner agencies will ensure that the verification is completed in a professional and timely manner and in accordance with the partnership arrangement that has been agreed between UNHCR and the United States.
- 1.7 For the purpose of this *Operational Plan and Procedures*, 600 cases will be used as the planning figure. It should be noted that “cases” in this context means ration cards. A ration card could contain up to ten individuals. Generally, a ration card represents a nuclear family unit. However, experience has shown that sometimes a ration card is for unrelated individuals who were registered at the same time. In addition, a family can be split across several ration cards. The construction of the family unit is one of the primary purposes of the verification exercise. For planning purposes it will be assumed that each ration card represents a separate family unit.

2. Purpose of the Verification Exercise

- 2.1 The verification exercise is principally intended to determine whether the UNHCR believes that the refugee who presents for interview is the rightful holder of the ration card and her/his dependants are likewise genuine. It should also verify whether or not the refugee meets the criteria for inclusion in the group resettlement submission to the United States. In the process of the verification, a relatively large amount of information about the refugee’s family composition will be gathered. The questions in the *Verification Questionnaire* (see attached) were arrived at through discussions with JVA and the US Department of Homeland Security. However, the information gathered is not simply for use by the US Government. The information will assist UNHCR to verify the actual family composition and determine whether or not the case genuinely belongs to the Benadir group for resettlement submission to the United States.

3. Location of the Verification Site

- 3.1 The verification site is where the UNHCR / JVA verifiers will interview refugees and take their fingerprints and photographs. For reasons of security, fraud prevention as well as for the convenience of the staff, it has been determined that the verification interviews should be held away from the three main camps at Dadaab. Accordingly, the verification site will be situated at the *Borehole*, which is located within the UNHCR compound at Dadaab. This means that refugees would be shuttled from the camps to the verification site.

4. Pre-Screening at the Refugee Camps

- 4.1 Prior to the refugees' arrival at the verification site, they will be pre-screened at the refugee camp transit center¹ by a UNHCR officer. This officer is referred to as the *Intake Officer*. This function, which is an essential part of the verification process, takes place at the camps where the refugees first arrive to board the vehicle for travel the verification site. The Intake Officer will be responsible to detect any imposters or substituted family members who attempt to infiltrate in the verification exercise. This is the first point of interdiction and requires a firm approach. The Intake Officer will be equipped with biometric data from the Government of Kenya as well as UNHCR registration data. Each refugee who approaches the pre-screening point will be asked a series of questions – the answers to which will be checked against available data. In addition, those for whom photographic and fingerprint records are available will have their identity checked accordingly. An *Intake Specialist*, who provides language and cultural expertise, will help inform the decisions of the Intake Officer.
- 4.2 To further mitigate the risk of imposters and substituted family members, the list of cases to be verified each day will be posted only 2-3 days prior to interview. Only ration card numbers will be posted for public view. Details concerning the family composition will not be posted. UNHCR will divide the daily caseload into eight groups of approximately 45 refugees, which is the capacity of the transport vehicle. Accordingly, there will be eight transport movements from the transit centre to the verification site each day.

¹ The Associate Field Safety Advisor will approve the location of the pre-screening site. If the transit centers are deemed insecure or otherwise inappropriate, the Sub-Office will select another location such as the Field Office compound in each camp. However, for planning purposes the transit center will be used as the pre-screening site.

- 4.3 As aforementioned, the Intake Officer will screen each refugee at the entrance to the transit centre. The transit center will be secured by fencing and a police presence. The head of family with all of the dependants listed on her/his ration card will approach the Intake Officer and present their ration card. The Intake Office will check the card against the intake list and biometric data, as may be available. The data on each individual case will include a printout of the UNHCR registration data, which includes civil data for each family member, and – in the case of most adults – biometric data (including photograph, fingerprint and signature) from the Government of Kenya.
- 4.4 The Intake Officer will ask family members separately to identify themselves. The officer will look at the database information to determine if the individual appears to be the same age as the registration data indicates. For those cases with biometric data, the Intake Officer will look at the photograph and make a preliminary determination whether the refugee appears to be the same person. In the case where a signature or fingerprint is available, the officer may ask the refugee to sign her/his name or even provide a fingerprint; equipment will be available at pre-screening area to facilitate this.
- 4.5 The Intake Officer has the responsibility to interdict any imposters and prevent their admittance to the verification site. In borderline cases, where the Intake Officer is unable to make a firm judgment concerning the person's identity (i.e. absence of biometric data), notes will be recorded for follow-up at the verification stage. These notes will be sealed together with the travel manifest and will be carried by the *Escort Officer* from the pre-screening area to the verification site. The verifier will, therefore, have the benefit of this information at the time of interview.
- 4.6 The Intake Officer has the responsibility to prevent imposters from infiltrating the verification exercise. The Intake Officer also has the responsibility to ensure only the correct family members (i.e. those listed on the ration card) are permitted to enter the transit centre and board the vehicle to the verification site. Still, the Intake Office should exercise a degree of flexibility as concerns newborn children or spouses who may not be listed on the registration data. In such cases, the refugee should hold valid documentation to confirm the change in family status. In addition, the Intake Officer should record details of any case that fronts-up with different family members to those listed on the registration data. Ideally, photographs and fingerprints should be taken of additional family members who are not permitted to the verification stage. This will serve as a useful record in the event of any future requests for family reunification.

- 4.7 All eligible refugees will proceed through the pre-screening area to the transit centre for onward travel to the verification site. Borderline cases, which may include imposters but for whom a firm decision is not possible without an interview, will be permitted to proceed to the verification site. Again, the Intake Officer should take notes of such cases to alert the verifying officer. This policy was developed for several reasons. First, the initial contact at the pre-screening area is not deemed sufficient to make a determination of eligibility in all cases. Only after a full interview by a verifier should such a determination on borderline cases be made. Further, by allowing the individuals to go through the process a record of any imposters will be made, as all refugees who are verified will be photographed and fingerprinted.
- 4.8 Refugees will be advised that only properly registered refugees will be permitted to participate in the verification exercise; except, for example, a newborn infant who is unregistered.² This restriction is objective and the refugees generally accept it. However, some refugees will bring unregistered family members to the pre-screening area. The Intake Officer is responsible to ensure non-admittance of unregistered individuals.
- 4.9 The Intake Officer will know whether an individual is unregistered because the name of the individual will not appear on the UNHCR registration data. The Intake Officer will advise the individual that only registered refugees qualify for the verification. The head of family will be advised to tell the truth at the verification concerning family members living with them who are not registered. The word “family” in this context also includes defacto relatives like adopted children or non-nuclear family members (i.e. nephew or niece) who are dependent on the family. As in previous verification exercises, refugees will be advised during the information campaign that UNHCR and resettlement countries have family reunification guidelines that can allow for the resettlement of other family members at a later stage. Still, they will be advised that resettlement countries are not necessarily obliged to consider other family members.
- 4.10 It should be noted, however, that the UNHCR has an obligation to promote the unity of the family. Accordingly, any case not ready for submission due to outstanding issues of family composition will only be submitted to the US following consultation with PRM and DHS. Although relatives may be able to apply for family reunification at a later stage, this might lead to a separation of family members for an extended period, which would be problematic in the case of dependent relationships.

² *In cases of newborn infants who have not been registered, the UNHCR would allow entry because it is reasonably possible that infants less than one month may not have been registered with UNHCR. Still, the parents of the newborn child must be able to provide evidence of birth registration in order to confirm the relationship. In certain cases, mothers of the newborn child may be required to undergo a medical examination to establish maternity.*

This is especially acute in the case of minors. It is envisioned that a certain number of cases will be submitted with outstanding issues of family composition; however the most compelling cases will be re-interviewed by UNHCR under a separate process to clarify and finalize the case composition prior to submission. In exceptional cases, individuals who are not registered with UNHCR will be added to the case to preserve the unity of the family and ensure protection principles are upheld.³

Staffing Requirements: Pre-screening⁴

Functional Title	Number
<i>Intake Officer</i>	1
<i>Intake Specialist</i>	1
<i>Field Assistant</i>	1
<i>Field Clerk</i>	1
<i>Security Officer</i>	1
<i>Police Officers</i>	10
Total	15

5. Transport to the Verification Site

5.1 As aforementioned, the refugees are inspected by the Intake Officer at the transit center, following which they board the vehicle for onward travel to the verification site. When the vehicle reaches its passenger capacity (approximately 45 persons) it will depart for the verification site. The Kenyan police will escort the vehicle. Under the United Nations security regulations, an armed escort is mandatory in a *Phase 3* security area. The escort has a minimum of four police officers. The departure of the police officers to escort the movement should not deplete the security levels at the pre-screening area. At all times, the pre-screening area will have sufficient police presence.

³ *It should be noted that the refugees are generally aware of the verification procedures due to previous activities of this nature. It could be argued that their knowledge of this could prompt some refugees to claim bogus family members. However, they are also aware that additional interviews result in delays in their resettlement and there is a high likelihood of rejection by UNHCR and the resettlement countries when credibility issues arise. The principal applicant will be given one opportunity to declare any bogus family members at the beginning of the verification interview without penalty. Thereafter, following separate interviews with all adult family members (and minors in some cases), if anyone is found to be an imposter the entire case will be declined by UNHCR.*

⁴ A complete list of the total staffing requirements for the verification exercise is attached in the annex.

As two transport vehicles are envisioned, the Intake Officer will continue to screen individuals and invite them to board the second vehicle. When the first vehicle returns, the second vehicle will depart for the verification site. Each day, approximately eight round trips are anticipated.

- 5.2 The refugees will be transported to the verification site in UNHCR vehicles. Where the families are large, a vehicle may only carry a few cases at a time (e.g. five cases of ten individuals). With the number of verifiers envisioned (i.e. 12 officers), it is important to have two vehicles for the operation.
- 5.3 During normal operations at Dadaab, the UNHCR has difficulty meeting its operational needs with regard to drivers. Hence, it will be necessary to recruit two truck drivers and one driver for a Toyota Landcruiser. The Landcruiser would be used to transport vulnerable refugees who cannot comfortably travel by truck. Accordingly, the UNHCR Sub-Office will hire three drivers for the project. This will be charged to the RE500 project.

Staffing Requirements: Transport ⁵

Functional Title	Number
<i>Truck Drivers</i>	<i>2</i>
<i>Landcruiser Driver</i>	<i>1</i>
<i>UNHCR Escort Officer</i>	<i>1</i>
<i>Police Escorts</i>	<i>4</i>
Total	8

6. Verification Procedures

- 6.1 The verification site, at the *Borehole* within the UNHCR compound, will be divided into three sections: (i) a waiting area at the point of disembarkation on arrival from the pre-screening area; (ii) an interview area, which includes several sub-areas for the separation of family members, interviews and photography; and, (iii) a waiting area for individuals pending return the camp at the completion of the verification, which is outside the *Borehole* and, therefore, physically separated from all other areas.

⁵ A complete list of the total staffing requirements for the verification exercise is attached in the annex.

- 6.2 When the refugees arrive at the verification site, they will enter the arrival waiting area. This is a fenced area with an open shed structure for shelter. The refugees will be requested to wait until they are called for interview. At this point, a **Verification Coordinator** will welcome them and explain the interview procedures and compliance requirements. They will then be called to attend an interview. The Verification Coordinator will monitor the progress of interviews to ensure efficient workflow. When called to attend an interview, the refugee family will be led to the interview tent. Here, the **Verification Officer (verifier)** will have an opportunity to meet the entire family before starting the interviews. The verifier may use this opportunity to ask the children their names and check family resemblance.
- 6.3 Another tent, situated a small distance from the main interview tent, will be used to separate family members in order for the verifier to conduct individual interviews. It is standard practice that adult family members are interviewed separately. In certain cases, minors will be interviewed. When the verifier instructs the family members to go to this tent, the **Interpreter** will escort them there. At each interview with an adult, the verifier will take a fingerprint. This will be checked against the one on file. When the verifier concludes each interview, the family member will be escorted to the photography tent. Hence, adult family members will only talk to each other once they complete their interview and meet in the photography tent.
- 6.4 At the end of the verification interview, a **Verification Supervisor** will check the interview form to ensure quality control and that a recommendation was reached. Once checked and approved, the family will be photographed. Each family member will be photographed individually. After this, they will be allowed to proceed to the departure area outside the Borehole. Before long, they will board a truck and return to the camp.
- 6.5 The Verification Officer receives refugees for interview with the assistance of the Verification Coordinator. As aforementioned, the Verification Coordinator will monitor the progress of interviews to ensure efficient workflow. The Verification Officer will be required to flag to the Verification Coordinator when an interview has finished. At the beginning of a new case, the Verification Officer will receive paperwork on a case. This will include a printout of the UNHCR registration data, civil and biometric data (fingerprint, photograph and signature) from the National Registration Bureau, if available, and notes taken by the Intake Officer at the pre-screening point. The documents will be hand delivered to the Verification Officer. The information provided by the Intake Officer will be sealed together with the travel manifest, which will be carried by the Escort Officer from the pre-screening area to the verification site. It is the responsibility of the Verification Coordinator to ensure the Verification Officer receives this information prior to interview.

- 6.6 The Verification Coordinator will also give the verifier a blank verification questionnaire. The verification questionnaire was designed by UNHCR with input from the JVA and US Department of Homeland Security. Blank verification questionnaires will be securely held the Verification Coordinator at the front of the verification tent. Should the verifier need additional forms, as in the case where a non-nuclear family member is on the ration card or adults are interviewed separately, the Verification Officer can request for one. It is mandatory that non-nuclear family members on a case be interviewed separately using a new verification questionnaire, as the family information would differ from that of the head of family.
- 6.7 At the beginning of each interview, the Verification Officer will explain the purpose of the interview and read the *Pre-Interview Statement* (see attached). The verifier will ask the refugee about her/his sub-clan and place of birth (experience has shown that refugees occasionally admit to belonging to a clan that does not qualify under the project). The Principal Applicant (PA) will be asked to sign the *Interview Agreement* (see attached). So too, the Interpreter and Verification Officer will sign the interview agreement vowing to maintain confidentiality and adhere to procedural guidelines. It is prudent to indicate to the all parties the importance of each interview. Further, the refugee will hear that the Interpreter is required to keep all information confidential and truthfully report everything that is said during the interview. This will serve to mitigate the risk of refugees asking the Interpreter to answer questions on their behalf. The verifier will take the PA's left-hand thumbprint and compare it to the one on file. The photograph and signature will also be compared to confirm identity. Failure by the refugee to cooperate can lead to a decline of the case.
- 6.8 Should the refugee indicate that there are additional family members who are either not registered or registered under other ration cards that are not part of the target population (i.e. not registered as Benadir) the Verification Officer will take the biographical data of those individuals. In the case of a spouse, the UNHCR has developed a form that gathers the basic information about the marriage; i.e. dowry, place of celebration of marriage etc (see attached).⁶
- 6.9 After the interview, the verifier will complete an *Eligibility Assessment*. The form for this (see attached), is designed to assist the Verification Officer to evaluate the case and make a recommendation to the Verification Supervisor. Specifically, the Verification Officer will indicate whether or not the case meets the eligibility requirements for inclusion in the resettlement project. The verifier will assess the credibility of the case and whether or not any complex issues require follow-up action.

⁶ This will help an interviewer from JVA or DHS evaluate the bona fides of the relationship.

- 6.10 The verifier will rate the case as either: A, B or C. Cases that receive an "A" rating are approved for submission, as they appear genuine and uncontroversial and the applicants fully meet to the eligibility criteria. Cases that receive a "B" rating are provisionally approved but somewhat problematic and may require follow-up interviews. Such cases might include those where family members were absent or further checks are required due to changes in the family composition (i.e. newborn child or recent marriage). Cases that receive a "C" rating are deemed ineligible for submission and are generally declined. These cases might include instances where an imposter was identified or the refugee has married a Kenyan national. These cases also include those individuals who fail to meet the minimum requirements for the project (i.e. not Benadir). Where there is an issue of credibility (i.e. B and C cases) the verifier must document the issues. An additional form is used by the Verification Officer to make the recommendation and explain the reason. The completion of this form is essential as it documents the issues for the UNHCR Supervisor and others who may review the case at a later stage.
- 6.11 There will be two Verification Supervisors at the verification site whose principal task will be to review all completed verification questionnaires. When a Verification Officer completes a case, the Supervisor must be consulted with a view to checking the data collected and the recommendation made. The Supervisor will have a candid conversation with the verifier about any outstanding issues. If the Supervisor agrees with the verifier, he or she indicates the rating again on the front page of the Verification Questionnaire and signs the form. In the case of an agreement, comments may not be necessary. However, the Supervisor may want to record why agreement was reached, which would be useful for the quality assurance process in Nairobi prior to actual submission of the case to the United States. Should the Supervisor disagree with the verifier's recommendation, the Supervisor must detail why he or she believes that the recommendation is incorrect. In certain cases, the Supervisor may request that an individual refugee be re-interviewed to clarify an outstanding issue or uncertainty.
- 6.12 During the process of the verification it is normal for verifiers to approach the Supervisor – even before the completion of the verification questionnaire – to ask for guidance. Should questions regarding the registration information arise, the Supervisor may contact the **Registration Clerk** at the UNHCR Sub-Office by two-way radio and ask for relevant information from the database.

- 6.13 After the supervisor makes comments and finalizes the verification questionnaire, the paperwork is punched and bound by a clip and put into a secure box. At the end of the day, the completed verification questionnaires are given to the data entry team for entry into the ***Group Processing Database***.
- 6.14 As aforementioned, a supervisor will review the verification documents, answer questions and give second opinions on biometric comparisons. Verifiers cannot proceed to new cases without having a Supervisor review their work. If additional questions need to be asked, the Supervisor can direct the verifier to return to the refugee to ask those questions. To ensure efficient workflow at the point of supervisory review, two supervisors will oversee the verification interviews. These supervisors will be UNHCR Resettlement Officers who are familiar with the dynamics of the Somali refugee caseload. The Supervisor may seek advice from the ***Senior Resettlement Officer***.
- 6.15 All individuals who go through the verification process will be digitally photographed. This means that even individuals believed to be imposters are photographed.⁷ The verifier will record the names of each family member – and their corresponding ration card number – on a separate page to be used at the photography stage.⁸ The name cards filled out by the verifier for the family members will be delivered to the photography unit at the end of the interview. The refugees will be instructed to wait in the photography tent until the Verification Supervisor clears their case. Once checked and cleared, the photography team will be instructed to take photographs of each family member. Through the interpreter, the ***Photographer*** will advise the refugee to pose appropriately. After each family member has been photographed, the interpreter for the photographer will instruct the family to leave the verification site and proceed to the waiting area for transport to return to the camp.
- 6.16 The photographers will be responsible for maintaining the photographs throughout the project. They will be responsible for downloading all digital photographs to a laptop computer every day and storing the images under file names that match the ration card number. The photograph team should maintain a back-up of all data.

⁷ *The reason to photograph suspected imposters is twofold. First, imposters and/or individuals who will be declined do not know the decision on their case, which prevents security problems inside the verification site. Second, should there be an investigation at a later point, UNHCR has photographic evidence of the person who attended the verification.*

⁸ *Every refugee who is photographed will hold a name plate that states her/his name and ration card number followed by an indication of her/his place in the family (i.e. number 2 of 3 on the ration card). This is important to confirm that photographs have been taken for all family members.*

- 6.17 The photographic processing of cases can take some time to complete. To ensure that the photography team keeps pace with the verification exercise, it is recommended that 2 photographers be employed on the project. It is essential that these officers have experience with digital photographic equipment and techniques to capture portrait images suitable for US resettlement processing. This will ensure the smooth movement of refugees through the photography area.
- 6.18 The number of verifiers has a direct impact on the time required to complete the operation. Expedient completion of a group resettlement operation has two important benefits: (i) refugees have less opportunity to develop ways to fraudulently influence the outcome of the operation; and, (ii) it ensures that the Sub-Office returns to normal operations as quickly as possible. Accordingly, the number of verifiers must be matched by an appropriate number of staff at other touch-points of the operation. Specifically, the number of verifiers has to be matched by the number of Interpreters (see Section 7). So too, the size of the operation calls for a certain number of supervisors, photographers and data entry personnel. To complete the operation within two weeks, the following staff are required:

Staffing Requirements: Verification Team⁹

Functional Title	Number
<i>Interview Coordinator</i>	2
<i>Verification Supervisor</i>	2
<i>Verification Officer</i>	12
<i>Photographer</i>	2
Total	18

7. Interpreters

- 7.1 Non-refugee interpreters who can speak English well are essential for the credibility of the operation; to counter fraud and corruption as well as possible intimidation by the refugee community during and after the operation. For previous group resettlement activities at Dadaab, local Kenyan Somali speakers who had passed their “O” levels were recruited on a per diem basis.

⁹ A complete list of the total staffing requirements for the verification exercise is attached in the annex.

The hiring of local interpreters from Dadaab - as opposed to refugees or Somalis residing in other areas - will alleviate the negative sentiments that the local community has about recruitment from outside the local community. Still, UNHCR will employ two highly qualified interpreters from Nairobi to provide a quality assurance role and cover the critical touch-points of the operation such as the pre-screening area. In effect, they will supervise the interpreters. This will mitigate the risk of local Kenyan interpreters being pressured by major Somali clans to corrupt the process.

- 7.2 To ensure effective coverage of interpreters in the event that an interpreter is found to be ineffective or unacceptable for the operation, steps should be taken to recruit more interpreters than what is critically required for the operation. This will also assist the Office to cover unexpected needs as may arise during the operation. During previous exercises of this nature, interpreters found to have weaker language skills were moved from the verification interviews to assist the photographers. It is recommended that 17 interpreters be hired locally for the operation. The number of interpreters required are outlined as follows:

Staffing Requirements: Interpreters ¹⁰

Activity	No. Interpreters
<i>Interview Coordinators</i>	2
<i>Verification interviews</i>	12
<i>Photography area</i>	2
<i>Other functions</i>	1
Total	17

8. Data Entry

- 8.1 The data entry team will be based in the UNHCR office compound and not at the verification site. They will work on desktop computers in the Resettlement Unit, which will be set-up for the operation. A JVA representative who is familiar with the group processing database, which was designed specifically for the operation, will supervise the data entry operation. The **EDP Assistant** at the UNHCR Sub-Office will provide technical support and assistance, as required.

¹⁰ A complete list of the total staffing requirements for the verification exercise is attached in the annex.

The EDP Assistant will set up the database on several office computers and give the data entry staff a password to access the group database program.¹¹

- 8.2 In addition to entering the data from the verification questionnaire, the data entry staff will be responsible for organizing the cases by camp, eligibility rating and ration card number. This will assist file management at a later stage.
- 8.3 A special ***Group Resettlement Database*** was developed jointly by UNHCR and JVA for this exercise. The database enables the information collected during the verification interview to be recorded together with remarks from the verifiers and the supervising officer. Various fields in the database are password protected, which allows for a final quality assurance by the Resettlement Officer at Dadaab who is ultimately responsible for entering the eligibility rating and justification. The ***Group Management User Manual*** is attached in the annex
- 8.4 During the verification, changes to the UNHCR registration data are sometimes necessary. This might be due to a death in the family or genuine additions to the family unit through birth or marriage. The verifier may find that non-relatives, who are not dependants, are included in the same ration card. For this reason, the database has been designed to allow for 'split cases'. So too, the database allows for 'linked cases', where separate cases are connected due to family relationships; i.e. a marriage between the holders of different ration cards. The linking of separate cases is an important feature to ensure families are not separated at the time of resettlement submission. It also allows for cross-referencing to check credibility.
- 8.5 Accurate and detailed information in the database is essential for the management of the cases by both the UNHCR and the resettlement country. Indeed, the database is part of the submission to the resettlement country and is used as a necessary tool for both the UNHCR and the resettlement country in its case management. The group processing database allows users to easily isolate cases for special attention. It identifies additional family members from those listed on the ration card. Further, the notes of the supervisor (that agree or disagree with the recommendation of the verifier) are also easy to view. As a result, a printout of the case summary page of the database can be used without reference to the paperwork, as it shows all the remarks and decisions that took place during the verification exercise.

¹¹ Access to other Sub-Office databases will be restricted.

8.6 These positive developments in the group processing database, however, mean that the process of data entry is a detailed and labour intensive task. To ensure that data entry keeps pace with the verification exercise, it is recommended that five *Data Entry Officers* be employed on the project. It is essential that these officers have experience with data entry and Microsoft Access.

Staffing Requirements: Data Entry¹²

Functional Title	Number
<i>Data Entry Supervisor</i>	1
<i>Data Entry Officer</i>	5
<i>EDP Assistant</i>	1
Total	7

9. Casual Labour

9.1 Prior to the commencement of the exercise, approximately six tents need to be erected at the verification site. These tents will provide shelter at the waiting area and for the interviews and photography. The grounds at the Borehole also need to be prepared, which includes a thorough tidy-up to make suitable for large numbers of people, including children. The erection of the tents requires approximately five labourers who will be hired on a daily per diem. It is estimated that the tents can be erected in one day, however there may be unforeseen difficulties requiring an additional day of work. Also, a cleaner for each day of the operation is required to keep the site tidy and free of rubbish. The casual laborers and the cleaner can be sourced from the local Kenyan community.

Staffing Requirements: Casual Labour¹³

Activity	No. Staff
<i>Site Preparation</i>	5
<i>Cleaner</i>	1
Total	6

¹² A complete list of the total staffing requirements for the verification exercise is attached in the annex.

¹³ A complete list of the total staffing requirements for the verification exercise is attached in the annex.

10. Security Arrangements

- 10.1 The pre-screening areas are located at the Dagahaley, Hagadera and Ifo refugee camps. In the scheme of things, the pre-screening areas are more vulnerable from a security standpoint. To ensure the most appropriate pre-screening site is selected, the Assistant Field Safety Advisor (AFSA) would be required to conduct an evaluation of the various sites and make appropriate recommendations to senior management. If the transit centers are not appropriate from a security or logistical standpoint, the AFSA will evaluate other sites; i.e. the field offices and family life centers. After a location is confirmed, a full inspection will be conducted by AFSA to ensure that the area is secure.
- 10.2 It is estimated that the pre-screening area would require approximately 10 police officers to oversee security and ensure an adequate and immediate response in case of a disturbance. These officers would be situated at different points in and around the pre-screening area; for instance, six of the officers would patrol the perimeter of the site while the others (4 officers) would maintain crowd control and security at the intake point.
- 10.3 Prior to departure from the pre-screening area to the UNHCR compound, each refugee will be checked for weapons or other dangerous items. In addition to the police officers who will be stationed at the pre-screening area, four officers will provide an armed escort for all travel to and from the camps. This is a mandatory requirement according to the UNHCR security guidelines.
- 10.4 At the UNHCR compound there are two critical areas that require a police presence: the main gate of the compound and the Borehole area where the verification interviews will be held. Security will be enhanced at the main entrance to the compound for duration of the operation to ensure that all persons entering the compound have a legitimate reason to do so. In addition, access will be monitored to ensure that no weapons or other dangerous items enter the compound and that any disturbances at the entrance can be dealt to.
- 10.5 It should be noted that, on occasions, refugees who are displeased with various actions by UNHCR have demonstrated near the main entrance to the UNHCR compound. Should a disturbance be created, this could complicate the entry of the trucks from the field. The police presence will make it clear that swift and appropriate action be taken in such event. Accordingly, two police officers will be stationed permanently at the main gate throughout the verification exercise.

- 10.6 The borehole is an enclosed area within the UNHCR compound. It has a separate gate and a station for security. One police officer should be present at that post to ensure that refugees who work in the compound (but not part of the verification exercise) do not enter the borehole area. An additional three police officers are needed inside the waiting and verification area to ensure order. One of the important goals is to prevent refugees who have been verified and photographed from returning to the waiting area to coach other refugees about what to expect and say.
- 10.7 As this is principally a US resettlement program, heightened security at the UNHCR residential compound should be implemented. The main gate should have a police officer throughout the night to ensure that there is strict control of access to compound. A police officer will also be stationed at the UNHCR residential area throughout the operation to prevent unauthorized entry.
-



VERIFICATION QUESTIONNAIRE

This interview questionnaire should be conducted with the principal applicant (PA) and her/his spouse at separate interviews. Other immediate / dependent relatives of the PA may also attend separate interviews, if necessary, for the purpose of cross-referencing.

	Given Name	Father's Name	Grandfather's Name
Applicant's Name			
Applicant's Sex and Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female Date of Birth (D / M / Y):		
UNHCR Ration Card No. (2003)			
Applicant's Nationality	Ethnic Clan / Sub Group:		
GOK Photograph Match	<input type="checkbox"/> Yes <input type="checkbox"/> No (consult supervisor) <input type="checkbox"/> N/A		
Applicant's Address at Dadaab	Camp:		Zone:
Date of Interview (D / M / Y)			
Name of Interviewing Officer			
Name of Interpreter			
Understand Interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Approve Interpreter?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
SUPERVISOR ASSESSMENT (to be completed by Supervisor after verification interview)	Provisional Eligibility Rating: A B C		
	Reason: ----- ----- ----- ----- ----- ----- ----- ----- ----- -----		
	Name / Date / Sign		

INTERVIEW AGREEMENT

APPLICANT NAME:	R/C No.	
<ul style="list-style-type: none"> • I acknowledge that I am the person indicated above with the said ration card. • I agree to provide truthful information at this interview. • I agree to answer all questions honestly and in good faith. • I agree that I shall not withhold any information. • I agree to co-operate fully during this interview. • I understand that if I give false information or fail to co-operate during the interview, the interview can be terminated and my case declined. • I understand that the information I provide may be shared with the Government of the United States of America and that this interview does not mean I have been approved for resettlement. 		
<i>Left Hand Thumb Print</i>	<i>Left Hand Thumb Print</i>	<i>Left Hand Thumb Print</i>
Signature		Date

INTERPRETER NAME:	
<ul style="list-style-type: none"> • I agree to interpret everything that is said at this interview accurately and without prejudice. • I agree to perform my duty in accordance with the UNHCR code of conduct and to maintain the strictest confidence. • I agree that I shall not guide or influence any answers. • I agree that I shall not provide advice to the applicant with regard to this interview. • I agree that I shall not discuss any aspect of this interview with any person during or after this interview. • I declare that the applicant is not a relative or personal friend and that my role as an interpreter does not raise any conflict of interest. • I agree that if the applicant approaches me after this interview concerning the nature of the interview, I will immediately report the matter to UNHCR. 	
Signature	Date

INTERVIEWER NAME:	
<ul style="list-style-type: none"> • I agree to record all relevant information that is communicated during this interview accurately and without prejudice. • I agree to conduct this interview in accordance with UNHCR guidelines and code of conduct. • I agree to uphold the strictest confidence in respect to this interview. • I will not guide or influence the interview process in a manner that might be prejudicial. 	
Signature	Date

PART 1 PERSONAL INFORMATION

QUESTION	ANSWER			
1. Are you known by any other name(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No If 'yes', give other name(s):			
2. Where were you born?	Town / Village:		Province:	Country:
3. What is your religion?	<input type="checkbox"/> Muslim <input type="checkbox"/> Christian <input type="checkbox"/> Other (specify):			
4. What has been your occupation?	In Somalia:		Current:	
5. What is your marital status?	<input type="checkbox"/> Never married <input type="checkbox"/> Boyfriend / Girlfriend <input type="checkbox"/> Engaged / Defacto-married (i.e. living with fiancée)* <input type="checkbox"/> Married* <input type="checkbox"/> Married (common law)* <input type="checkbox"/> Married (polygamy)* <input type="checkbox"/> Widowed (indicate the date that spouse deceased: Day:____ Month:____ Year:____) <input type="checkbox"/> Separated* <input type="checkbox"/> Separated (legally) * <input type="checkbox"/> Annulled marriage* <input type="checkbox"/> Divorced*			
* Name of spouse(s) / defacto-partner(s)	Date / Place of Birth (D / M / Y)	Date / Place of Marriage (D / M / Y)	Current Status of Relationship	Current Whereabouts
1.	/	/		
2.	/	/		
3.	/	/		
6. How many people share the same accommodation as you in Dadaab?	Number of family members:		Number of others:	

PART 2 BIOLOGICAL PARENTS

QUESTION 7		ANSWER			
Full Name of Biological Parents		Sex M / F	Date of Birth (D / M / Y)	Current / Last Known Whereabouts	Current Status (i.e. deceased)
1					
2					

7 (a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN QUESTION 7 ABOVE			
	Town / Country of Birth	Sub Clan	Previous Occupation
1			
2			

PART 3 BIOLOGICAL / STEP / ADOPTED CHILDREN (including deceased children)

QUESTION		ANSWER				
8. How many children do you have?		Number: ____ If you have children, please provide details below (include step/adopted children):				
Full Name of Child	Sex M / F	Date of Birth (D / M / Y)	Name of Biological Mother	Name of Biological Father	Current Status / Whereabouts	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
8 (a) What is the situation of the biological parents indicated in Question 8 above (persons other than the applicants)?						
Name of Biological Parent	Sex M / F	Date of Birth (D / M / Y)	Current Whereabouts	Current Situation		

PART 3 BIOLOGICAL / STEP / ADOPTED CHILDREN (CONTINUED)

8 (b) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 3 / QUESTION 8					
	Marital Status*	Town / Country of Birth	Resides with PA	Ration Card No.	Notes
1			Yes <input type="checkbox"/> No <input type="checkbox"/>		
2			Yes <input type="checkbox"/> No <input type="checkbox"/>		
3			Yes <input type="checkbox"/> No <input type="checkbox"/>		
4			Yes <input type="checkbox"/> No <input type="checkbox"/>		
5			Yes <input type="checkbox"/> No <input type="checkbox"/>		
6			Yes <input type="checkbox"/> No <input type="checkbox"/>		
7			Yes <input type="checkbox"/> No <input type="checkbox"/>		
8			Yes <input type="checkbox"/> No <input type="checkbox"/>		
9			Yes <input type="checkbox"/> No <input type="checkbox"/>		
10			Yes <input type="checkbox"/> No <input type="checkbox"/>		

*** ALERT: Note children who are married and living with the applicant. Provide details of the spouse in notes.**

PART 4 SIBLINGS (INCLUDING HALF & STEP SIBLINGS)

QUESTION		ANSWER				
9. Do you have any siblings?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If 'yes', how many brothers and sisters? Brothers: _____ (not including self) Sisters: _____ (not including self)		
10. Do you have any siblings in Kenya?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If 'yes', please provide details below (rank oldest – youngest):		
Name of Sibling(s)		Sex M / F	Date of Birth (D / M / Y)	Name of Biological Mother	Name of Biological Father	Current Whereabouts (Town / Country)
1						/ KENYA
2						/ KENYA
3						/ KENYA
4						/ KENYA
5						/ KENYA
6						/ KENYA
7						/ KENYA
8						/ KENYA
9						/ KENYA
10						/ KENYA

PART 4 SIBLINGS (CONTINUED)

10(a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 4 / QUESTION 10					
	Marital Status*	Town / Country of Birth	Resides with PA	Ration Card No.	Notes
1			Yes <input type="checkbox"/> No <input type="checkbox"/>		
2			Yes <input type="checkbox"/> No <input type="checkbox"/>		
3			Yes <input type="checkbox"/> No <input type="checkbox"/>		
4			Yes <input type="checkbox"/> No <input type="checkbox"/>		
5			Yes <input type="checkbox"/> No <input type="checkbox"/>		
6			Yes <input type="checkbox"/> No <input type="checkbox"/>		
7			Yes <input type="checkbox"/> No <input type="checkbox"/>		
8			Yes <input type="checkbox"/> No <input type="checkbox"/>		
9			Yes <input type="checkbox"/> No <input type="checkbox"/>		
10			Yes <input type="checkbox"/> No <input type="checkbox"/>		

*** ALERT: Note siblings who are married and living with the applicant. Provide details of the spouse in notes.**

PART 5 OTHER DEPENDENTS

QUESTION		ANSWER			
11. Do you currently live with or care for any other relatives or persons?		<input type="checkbox"/> Yes <input type="checkbox"/> No		If 'yes', please provide details below: (check against answer to Question 6)	
Other Dependents	Sex M / F	Date of Birth (D / M / Y)	Relationship to Applicant	Description of Dependency	
1					
2					
3					
4					
5					
11(a) THE DETAILS PROVIDED IN THIS SECTION CORRESPOND TO NUMBERS AND NAMES PROVIDED IN PART 5 / QUESTION 11					
	Marital Status*	Town / Country of Birth	Resides with PA	Ration Card No.	Notes
1			Yes <input type="checkbox"/> No <input type="checkbox"/>		
2			Yes <input type="checkbox"/> No <input type="checkbox"/>		
3			Yes <input type="checkbox"/> No <input type="checkbox"/>		
4			Yes <input type="checkbox"/> No <input type="checkbox"/>		
5			Yes <input type="checkbox"/> No <input type="checkbox"/>		

*** ALERT:** Note persons who are married and living with the applicant. Provide details of the spouse in notes.

PART 6 ADDITIONAL QUESTIONS

QUESTION	ANSWER
<p>12. When did you leave Somalia and why?</p>	<p>[Brief narrative on reason for flight]</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
<p>13. Have you ever returned to your home country?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>
<p>14. Have you ever been convicted, fined or imprisoned for the violation of any law?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>
<p>15. Have you ever participated in incidents that involved physical violence?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>
<p>16. Have you ever been accused of any crime? Have you ever been prosecuted?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>

<p>17. Have you ever belonged to any armed or militia group?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>
<p>18. Do you have any relatives in other countries? (i.e. Canada / USA / Australia / NZ)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details:</p>
<p>19. Have you previously applied for migration to another country or do have an application for resettlement pending with any country?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain answer:</p>
<p>20. Were the questions that I asked clear to your understanding and are you satisfied with the answers you gave?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If not, please explain answer:</p>

TO BE COMPLETED BY INTERVIEWING OFFICER

<p>Additional comments / observations and general assessment by interviewer.</p>	
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Operational Framework for Group Resettlement

1) **CONCEPTUALIZATION** of
Potential Group
See IOM/FOM 67/2003 and Best Practice

2) **EVALUATION AND
ANALYSIS**

Further
exploration
required

Proceed via
other expedited
modalities

**GROUP RESETTLEMENT
CONCEPT APPROVED**

Proceed through
the preparation of
individual RRFs

Resettlement
not
recommended

3) **FEASIBILITY** and
PREPARATION OF GROUP PROFILE AND PROPOSAL DOCUMENT (GPPD)

- Field missions as required
- Refinement of group definition and criteria for inclusion
- Exercise to fix caseloads designed and conducted as necessary
- Proposal for processing modalities and countries of resettlement
- Preparation of database
- Finalization of GPPD
- Preparation of abstract
- Submission to HQ for final clearance
- Forwarded to HQs (Resettlement Section and Bureau) for final clearance
- Note for file prepared by Resettlement Section to inform Bureau and Field

4) **SUBMISSION** to Resettlement Country
By the Chief of Resettlement Section

APPROVAL

Or Indication of Interest by Resettlement Country

- Group modified as required

5) **PLAN OF ACTION FOR GROUP PROCESSING**

- Negotiated with Resettlement Countries -

- Assessment of number and nature of personnel required
- Logistical arrangements
- Timeline for verification exercise
- Agreements regarding case preparation, dependency and other protection/processing issues
- Submission to HQ for final clearance
- Meeting between RS and Bureau
- Preparation of budget

6) **VERIFICATION**

Exercise to confirm membership in the group
Preparation of case material / principle of transparency

7) **GROUP RESETTLEMENT PROCESSING**

- Under supervision of UNHCR with help of resettlement partners -

Post Group Processing Assessment
- Lessons Learned -

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Resettlement Management in Field Offices

- 8.1 Resettlement Management**
- 8.2 File Management and Tracking**
- 8.3 Co-ordinating and planning resettlement activities**
- 8.4 Combating fraud in the resettlement process**
- 8.5 Managing resettlement expectations within the refugee population**
- 8.6 Coping with Stress**

RESETTLEMENT MANAGEMENT IN FIELD OFFICES

8.1 Resettlement Management

As stated in IOM/25/2002 – FOM/24/2002, “Management of Protection Activities – Responsibilities of UNHCR Staff”, signed by the High Commissioner on 15 March 2002, all UNHCR staff, irrespective of grade or function, have the responsibility of ensuring that protection activities, including resettlement, are carried out to the highest standards possible, and to prevent fraud and malfeasance in all activities.

With limited resources and increasing demand for resettlement, managers have been facing increasing challenges in ensuring the effective management of resettlement activities in Field Offices. The purpose of this Chapter is to provide guidelines and standards for the effective management of resettlement activities in Field Offices. This Chapter also includes a number of practical management tools and reporting requirements.

While resettlement activities are currently undertaken in a diverse range of circumstances, the standards and guidelines contained in this Chapter are of a universal nature so as to be applicable to **all** resettlement activities. The Resettlement Section in UNHCR Headquarters, and Regional Resettlement Officers (where applicable), will be able to provide additional guidance to individual Field Offices on further issues of particular concern.

8.1.1 Overall management and accountability framework

It is the responsibility of all managers to ensure that a clear management and accountability framework is in place for all resettlement activities in their respective offices.

As stated in IOM/25/2002 – FOM/24/2002, all UNHCR staff has “a shared responsibility to ensure that protection activities are carried out to the highest standards possible, and to prevent fraud and malfeasance in all activities.”

At the Field Level, overall management and accountability for resettlement activities lie with the UNHCR Representative and the Senior Staff in charge of Protection, but continue through all staff with specified resettlement functions.

8.1.2 Designation of officer accountable for resettlement activities

In relation to the decentralized nature of resettlement operations, there are few UNHCR Resettlement Officers. In the absence of a Resettlement Officer, the UNHCR Representative and Senior Staff in charge of Protection must designate an officer accountable for resettlement activities within the Field Office. The officer accountable for resettlement activities should be a member of UNHCR’s protection staff.

In field locations where UNHCR is represented by non-UNHCR staff, UNHCR Headquarters shall assume the responsibility of developing appropriate mechanisms and procedures for resettlement activities.

Designating an officer accountable for all resettlement activities is an important first step in ensuring the effective management of resettlement activities within a Field Office. This officer must exercise adequate supervision over the integrity of resettlement activities, including resettlement identification, case preparation and submission.

The accountability designation of this officer should be in writing to ensure transparency. The name, title, and contact details of the officer accountable for resettlement should be shared with the relevant Bureau, the Resettlement Section of UNHCR Headquarters and Regional Resettlement Officers (where applicable) to facilitate effective communication on matters relating to resettlement.

A sample accountability designation for resettlement officers has been included in Section 1 of the Resettlement Tool-Kit.

Given the role of the officer accountable for resettlement activities in the process of approving cases throughout the resettlement process, it is important that a designated officer be specified in the accountability framework to ensure that resettlement work in the Office may continue in the absence of the officer accountable for resettlement activities.

8.1.3 Staff responsibilities

Within the overall accountability framework, each staff with resettlement responsibilities should be provided with a written description of their particular responsibilities and reporting responsibilities.

Individual staff work plans should also specify how staff members exercise oversight of internal control requirements.

Resettlement has, in recent years, come to involve an increasing number of temporary staff, often deployees, and project staff. Such staff should receive written guidance regarding control requirements, including the limits of their functions.

8.1.4 *Minimum Standards and Standard Operating Procedures*

The officer accountable for resettlement activities is responsible for ensuring that basic provisions of effective resettlement procedures are established and followed in the Field Office. These procedures must be in accordance with the standards contained in the Resettlement Handbook, and must be prepared as a written set of Standard Operating Procedures (SOPs) governing the resettlement activities of the given Field Office.

8.1.5 *Drafting and Maintaining Standard Operating Procedures (SOPs)*

Given the diversity of resettlement and field contexts, it is neither possible nor desirable to have a single, universal set of SOPs to be followed by all Field Offices. Instead, each Field Office is required to review their current resettlement activities and needs in light of the standards outlined in the Resettlement Handbook before drafting country-specific resettlement SOPs.

To facilitate this task, Section 1 of the Resettlement Tool-Kit contains a “Resettlement self-assessment check-list”. The assessment has also been provided as a Microsoft Word document, and Field Offices may find the document easier to complete in electronic format than by hand.

This assessment should be initially conducted by the officer accountable for resettlement, and serve as the basis of a discussion with the UNHCR Representative and Senior Staff in charge of Protection on the effectiveness of the Office’s resettlement procedures.

The purpose of the assessment is to assist the Field Office in the task of reviewing their resettlement activities and identifying areas of potential improvement. If the assessment indicates that the standard listed in the first column is not implemented in the Field Office, follow-up action should be proposed according to the referenced section of the Handbook, a focal point for follow-up identified, and a deadline set for follow-up activities.

Further to this discussion, the completed assessment should be authorized by the UNHCR Representative or Senior Staff in charge of Protection. The original assessment should be kept in the Field Office, and a copy should be sent to the relevant Bureau and the Resettlement Section in UNHCR Headquarters.

Particular areas of concern and additional support required for the implementation of the standards should be also conveyed to UNHCR Headquarters.

In light of the findings of the initial assessment, the officer accountable for resettlement activities should draft resettlement SOPs, which must include the following elements:

1. **Resettlement Procedures:** Narrative description of how the Field Office implements the stages of the resettlement process presented in Chapter 6 of the Resettlement Handbook, including:
 - how resettlement cases are identification and referred
 - how internal and external referrals and received and treated
 - how unsolicited requests for resettlement are received and treated
 - how resettlement referrals are assessed
 - how resettlement submissions are prepared
 - how resettlement submission decisions are made
 - how resettlement submissions are made
 - how resettlement selection missions are supported
 - how oversight is maintained through the departure process
2. Specified responsibilities, accountabilities, required authorization and oversight required for each stage of the resettlement process;
3. **Resettlement Management:** Narrative description of how the Field Office implements the resettlement management standards presented in Chapter 8 of the Resettlement Handbook, including:
 - how annual self-assessment reviews of resettlement activities are conducted, including the assessment of the Field Office's SOPs and accountability framework
 - how UNHCR's guidelines on refugee women and children are met in the resettlement process
 - how an overall management and accountability framework is maintained in the resettlement process
 - how resettlement files are managed
 - how resettlement files are stored
 - how resettlement files are tracked
 - how resettlement activities in the Field Office are prioritized
 - how Populations in Need of Resettlement are identified as part of the annual mapping exercise
 - how annual resettlement needs are determined and reported
 - how resettlement needs are included in the Country Operations Plan and reported in the Annual Protection Report
 - how fair access to the resettlement process is ensured
 - how co-ordination is ensured between Registration, Status Determination and Resettlement
 - how fraud and corruption in the resettlement process is addressed on an on-going basis

- how allegations of fraud and corruption in the resettlement process are reported and addressed
 - how resettlement expectations within the refugee population are managed
 - what steps are taken to ensure staff safety, security and development
4. Specified responsibilities, accountabilities, required authorization and oversight required for management of the resettlement process;
 5. Appendix of sample country-specific documents and forms used in the resettlement process

These SOPs should be discussed with and authorized by the UNHCR Representative and the Senior Staff in charge of Protection, and a copy should be sent to relevant Bureau, the Resettlement Section in UNHCR Headquarters and, where applicable, to the Regional Resettlement Officer.

Subsequent to the drafting and full implementation of the resettlement SOPs, an annual review of the resettlement practices and procedures of the Field Office should be conducted by repeating the process of the Resettlement Self-Assessment.

In the process of drafting and maintaining resettlement SOPs, it is important that Field Offices pay particular attention to UNHCR's guidelines on refugee women and children. In particular, special provisions should be included in the resettlement procedures to reflect the special needs of refugee women and children.

A growing number of Field Offices have already undertaken the task of drafting resettlement SOPs, and there has been a consistently positive response to the benefits of drafting and maintaining SOPs. Field Offices with well-developed and detailed SOPs have been able to increase the efficiency and credibility of their resettlement activities. Clear divisions of responsibility and transparent procedures in the resettlement process have also addressed increased concerns relating to fraud and corruption in the resettlement process.

In accordance with IOM/25/2002 – FOM/24/2002, all Field Offices should undertake the process of conducting initial resettlement self-assessments and drafting resettlement SOPs with the aim of increasing the effectiveness, efficiency and credibility of their resettlement activities.

8.1.6 Registration of refugees and Resettlement

The Executive Committee of UNHCR, in its Conclusion no. 91 (LII – 2001) on Registration of Refugees and Asylum-Seekers of October 2001 reiterated the importance of registration as a tool of protection, including protection against refoulement, arbitrary arrest and detention by making people known to UNHCR and the host government as persons of concern. Registration helps individuals, families and other groups of refugees get basic access to the rights, services and assistance they need. Accurately registering children is also an important means to prevent military recruitment, to ensure family unity, and, in the case of separated children, to reunite families.

Registration also helps to ensure that decisions about durable solutions are voluntary by recording an individual's agreement to a particular solution. Accurate registration is also essential for identifying cases for which resettlement and local integration are the most appropriate solutions.

The importance of a reliable refugee registration process with respect to resettlement cannot be overstated. Early and effective registration coupled, where possible, with individual status determination procedures provides the most effective means of identifying refugees in need of resettlement consideration on a pro-active and ongoing basis. An accurate and comprehensive registration of refugees should be done as soon as possible after flight, and, more importantly, outside of the context of resettlement. This is a fundamental safeguard for the integrity of resettlement activities.

In implementation of EXCOM Conclusions 91, (LII) -2001, UNHCR launched a global registration project called PROFILE. This effort is UNHCR's long-term strategy towards enhancing field registration and operations management. The aim of PROFILE is to strengthen UNHCR's field capacity to establish the size and nature of the refugee population more accurately, as well as to collect, analyze and use population data, including biometric features, more effectively for protection, implementation and planning purposes. One of the expected benefits of PROFILE is enhanced identification of refugees for durable solutions considerations, including resettlement.

PROFILE will also facilitate resettlement of specific categories of refugees with special needs, including Women-at-Risk. It is essential that each family member is independently recognized and registered. This has importance for refugee women, particularly for refugee status determination and resettlement. For instance, a refugee woman or spouse may have independent grounds to claim asylum. Claims may need to be separated following divorce or separation of the spouses. The woman may be the Principal Applicant of a resettlement submission. Further, PROFILE will help maintaining effective records management at UNHCR Country Offices (for further details, see below).

8.2 File Management and Tracking

8.2.1 UNHCR Records Management

UNHCR records, including paper files and electronic material, are the property of UNHCR. Proper maintenance is crucial to accountability. In addition, individual case (IC) files, plus any database or card file that serves as a guide, are identified as permanent records and must be properly maintained and archived according to schedules issued by the UNHCR Archives and Records section in the Division of Communication and Information. This includes protection correspondence, together with any records on status determination, resettlement and voluntary repatriation.

This guidance is intended to help field staff understand how to manage protection records. Official procedures are issued in relevant IOM-FOM, including IOM/72/99-FOM/72/99: Introducing Records Schedules, and subsequent guidance, which have effect until the records chapter in the UNHCR Manual is revised. For further information or guidance, contact archives@unhcr.ch.

Protection and resettlement files include both individual case files and subject files. Subject files include country information, policy documents and procedural guidelines. Individual case (IC) files contain all information pertaining to a particular refugee or asylum seeker and his or her dependents.

8.2.2 Establishing Individual Case Files

Field Offices with protection staff should establish a system of individual case files for correspondence on individual cases, including correspondence to and from individual refugees on protection issues. Other documentation relating to problems faced by individual refugees who have consulted with protection staff should also be retained in their file under the IC filing system.

Field Offices working in *prima facie* refugee situations may not have an established IC file system given the nature of their day-to-day contact with refugees. In the context of resettlement work in *prima facie* situations, an IC file should be created for refugees when an initial referral is received.

IC files must be centralized, and each IC should only have one file in a Field Office. The IC's file must be the central repository for all information about the refugee produced by UNHCR and its partners, in addition to all correspondence between the refugee and UNHCR.

A centralized IC file system facilitates the identification of an appropriate durable solution by providing a 'snap-shot' of the refugee's life in a single file.

All elements of the file may eventually be useful when considering possible durable solutions, and a holistic understanding of the refugee's needs will be greatly complicated with the absence of such a centralized system.

Each contact with an IC, including date, nature of contact, action, and recommended follow-up should be recorded on a log sheet, usually on the left-hand side or first page of the folder, as well as any other documentation developed in the course of the contact.

Recordkeeping on individual cases is essential to ensure continuity when UNHCR staff changes occur, and to develop a picture over time of events and circumstances that might affect durable solutions for individual refugees. Standardization of recordkeeping between and among UNHCR field offices is essential so that senior management can be assured the adequacy of records and that procedures exist for accountability.

The protection clerk or other person responsible for filing must assign a case number and record the name, date and place of birth of the IC on a file card index, logbook, or database. This information must be maintained and eventually archived with the files. Guidance on numbering is provided below.

File folders should be stored in fire-resistant file cabinets that can be locked, in addition to locating filing cabinets in a room that can be locked. The files should then be filed according to case number, from lowest to highest number, front to back (or left to right if using horizontal shelves). New files are then added to the back of the drawer.

UNHCR guidelines recommend that IC files be maintained numerically with a cross-index to names because of the number of different naming systems in different countries. The usual sequence is to assign numbers in sequence, based on the calendar year in which the file is initially opened. The first file opened in the year 2001 in Ethiopia, therefore, could be assigned ETH2001-0001 (or 2001-00001, if a large volume of cases is expected in a single calendar year), the second would be 2001-0002, the third, 2001-0003.

If refugees from more than one country of origin are present in the country of asylum, the file series may include a code representing the country of origin. In that case, a Sudanese refugee in Ethiopia might be assigned the case number ETH2001-SUD0001.

If a decision is made to use registration numbers (which are often associated with ration card numbers), the office must be very careful that any changes in registration (or ration) number because of revalidation exercises are captured, and that any new number associated with the same IC are recorded in the files and on existing indices, as well as databases. It is essential to maintain cross-referenced lists of numbers associated with a single IC.

8.2.3 Contents of Individual Case (IC) Files

Correspondence and documentation appropriate to IC files include, *inter alia*:

1. Letters to and from an individual refugee regarding protection, including resettlement.
2. Copies of refugee's personal identification documents, such as passport and refugee registration, which may be used in making a status determination.
3. Copies of asylum government identity documents related to an individual protection case.
4. Correspondence to/from Headquarters or other UNHCR offices or implementing partners related to individual protection cases.
5. Documentation related to resettlement consideration or assessments.
6. Photographs of IC and family members.
7. Where appropriate, medical information related to the case.

Field Offices should specify which staff members have the authority to certify copies of original documents added to a refugee's file, such as birth certificates and adoption documents.

8.2.4 File Security

Individual case (IC) files must be maintained in accordance with guidance on confidentiality of information on refugees and asylum seekers. In addition, in order to provide adequate internal control from misuse or fraud, one officer must be accountable for ensuring that procedures are in place to control and record access to IC files.

The UNHCR Representative and the Senior Staff in charge of Protection should delegate in writing the accountability for supervision and internal controls to a specific protection officer. This officer in turn has the responsibility to determine what personnel will have access to IC files and confidential documentation on individual refugees.

In Field Offices where no international protection officer is regularly present, the Head of Office will have to determine whether he or she retains the accountability for ensuring procedures are in place, or whether another supervisory officer is designated as responsible. If no international staff is available, it is the responsibility of the supervising office head to determine local procedure and ensure and monitor that confidentiality and security are adequately maintained given the local vulnerabilities to compromise.

When individual files are needed during the course of the workday, the file should be charged out through the use of out cards and folders. Out cards can be ordered from the Archives and Records Section at Headquarters, or an electronic version can be requested by sending an e-mail to Archives@unhcr.ch. This procedure establishes a record of who has had access to files in case of compromise and to monitor that only authorized individuals work on the files. Failure to follow this procedure is a weakness in internal controls and in anti-fraud measures.

The storage of electronic records relating to individual refugees, such as registration files and protection files including information on status determination and resettlement referral require additional security measures because of the increased risk of compromise to large volumes of information. Internal control procedures in each office must reflect this in the accountability assigned to records managers and systems administrators.

Paper files must be stored in a locked cabinet and only authorized persons should have access. These files should be kept locked unless the responsible person is physically present. The key or combination should not be shared and should not be left with any individual who is not permitted unrestricted access to the files (such as a colleague, security guard, or even other officers). In addition, the filing cabinets should be kept in a room which can be locked; access to the key to that room should also be restricted.

The senior security officer, in liaison with the Field and Staff Security Advisor in UNHCR Headquarters, should review these arrangements and recommend additional measures if warranted by local circumstances. One of the best means to enhance security is to keep only active, current files in field offices. Older, non-current records should be shipped to Headquarters.

For advice, see FOM/67/00. Offices may also consult the Records and Archives section at Headquarters.

8.2.5 File Tracking and Database

As explained above, UNHCR Field Offices are gradually being equipped with registration capacity within the PROFILE project. This will enable them to perform accurate refugee registration, early identification of resettlement needs and implement transparent and reliable resettlement programmes.

Field Offices that do not yet have access to PROFILE should nevertheless develop and maintain a tracking system and database of resettlement cases to facilitate the essential task of follow-up and monitoring of resettlement cases. There is a danger in many field contexts that individual cases may get stalled at any stage in the resettlement process if there is a lack of tracking and oversight of pending cases.

The first step in addressing this concern is to have an active and secure database of all active resettlement cases. Ideally, this database would be part of the general database maintained by the office. If a central database is maintained (i.e. RICS), all updates on resettlement activities should be entered into the database when decisions are made.

If a central database is maintained, a separate resettlement tracking system may still be useful to facilitate monitoring of individual cases and identifying what action is required and who is responsible for follow-up.

File tracking and database systems for active resettlement cases should, at minimum, include the following searchable fields:

- Principal Applicant's (PA's) name
- PA's date and place of birth
- PA's nationality
- PA's family composition
- Source of resettlement referral
- Current stage in the resettlement process
- Most recent decision
- Date of most recent decision
- Pending action
- Caseworker responsible for case

8.2.6 Storage of Travel and Identity Documents

On various occasions, and for a range of reasons, UNHCR offices are required to receive travel and identity documents, and hold such documents on behalf of refugees. This practice should be avoided, but may be necessary in the absence of a local IOM office. In such circumstances, special procedures must be established for the safe storage and transmission of travel documents.

In some instances, travel documents and visas are sent to UNHCR by resettlement countries, and requests UNHCR to transmit these documents to the refugee. An identity check should be performed to ensure that the correct person is receiving the correct document. The travel document should be photocopied, and the refugee should sign the photocopy to confirm receipt of the original. This copy should be counter-signed by the relevant UNHCR staff. The signed copy should be kept in the refugee's file as proof of delivery.

In any circumstance, all travel documents and identity documents received by UNHCR must be stored in a safe with limited access. A central registry should be kept to record who has access to the safe and which documents have been deposited or withdrawn.

Field Offices should ensure that a clear designation is kept of which staff members have access to such documents, and that the procedures for depositing, withdrawing and transmitting travel and identity documents are clearly defined and recorded. Embassies and missions sending travel and identity documents to UNHCR for transmission to a refugee should be advised of the procedures in place for the depositing, withdrawing and transmitting of travel and identity documents.

8.3 Co-ordinating and planning resettlement activities

Resettlement is a global undertaking, involving co-operative efforts between resettlement countries, UNHCR, NGOs and IOM. Co-operation and co-ordination is essential to ensure that resettlement efforts are effective and efficient.

This section focuses on the importance of co-ordinating and planning resettlement activities at various levels within UNHCR. Effective co-ordination and advance planning will provide the basis for more efficient resettlement activities, as efforts are not duplicated within the organization, and more effective resettlement, as resettlement needs are promoted on an on-going basis.

Individual Field Offices play an essential role in the co-ordination and planning of resettlement activities. It is through Field Offices that refugees in need of resettlement are identified and submissions are prepared. Field Offices also play an invaluable role in communicating resettlement needs to the Resettlement Section in UNHCR Headquarters.

8.3.1 Planning for resettlement need

Mainstreaming resettlement in the COP

The High Commissioner's IOM/25/2002 – FOM/24/2002 on the management of Protection activities highlights the importance of accurate and advanced resettlement planning. The High Commissioner stresses that resettlement is “a critical and essential element of UNHCR's protection mandate and offices are asked to approach it with this in understanding. Head of Offices should ensure that durable solutions strategies, including resettlement, are incorporated in their Country Operation Plan”. Subsequently, a specific form was created to facilitate the UNHCR Country Offices' analysis of resettlement caseloads, their needs and inclusion in the COP documentation. (form Proactive Planning for Resettlement, (Annex 6), see Annex 2, the Tool Kit). The inclusion of resettlement planning in the annual COP exercise is a fundamental advance in the process of mainstreaming resettlement into the comprehensive protection strategies of Regional Bureaux.

Not only the officer accountable for resettlement activities should be directly involved in the formulation of the Country Operation Plan, but also relevant staff with programming and financial responsibilities should participate in the resettlement planning in order to ensure that the human and material resources required to meet the resettlement needs identified through the annual mapping exercise are included in the exercise. As explained in the form in Annex 2, the Tool Kit, Country Offices are requested to identify possible gaps existing between resettlement needs in the countries of asylum under their responsibility and the real capacity of Country Offices to process resettlement cases. If a gap is identified, this should be clearly explained and, if necessary, a request for additional support in terms of resources and staffing should be submitted to HQs.

Identifying Populations in Need of Resettlement

To begin the process of proactive resettlement planning within the COP exercise, Country Offices should engage in the task of “mapping resettlement need”. This exercise is intended to facilitate the identification of potential populations in need of resettlement consideration.

Identifying populations in need of resettlement on a regular basis will help plan resettlement activities and mobilize the necessary resources to undertake resettlement.

The first step in the mapping exercise involves sub-dividing the refugee population under the care of the Country Office into groups of refugees sharing basic common characteristics, such as nationality, ethnicity, gender, age, religion. Subsequent steps are undertaken which involve the analysis of their possible common claim or experiences related to their status of refugees, their specific protection problems in the country of asylum and finally the analysis of the prospects for durable solutions, including resettlement of individual refugees and of refugee groups. The last step of the analysis relates to the actual resettlement needs versus the UNHCR Country Office’s capacity to identify and refer individuals/groups for resettlement. Detailed and self-explanatory guidelines on how to conduct the proactive planning for resettlement are provided together with the related form in Annex 2, the Tool Kit.

Such advanced and detailed planning within the annual COP exercise will allow the Resettlement Section at UNHCR Headquarters, in cooperation with the Regional Bureaux, to prepare an annual report: *UNHCR: Projected Global Resettlement Needs*. This report will then be shared with resettlement countries and partner NGOs in advance of the Annual Tripartite Consultations on Resettlement and will form the basic reference document for the Indications Conference, the annual meeting organized by UNHCR and the Resettlement countries in June, initiating the planning of resettlement programmes for the following year.

8.3.2 Resettlement meetings

Many Field Offices have adopted the practice of holding regular resettlement meetings to prioritize resettlement activities and discuss particular and problematic individual cases. Resettlement meetings are most useful when they are held on a regular basis and involve not only protection, community services and resettlement staff, but also representatives from NGOs actively engaged with vulnerable refugees.

Chaired by the Senior Staff in charge of Protection or the officer accountable for resettlement at the national level, the meetings also serve to ensure that transparency and consistency is maintained in the resettlement process. The resettlement meetings could:

- Discuss and evaluate resettlement policies as they apply to the country context;
- Discuss and evaluate the Office's resettlement procedures with a view to improvement and development;
- Discuss allocation of responsibilities to manage the balance between backlog of cases and quality control; and
- Discuss and approve difficult individual cases

Co-ordination between Registration, Refugee Status Determination and Resettlement

As explained above, effective resettlement does not take place in a vacuum, but builds on successful registration and Refugee Status Determination (RSD) activities. To this end, the officer accountable for resettlement activities should be strongly encouraged to co-ordinate resettlement activities with registration and RSD activities to ensure that their activities are mutually reinforcing.

From a resettlement perspective, it is important that key resettlement information is captured at the registration and RSD stages. This is particularly relevant in resettlement operations which do not yet benefit from the PROFILE registration system. Such elements should include, at minimum, for the Principal Applicants (PA) and all dependants:

- Full name
- DOB
- POB
- Gender
- Date of arrival
- Relation to PA
- Region and country of origin
- Vulnerability
- Education
- Religion
- Ethnicity
- Occupation in country of origin

It is also important from the resettlement perspective that registration information be kept up-to-date. Family compositions in refugee files must be updated further to births, deaths, family reunifications and other changes in family composition.

Co-ordination with external resettlement partners

The officer accountable for resettlement activities and international protection staff should also meet with colleagues from community services, the field and partners working with vulnerable refugees on a regular basis to ensure that protection and resettlement activities are responding to the needs of refugees, and to ensure that these programs and priorities are understood by colleagues.

Meetings should be held as necessary to discuss relevant protection issues identified by community services, field and implementing partners, and to allow protection and resettlement staff to brief colleagues on relevant protection and resettlement activities.

The officer accountable for resettlement activities should also hold operations meetings with all resettlement partners, including local representatives from resettlement countries, as necessary to discuss resettlement priorities, constraints and planning.

8.3.3 Resettlement co-ordination at the Regional level

In 2002, the Africa Bureau and DIP revised the structures and procedures for resettlement management in Africa. In particular, co-ordination, support and monitoring functions were centralized at the regional level, through the creation of "Regional Resettlement Hubs" in Nairobi and Accra, to strengthen the management of resettlement activities in Africa, provide field managers with a service to ensure optimum use of resettlement and guarantee more equitable access to resettlement among the various African regions. The regional resettlement hubs in Nairobi and Accra carry out co-ordination, support and monitoring functions related to country offices in their respective regions, in order to ensure consistent application of UNHCR resettlement criteria and policies. It is foreseen that regional resettlement hubs will also be established in Southern Africa and other regions of the world.

In other regions, Regional Resettlement Officers play an important role in co-ordinating resettlement activities, providing support to resettlement activities in Field Offices and working with resettlement countries to ensure a harmonized and diversified approach to resettlement activities within the region.

Such activities are especially essential in regions where refugee populations from a given nationality are located in a number of neighboring countries.

In such circumstances, it is essential that resettlement criteria be applied consistently throughout the region to avoid pull-factors and imbalances. This is especially true with the application of the criteria of resettlement on the basis of a lack of local integration prospect.

Field Offices should consult with the Regional Resettlement Officer before they apply the criteria of resettlement on the basis of a lack of local integration prospect to a refugee population. In the absence of a Regional Resettlement Officer, Field Offices should consult with the Resettlement Section in UNHCR Headquarters.

8.3.4 *The Resettlement Section in UNHCR Headquarters*

The Resettlement Section of the Department of International Protection in UNHCR Headquarters is responsible for:

- to develop policy, standards and guidelines for resettlement, ensuring i.a. that they reflect the relevant goals of the Agenda for Protection and ensuring its adequate and extensive dissemination;
- ensuring that resettlement is used in a strategic manner and that its function as a durable solution is enhanced;
- diversifying and expanding resettlement opportunities and programmes, including enlarging the number of emerging resettlement countries and enhancing the role of NGOs in the resettlement process;
- improving systems and methods for monitoring and ensuring consistent application of resettlement standards, including the compilation of world-wide statistics, and minimising the potential for malfeasance and fraud in the resettlement process;
- assessing the global resettlement needs of refugees and negotiating the overall levels and allocations of resettlement admissions for each region with Governments;
- managing resettlement submissions of emergency and medical cases for selected countries of resettlement in accordance to established Standard Operating Procedures;
- providing supervision and guidance to the Regional Resettlement Hubs
- co-ordinating the schedules for some resettlement selection missions to Field Offices;
- obtaining necessary resources for UNHCR's efforts to effectively implement resettlement operations, in close collaboration with Regional Bureaux in Headquarters and in the field;

- assess resettlement training needs and implement training programmes in resettlement policies and procedures to UNHCR staff as well as to NGOs and Government partners; and
- facilitating family reunification cases requiring specific Headquarters action.

The Resettlement Section is responsible for channeling dossier submissions received from Field Offices to certain countries and for processing some emergency submissions and family reunification cases. In addition, the Section plays a lead role in co-ordinating and supporting the resettlement of difficult protection and special needs cases.

The Resettlement Section at UNHCR Headquarters maintains regular liaison with NGOs working in the area of resettlement, and consultations have taken place at the regional level. The Section works with Governments through their Permanent Missions in Geneva and also directly with the capitals of key resettlement countries in connection with individual case management as well as refugee admission policies and quotas.

A regular mechanism for consultations with Governments on resettlement issues has been established in the form of a Working Group which meets every two months, or as required, in Geneva. The broad objectives of the Working Group on Resettlement are to:

- raise awareness of resettlement issues in order to build consensus in the Executive Committee in favor of resettlement and to promote the establishment of new resettlement programs;
- address operational issues and problems in order to improve implementation;
- regularly share information about needs and opportunities for planning purposes and to share analyses of resettlement issues; and
- focus attention on UNHCR activities, given its key responsibility for case identification and referral.

The Resettlement Section serves as Secretariat for the Working Group, while the chairmanship rotates among the Government members. The Resettlement Section also contributes to the organization of the Annual Tripartite Consultations on Resettlement (ATC) to which Governments and NGOs are invited and which are convened by the Chair of the Working Group. This meeting is scheduled to coincide with the meeting of the Standing Committee which focuses on protection policy.

The timely exchange of information which takes place throughout the consultative process ensures that both the Executive Committee, resettlement countries and NGOs work to enhance the responsiveness and appropriateness of resettlement admissions levels. The quarterly resettlement statistics constitute an important resource for the regular assessment of resettlement needs and priorities.

The Resettlement Section is structured on a regional basis to facilitate support and monitoring of resettlement work in most of UNHCR's more than 100 Field Offices, as well as according to functions (training and reporting, travel, project control and individual case registry). There is also specialized staff responsible for monitoring resettlement policies and making submissions of refugees with special needs.

8.4 Combating fraud and corruption in the resettlement process

Allegations and instances of resettlement fraud and corruption have been a growing concern on the part of resettlement countries, NGOs and UNHCR, given that resettlement activities are particularly vulnerable to fraud because of the benefits they offer. Corruption and fraud in the resettlement process hurts all those involved, in particular the refugees who fall victim to such fraud. It is in the common interest of all actors in the resettlement process to find ways of cooperating more closely at all levels to investigate and eliminate fraud and corruption in the resettlement process.

UNHCR has clearly stated its commitment to combat fraud and corruption in order to preserve the integrity of resettlement programs. In 2004, UNHCR developed - in co-operation with its resettlement partners - a Resettlement Anti-Fraud Plan of Action, which outlines the significant measures that UNHCR has taken to date related to the prevention of fraud and corruption and recommends further actions by UNHCR and its resettlement partners to address fraud specifically related to resettlement which will be implemented in the course of 2004 and 2005.

Incorporating safeguards into the resettlement process minimizes fraud possibilities, protects refugees from further victimization, protects innocent staff from false allegations, and contributes to the overall credibility and effectiveness of UNHCR's resettlement activities.

Declining resources, including shortages of staff, and increasing demands create challenges for managers. These challenges should not mean, however, that a lower priority is given to addressing the vulnerability of allegations about, much less instances of, fraud and corruption in the resettlement process.

Traffickers, corrupt officials, ‘visa fixers’ and desperate people, including refugees, are sometimes willing to exploit the resettlement process. Even humanitarian workers could become involved and seek to profit from others’ misfortune.

Exploiting refugees for gain is both illegal and immoral. All necessary steps must be taken in all Field Offices to combat, and to investigate allegations of, fraud and corruption.

It must, however, be re-emphasized that the only way to effectively combat fraud and corruption in the resettlement process is proactively through the development and implementation of accountable and transparent resettlement procedures. Field Offices must not wait until allegations emerge before undertaking measures to combat fraud and corruption.

The purpose of this section is to highlight a number of possible instances of fraud and corruption in the resettlement process, and identify activities that could be undertaken to combat each type of fraud.

8.4.1 *Types of fraud and corruption in the resettlement process*

While it would be problematic to be definitive on the possible types of resettlement fraud, four types of resettlement corruption and fraud can be imagined:

Preferential access to the UNHCR resettlement process by individuals internal to UNHCR or its partners, often involving the solicitation of funds.

Most disturbing, and damaging to both refugees and global resettlement efforts, are allegations of UNHCR staff or representatives of UNHCR’s partners, soliciting funds from refugees in exchange for preferential access to the UNHCR resettlement process. This access may be at the level of preferential access to UNHCR premises or appointments, altering details in resettlement files, or actively referring and promoting fraudulent resettlement cases in the resettlement process.

The procedures and standards presented in the Resettlement Handbook are all designed to minimize, to the greatest extent possible, such disturbing and heinous acts.

United Nations Staff Regulations 1.2 and 1.3 state that all United Nations Staff Members are bound to “uphold the highest standards of efficiency, competence and integrity” and are all ultimately accountable to the United Nations Secretary General for the “proper discharge” of their respective functions.

Protecting refugees and identifying durable solutions are the core functions of UNHCR. All UNHCR staff have an individual and collective responsibility to ensure that these functions are carried-out according to the highest possible standards.

Any allegation of a UNHCR Staff member's involvement in corruption and fraud should be addressed as a matter of urgency and immediately reported according to the steps outlined in Chapter 8.4.3 of the Resettlement Handbook.

The fraudulent misrepresentation of family composition during the resettlement process.

In the absence of early and effective registration, capturing a credible family composition, it is extremely difficult to establish the credibility of family compositions in a resettlement context. For a variety of reasons, some benign, some not, the credibility of family compositions have been found to be questionable in a number of resettlement cases.

Cases have been reported where a refugee family, found to be eligible for resettlement, have been coerced through various means into adding dependents to their family, either by UNHCR, NGO or Government staff. Other cases have been reported where the head of family has solicited funds from other individuals to include fraudulent dependents in their resettlement case.

The best way to combat this type of fraud is to be more vigilant in recording and verifying case composition at an early stage, and preferably in a non-resettlement context (See: Chapters 6.5.2 and 6.7.6).

Photographing each dependent at the registration stage, or at least prior to discussing resettlement with the head of family, would prevent future substitutions in family composition. Photographs should be attached both to the refugee's file and to the RRF in a tamper-proof manner (See Chapters 6.7.3)

Allegations of the fraudulent misrepresentation of family composition should be conveyed, in writing, to the officer accountable for resettlement activities who is responsible for deciding on an appropriate course of action.

If there is reason to doubt the relationship claimed by the head of family, dependents should be interviewed independently using the techniques outlined on Chapter 6.7.6. If doubts persist about the credibility of the family composition, the case should be kept on hold by the Field Office until such time as these doubts can be effectively addressed and resolved.

The furnishing of resettlement or travel documents, fraudulent or otherwise, information, documents and coaching, sometimes involving the solicitation of funds.

This type of fraud may or may not involve direct contact with UNHCR and may consequently be difficult to detect. Examples of such activities include the selling of travel documents (fraudulent or otherwise), resettlement information and coaching prior to resettlement interviews. These activities may or may not involve the solicitation of funds, and both parties may or may not be complicit in the fraud.

This is often the most difficult type of fraud to detect, and consequently the most difficult to address. This type of fraud can often only be detected if reported to UNHCR, an NGO or national authorities. Once reported, a full investigation should be carried-out. The national authorities in the country of asylum may be involved, and those responsible for the fraud may be dealt with according to the prevailing national criminal code.

When this type of fraud is detected, it is essential that the officer accountable for resettlement activities and the Senior Staff in charge of Protection discuss the allegations and determine the most appropriate response.

It is also believed that sensitizing refugees and the general public about the consequences of this type of fraud and the fact that all resettlement services are free, while not leading to its complete elimination, may lead to its reduction.

To this end, the sample text of a press release on resettlement and fraud is included in Section 1 of the Resettlement Tool-Kit.

Instances have also been reported in some countries where Convention Travel Documents (CTDs) have been fraudulently issued to non-refugees by Government officials. In countries where UNHCR is responsible for issuing CTDs to Governments, strict controls must be developed to ensure that these documents are issued only to eligible refugees.

The running of fraudulent resettlement scams external to UNHCR, involving the solicitation of funds for participation in fraudulent resettlement schemes, and sometimes involving the misrepresentation of UNHCR, NGO or Government officials.

This type of fraud seeks to defraud both refugees, and potentially nationals of the country of asylum, through the solicitation of funds for subscription in fraudulent resettlement schemes and services. In such cases, individuals or groups may develop fraudulent programs designed to be perceived as legitimate resettlement options and soliciting funds in exchange for resettlement promises.

Once again, public information and sensitization seem to be the best ways to combat this type of fraud. Mass information on resettlement, including brochures and press releases, should emphasize the fact that all resettlement services, information and documents are free.

Refugees should know that if they are asked to pay for resettlement, they have encountered fraud. Refugees should know how to report such incidents, and measures should be taken to protect refugees that come forward with information relating to allegations of fraud.

These scams typically play on the vulnerability and desperation of refugees. The amount solicited for participation in these schemes is typically low enough that many refugees may consider it to be 'worth the gamble'. These schemes do, however, have one feature that makes them easier to address: they involve advertisement of their alleged services.

Through on-going, transparent and open contact with the refugee community, UNHCR should be sensitive to any allegations of the existence of such schemes. At the same time, due consideration must be given for the need to respect a refugees right to confidentiality.

When information of the existence of such schemes come to light, the officer accountable for resettlement activities and the Senior Staff in charge of Protection should discuss the allegations and determine the most appropriate response, possibly involving the local authorities.

8.4.2 General activities to combat fraud

All actors in the resettlement process, including refugees, resettlement countries, countries of asylum, NGOs and UNHCR, must do everything in their powers to ensure that the resettlement process is transparent, objective, unbiased, and representative of the standards presented in the Resettlement Handbook.

Particular attention should be paid to the safeguards presented in Chapters 6 and 8 of the Resettlement Handbook relating to treatment of resettlement referrals, verification of registration details in a non-resettlement context, storage of resettlement documents and files, and the taking of resettlement decisions in a transparent and accountable way.

In addition to the specific activities to address fraud in the resettlement process outlined above, a number of general activities could contribute to reducing instances of resettlement fraud. These include:

- Ensure that the standards of the Resettlement Handbook are fully implemented to ensure that resettlement activities are undertaken in an objective, transparent and accountable manner.
- Counsel refugees on the implication of fraud before signing the RRF.
- Conduct identity checks at key stages in the resettlement process.

- Ensure that the refugee community understands the potential implications of fraud on the overall availability of resettlement activities in the country.
- Ensure that the general public in the country of asylum is aware of the fact that UNHCR's resettlement services are available only to refugees, and that nationals of that country, residing in that country, cannot be under the Mandate of UNHCR, and consequently cannot be resettled.
- Ensure that there is a proper refugee information system in place, in addition to a clear and accessible complaints system.

8.4.3 Responding to allegations of fraud

All UHCR Staff Members have an obligation to respond to allegations of fraud that come to their attention. Any staff member, regardless of grade or function, who has knowledge of allegations of fraud and does not take appropriate action may be subject to disciplinary measures.

Any staff member, regardless of grade or function, who has knowledge of allegations of resettlement fraud, corruption or wrong-doing, should document all allegations, including names, dates, and particular details related to the allegations.

As detailed in IOM/65/2003 – FOM/65/2003, dated 9 October 2003, which describes the role of the UNHCR Inspector General's Office (IGO) in receiving and investigating allegations of fraud and mismanagement, any staff member who becomes aware of misconduct should first report these allegations to their supervisor or Head of Office in writing.

If no action is taken within a reasonable period of time, the allegations, including details of local options pursued, should be forwarded to the IGO and copied to the relevant Bureau and the Resettlement Section in UNHCR Headquarters.

Managers who receive credible information regarding misconduct must report to the IGO for an assessment of the allegation and a decision on immediate action to be taken.

Any staff member can contact the IGO directly and confidentially if the need arises:

Hotline: +41-22-739-8844

Confidential fax: +41-22-739-7380

E-mail: inspector@unhcr.ch

Finally, all appropriate measures must be taken to protect individuals, whether refugees or staff members, reporting substantiated allegations of fraud. The name of the individual bringing forward the allegations of fraud must always be kept confidential. The details of allegations of fraud must remain confidential until a full investigation has been completed.

8.5 Managing Resettlement Expectations within the Refugee Population

With limited information about the nature and limitations of resettlement as a durable solution, refugees may develop unrealistic expectations about resettlement. Such expectations could potentially result in increased desperation on the part of refugees and excessive pressures on an Office, and eventually undermine the resettlement process as a whole.

Other UNHCR staff may also have unrealistic expectations about the nature and limitations of resettlement. As a result, they may forward unfounded cases to the resettlement officer, and may be frustrated when such cases are found to be ineligible.

Effective management of resettlement expectations is an essential foundation for a successful resettlement program.

8.5.1 The Resettlement Message

The most important aspect of any effort to manage resettlement expectations is to provide refugees, others working with refugees and, in some cases, the general public, with clear and consistent information on the limits and possibilities of resettlement. In the interest of ensuring that the resettlement message remains consistent, it is also important that a limited number of people are authorized to discuss resettlement with refugees.

This message should emphasize that:

- Resettlement is only one of the three possible durable solutions
- Resettlement involves the transfer of a refugee from the country where they currently reside to another country that has previously agreed to admit them
- Resettlement is a challenging process
- UNHCR does not have the authority to resettle refugees
- No refugee has the *right* to resettlement

- Resettlement is not *automatic*
- Resettlement is conducted according to precise criteria established by resettlement countries and UNHCR
- The decision to accept a refugee for resettlement remains with the resettlement country, not UNHCR
- All resettlement documents, information and services are *FREE*
- Committing fraud in the resettlement process is breaking the law and may result not only in the closure of a refugee's resettlement file, but may also result in criminal prosecution
- That misrepresenting family composition is a form of fraud

8.5.2 Ways of managing expectations

Expectations are most effectively managed through counseling in individual cases and the dissemination of clear information on resettlement. The appropriate means of disseminating this information will depend on the particular office context, but may include:

- Public meetings on resettlement
- Meetings with refugee leaders on resettlement
- Consulting with refugee women through refugee women representatives
- Public information on resettlement
- Information on resettlement to be used during individual counseling

Sample text for a resettlement brochure is included in Section 1 of the Resettlement Tool-Kit.

As part of managing resettlement expectations, it is important to establish and maintain a dialogue with refugee leaders and individual refugees on the issue of their return home and other protection activities, not just resettlement. In some cases, factions or political organizations among the refugee population or in the host country are directly or indirectly taking a position about the risk of remaining in the country of asylum or dangers related to returning home. If so, work with public information to strengthen UNHCR's capacity to conduct reliable information campaigns.

It is imperative to be as transparent as possible about UNHCR's aims and objectives as well as resettlement mechanisms when dealing with refugees.

Listen actively. When refugees focus on resettlement, they may actually be expressing problems with assistance, lack of hope regarding returns, need for employment and income generation, desire for education, fears and insecurity stemming from refugee situation or need for mental health or medical services.

Information on resettlement should also be extended to NGOs, helping them to understand UNHCR's protection activities, including the uses and limitations of resettlement. NGOs should also be made aware of the need to manage refugee expectations regarding resettlement.

8.6 Coping with Stress

Persons involved in humanitarian work have to adopt a calm, efficient and methodical approach to their work in order to perform effectively. Refugees suffer from stress, having faced persecution, war or gross human rights abuses and having been forced to leave behind their family members, homes and country.

Many undergo a grieving process as they struggle to cope with their losses. Resettlement is in itself stress-creating. It is a very public activity which invites both media and public interest. It is also, by definition, focused on the individual, and is thus highly labor-intensive and must be responsive to personal needs. It can also subject resettlement staff to security problems.

Conducting interviews for resettlement can therefore be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what is referred to as *vicarious trauma and burnout*. All persons involved in the interview process should be aware of the symptoms, contributing factors, and prevention and treatment which can be offered to persons in this situation.

Being informed and aware of what can be done in such circumstances is an important consideration for the health and well-being of all staff working with refugees. It also helps ensure that the work is conducted effectively, efficiently, and in safety. Feeling tired, weak, and depressed will not only have a negative impact on one's ability to perform the work, but it could make staff more vulnerable to security incidents through being less attentive and unable to respond quickly to a situation.

Recognizing stress symptoms

It is important to recognize the symptoms of stress and to be aware of simple techniques for dealing with them. Symptoms may be:

- *physical:* headaches, increased heartbeat, intense fatigue, difficulty in concentrating.
- *psychological and emotional:* anxiety, fear, over-preoccupation and identification with victims, sadness, anger, helplessness.

- *behavioral*: hyperactivity, inability to rest or let go, periods of crying, social withdrawal, limiting contacts with others, use of drugs/alcohol.

Techniques for dealing with stress

Individuals have many ways of getting themselves through difficult periods and events. Self-encouragement techniques can help avoid panic and assist a person to carry out a difficult task.

Some examples of self-encouragement are as follows:

- Making positive helpful statements to take you through difficult moments, e.g. *“I don’t feel like dealing with this angry person right now, but I’ve done it before and I can do it again”*.
- Re-defining a distressing task to make it more manageable, by removing the emotional element, e.g. *“In spite of what has happened to this woman, her first need is for a calm, sympathetic support person. I am good at that”*.
- Rationalizing the event, or your reaction to it, e.g. *“Hunger strikers upset everyone. I’m no exception”*.
- Talking oneself into a helpful response, e.g. *“I don’t feel calm, but I can look that way by taking a deep breath, relaxing my shoulders and speaking more slowly”*.

Other techniques for managing chronic stress include the following guidelines:

- Get the sleep you require
- Exercise for endurance and strength
- Eat a well-balanced diet
- Avoid excessive use of alcohol, caffeine and nicotine
- Manage your time well and set priorities

An eye should be kept on one’s colleagues’ stress and fatigue levels, and staff should be encouraged to be aware of the effects of stress on themselves. Stress-defusing sessions provide an opportunity to modify stress reactions and to reduce personal and group tension. This may involve a friendly chat at the end of the day or informal after-work gatherings so that all staff may have an opportunity to speak and to listen. Feelings of anger should be recognized as a normal response to a violent and distressing event, and lead to a more healthy recovery, rather than suffering in silence or keeping a “stiff upper lip”.

More formal psychological debriefings, conducted by qualified and trained counselors, can and should be organized in offices where staff have suffered a loss or have been exposed to events with a strong emotional impact.

FURTHER REFERENCE:






-  *Coping with Stress in Crisis Situations (OMS 3)*. UNHCR Geneva, 1992.
-  *Mental Health of Refugees*. World Health Organization, 1996 (published in collaboration with UNHCR) (especially Unit 2: Stress and relaxation).
-  *UNHCR Handbook for Emergencies*. UNHCR Geneva (especially Chapter 22: Coping with Stress).
-  *Safety Guidelines for Handling Threats, Verbal Abuse and Intimidation from Refugees*, 17 April 2003
-  *Guidelines for Handling Protests, Demonstrations and other Group Disturbances*, 12 May 2004.

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9.1 Resettlement Statistics and Data

The regular reporting of precise and up-to-date resettlement statistics and relevant additional data is a crucial component of UNHCR's reporting to the Executive Committee (EXCOM) and to other governmental and non-governmental bodies. Statistics assist the work of resettlement fora such as the Working Group on Resettlement and the Annual Tripartite Consultation on Resettlement, and may also inspire deliberations within the *Convention Plus* initiative¹

Resettlement statistics assist UNHCR and all concerned parties in:

- assessing resettlement needs and priorities²;
- planning and developing policy directions for UNHCR;
- helping in planning and developing policy for Governments, including:
 - setting quotas/resettlement admission targets of resettlement places;
 - analysing quotas used by UNHCR and Governments; and
 - projecting resettlement needs and monitoring progress and problems;
- programming and budgeting of resettlement projects;
- resettlement pledging and negotiations for required places,
- fund raising; and
- public information (improving awareness and understanding).

Resettlement issues generate much public interest as well as critical examination, especially among the donor governments and non-governmental organizations (NGOs).

¹ *Convention Plus* and its relevance to resettlement is delineated above in Chapter XX1.

² In Goal 5, Objective 6, Action 3 of the *Agenda for Protection*, States and UNHCR are encouraged “to examine how to carry out earlier analysis of data deriving from refugee registration, to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly resettlement applications, particularly in emergency situations.”

The important role of resettlement, both as an instrument of protection, as a durable solution, and as a mechanism for international responsibility and burden-sharing is reaffirmed in the *Agenda for Protection* and in the *Convention Plus* initiative. As a consequence, UNHCR must continue to strengthen its overall implementation of resettlement activities through on-going dialogue with interested governments and NGOs, and must provide regular reports to EXCOM.

In order to provide more reliable, comprehensive and credible information on resettlement activities, the reporting format of the resettlement statistics for completion by Field Offices was revised effective 01 January 2003. The new format is called Resettlement Statistical Report (RSR; see Annex 4) and it incorporates recommendations from Headquarters and from Field Offices, as well as suggestions from governments and NGOs.

The revision is designed to improve the quality, comprehensiveness and usefulness of the data collected and simplify the work of collecting and completing resettlement figures while trying to respond to the most essential needs of various users and still maintain the consistency with the Annual Statistic Reports (ASR) forms³ (which cover general statistics on overall populations, some of whom are in need of resettlement assistance). The RSR will help to greatly improve monitoring of resettlement progress and performance.

The RSR is the main statistical report on resettlement and UNHCR Country Offices must ensure their accurate and timely compilation. There may be instances in which UNHCR Country Offices need to develop internal statistical reports for local use or for reporting on particular resettlement programmes which benefit from earmarked funding. In this case, it is essential that consistency exists among the various statistical reporting and between these and the RSR.

Frequency and Submission of the RSR Forms

Field Offices are requested to forward the completed RSR forms directly to the Resettlement Section at Headquarters (attention: Senior Resettlement Officer covering the region and copy to the focal point) by E-Mail. The Resettlement Section will correct and clear the reports and provide a copy to the relevant Desk and to the Population Data Unit (PDU) of the Division of Operational Support (DOS). The following deadlines apply:

<u>Quarter ending</u>	<u>Due at RS HQs</u>
31 March	15 April
30 June	15 July
30 September	15 October
31 December	15 January

The RSR forms are included as Annex 4, and are provided to Offices in the Field in Excel file.

³ See Annex 4

Guidelines for Completion of the RSR Forms.

In order to facilitate the completion of the RSR form, the Excel file which contains the form also includes explanatory notes related to each field of the form, guiding the user in the exercise. Should further clarification be needed for the accurate completion of the RSR, Field Offices are encouraged to contact the Resettlement Section at HQs.

Procedures at Headquarters

Within Headquarters, the Resettlement Section is responsible for the provision of correct and consistent statistics on populations of concern to UNHCR. Upon receipt of the RSR forms from the field, the Resettlement Section analyze and correct the data in consultation with the field, if needed, in order to ensure that data are accurate and updated. When the RSR are cleared, they are forwarded to the PDU-DOS which is responsible for producing the global quarterly and annual consolidated resettlement statistical reports. Desks are therefore expected to:

- Ensure that Offices in the Field comply with the deadlines for submission of the relevant forms.
- ensure that the forms are filled in correctly and in full; and
- Cross-check the information reported on the forms with monthly SITREPs, previous statistical forms, and other sources of information.

Project PROFILE and statistics.⁴

As part of UNHCR's role to assist States in fulfilling their responsibility for registering refugees, the Office has initiated "Project PROFILE". The aim of PROFILE is to strengthen UNHCR's field capacity to establish the size of the refugee population more accurately, as well as to collect, analyse and use population information effectively for protection, planning, implementation and monitoring purposes. PROFILE is a strategy incorporating a number of practical activities including:

- Strengthening of core registration and population management procedures;
- Development and systematic introduction of counting and survey methods;
- Development of global population data management software;
- Introduction of an Automated Fingerprint Information System (AFIS) or similar biometric capability, and
- Introduction of fraud proof identity documentation.

⁴ See *Practical Aspects of Physical and Legal Protection with regard to Registration*, Global Consultations on International Protection, UN DOC. EC/GC/01/6, 19 February 2001, section III.

As mentioned, registration is an essential tool for effective protection, planning, timely delivery of adequate assistance, as well as the pursuit of appropriate durable solutions. Since registration consists of a number of interrelated activities, including identification, recording of date, documentation, verification, case processing, as well as data management and exchange, the collection, storage, update and management of refugee data is a continuing process. Any operational system must be structured as an integrated population information management tool, covering the full “refugee cycle”, from initial displacement to durable solutions. This is one of the aims of PROFILE.

Registration and the issuance of appropriate documentation to refugees in large-scale influx situations must be recognised as essential requirements in providing legal and physical protection. It ensures that refugees have access to their rights, including protection against *refoulement*, personal safety, adequate assistance, tracing and family reunification. PROFILE also would make such documentation possible.

When PROFILE has been implemented in all UNHCR operations, it is expected that refugee statistics, including those relating to resettlement, will be automatically processed. This will vastly improve the management of data also with regard to resettlement.

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PARTNERSHIP AND LIAISON

Complementary to the cooperation with Governments in the countries of refuge and in resettlement countries, UNHCR carries out resettlement activities in cooperation with non-governmental and inter-governmental organizations which are involved in a number of important activities ranging from initial registration and interviews through care and maintenance to pre-departure formalities, travel and post-arrival assistance. The news media is another important facilitator of protection and assistance to refugees by providing an effective way to mobilize support and increase public awareness of the plight of refugees.

The *Agenda for Protection* and the Resettlement strand under the *Convention Plus* initiative act themselves as an indication of recently increased cooperation between UNHR, States, NGOs and other partners within the field of resettlement. The *Agenda* calls on all parties to act separately or together on a number of issues pertaining to resettlement.

10.1 Partnerships within the context of the *Agenda for Protection and Convention Plus*

The *Global Consultations on International Protection* were launched by UNHCR in late 2000 to engage States and other partners in broad-ranging dialogue on refugee protection with a view to revitalize the existing international protection regime while ensuring flexibility to address new problems.

The outcome was the jointly owned *Agenda for Protection*, which calls on UNHCR, States, NGOs and other partners to cooperate within a number of activities related to resettlement, e.g. to help expanding resettlement opportunities and to use resettlement more strategically in achieving durable solutions for more refugees.¹

Under the *Convention Plus* initiative, a Core Group on Resettlement has prepared a Multilateral Framework of Understandings on Resettlement which is to provide a platform for situation-specific multilateral agreements that include a resettlement component.² The intention is to strengthen the international refugee protection system through a more strategic use of resettlement for the benefit of a greater number of refugees. The purpose of the 'Framework of Understandings' is to guide parties to situation-specific multilateral agreements in designing comprehensive arrangements which involve multilateral resettlement operations. See Chapter 1 of this Handbook for more information.

The Resettlement Core Group is comprised by UNHCR and interested States (ranging from asylum countries to long time resettlement countries as well as countries that are new to resettlement). It has also included other partners such as IOM and the European Commission. Mechanisms have been established to enable NGOs to feed directly into the process undertaken by the Core Group, and to keep States that are not member of the Core Group informed as appropriate.

10.2 Interagency Cooperation

UNHCR and the International Organization for Migration (IOM) have a long-standing partnership, have forged models of cooperation in many areas and promote integrated policies and comprehensive approaches to displacement.

Founded in 1951 in Brussels, IOM was set up to ensure the orderly movement of persons in need of international migration assistance, and to promote the cooperation of Governments and international organizations in the field of migration.

¹ See Chapter 1 of this Handbook for a fuller explanation of *the Global Consultations on International Protection* and its resulting *Agenda for Protection*. Activities relating to resettlement under the *Agenda for Protection* are mainly found under Objectives 3 (*Sharing burdens and responsibility more equitable and building capacities to receive and protect refugees*) and 5 (*Redoubling the search for durable solutions*).

² Information on *Convention Plus* is available and regularly updated on <http://www.unhcr.ch>.

IOM has received from its Member States a mandate to ensure orderly processes of migration, including organized transfer of refugees. Services which can be provided include pre-screening, counselling, documentation, medical processing, training, transport, reception and integration. According to its Constitution, IOM is committed to the principle that humane and orderly migration benefits migrants and society. It acts to assist in meeting the operational challenges of migration, to advance understanding of migration issues, to encourage social and economic development through migration and to work towards effective respect for human dignity and well-being of migrants.

IOM and UNHCR have concluded a Memorandum of Understanding¹, aimed at facilitating systematic, cooperative action between the two organizations. With this agreement, the two organizations seek to build on each other's recognized expertise and to establish operational cooperation.

IOM has always worked closely with UNHCR to assist with third-country resettlement of refugees, principally with respect to travel, and also in the context of the provision of language training and cultural orientation which can help lay the basis for successful integration. It has also played a significant role in the facilitation of the reunification of refugee families.

Transportation

IOM has negotiated special tariff agreements with the airline industry on a worldwide basis. These special IOM fares benefit all categories of persons assisted under the auspices of the Organisation, allow for considerable concessions on the air tariffs and also provide an increased free baggage allowance.

When travel is not arranged within the framework of an ongoing resettlement operation, individuals should be advised of the possibility to procure air tickets at reduced fares under subsidised migration schemes maintained by IOM. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements.

Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation is also arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

¹ UNHCR/IOM/39/97-FOM/44/97 of 27 May 1997 on Co-operation between UNHCR and IOM. This document governs the relations between the two institutions and provides the broad framework for achieving complementarity of the activities world-wide of UNHCR and IOM.

The Co-operation between UNHCR and IOM in the transportation sector was further formalized in May 2000 in “Guidance Note on Co-operation Between IOM and UNHCR in the Transportation Sector”, according to which IOM’s responsibilities are:

- IOM will, at the request of UNHCR, assume responsibility for the timely arrangement of air, sea and land transportation of refugees, returnees and other persons of concern to UNHCR, including secondary transportation as necessary.
- For air and sea transportation, IOM will also assume responsibility for immigration formalities and customs clearance.
- IOM will raise funds for the transportation services cited above, and UNHCR will endeavour to ensure donor recognition of this requirement.
- Upon the request of UNHCR, IOM will provide duty travel arrangements on commercial carriers for accompanying UNHCR and/or implementing partner staff at IOM rates, subject to agreement on administrative costs of this service.

Medical processing

Specific medical examination and documentation requirements exist in most countries that accept refugees for resettlement. Based on agreements with these countries, IOM often performs such examinations or screens the documentation prepared by other medical authorities.

IOM’s responsibilities for medical evacuations include:

- identifying and selecting suitable patients proposed by local doctors;
- forwarding patients files to the country of treatment;
- identifying a suitable country for treatment;
- arranging entry authorisation with embassies;
- arranging transportation of patients to the receiving country for treatment, with nurses or medical escort if needed;
- arranging for a patient’s return when treatment is completed and conditions allow.

10.3 Governments and Resettlement Operations

Cases of individuals in need of resettlement are usually submitted to one of the principal resettlement countries. These countries have established refugee resettlement quotas or ceilings.

Other countries do accept resettlement on an *ad hoc* basis and some maintain special programmes benefiting refugees with special needs.

UNHCR promotes with Governments the establishment of resettlement programmes which are:

- *predictable*, in terms of admissions levels, budgets, and eligibility criteria;
- *diverse*, in terms of the refugee beneficiaries, to include protection cases as well as refugees with special needs;
- *responsive* to emergency needs, emerging needs and appeals for burden-sharing;

proactive, in addressing domestic considerations linked especially to budget constraints and problems related to integration. There is a unique challenge for Governments and NGOs to listen to the local municipalities and to take active steps to lead, inform and assist them to make resettlement function properly at all levels;

- “*holistic*” and comprehensive in approach, in using resettlement to ensure protection, a durable solution, and effective sharing of burdens and responsibilities, within the context of a broader refugee policy which addresses needs in countries of origin and first asylum; and
- open to the *strategic* use of resettlement, e.g. through the *group resettlement* as a means of providing a durable solution in protracted refugee situations where prospects for voluntary repatriation in the near future or local integration in the country of asylum are remote.

The “resettlement continuum” ranges from identification and referral in the field, to acceptance and travel, to reception and durable settlement in a third country. The process of consultations with Governments and agency partners allows for the exchange of information to identify and work to resolve problems at every stage of the process. The Working Group on Resettlement comprised of UNHCR, the International Organization for Migration and resettlement countries is meeting in Geneva three times a year. Similarly, the Annual Tripartite Consultations on Resettlement, which comprises of the same actors, as well as international NGOs, takes place annually in June. Regional consultations have been held with agencies from Europe, the United States of America, Canada, Australia and New Zealand. The formal consultation process with Governments and NGOs, which started in October 1995 and June 1996, continues to allow for a regular exchange with a view to developing strategies for meeting resettlement needs in a coherent and transparent manner. The Working Group on Resettlement has gained further impetus due to its prominent role in parts of the protection initiatives of UNHCR over recent years.

For example, it has played an active role in defining the strategic use of resettlement and is explicitly referred to in the *Agenda for Protection* as the designated actor on specific issues.¹

10.4 Non-Governmental Organizations

Non-governmental organizations (NGOs) play a significant role in providing various resettlement services. The role and function of NGOs will vary from country to country, but in many cases these organizations provide a liaison function to the refugee, UNHCR and the receiving Government. In many cases, NGOs are the direct link for UNHCR and by consequence the refugee, with the public at large in resettlement countries. The various NGOs also provide UNHCR resettlement activities with collateral value, since it is often through the work of NGOs and their community volunteers that the public first gets to know about refugees and the work of UNHCR. This aspect of NGO work has a positive impact on fund-raising, advocacy for various refugee groups, and fulfilling public information functions.

NGOs assisting UNHCR as operational partners, or working independently, and like Governments in resettlement countries, must be briefed by UNHCR on the full range of constraints involved in the resettlement process, competing demands for scarce quotas, and the need for co-operation on priority, deserving cases. It must be borne in mind that while Governments and/or NGOs may intervene to promote resettlement of certain groups of specific interest to them, UNHCR must consider resettlement on the merits of the circumstances in relation to refugee protection and durable solutions for refugees.

Advocacy for refugees

In many resettlement countries, NGOs are in the forefront of advocating for refugee protection and assistance with their Governments, the public, and other organizations. This is evident in the advocacy which NGOs at times undertake for specific refugee groups of concern to their constituencies and communities. This may take the form of public education campaigns on behalf of specific refugee groups that have close ties to the community. In other cases, specific refugee populations are of interest because of historical connections to the countries of origin.

Advocacy takes the form of individual casework for specific refugees, using the tools of public education and contacts with Government officials to expedite the resettlement of specific individuals or families. Efforts are also undertaken by NGOs on behalf of individual refugees under UNHCR's mandate. In other cases, NGOs work more broadly with officials and politicians to promote positive admission decisions and expedited movement of cases.

¹ Goal 3, Objectives 2 and 6, and Goal 5, Objective 1.

Advocacy in many resettlement countries is also evident in NGO efforts to assure that Governments dedicate sufficient funding for refugee assistance and resettlement activities. This includes support for overall UNHCR identified budgetary needs, as well as support for the national social service budgets with special attention to refugee services. Many NGOs engage in lobbying activities on behalf of refugees, including specific groups needing protection, including resettlement, and assistance.

Such lobbying activities vary with the political systems of each country, but in many cases involve extensive grassroots networks of dedicated activists who respond to calls for action on refugee needs.

In some cases, advocacy activities by NGOs also include lobbying for or against specific legislation, thereby seeking to promote the principles of refugee protection and provision of asylum. Such legislation may be national in character, or may have regional and international implications as Governments seek to harmonise their laws and practices.

NGOs often have an important role not only in the promotion of resettlement cases, but also in policy formulation regarding admission criteria, priorities and quotas. Many Governments maintain a close working relationship with NGOs in the formulation of policy and consult with NGO experts to design and implement new programmes and resettlement strategies. In the same manner, NGOs are in the forefront not only of providing settlement (integration and adjustment) services, but also of designing integration and adjustment programmes at the community level that will assist refugees to start a new life and become productive members of their new societies.

UNHCR frequently works with NGOs to promote specific resettlement needs and to meet public education and information needs. Care should be exercised by Field Office staff to co-ordinate such needs for advocacy with UNHCR Headquarters and the appropriate Field Office in the resettlement country.¹ In the same manner, requests by NGOs lobbying with Field Offices should be co-ordinated with UNHCR Headquarters and other pertinent offices, so that communication is effective and appropriate to the situation. In the spirit of PARinAC, UNHCR and NGOs can effectively help promote the addressing of international refugee protection needs, specific regional solutions for refugee crisis, and specific refugee groups who are in need of resettlement.²

¹ The following UNHCR offices cover principal resettlement countries: Regional Office Canberra (Australia and New Zealand), Branch Office Ottawa (Canada), Regional Office Stockholm (Denmark, Finland, Norway and Sweden), Liaison Office The Hague (The Netherlands), Unit for Switzerland at Headquarters (Switzerland), Regional Office Washington (United States of America).

² The foundation for the UNHCR-NGO Partnership in Action (PARinAC) process was laid in Oslo, Norway in 1994 by way of the PARinAC Oslo Declaration and Plan of Action. See also, *Report on PARinAC and Plan of Action 2000*, UNHCR NGO Unit, Geneva, February 2000, according to which the principal contribution of the process has been the inclusion and increased awareness of the potential and responsibility of national NGOs.

UNHCR is guided by Recommendation 32 of the PARinAC Oslo Declaration and Plan of Action agreed in 1994, which states that:

“UNHCR should develop a closer relationship with resettlement NGOs in the area of resettlement needs for vulnerable groups. UNHCR should formalise its co-operation and regularly consult with NGOs in the field, as well as in resettlement countries, to better utilise the annual resettlement needs assessment, as a tool to maintain, increase or target resettlement quotas established by Governments. UNHCR and NGOs should develop a closer consultation mechanism in the design, analysis, and use of the annual resettlement needs assessment document.”

In many countries, resettlement and other NGOs work hand in hand through umbrella organizations or networks to help co-ordinate their activities and public voice. UNHCR often consults with these umbrella organizations and individual members in each of the resettlement countries.

NGO services to refugees in countries of asylum

UNHCR Field Offices will often have well-established relationships with NGOs to help facilitate counselling and assistance to refugees who may be eligible for resettlement. Some resettlement countries, notably the United States of America, utilise NGOs in the pre-screening and processing of cases before the immigration officials determine eligibility of cases for resettlement. This role of NGOs can help facilitate the work of UNHCR Field Offices where applicable, as in many circumstances close co-operation on specific cases and groups can be arranged between the UNHCR Field Office and the NGO (in the context of resettlement in the United States of America, usually the Joint Voluntary Agency, or JVA).

While eligibility criteria and admission requirements are determined by countries of resettlement, and the NGO working to assist in the processing and pre-screening for such cases is bound by laws and regulations in this regard, many resettlement countries give first priority to cases referred by UNHCR. At the same time, there are countries which process and admit for resettlement other groups parallel to UNHCR referrals.

It is important for UNHCR Field Offices to work closely with NGOs and diplomatic representations (missions, etc.) of Governments to understand the specific and unique features of each country's resettlement programme in order to encourage the movement of UNHCR priority cases. NGOs entrusted by their respective Governments with pre-screening and processing can, in this role, often help to advocate for specific groups or individuals.

In some countries of asylum, NGOs work as UNHCR's implementing partners to help screen cases needing resettlement, as well as to provide counselling services to refugees needing assistance. In many cases this involves smaller and more diverse "urban" refugee populations, as compared to larger refugee populations in refugee camps. In other circumstances, specific refugee groups within a camp population are identified as in need of resettlement, based on considerations such as their ethnic background, social composition, or religious affiliation. NGOs can sometimes help Field Office staff in the early assessment and identification of potential resettlement cases, as well as in the processing of documents needed to constitute a resettlement dossier. It is envisioned that NGOs be included in resettlement operations under UNHCR Group Methodology, see Chapter 7 of this Handbook.

UNHCR-ICMC Resettlement Deployment Scheme

The UNHCR-ICMC Resettlement Deployment Scheme began in 1997 and was initiated to provide additional support to UNHCR in fulfilling its mandate as it relates to the resettlement of refugees as a tool of protection and as a durable solution. The Deployment Scheme constitutes a mutually beneficial means for both UNHCR and the resettlement countries to respond to the needs of refugees. The two primary goals of the Deployment Scheme are:

- To increase the capacity of UNHCR to refer refugees for resettlement consideration; and
- To increase the understanding between UNHCR and its NGO resettlement partners.

The Deployment Scheme offers an opportunity to bring skilled people from a variety of NGO as well as Government backgrounds into the UNHCR organization. Their temporary placement to a UNHCR field office provides deployees with an increased understanding of how the UNHCR resettlement program functions within the context of finite resources, and local and international partnerships. In turn, UNHCR benefits from the experience of people grounded in community work in refugee-receiving countries. After their assignment, deployees return to their home community, Government or NGO context and are able to use their new experiences and insights to increase awareness of UNHCR's resettlement work, and the participation of NGOs and governments in it.

NGO services to refugees in resettlement countries

In many resettlement countries, NGOs are the primary providers of services to the arriving refugee. These services are usually funded by the host Government and/or local resources raised independently by the NGO. Depending on the system of social welfare services in each country, NGO services to refugees may encompass addressing comprehensively the needs of the resettled refugee, including services relating to language training and search for employment. NGOs usually provide a counselling role for refugees, often working with specific communities to provide language and culturally-sensitive help.

NGOs often co-ordinate the contributions of volunteers and direct private donations to refugees who have been resettled. These contributions are an added value to the services to which refugees are eligible in each country of resettlement. Most important, NGOs not only contribute in cash and with in-kind donations to the resettlement of refugees, but help the refugee and family make new friends and contacts necessary for the successful integration. Usually termed “sponsorships”, such arrangements utilise local resources of religious groups, community organizations or business associations to help meet the needs of refugees and their families.

NGOs are often in the forefront of culturally-sensitive mental health and specialised adjustment services. Working in close co-operation with professional associations, universities, hospitals and health centres, NGOs seek to assure that special needs of refugees (e.g. trauma due to torture or rape, etc.) are addressed. In some cases such services are provided free of charge, on sliding fee basis, or funded by governmental and non-governmental sources. UNHCR Field Offices should always consult with Headquarters when specific questions arise on specialised mental health and medical needs for specific refugees.

In some resettlement countries, NGOs are also the primary provider of training services related to employment. Many innovative services have been designed to include direct partnerships with large and small employers, who look upon newly resettled refugees as an important resource in the labour market. In some resettlement countries, there are incentives for refugees to quickly enter into the labour market. UNHCR Field Offices should let refugees know that there will be high expectations on resettled refugees to enter the job market at any available level, including early employment into positions which may be below their professional training and qualifications.

NGOs also help resettled refugees get reunified with their families still abroad. The practice of NGOs in this field varies significantly among countries, and NGOs will be bound in their family reunification work by the laws and regulations of each resettlement country. In particular, when special cases arise that are outside normal immigration or refugee resettlement procedures, NGOs may still be able to facilitate family reunification under temporary protection schemes, specialised “leave to remain” programmes, and other forms of humanitarian admissions. UNHCR offices in resettlement countries should be contacted when such cases arise to activate NGO networks.

10.5 The Media

Responding to the media

The news media are an important facilitator of protection and assistance to refugees. News media provide an effective way to mobilize support and increase public awareness of the plight of refugees.

Used effectively, co-operation with the media can have a positive impact on public and Government support to refugees, and can help promote understanding of UNHCR, its protection concerns, and its mandate. In turn, this can spark essential funding for refugee programmes.

UNHCR's public information policy permits and encourages staff members to speak to the press. However, in some situations, it will not be appropriate to air in public some specific concerns, particularly when individuals may be at risk. For this reason, if there are any doubts about potential implications, staff should consult with senior colleagues or with the Public Information Section based at its Headquarters.

The refugee story

It is the nature of the news media to be at least as interested in the details of a personal story as they are in facts and figures. Focusing on a refugee's personal story can be beneficial to that person, to UNHCR and to the work of the Resettlement Section. This media interest can bring with it enormous advantages; but it can also warrant sensitive protection considerations.

Resettlement work is about moving the individual refugee directly from the overcrowded refugee camp, the detention centre, and the dangers, misery and suffering of the first asylum country to a safe third country removed from such risks. In many countries, particularly developed countries which are distant from major crisis areas and which directly receive few asylum-seekers, contacts with resettlement workers and resettled refugees represent virtually their only direct exposure with refugee issues and UNHCR. In the words of one Government representative, resettlement represents "a window to UNHCR". Interest along these lines should be encouraged. Every effort should be made to provide an accurate and positive view through that "window".

Sensitising the media without losing the story

In order to minimise the risks associated with publicising individual refugee problems, every opportunity should be taken to encourage journalists to respect the confidentiality of certain information and, where possible, to avoid releasing the individual's identity, or details which could permit identification, such as specific references to the refugee's political involvement in the country of origin and dates and places where political activity took place. While the publication of photographs may complement a story, this should not occur without the agreement – on an informed basis - of the refugee.

Being protection-minded

Resettlement involves the processing of individual refugee cases, and it is therefore important to be protection-minded when dealing with this information and the media. The first priority of UNHCR is the protection of the individual refugee. The particulars of personal experience which individual refugees have provided to UNHCR are privileged information and should not be shared with persons who are not authorised by UNHCR unless the refugees have specifically agreed to that information being released.

It is important to be aware that the publication of detailed personal information from the refugee's story, such as the names, age, sex, family situation, villages/cities of origin, or the political activities of refugees might increase the vulnerability of the persons concerned or of members of the family still in the country of origin. It may increase the risk of retaliatory measures by national authorities, either in the asylum country or in the event the refugee decides to repatriate. If the media requests an interview which will highlight a refugee's story, the refugee should be fully counselled as to the purpose of the interview and advised that he or she has the right to refuse it or to use an assumed name.

Careful consideration should also be given to the emotional and psychological well-being of the refugee and his or her family before they are encouraged to relate and repeat stories of violence, rape, torture or other atrocities. Remember that the first concern must be for the safety and best interests of the individual sharing the story. A UNHCR officer should offer to be present during media interviews, if the refugee so wishes. The media should be discouraged from interviewing refugee children, particularly when they have undergone trauma. Likewise, the media should, and UNHCR staff should advise the media and refugees as needed toward this end.

If the outcome of the story is unfavourable or inaccurate or if the journalist failed to respect clearly stated ground rules, do not immediately complain to the journalist concerned or the editor. Instead, inform the Representative or the Public Information Section at UNHCR Headquarters as soon as possible.

CHAPTER

11

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TRAINING ON RESETTLEMENT

TRAINING ON RESETTLEMENT

UNHCR's efforts to train its staff designated to resettlement activities and to build regional resettlement training capacity have improved with the introduction of a Learning Programme and Training of Trainers' components dedicated to Refugee Status Determination and Resettlement. The office has also enhanced efforts to train a broader range of staff as well as partners through inclusion of resettlement components in other Learning Programmes.

In addition to the more comprehensive Learning Programmes, situation, country or region-specific training sessions continue to take place in collaboration with Government authorities and NGO partners.

Training is an essential means to ensure effective implementation of UNHCR's resettlement policy. The Resettlement Handbook serves as the point of reference and as an important tool for training - of UNHCR staff and of partners. Resettlement training activities are closely linked to protection training and are organized by the Resettlement Section in close collaboration with the Protection Capacity Section of the Department of International Protection, the Staff Development Section, Regional Bureaux and Field Offices concerned.

Since resettlement operations require close collaboration at all levels, UNHCR welcomes Government and NGO participation in resettlement training activities.

The main objectives of resettlement training are:

- to build and strengthen capacity with UNHCR country offices to organize and deliver training on resettlement with a view to maximize resources and streamline training efforts;
- to strengthen the capacity of field staff to pro-actively identify refugees in need of resettlement and to effectively promote their cases; to give staff the skills to analyse resettlement and related protection problems encountered; to define an appropriate strategy and to develop a mechanism for resettlement delivery built on close cooperation with resettlement countries and other partners;
- to enhance resettlement operators' awareness on issues of fraud and malfeasance in the resettlement process and to strengthen their capacity to prevent and mitigate them, in order to deliver credible and transparent resettlement programmes;
- to strengthen the overall management of the resettlement process related to individual cases and groups of refugees.

The development of training modules and the implementation of resettlement training activities will have to take into account that responsible UNHCR staff dedicates varying amounts of their time to resettlement, depending upon the situation in the country and the number of eligible cases.

Below, the existing Learning Programmes and other training modules or efforts are briefly explained, as is UNHCR's Plan of Action for continued enhancement of its resettlement training activities.

The RSD and Resettlement Learning Programme

This programme was introduced for UNHCR staff members in 2003 with a view to assist staff working on RSD and resettlement to enhance the quality and effectiveness of their work and to upgrade the overall quality of UNHCR's activities in this field.

The programme draws on the successful experience of other Learning Programmes developed within UNHCR and it is the second one produced by the Department of International Protection, following the Protection Learning Programme (PLP).

Prior to the launch of the RSD-RS LP, resettlement activities had been the centre of renewed attention both from major resettlement and donor countries and within UNHCR. The High Commissioner, on various occasions, had expressed strong commitment to the enlargement and the upgrading of UNHCR resettlement programmes. At the same time, the need to enhance the quality and ensure the transparency of UNHCR's RSD activities was strongly acknowledged.

In particular, it was recognised that the quality of refugee status eligibility determinations directly affects UNHCR's capacity to propose resettlement as a credible durable solution.

The incidents of fraud and abuse which had occurred within some RSD and resettlement programmes in the field have clearly illustrated the urgency to reinforce the existing procedures and systems of internal control and responsibility. These events further compounded the need for UNHCR to embark on a process of self-assessment and internal revision of its own systems and practices and to devise a specific training strategy in support of field staff operating in RSD and resettlement.

The High Commissioner's Memorandum on "Management of Protection Activities" (IOM 25/2002 - FOM 24/2002, dated 15 March 2002) which called for a renewed awareness on part of Field Offices of their responsibilities pertaining to protection and resettlement activities, represents a fundamental step in this process. Another important step in this regard is the development of standards for resettlement procedures and management in Field Offices, included in the 2002 revision of this Handbook and the development of Procedural Standards for RSD under UNHCR's Mandate.

Within the framework and guidance provided by UNHCR's *Code of Conduct* and the *Agenda for Protection*, the Learning Programme on RSD and Resettlement is, hence, an important component of UNHCR's training strategy towards addressing the quality of protection and resettlement activities. To this effect, the programme is eventually to be made available to all UNHCR staff and other employees with RSD and/or resettlement-related functions worldwide.

The first phase of the Learning Programme consists of a four-month period of self-study. Throughout this period, participants will have the opportunity to review and reflect more deeply upon RSD and resettlement principles and on the practical linkages of these two core functions. The five Chapters of the programme will take participants through the key components of RSD and the fundamental steps of the resettlement process. In addition, the programme will introduce participants to a number of important concepts such as "accountability" and "co-responsibility" of all staff with respect to the quality and integrity of RSD and resettlement operations.

The workshop represents the second phase of the Learning Programme. In the course of the workshop, all the concepts and thematic areas included in the self-study modules will be revisited and further developed. After the workshop, a five-week implementation period will start. This is the third and final phase of the Learning Programme, in which participants will have to demonstrate the skills acquired throughout the programme.

Building internal training capacity

In order to build regional training capacity on RSD and Resettlement within UNHCR, regional Training of Trainers sessions have been introduced in 2004.

Participants primarily count selected former graduates of the RSD-RS LP, but also other staff members with in-depth knowledge of RSD and Resettlement issues and a proven ability to provide training. The objective is to establish training capacity to support the delivery of future RSD-RS LPs in the region as well as separate workshops, debriefings or other ad-hoc training sessions tailored to specific needs arising. Once included on the trainer roster, trainers who relocate from one region to another will be asked to also act as trainers in their new duty station. This approach enables UNHCR to gradually build substantial training capacity on RSD and resettlement within the organization and to provide a platform for augmenting inter-regional coordination and sharing of experiences and best practices.

The current level of funding of the RSD-RS LP allows for three intakes yearly. Complemented by regional training workshops and Training of Trainers sessions, the reach of UNHCR's resettlement training efforts will extend to most regions of the world.

Other Learning Programmes with Resettlement components.

The *Protection Learning Programme* (PLP) was launched for the first time in 2000 and comprises the first comprehensive UNHCR distance learning programme developed by the Department of International Protection. It is offered to a wide audience of staff within UNHCR, including General staff and junior level staff in the Professional category. Its aim and purpose is to provide participants with basic knowledge on UNHCR's mandate and select protection issues, thereby striving to mainstream protection into the work of all UNHCR employees. The PLP workbooks include a unit on resettlement which delineates basic information on resettlement concepts and functions as well as the UNHCR criteria for determining resettlement as the appropriate solution.

The content and methodology of the PLP provides the basis for the *Protection Learning Programme for UNHCR Partners* which has been launched in 2004 in undertaking to fulfil UNHCR's responsibility under the *Agenda for Protection* to assist in enhancing the protection capacity of States, NGOs and other partners, and to assist in fostering a common understanding on a range of protection issues. This learning programme attempts to address the specific concerns and needs of UNHCR partners, and while shorter than the PLP, it also includes a unit on resettlement. The pilot initiative is primarily aimed at NGOs working closely with UNHCR in the field, but the programme will be extended to a broader range of UNHCR partners after the pilot phase.

The UNHCR *Thematic Protection Learning Programmes*, offered to senior managers, discusses in its module on *Protection Strategies in the Context of Broader Migration Movements* the strategic use of resettlement as one means of addressing complex situations of mixed flows of refugee and migrants.

Following a UNHCR IOM/FOM issued in March 2002 under the signature of the High Commissioner, entitled “Management of Protection Activities – Responsibilities of UNHCR staff”, UNHCR’s Department of International Protection initiated a series of *Protection Management Workshops*. They target Representatives and other senior staff and include a session dedicated to management of UNHCR resettlement activities. Resettlement procedures are explained and best practices are shared with regard to the prevention of malfeasance in resettlement processing.¹

Co-operation with resettlement partners

The co-operative nature of resettlement programmes is also demonstrated by the efforts undertaken to include resettlement partners (i.e. international and/or local NGOs, government partners, intergovernmental organisations) in training activities organized by HQ and/or Field Offices. One example of such cooperation is the preparatory activity, including training sessions, undertaken by NGOs/government staff before being deployed to the field with the UNHCR-ICMC Deployment Scheme. As mentioned in Chapter 9 of this Handbook, the UNHCR-ICMC Resettlement Deployment Scheme began in 1997 and was initiated to provide additional support to UNHCR in fulfilling its mandate as it relates to the resettlement of refugees. The Deployment Scheme offers an opportunity to bring skilled people from a variety of NGO and Government backgrounds into the UNHCR organization on a temporary basis.

ICMC deployees receive induction and briefing sessions by both ICMC and UNCHR prior to their deployment to further their understanding of the setting they are going into and thereby the potential for performing well. Moreover, UNHCR organized several joint regional training workshops for deployees in co-ordination with ICMC and developed a special training module to be used for these training sessions. Further, both ICMC and UNHCR carry out debriefings with deployees upon end of their assignment.

¹ Chapter 8 of this Handbook provides guidelines and standards for the effective management of resettlement activities in Field Offices, and includes a number of practical management tools and reporting requirements.

Plan of Action for resettlement training

While considerable progress has been made in the field of resettlement training over recent years, UNHCR continues to explore ways of refining and enhancing efforts in this regard. The Plan of Action included below outlines activities to be pursued in the short and longer term.

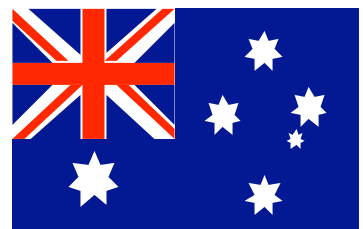
- update and revise the Resettlement Handbook (in English, French and Spanish) on an ongoing basis, including the CD-ROM version;
- continue to develop a series of resettlement training modules (including *train the trainers* modules), on the basis of the Resettlement Handbook, in cooperation with other Headquarters units and with field operations, as well as interested Governments and non-governmental organizations;
- develop training modules for staff participating in the ICMC deployment scheme, in order for deployees to receive resettlement training before their deployment to the field;
- in liaison with other organizations and with UNHCR units, incorporate relevant resettlement issues in related training (for example, SGBV, Community Services, Registration, Protection Management Workshops and Government training for officers involved in resettlement, etc.), including in Learning Programmes as appropriate;
- continue to assess specific training needs (linked to the Career Management System and the roll out of the PROFILE registration);
- continue to provide situation, country or region specific training opportunities in the field and at Headquarters for regional resettlement staff - including *train the trainers* sessions – in addition to the RSD-RS LP.
- provide support to regional and local training activities;
- undertake periodic evaluations of training activities and re-assessments of training needs.

**COUNTRY
CHAPTER**

AUL

AUSTRALIA

BY THE GOVERNMENT OF AUSTRALIA



1. Resettlement Policy

Australia expresses its commitment to refugees and the system of international protection by supporting UNHCR and its programs. The annual Humanitarian Program complements this support in two ways. Firstly, with a practical solution for refugees already in Australia who engage Australia's protection obligations under the United Nations 1951 Convention and its 1967 Protocol. Secondly, through the offshore component of the program that goes beyond international obligations and reflects Australians' desire to assist refugees and other people of concern in greatest humanitarian need of resettlement.

The offshore or resettlement component of the Humanitarian Program has two categories of permanent visa and two categories of temporary visa.

Permanent offshore humanitarian visa categories

Refugee for people who are subject to persecution in their home country and who are in need of resettlement. The majority of applicants who are considered under this category are identified by UNHCR and referred by UNHCR to Australia. The Refugee visas category includes Refugee (visa subclass 200), In-country Special Humanitarian (visa subclass 201), Emergency Rescue (visa subclass 203) and Woman at Risk (visa subclass 204).

Special Humanitarian Program (SHP) (visa subclass 202) for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organization that is based in Australia, must support applications for entry under the SHP.

Temporary offshore humanitarian visa categories:

The offshore temporary humanitarian visas are for people who have bypassed or abandoned effective protection in another country and for whom humanitarian entry to Australia is appropriate. It comprises two sub-categories:

Secondary Movement Relocation (visa subclass 447) offers a temporary visa to people who have moved from a safe first country of asylum to another country before applying to enter Australia. This visa is valid for five years.

Secondary Movement Offshore Entry (visa subclass 451) offers a temporary visa to people who arrived unlawfully in Australia at offshore excised places and have moved from a safe first country of asylum. This visa is valid for three years.

2. Criteria for Refugee Status Eligibility and Asylum

Australia expresses its commitment to refugees and the system of international protection by supporting UNHCR and its programs. The annual Humanitarian Program complements this support in two ways. Firstly, with a practical solution for refugees already in Australia who engage Australia's protection obligations under the United Nations 1951 Convention and its 1967 Protocol. Secondly, through the offshore component of the program that goes beyond international obligations and reflects Australians' desire to assist refugees and other people of concern in greatest humanitarian need of resettlement.

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Special Humanitarian Program (SHP) (visa subclass 202) for people outside their home country who are subject to substantial discrimination amounting to gross violation of human rights in their home country. A proposer who is an Australian citizen, permanent resident or eligible New Zealand citizen, or an organization that is based in Australia, must support applications for entry under the SHP.

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3. Criteria for Resettlement

As well as meeting the threshold criteria described above, applicants for resettlement to Australia must satisfy the Department of Immigration and Multicultural Affairs (DIMIA) decision-maker that there are compelling reasons for giving special consideration to granting them a visa. The decision-maker must be satisfied that there is no other suitable durable solution available to the applicant, and that permanent settlement in Australia is the appropriate course for the individual and would not be contrary to the interests of Australia.

All applicants are required to meet the public interest criteria outlined in section 5 below.

4. Resettlement Allocations / Processing Priorities

Decisions on the size, composition and regional focus of the Humanitarian Program are made by the Australian Government based on the UNHCR assessment of global resettlement needs, the views of individuals and organizations in Australia conveyed during community consultations, and Australia's capacity to assist.

For the seven years prior to 2004, Australia offered 12,000 new places each year under the Humanitarian Program. For 2004-05, this will increase to 13,000 places and will include a 50% increase in the Refugee category (from 4000 to 6000 places).

Priority caseloads for the offshore component of the Humanitarian Program are emergency cases, women at risk and cases referred by UNHCR. The regional priority for 2004-05 will be Africa, the Middle East and South West Asia to assist people in the greatest need of resettlement, as recommended by the UNHCR.

5. Admissibility for Resettlement

All applicants for permanent visas must meet prescribed public interest criteria, which are intended to safeguard the Australian community's health and access to health services, safety and national security. In some circumstances health requirements may be waived (see section 11). Character requirements, however, cannot be waived. Applications may be refused on character grounds where there is evidence of criminal conduct on the applicant's part or the applicant represents a threat or danger to the Australian community.

Under the *one fails, all fail* rule, visas cannot be granted to an applicant or any member of the applicant's family unit included in the application if the applicant or any member of the family unit, whether included in the application or not, fails a prescribed public interest criterion.

6. Submissions and Processing via Dossier Selection

Australia does not process applications for resettlement by dossier selection.

7. Submissions and Processing via In-Country Selection

7.1 Case Documentation

Applications must be made on the prescribed form (form 842, *Application for a permanent visa on refugee or humanitarian grounds*, available from Australian overseas missions and from the DIMIA Internet site at www.immi.gov.au).

Applications must be lodged outside Australia at an Australian diplomatic or trade mission. It is expected that there will be a legislation change in September 2004 that will require certain applications as identified in a Gazette notice to be lodged by posting or having delivered to a specified address in Australia. This is expected to apply to applications accompanied by a proposal (for consideration for visa subclass 202 Special Humanitarian Program), from the Africa region.

There is no application or processing fee for humanitarian applications.

Applications may be supported by a *proposal*, that is a statement proposing the applicant's entry from an Australian citizen or permanent resident, an eligible New Zealand citizen or an organization operating in Australia. The prescribed form is 681, *Refugee and special humanitarian proposal*, obtainable from Australian overseas missions or from www.immi.gov.au. The proposal, which is optional for the Refugee category and mandatory for the SHP, helps the decision-maker to gauge the proposer's ability to assist the applicant to settle successfully in Australia.

Four passport-sized photographs of the applicant and immediate family members included in the application must be submitted with the application.

Applicants may submit supporting documents and information at any time before their application is decided.

7.2 Routing of Submissions

Applications are received at Australian overseas missions either direct from applicants or via referral by UNHCR or non-government organisations. Processing of the majority of applications for resettlement takes place at 14 designated missions around the world.

For applications required by Gazettal notice to be lodged in Australia, initial processing will be done in Australia. The application will then be forwarded to overseas post for final consideration and decision.

7.3 Decision-Making Process

Applications are considered on a case-by-case basis against the criteria set down in the *Migration Regulations 1994*. Applicants are assessed as a matter of course for all visas in the Refugee and Humanitarian class. Those who are prima facie eligible on the papers are interviewed to test their claims and check their bona fides. Decisions are made by Australian employees of DIMIA at Australian overseas missions. Applicants are advised of the decision by letter. Unsuccessful applicants also receive a copy of the decision record that indicates the criteria that were not met.

7.4 Recourse Processing

There is no provision for administrative review of decisions to refuse applications for resettlement.

7.5 Processing Times

Indicative processing times and visa grant times are variable. As a guide, during the period July 2003 to March 2004, 75% of cases were processed within 37 weeks of lodgement. During the same period, 75% of those granted Refugee visas were granted within 51 weeks and those granted SHP visas were granted within 60 weeks. Most emergency cases are processed within two days of formal referral by the UNHCR.

8. Emergency Cases

The emergency rescue visa (subclass 203) is part of the Refugee category. It is used for applicants who are subject to persecution in their home country (whether living there or elsewhere) and have urgent and compelling reasons to travel to Australia.

A small number of emergency cases are referred to Australia each year through UNHCR's regional office in Canberra. Before an application is accepted, each referral must be approved by Humanitarian Branch in DIMIA Central Office.

Emergency cases are given highest processing priority of all applications for resettlement. Most applications are decided in two days. Applicants who must be evacuated without delay may complete mandatory health checks on arrival in Australia. In June 2003, UNHCR and Australia agreed on a protocol for the processing of emergency cases.

9. Special Categories

9.1 Refugees with Medical Needs

There are no special provisions for the resettlement of refugees with medical needs.

Every applicant must meet health requirements unless the decision is made to waive them (see section 11).

9.2 Survivors of Violence and Torture

Australia gives priority consideration to survivors of violence and torture referred by UNHCR for resettlement.

Specialized counseling and medical services and English classes for survivors of torture and trauma are among the settlement services available to Humanitarian Program entrants (see section 14).

9.3 Women at Risk

Another part of the Refugee category, the Woman at Risk program (subclass 204) is for female applicants who are subject to persecution or registered as being of concern to UNHCR; are living outside their home country; do not have the protection of a male relative; and are in danger of victimisation, harassment or serious abuse because of their sex. The annual target for the Woman at Risk program is 10.5 per cent of Refugee category visas.

9.4 Children

Children applying under the Humanitarian Program for entry to Australia as unaccompanied minors are required to meet the same criteria as other applicants, including the criterion that permanent settlement in Australia is the most appropriate durable solution. Decision-makers must be satisfied that the grant of the visa to the child would not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the child.

Unaccompanied minors without relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Multicultural and Indigenous Affairs under the provisions of the *Immigration (Guardianship of Children) Act 1946*. State government welfare agencies are responsible for their care and case management. Assistance is available until the child reaches 18 years of age, becomes an Australian citizen or otherwise ceases to be an unaccompanied minor.

Resettlement of an unaccompanied minor requires approval from Humanitarian Branch, DIMIA Central Office, so as to ensure that adequate care arrangements are in place.

9.5 Elderly

There are no special provisions for the resettlement of elderly refugees.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

To help families reunite, the family stream of the Migration Program allows holders of permanent visas to sponsor members of their immediate family for entry to Australia. This is the preferred route for family reunion for immediate family members who are not in imminent danger.

Family members facing human rights abuses can be considered for family reunion under the 'split family' provisions of the Humanitarian Program. The 'split family' provisions allow the grant of a visa to immediate family members of a permanent humanitarian visa holder if they can demonstrate a bona fide family relationship to the proposer and meet public interest criteria.

10.2 Criteria for Family Reunification

Holders and former holders of permanent Humanitarian Program visas may, within five years of the grant of their visa, propose immediate family members for resettlement under the Humanitarian Program.

This concession is open to the visa holder's spouse, dependent children or, if the visa holder is under 18, parents. The visa granted would either be of the same subclass as the proposer's visa, or an SHP visa.

10.3 Allocations for Family Reunification

There is no separate allocation in the Humanitarian Program for family reunification.

10.4 Routing of Applications

Routing of applications for family reunification is as for other applications for resettlement.

10.5 Verification of Relationships

To qualify for family reunification, immediate family members must have been declared by their proposer to DIMIA before the grant of the proposer's visa.

10.6 Processing and Decision-Making

Processing and decision-making in family reunification cases are as for other applications for resettlement.

11. Medical Requirements

Applicants for resettlement, like all applicants for permanent visas, must meet health criteria. These criteria require applicants to be free from tuberculosis and any disease or condition that is a risk to public health and safety. Some applicants (those with active tuberculosis, for example) must undergo specialist treatment before their visa is granted. Applicants will not meet health criteria if they have a medical condition that is likely to result in a significant cost to health care and community services or prejudice Australians' access to health care or community services.

In the case of applicants for emergency resettlement, health assessment may, if necessary, be deferred until their arrival in Australia, unless it is suspected they have a health condition likely to result in their failing health criteria.

To meet health criteria, applicants for emergency resettlement who do not undergo health assessment before their travel to Australia, and applicants who have been requested by a medical officer of the Commonwealth to undergo further health assessment in Australia, must make a written undertaking to make contact with health authorities within a specified time and undergo treatment or medical investigation as directed.

Provision exists to waive health criteria in respect of certain visas, among them Humanitarian Program visas. If the grant of a visa to the applicant is not likely to result in undue cost to the Australian community or unduly prejudice Australians' access to health care or community services, the decision-maker may waive the health criteria. The decision to waive or not to waive is taken only after careful consideration of all relevant factors. The health criteria cannot be waived if the applicant has a disease or other medical condition that represents a threat to public health in Australia.

The Australian government meets the cost of health assessment of applicants for Refugee and SHP category visas.

12. Travel

The Australian government organizes and pays for the passage to Australia of holders of Refugee visas. Individuals with more than A\$10,000 capital for transfer, and families with more than A\$20,000 are not entitled to paid passage, nor are holders of SHP visas. SHP visa holders or their proposers, are expected to fund their travel to Australia. The Australian government is establishing a community-based no-interest travel loans scheme that will assist proposers to meet SHP entrants' travel costs

13. Status on Arrival

Successful applicants are granted a visa for entry to and permanent residence in Australia.

14. Domestic Settlement and Community Services

The Australian government views the successful settlement of entrants as a key objective of the Humanitarian Program. In recognition of the challenging circumstances experienced by Humanitarian Program entrants before their resettlement, and the intensive support they often need to adjust to life in Australia, the Australian government is committed to ensuring they have settlement services appropriate to their particular needs.

Humanitarian Program entrants may use the full range of settlement services available to all migrants in, including the Adult Migrant English Program (AMEP), the Translating and Interpreting Service (TIS), programs funded through the Community Settlement Services Scheme (CSSS) and the services offered by twenty-four Migrant Resource Centres and four Migrant Service Agencies across the country. Unlike non-humanitarian migrants, who are subject to a two-year waiting period, they have immediate access to federal government health care (through Medicare) and social security (through Centrelink) (provided they meet other requirements).

In addition, Humanitarian Program entrants are eligible for settlement services designed to meet their particular and often complex needs. The Integrated Humanitarian Settlement Strategy (IHSS) is the framework for the integrated delivery of these services. The strategy also provides for support services to the individuals, agencies and community networks assisting in the settlement of Humanitarian Program entrants.

14.1 Actors

DIMIA is the federal government agency with responsibility for settlement services. Federal, state and local government agencies, non-government organizations and community groups are all involved in the delivery and provision of services.

IHSS programs are delivered by service providers contracted by DIMIA and registered volunteer community groups. Entrants also receive assistance with accommodation, information and orientation from their proposers.

Workers employed under the Community Settlement Services Scheme help migrants and refugees, particularly those who are newly arrived and whose first language is not English, to take advantage of the community services, programs and opportunities available to all Australians.

Migrant Resource Centres and Migrant Service Agencies, which are funded federally and in some cases by state governments as well, serve as a base for information provision, referral to mainstream services and the development of appropriate services for migrants.

14.2 Orientation

In 2003, DIMIA entered into a pilot contract arrangement with IOM for the provision of Pre-departure cultural orientation training for refugee and humanitarian entrants from Kenya and Cairo. This training provides humanitarian entrants with the necessary knowledge and skills to enhance their settlement prospects and create realistic expectations for life in Australia. Subject to evaluation, the Cultural Orientation Pilot may be extended to other regions.

On arrival in Australia, Humanitarian Program entrants have access to the Initial Information and Orientation Assistance program that equips them with the knowledge, skills and support for life in the Australian community. Entrants are given individually tailored information, assistance and referrals to ensure they understand how the local community operates and are introduced to social security, banking, educational, employment, transport, childcare and other important services.

Registered volunteers in the local area offer eligible entrants social support in the form of friendship; introductions to local ethnic, religious and other community groups; and information, guidance and practical assistance to help them adjust to life in Australia.

14.3 Reception

As part of the Initial Information and Orientation Assistance program, entrants who hold Refugee category visas are met at the airport on arrival and taken to their accommodation. If travelling on to regional areas, entrants are met on their arrival in Australia and also at their destination.

14.4 Housing

Entrants holding Refugee category visas, as well as those with SHP visas, whose proposer is unable to help them with accommodation, are entitled to Accommodation Support. They are provided with subsidized short-term accommodation on their arrival and are assisted to find affordable and stable longer-term accommodation as soon as possible. Household Formation Support equips entrants who hold permanent Humanitarian Program visas with the household goods and basic furnishings they need to set up their new home. Tenancy training is also provided to families who need support in adapting to a Western style of living in rented accommodation.

14.5 Health

The Initial Information and Orientation Assistance (IIOA) provides emergency medical and clothing needs on arrival, settlement information and case manages entrants so that they are aware of their new environment and are linked to essential services such as income support, Medicare, education and training, employment and the other IHSS services.

The Early Health Assessment and Intervention program offers entrants information on health services; physical and psychological screening, with referral to appropriate health services; and counselling for survivors of torture and trauma. The program helps prevent existing physical or psychological health problems from impeding entrants' successful settlement.

The Program of Assistance for the Survivors of Torture and Trauma (PASTT) promotes the physical health and psycho-social recovery of people who have experienced torture and trauma in their countries of origin or while fleeing those countries, prior to their arrival in Australia. PASTT aims to improve clients' access to health, mental health and related mainstream services after they have received the specialist assistance they need. Services provided by the torture and trauma organizations include counselling, referral, advocacy, education and training and natural therapies. There are eight services in Australia; one in each State and Territory.

14.6 Language Training

Adult Humanitarian Program entrants with less-than-functional English are entitled to English language tuition provided by DIMIA through the Adult Migrant English Program (AMEP). Eligible clients are entitled to up to 510 hours of tuition, or the number of hours it takes to reach functional English, whichever comes first.

Clients must register for their entitlement within three months of arrival or grant of permanent residence and start tuition within one year. There is no time limit to complete access to their entitlement. Provision exists to defer any of the legislated time limits.

Classes tailored to meet diverse needs, educational backgrounds and learning abilities are available full or part time in formal or community-based settings. Clients who are unable to attend classes may take advantage of a distance learning course backed by telephone contact with a teacher, or a volunteer tutor in their home through the Home Tutor Scheme.

Humanitarian entrants who have been assessed as having special needs following their pre-migration experiences are eligible for up to 100 hours' extra English tuition through the Special Preparatory Program (SPP). Tuition is delivered to small groups in settings where they feel at ease. Clients are offered first-language support where possible and may, if they elect, be assisted by a trained volunteer tutor.

From 1 July 2004, increased funding will enable humanitarian entrants aged 16-24 years with less than 8 years of schooling in their former country to be offered up to 400 hours of tuition under the SPP. The funding will also supplement existing hours offered to those over 24 years with less than 8 years of schooling in their former country to a maximum of 100 hours.

The English as a Second Language - New Arrivals (ESL-NA) Program provides Australian Government funding to State and Territory government and non-government education authorities to assist with the cost of delivering intensive English language tuition for eligible newly arrived migrant primary and secondary school students. The program addresses the special language needs of students from non-English speaking backgrounds and aims to improve their educational opportunities and outcomes by developing their English language competence and facilitating their participation in mainstream educational activities.

14.7 Education

Humanitarian Program entrants have access to the same educational programs as Australian permanent residents in general.

Schooling is compulsory to the age of fifteen years. Free primary and secondary education is provided by the state.





Vocational Training / Employment

Australian permanent residents who register with Centrelink for help in finding a job can be referred to the Job Network. The Job Network consists of private, community and government organizations that are contracted to the federal government to assist people seeking employment. The Job Network offers a variety of programs which match clients to jobs and apprenticeships; give them the skills to find a job; refer them for assessment and recognition of their occupational skills and qualifications, and help those who wish to start their own business.

Eligible jobseekers registered with Centrelink can be referred to the Language, Literacy and Numeracy program (LLNP), which is designed to help eligible new arrivals with functional English to find work and overcome individual barriers to participation in vocational education and training. Clients who already have occupational skills are helped to develop an adequate command of English for occupational purposes and to obtain recognition of their overseas qualifications. Other clients are helped to increase their English proficiency to enable them to undertake vocational courses.

If a young person should become homeless, the Job Placement, Employment and Training (JPET) program is aimed at assisting students and unemployed young people aged 15-21 years who are homeless or at risk of becoming homeless, to find work. To complement this, the Reconnect program is an early intervention program for young people who are homeless, at risk of homelessness, and their families. Many Migrant Resource Centres also run programs to assist migrants and Humanitarian Program entrants to find employment.

15. REFERENCE MATERIALS

-  Australian Migration Regulations 1994
-  Procedure Advice Manual 3 – Guidelines for officers administering Migration Legislation
-  *Refugee and Humanitarian Issues: Australia's Response*. Department of Immigration and Multicultural and Indigenous Affairs, Canberra, 2003.
-  Australia's Support for Humanitarian Entrants. Department of Immigration and Multicultural and Indigenous Affairs, Canberra, 2003

Further information on Australia's migration and humanitarian programs and comprehensive advice on settling in Australia can be found on the Internet site of the Australian Department of Immigration and Multicultural and Indigenous Affairs at www.immi.gov.au.

**COUNTRY
CHAPTER**

BEN

BENIN

BY THE GOVERNMENT OF BENIN



1. Resettlement Policy

The Government of Benin recognizes and supports the respect of human rights, fundamental freedoms and international conventions on the protection of refugees particularly in the spirit of burden-sharing as set out in the 1969 Convention of the Organization of African Unity. In order to strengthen international solidarity in the search for durable solutions, the Government of Benin has signed a project for resettlement with the United Nations High Commissioner for Refugees (UNHCR).

2. Purpose

The Republic of Benin recognizes that resettlement is an important instrument in the search for durable solutions. It has the support of UNHCR for resettlement on its territory of refugees whose safety is threatened or endangered because of their vulnerability and for whom the project will provide sustained asylum.

3. Criteria for Refugee Eligibility and Asylum

Persons who qualify for resettlement are refugees as defined in the provisions of the Geneva Convention of 28 July 1951 relating to the Status of refugees and its 1967 Protocol, in the Convention of the Organization of African Unity of 10 September 1969 and the Mandate of the United Nations High Commissioner for Refugees and the legislation of Benin.

4. Criteria for Resettlement

Persons who are to be resettled should have refugee status as set out in Section 2 above and must satisfy one or more of the following criteria:

4.1 Need for Juridical or Physical Protection

In case of threat:

- a) of immediate or longer-term refoulement
- b) of arrest, detention or arbitrary imprisonment because of their refugee status
- c) of a risk to physical safety or that their human rights may be compromised in the same conditions that necessitated flight from the home country, then resettlement is the only solution available for protection.

4.2 Survivors of Violence and Torture

Refugees victims of physical and psychological torture need special medical attention. Benin will examine possibilities for their resettlement in the country in the light of its capacity to provide adequate medical care.

4.3 Refugees with Medical Needs

A refugee suffering from a serious disease who cannot be cared for either in the country of first asylum or after a temporary medical evacuation may be resettled in Benin if there is available treatment to give hope for cure. Resettlement will be offered according to the medical capacities of Benin.

4.4 Women at Risk

When they are deprived of the support of their spouse, family or communities of origin, some women refugees are subjected to serious threats to their physical and/or psychological safety (rape, sexual harassment, violence, exploitation, torture etc.) which increases their need for legal and physical protection.

4.5 Children

An unaccompanied minor is a person of under eighteen (18) years of age and for whom no one is responsible either by law or custom. Resettlement of a minor in Benin may be a solution if there are members of the family or community group permanently settled in the country or who have refugee status. In all cases, the best interest of the child is taken into account.

4.6 Elderly

As much as possible, refugees of a certain age who have members of their family or of their community of origin in Benin are accepted for resettlement in the country. Exceptionally, families will be identified to receive people who have no relatives in Benin.

4.7. Refugees with no hope of Local Integration

In some cases refugees are unable to integrate in their asylum country because of their cultural, social, religious and/or educational profile. After a certain period spent in the country without any prospect of repatriation in a near future, resettlement may be a solution to be considered.

5. Admissibility for Resettlement

Placed under the responsibility of the Government and in close collaboration with UNHCR, admissibility for resettlement is determined on a legal and humanitarian basis by a Selection Committee. The Committee must ascertain that resettlement is the most appropriate solution for the candidate.

The Selection Committee comprises:

- a representative of the Ministry of the Interior, Security and Territorial Administration (MISAT)
- a representative of the Ministry of Foreign Affairs and Cooperation (MAEC)
- a representative of the Ministry of Justice, Legislation and Human Rights (MJLDH)
- two representatives of the United Nations High Commissioner for Refugees (UNHCR)
- a representative of PARINAC.

6. Resettlement Allocations

The Government of Benin offers an average of two hundred and forty (240) places for two years, which covers sixty (60) families.

7. Selection Procedures

7.1 Submission and Processing via Dossier Selection

The candidate's file must include:

- a duly completed and signed UNHCR Resettlement Registration Form (RRF)
- an annex explaining why the candidate was recognized as a refugee and should be resettled
- a medical report
- a social report if necessary
- any other relevant documentation

7.2 Routing of Submission

The dossier is submitted by UNHCR to the Selection Committee. Dossiers may also be submitted by the Embassies in Benin through UNHCR to the Selection Committee who will solicit their assistance for additional information.

7.3 Submission and Processing via In-Country Selection

Under certain circumstances, particularly according to the number of dossiers involved, the Selection Committee may, with the agreement of UNHCR, delegate two (2) of its representatives to go to the country of first asylum in order to interview the candidates.

7.4 Processing Times

The length of study of applicants' dossiers must not exceed one (1) month. Should there be an urgent need for protection, deadlines for study of the caseloads are

reduced and the Selection Committee must make a decision within a week.

7.5 Recourse Processing

Should the application for resettlement be rejected, UNHCR may request a revision of the case on the basis of additional information submitted to the Selection Committee.

7.6 Entry Formalities

In accordance with the legislation of Benin on immigration, all formalities for entry must be fulfilled and costs and taxes paid for each candidate whose dossier has been accepted. The Government of Benin will facilitate the completion of these formalities.

8. Private Sponsorship

Non-governmental organizations, Churches, communities and individuals may sponsor refugee-candidates for resettlement in accordance with the Ministries, members of the Selection Committee. The sponsor is responsible for the travel, the installation and the integration of the resettled refugee and their dependants. Nevertheless, when so advised by the Ministries, members of the Selection Committee and UNHCR may also assist the sponsor (travel or installation costs).

9. Family Reunification of Refugees

9.1 Policy concerning Family Reunification of Refugees

Unity of the family is a factor considered to favour the development of refugees and increases their chances of integration in the country of resettlement.

In support of the principle of family unity as set out in the Universal Declaration of Human Rights, the Government of Benin is committed to facilitating the reunion of members of the same family of refugees on its territory. Priority is given to the members of a nuclear family.

9.2. Criteria for Family Reunification

Family reunification concerns the following persons:

- spouse of the resettled refugee
- dependent children of the resettled refugee
- other relatives dependent financially or emotionally on the refugee for whom separation from them would be intolerable
- adopted children.

9.3 Routing of Applications

Members of families already living in Benin initiate the applications for family reunification and submit them to UNHCR who transmits them to the Selection Committee.

9.4 Verification of Relationships

This takes place on the basis of official documents such as marriage, birth or adoption certificates annexed to the application for family reunification or, in the absence of such documents, a sworn declaration is required. When there are no documents at all available, verification takes place on the basis of information acquired through interviews of the persons concerned by UNHCR.

10. Medical Requirements

Once they have arrived in Benin, persons accepted for resettlement will undergo medical screening procedures whenever necessary. Costs for such examinations will be covered by UNHCR or by the organism designated for that purpose.

11. Travel

Travel costs are covered by UNHCR and/or the person (sponsor) financially responsible for the resettlement.

12. Status on Arrival

All visas granted are permanent visas. As for refugees in Benin, resettled refugees are assimilated to nationals of the country. Refugees resettled in Benin may opt for voluntary repatriation and, to this end, may be assisted by UNHCR in accordance with relevant procedures.

13. Domestic Settlement and Community Services

13.1 Actors

UNHCR, the Government of Benin, and Non-Governmental Organizations (NGOs) as operational partners of UNHCR are responsible for the integration of resettled refugees. Resettled refugees are expected to make useful contributions to the functioning of Beninese society.

13.2 Reception

Accepted refugees are met at the point of entry and accompanied to their place of residence by one or more persons in charge of the project.

13.3 Orientation

Resettled refugees are assisted by the Service for Social Orientation/Social Services in close collaboration with NGOs, members of PARINAC during the first weeks of their arrival. The orientation aims at identifying the needs of each refugee as well as the support he/she will need for integration.

13.4 Housing

Resettled refugees can be housed for up to one year after their arrival according to available resources and individual requirements. After this period the resettled refugees pay for their own accommodation and can settle elsewhere according to their requirements or degree of integration. However, the Government of Benin may decide on their place of residence for reasons of security or to ensure better chances of integration.

13.5 Health

Resettled refugees have the right to medical care. They have the same access as nationals to services and health care.

13.6 Other Needs

Resettled refugees may receive assistance to cover their needs for food, clothing and domestic goods up to one year after their arrival.

13.7 Education/Employment

The Government of Benin grants the same treatment to resettled refugees as to nationals for access to education, the right to employment and social benefits.

14. Language Training

Refugees who do not speak French will receive accelerated tuition in French and in a local language for those who so request.

15. Integration Activities

The purpose of the resettlement programme is to allow refugees to become locally integrated as quickly as possible and to achieve self-sufficiency within the Beninese society.

To this end, the Government of Benin will grant the same advantages to resettled refugees as to nationals for agricultural or commercial activities.

The Government of Benin will facilitate the acquisition of Beninese nationality according to the laws in force to refugees who apply for it. UNHCR, the implementing partner, the Job Searching Network /PARINAC are the main actors in integration activities.

**COUNTRY
CHAPTER**

BKF

BURKINA FASO

BY THE GOVERNMENT OF BURKINA FASO



1. Resettlement Policy

In spite of its fragile economic situation, Burkina Faso accepts resettlement of refugees on its territory and considers this responsibility as part of burden sharing in the framework of inter-African solidarity to which it has constantly been attached.

2. Criteria for Refugee Status Eligibility and Asylum

Candidates for resettlement must be refugees as defined by the Geneva Convention of 28 July 1951 on refugee status and its 1967 Protocol, by the Convention of the Organization of African Unity of 10 September 1969 governing the status of refugees in Africa and by ZATU (Law) ANV No 28/FP/PRES of 3 August 1988 on the status of refugees in Burkina Faso. They may also be refugees recognized under UNHCR mandate.

Burkina Faso grants priority to refugees of African origin and gives privilege to the physical and juridical protection of candidates; resettlement of a refugee must not harm the interests of the country.

3. Criteria for Resettlement

The following categories will be given priority. These are persons who, first and foremost, need physical or juridical protection:

3.1 Survivors of Violence and Torture

Refugees who have been victims of violence and/or torture or have been threatened by violation of their human rights or by violations of conventions and/or laws regarding refugees' rights: threats of refoulement, expulsion or deportation, threats of detention or arbitrary imprisonment, threats to the right to physical integrity. Individual assistance will be granted according to the identified requirements of the concerned persons.

3.2 Refugees with Medical Needs

Medical cases will not be accepted into Burkina Faso unless sanitary structures to cover their requirements will have been previously identified. Refugees are considered medical cases when they have no hope of leading a normal life in their first country of asylum due to lack of adequate medical care.

3.3 Women at Risk

These are persons who have lost a vital support mechanism for the safeguard of their dignity as women or for whom it is impossible to lead a normal socio-economic life.

3.4 Children

An unaccompanied minor is a person of less than eighteen (18) years of age, who is separated from the parents and for whom no one is responsible by virtue of law or custom. The best interest of the child is taken into account.

3.5 Refugees with no other Durable Solution

Refugees without any hope of local integration in the first country of asylum and cannot opt for voluntary repatriation in a foreseeable future.

4. Resettlement Allocations / Processing Priorities

The Government of Burkina Faso offers 100 places a year for an initial period of two (2) years which is renewable.

4.1 Case Documentation

The dossier of the case includes:

- a duly filled-in UNHCR "Resettlement Registration Form" (RRF)
- a letter covering the transmission of the individual case (IC) listing in detail the criteria which made the person eligible for refugee status and resettlement.

4.2 Routing of Submission

The dossier is transmitted to the National Commission for Refugees (CONAREF) for study by the Committee on Eligibility either by the Resettlement Section in Geneva, or by the UNHCR Field Office, or through the diplomatic missions of Burkina Faso abroad.

When the application for resettlement involves a group of refugees, CONAREF after consultation with UNHCR, may designate one or two of its members for a mission to the first country of asylum to interview the candidates.

UNHCR is notified of the decision by the President or Vice President of CONAREF and/or by the Coordinator by delegation.

4.3 Recourse Processing

No recourse is possible should a case be rejected. However the dossier may be submitted a second time if the candidate can supply relevant additional information. The same dossier cannot be re-examined after two rejections.

4.4 Processing Times

All applications are processed during the regular sessions of the Committee on Eligibility.

5. Emergency Cases

When there is an urgent need for resettlement, the Committee on Eligibility meets after consulting the President of CONAREF.

6. Family Reunification of Refugees

It is granted automatically for members of a nuclear family.

It is granted to other persons upon presentation of documents proving the degree of the relationship. Also granted if the presence of the candidate for family reunification is judged to be necessary for the resettled refugee.

6.1 Routing of Applications

Members of the family who are in Burkina Faso initiate the request and submit it to UNHCR. The application is then transmitted to CONAREF for examination and decision.

6.2 Verification of relationships

It is carried out on the basis of marriage or birth certificates, guardianship acts, adoption certificates. When such certificates are not available, an attestation of UNHCR Delegation in the first country of asylum and/or a sworn declaration is indispensable.

7. Medical Requirements

Persons accepted for resettlement will go through medical screening. CONAREF will take all the necessary measures so that a person granted resettlement and with particular health requirements will be received in appropriate medical structures. Costs for the examination and health care are covered by the project.

8. Travel

All travel costs are borne by the project. It is UNHCR that organises the travel in collaboration with the International Organisation for Migration (IOM).

9. Status on Arrival

When they arrive the competent authorities deliver to the accepted candidates a refugee identity card (RIC) which is the equivalent to permanent residence. Resettled refugees may opt for naturalization in accordance with the laws in force in Burkina Faso.

All resettled refugees may solicit voluntary repatriation and, to this end, have the benefit of assistance from UNHCR according to the procedure in force at that time.

10. Domestic Settlement and Community Services

10.1 Actors

CONAREF, UNHCR and designated partners.

10.2 Orientation

The purpose of the resettlement project is to offer the best conditions for the development of the accepted candidate. Burkina Faso does everything it possibly can to give the resettled refugee the same opportunity as the national citizen in order to facilitate a rapid integration in the society of the country.

The resettled refugee is received by the Social Orientation Service of CONAREF or by the designated partner immediately after the first few weeks of arrival.

10.3 Reception

Refugees selected for resettlement are received at points of entry at the frontiers by CONAREF and UNHCR and taken to their places of residence.

10.4 Basic Needs

10.4.1 Housing

Resettled refugees are taken to places previously determined by the Government authorities. The places of residence are chosen in order to achieve effective integration taking also into account the refugee's profile.

Burkina Faso being the official country of residence of resettled refugees, travel documents are established for those who have a right to them in accordance with the 1951 Geneva Convention.

Burkina Faso guarantees freedom of movement within the national territory as long as the customs and habits of the local population are respected and national security is not threatened.

10.4.2 Health

Resettled refugees have access to health care and services under the same conditions as nationals.

10.4.3 Education/Vocational Training

Resettled refugees have access to education and vocational training under the same conditions as nationals.

10.4.4 Other Needs

During the first months of their arrival, resettled refugees receive assistance with food, clothing and domestic goods. Such assistance is modulated according to the needs of the concerned persons.

11. Language Training

When necessary, the project provides courses in the official language of Burkina Faso and in one of the national languages practised in the place of residence.

12. Integration Activities / Employment

Burkina Faso treats resettled refugees on the same footing as nationals in matters regarding agricultural or commercial activities.

As for employment in the public sector, resettled refugees are only allowed to exercise jobs with contracts limited in time according to article 5 of ZATU N028/FP/PRES of 3 August 1988 on the status of refugees.

13. Resources

UNHCR finances this pilot project. Nevertheless bilateral donors, NGOs and members of the civil society and sponsors will be solicited for assistance as well.

**COUNTRY
CHAPTER**

CAN

CANADA

BY THE GOVERNMENT OF CANADA



1. Resettlement Policy

Canada's resettlement program is administered by the Department of Citizenship and Immigration Canada (CIC). Canada has a long history of providing humanitarian assistance to people fleeing persecution in their homeland or displaced by conflicts. Since World War II Canada has resettled over 700,000 Convention refugees and persons in refugee-like situations. Canada has chosen to protect persons for humanitarian reasons, to meet our international commitments, and to respond to international crises. Canada's resettlement program places emphasis on the protection of refugees and people in refugee-like situations by providing a durable solution to persons in need of resettlement.

With the implementation of the Immigration and Refugee Protection Act in 2002, Canada has placed emphasis upon the following principles:

- A shift toward protection rather than ability to establish
- Rapid family reunification
- Accelerated processing of urgent and vulnerable protection cases
- Balancing inclusiveness with effective management through closer relationship with partners.

Within its overall immigration plan, Canada resettles both Convention refugees and members of Humanitarian-protected Persons Abroad Classes (HPC) - persons who are not Convention refugees but who are in refugee-like situations and require protection through resettlement. Canada allocates a target each year for the resettlement of refugees through its government-assisted program who are eligible to receive financial assistance from the government of Canada. In addition, Canada has the private sponsorship of refugees program, which enables organizations and private individuals to submit undertakings for refugees and persons in refugee-like situations (members of the HPC) for consideration for resettlement. Upon approval, the sponsor is responsible for providing financial assistance and assisting the refugee with integrating in Canada. All refugees selected by Canada must meet Canadian immigration admissibility requirements. Canada is committed to providing resettlement for cases which UNHCR identifies as being in need of a durable solution. UNHCR should refer resettlement cases directly to Canadian visa offices.

2. Criteria for Resettlement

2.1 Eligibility

Canada will only consider an applicant for resettlement if s/he is referred by:

- UNHCR
- Another (designated) "Referral Organization"
- A Private Sponsor (i.e. already has an approved private sponsorship)

Only in certain geographic areas are applicants able to apply directly to the Canadian visa office without a referral. For more information, please contact a Canadian visa office.

Upon being referred an applicant must meet the criteria of the 1951 UN Convention or meet the criteria for one of the two Humanitarian-protected Persons Abroad Classes - the Country of Asylum Class and the Source Country Class.

The Country of Asylum Class deals with persons who have fled their countries and who are the victims of war or massive violations of human rights. The Source Country Class deals with persons who remain in their country of citizenship and who are the victims of war or violations of fundamental civil rights or who would meet the Convention definition had they fled their country. The application of the Source Country Class is limited to those countries appearing on a regulated schedule. A Canadian visa officer makes the decision as to whether an applicant falls into one of the above categories.

Canada has specific guidelines for assessing gender-based persecution which are taken into account when an eligibility decision is made.

In addition, applicants must show potential to become self-sufficient in Canada within a 3 to 5 year time frame. Factors such as education, presence of a support network (family or sponsor) in Canada, work experience and qualifications, ability to learn to speak English or French and other personal suitability factors such as resourcefulness will be taken into account by visa officers. However, this criteria does not apply to refugees determined by a visa officer to be in urgent need of protection or vulnerable (see section 6).

2.2 Admissibility

For a refugee to be accepted by Canada he/she must pass:

- 1) a medical examination - Successful applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety;
- 2) criminal screening - Refugees are not required to submit police certificates from their country of origin;
- 3) security screening - Canada will not accept combatants who have participated in war crimes or crimes against humanity. Senior officials, including former or serving senior military officials, from certain regimes and individuals who belong to organizations that espouse violence are inadmissible under the Immigration and Refugee Protection Act. For more information, please contact a Canadian visa office.

3. Resettlement Allocations / Processing Priorities

An annual resettlement target is established by the Minister of Citizenship and Immigration for government-assisted refugees following consultations within CIC, and with provincial governments, Canadian non-governmental organizations (NGOs) and the UNHCR. For 2004 the target is 7,500 persons. The annual target is then allocated among visa offices on the basis of estimated resettlement need.

Visa offices that have met their target and offices which do not have a target, and which identify refugees in need of resettlement can make a request to CIC, Resettlement Division, NHQ for additional places. Resettlement needs and visa office targets are monitored and adjustments are made to visa office targets on a quarterly basis as required.

The target number refers to individuals, not cases, and operates on the calendar year. Refugees must actually be granted permanent residence in Canada to be counted as part of that year's target. In addition to establishing a number of government-assisted refugees to take in a calendar year, a range is established for the number of persons expected to be resettled under the Private Sponsorship of Refugees program (refer to section 7.6). For 2004 the range established for privately sponsored refugees is 3 400 – 4 000 individuals.

4. Submission and Processing via Dossier Selection

Interviews are required in most cases. In cases where an urgent protection need has been identified or in other cases that are fully documented, the visa officer may waive the interview.

5. Submissions and Processing via In Country Selection

5.1 Case Documentation

The following documents should be included with a submission to Canada:

- completed UNHCR Resettlement Registration Form (RRF), ensuring all sections are completed (to be sent electronically where possible);
- other relevant documentation (e.g. medical certificates, birth certificates etc.);
- covering letter explaining why the refugee requires resettlement and whether he or she is at risk or falls into a vulnerable category.

For urgent protection cases, reasons for requesting urgent processing should be clearly stated. (See section 6.)

In order to begin processing an application for immigration to Canada an application for permanent residence (IMM0008) must be completed by the applicant. This form will be provided to an applicant by a Canadian visa office. It is very important that this form be completed completely and accurately. In locations where UNHCR RRF applications are submitted to Canada electronically, this step will not be necessary. This form will be automatically converted into an IMM0008.

5.2 Routing of Submissions

Canada has a decentralized system in which cases are submitted, decisions made and applications processed in the field. Submissions should be made directly to the responsible Canadian visa office. For more information on Canadian visa offices and their area of responsibility please consult the following website: www.cic.gc.ca. For information about Canada's refugee resettlement program consult: www.cic.gc.ca/refprotection.

5.3 Decision-Making Process

Applicants will normally be interviewed by a visa officer who will determine whether the applicant meets Canadian eligibility and admissibility criteria (see sections 2.1 and 2.2).

Medical examinations are requested if a refugee has been accepted and must be carried out prior to issuance of an immigrant visa. The criminality and security screening also takes place at this time. The final decision as to whether to accept or reject an applicant will be made by the visa office based on the results of the medical, criminality and security checks. If an applicant is refused he/she will be informed of the negative decision and a letter outlining the reasons for the refusal will be sent to the applicant.

5.4 Recourse Processing

In the case of a refusal where the UNHCR requests reconsideration, the Immigration Program Manager at the responsible visa office should be contacted. There is no formal appeal system at the visa office and there is no formal appeal system in Canada for resettlement cases refused by visa officers. Refused cases may, however, be brought before the Federal Court of Canada. In addition, if there are compelling reasons to believe that Canadian resettlement policy has not been interpreted properly, you can request further advice from UNHCR BO Ottawa.

5.5 Processing Times

Processing times for applications vary greatly among visa offices depending on such factors as circumstances in a particular world area, caseload at the visa office, location of refugee populations, incidence of medical problems and resources available with which to process cases. In the event of an urgent case, the Canadian visa office should be clearly advised at the time of submission in order that processing may be expedited.

5.6 Immigrant loans and Contributions

In the case of refugees, an immigrant loan may be authorized to cover the cost of transportation to Canada, immigration medical examinations (see Section 9), and where necessary transportation to the interview with the visa officer.

A refugee must demonstrate the need for and the potential to repay the loan. Refugees are required to begin repaying the loan (in monthly installments) shortly following arrival in Canada.

Under certain circumstances loan repayment may be deferred for up to two years. Special needs refugees may be granted financial assistance in the form of a contribution which does not have to be repaid.

6. Emergency Cases

Canada's Urgent Protection Program (UPP) is intended to respond to requests from the UNHCR (emergency submissions) to provide urgent protection to persons who qualify for resettlement and who are in need of urgent protection because of immediate threats to their life, liberty or physical safety. Such cases are to be submitted directly to the appropriate visa office. The visa office will then inform the relevant UNHCR within 24 hours as to whether the visa office can respond to the emergency request. Wherever possible, Canada's policy is to try to have the person en route to Canada within three to five days of the referral from the UNHCR.

Canadian visa officers may also determine a refugee to be vulnerable - the person has a greater need of protection than other applicants because of the person's particular circumstances that give rise to a heightened risk to his/her physical safety or well being. The vulnerability may result from circumstances such as lack of protection normally provided by a family or a medical condition. Canadian visa offices process vulnerable cases before regular refugee cases.

In urgent protection cases, Canada's policy is to try to complete the immigrant processing so that refugees may become permanent residents on arrival in Canada.

When this is not possible, a visa office may issue a Temporary Resident Permit instead of an immigrant visa. The Temporary Resident Permit document allows a refugee to travel to Canada before all the background (medical, security, criminality) checks have been completed. The refugee will subsequently apply for landing (permanent residence) in Canada and undergo or complete medical and background checks.

All urgent protection cases should be submitted directly to the Immigration Program Manager at the Canadian visa office, with supporting documentation as described in Section 5. An explanation as to why UNHCR believes the case to be an emergency or urgent should be included with the submission.

Both refugees admitted under the UPP program and those determined by a visa officer as vulnerable are not required to demonstrate an ability to successfully establish in Canada.

7. Refugees with Special Needs

7.1 Refugees with Medical Needs

Refugee cases involving special medical needs should, where possible, be flagged for the responsible Canadian visa office. If the medical condition presents a danger to public health or safety an applicant may fail Canada's medical examination.

In Canada, provincial governments are responsible for health care and social services.

Some health conditions may require frequent or costly medical treatment. As part of the annual target setting exercise, these types of cases are discussed during the consultations with the provinces to ensure adequate care is available. Depending on the circumstances of the case, refugees with medical conditions may need to be destined to particular areas where the required medical services are available. As a result, processing times for such cases may be lengthy. Other medical conditions may require substantial support from other persons. Thus, when recommending refugee cases with medical conditions it is worth considering the presence of accompanying or other family in Canada able to assist the refugee.

It is recommended that UNHCR consult with the responsible Canadian visa office if there are questions regarding referral of a specific case.

7.2 Survivors of Violence and Torture

Persons who are survivors of violence and torture and who may need additional assistance establishing in Canada may be processed under the Joint Assistance Sponsorship Program (please refer to section 7.7 for details). Treatment for such cases is available in a number of Canadian cities. Cases should be submitted directly to the visa office with any need for follow-up treatment noted in the submission.

7.3 Women at Risk

The aim of the Canadian Women-at-Risk program is to provide protection and assistance to refugee women who are in critical situations or in need of special attention.

The program recognizes that women in these circumstances require additional assistance to establish successfully in Canada.

Canada defines women-at-risk as women without the normal protection of a family who find themselves in precarious situations and whose safety is in jeopardy in countries of first asylum. Urgent need of protection and vulnerable cases are given priority (see section 6). However, women-at-risk may also be women who are not in immediate danger, but who are living in unstable conditions and for whom resettlement in a third country offers the only solution. To be eligible for this program, women-at-risk must be Convention refugees or members of one of the Humanitarian-protected Persons Abroad Classes. The ability to successfully establish will be assessed by Canadian visa officers on a 'sliding scale',

That is, the greater the need for protection or the more immediate the danger the less weight will be placed on establishment considerations. In cases of refugees in urgent need of protection or vulnerable, ability to establish criteria will not be applied. In other words, women-at-risk may be accepted despite having limited settlement prospects.

Routing of Submissions

All women-at-risk cases should be submitted directly to the responsible Canadian visa office. Please complete the UNHCR RRF and Social Assessment forms. Emergency or urgent cases should be clearly marked and accompanied with an outline of the reasons for urgency.

7.4 Children

Depending on the circumstances of the case, if an unaccompanied minor is to be reunited with immediate family in Canada, he or she could be eligible for consideration under: the one year window of opportunity (see section 8.1), submitted as a refugee in his or her own right, be privately sponsored or be sponsored under Canada's Family Class program.

Canada currently does not accept for resettlement, minors who have no immediate family in Canada.

7.5 Elderly

Elderly refugees with close family ties to Canada can be considered for resettlement in order to reunite families that have been separated. Canada's policy is to keep families together. Therefore, if an elderly refugee is dependent on another refugee being referred to Canada for resettlement, he or she may be considered under the resettlement program.

Elderly refugees without close family ties in Canada and who are not accompanied by family members can be considered for resettlement when there are compelling protection needs. Such cases would likely require additional settlement assistance and may be eligible for a Joint Assistance Sponsorship (JAS – see section 7.7).

7.6 Private Sponsorship

Through the provisions of the Immigration and Refugee Protection Act and Regulations, the Government of Canada encourages Canadian public involvement in the resettlement from abroad of Convention refugees and members of the HPC. In some cases, these persons would not otherwise meet the eligibility requirements without the added support a private sponsor provides.

Under this category, NGOs, churches, communities, organizations and individuals agree to sponsor refugees by entering into an agreement with the Department of Citizenship and Immigration. In 2001, 3,560 privately sponsored refugees landed in Canada.

The sponsorship of refugees by Canadian citizens and permanent residents allows for the admission of refugees in addition to the number whose admission is financially assisted by the federal government. Sponsoring groups commit to providing the sponsored refugee with basic assistance in the form of accommodation, clothing, food and settlement assistance normally for one year from the refugee's date of arrival in Canada. The sponsorship period may be up to thirty-six months in exceptional circumstances.

The sponsoring group also assists the refugee to find employment and become self-supporting within the period of the sponsorship agreement.

Private sponsors may identify a refugee they wish to assist or may ask that a Canadian visa office refer an appropriate case to them. Private sponsorship may assist with UNHCR-identified cases which have been referred to a Canadian visa office but which appear to require greater levels of support in establishing in Canada.

Criteria

Eligibility and admissibility criteria as described in Section 2 apply to privately sponsored cases.

7.7 Joint Assistance Sponsorship (JAS)

A Joint Sponsorship provides for the Government and a private sponsorship group to share the responsibilities of sponsorship for refugees who are in need of assistance over and above that which is provided through either Government assistance or private sponsorship alone. The Canadian Government assumes financial responsibility while the group is committed to ensure the refugee's integration. The period of sponsorship may be extended for up to two years, during which time the refugee is expected to become self-sufficient. The numbers for this type of sponsorship have increased over the last several years but are considered on a case by case basis.

This program is intended for refugees with special needs, meaning that the person has greater need of settlement assistance than other resettled refugees. Those selected for the joint assistance include refugees whose personal circumstances may include, a large number of family members, trauma from violence or torture, medical disabilities or the effects of systemic discrimination.

Eligibility and admissibility criteria are applicable. There is, however, some flexibility on admissibility criteria because of the additional support available to the refugees.

In some situations, costs of transportation and medicals may be covered by a contribution.

8. Family Reunification of Refugees

8.1 Policy concerning Family Reunification

The concept of family unit for refugee resettlement purposes includes individuals who meet the definition of family members. Family members are spouses, common-law partners (including same sex partnerships) and dependent children. In addition, administrative guidelines exist to include individuals who do not meet the legal definition of family member, but who are emotionally or economically dependent on the family unit. These individuals, who are dependent on the family unit, are de facto dependants.

An example of the de facto dependant would be an elderly relative who has always lived with the family. By the use of flexibility and appropriate discretion in determining who is part of the family unit, Canadian visa officers are asked to make every effort to ensure that refugee families are not separated at the time of selection.

8.2 The One Year Window of Opportunity

In cases where immediate family members have been separated from the principal applicant for reasons beyond their control, there is an administrative mechanism in place called the one year window of opportunity that allows immediate family members (spouses, common-law partners and dependent children of refugees resettled to Canada) to reunite with the principal applicant without the need to apply under one of Canada's other immigrant programs or be sponsored by the family. It also means the person does not have to meet the definition of refugee in their own right (refugee status is derived through the principal applicant) nor does the person have to be assessed on the ability to establish on their own.

To qualify the principal applicant must have identified immediate family members prior to departure for Canada. The immediate family members (spouse, common-law partners and dependant children) must submit an application at a visa office within one year from the date the principal applicant arrives in Canada. It is therefore very important that all immediate family members be identified on the principal applicant's (IMM0008) application even if their present location is unknown. Dependants of refugees who do not qualify under the "One Year Window of Opportunity" may qualify as refugees in their own right, may be sponsored under the Private Sponsorship of Refugees Program or be sponsored under the Family Class depending on the circumstances. Please contact the Canadian visa office if you have additional questions on other immigrant categories.

9. Medical Requirements

Canada requires that all applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety. As a result, all immigrants to Canada including refugees must pass a medical examination which is provided by a local physician (“designated medical practitioner” or panel physician) who is authorised by the Canadian Government. A Canadian physician employed by Citizenship and Immigration Canada then assesses the results of the medical examination. Canada does not provide counselling to persons found to have serious medical conditions during the course of the immigrant medical examination although counselling is provided to persons who test positive for HIV.

In the case of refugees and members of the Humanitarian-protected Persons Abroad classes who do not have money to pay for a medical examination, a loan may be issued under the provisions of the Immigrant Loan Program.

This program is available to both government-assisted and privately sponsored refugees. In countries where the International Organisation for Migration (IOM) is arranging travel for the refugees, IOM may also arrange and prepay medical examinations. Canada later reimburses IOM for cost incurred on behalf of refugees resettled to Canada. IOM absorbs the examination costs of unsuccessful refugee applicants.

10. Travel

Arrangements for travel to Canada are generally made by the International Organisation for Migration (IOM) in co-ordination with the visa office. Immigrant loans are available to refugees and members of the HPC to cover the cost of travel to Canada. In exceptional circumstances, individuals identified as special needs refugees may be eligible for contributions to cover travel costs. The visa office must request authorisation from the Refugees Branch at CIC Headquarters for a travel contribution.

11. Status on Arrival in Canada

Except for those who are issued a Temporary Resident Permit, all refugees processed overseas are granted permanent residence status upon arrival in Canada. Those who arrive with Temporary Resident Permits may apply for permanent residence once medical and background checks are passed or after a period of five years. Refugees who are permanent residents of Canada may seek employment immediately after arrival in Canada and are eligible to apply for Canadian citizenship after three years of continuous residence in Canada. Refugees in Canada for two years or less who wish to leave Canada to repatriate to their home country and who do not have the means to do so, may apply to Citizenship and Immigration for assistance.

However, it is only in rare cases that the Canadian Government pays for repatriation. Refugees in Canada for more than two years, who are on social assistance, should apply to UNHCR for repatriation.

12. Settlement and Community Services

12.1 Overview of Integration

Canada's settlement programs for newcomers help immigrants and refugees become participating and contributing members of Canadian society, and promote an acceptance of newcomers by Canadians.

A key element in Canada's strategy for integration of newcomers is a differentiation between the immigration stream and the refugee stream, thus creating two programming areas. Although the objectives of successful integration and permanent settlement are the same for immigrants and refugees, the special needs of refugees are recognized and efforts are made to meet these needs. Canada has the benefit of years of experience resettling refugees from all parts of the world and offers settlement services to meet the diverse needs of these newcomers to Canada.

12.2 Services to Refugees

Most services are available to both immigrants and refugees. However, the Resettlement Assistance Program (RAP) offers income support and a range of immediate essential services that are available exclusively to government-assisted refugees. Refugees who are resettled under the Private Sponsorship of Refugees program receive financial and integration assistance from their sponsor. The goals of these programs are to support refugees in their efforts to become self-sufficient as quickly as possible.

12.3 Refugee Reception

Upon arrival at a port of entry, refugees in transit are assisted with inland transportation. Arrangements are also made for overnight accommodation and meals, if required. Arrangements are normally made for refugees who need additional reception assistance to be greeted at their final destination. Refugees who arrive in Canada between mid-October and mid-April are provided with any necessary winter clothing.

12.4 Beginning Settlement

Housing

Temporary accommodation is provided to government-assisted refugees until permanent housing is secured. In some cases, this accommodation is purchased commercially from hotels and motels. In other cases, accommodation is purchased from organizations that provide reception house services. These reception houses offer a more holistic and communal environment than do hotels and motels, and help alleviate feelings of abandonment and isolation felt by many refugees upon their arrival in Canada.

Basic Needs of Life

Assistance for the basic needs of life (food, clothing, shelter) is available for up to 12 months after arrival, or until the refugee becomes self-supporting, whichever comes first. Assistance may be extended for an additional 12 months for special needs JAS cases. Essential household furnishings and sundries are also provided.

Referral to Settlement Services

Refugees are assisted with applications for medical insurance, social insurance numbers and family allowance and with transfer and translation of employment records. They are also referred to language training and other services provided through the settlement programs.

12.5 Settlement Services for Immigrants and Refugees

In Canada, settlement services are not delivered directly by the federal government. Rather, the department of Citizenship and Immigration Canada funds eligible individuals, non-profit organizations, agencies serving immigrants, community groups, businesses, provincial and municipal governments, and educational institutions (called Service Provider Organizations, or SPOs) to provide needed services. Some SPOs may have individuals on staff from the refugee's country of origin able to speak the refugee's language and share the refugee's culture.

12.6 Orientation Materials

Orientation materials have been developed to facilitate newcomers' understanding of the Canadian way of life and society. Both written and audio-visual materials are being used overseas in cultural orientation sessions at Canadian visa offices' waiting rooms, in local offices and in immigrant serving agencies across Canada.

12.7 Referral

Refugees are referred to various resources in the community which provide assistance with aspects of daily life such as: public transportation, banking, day-care and babysitting, school registration, shopping for food and clothing, budgeting, nutrition and food preparation, household management, safety, and housing, especially dealing with landlords and utility companies, etc.

12.8 Community Information/Orientation

Refugees are introduced to the local community to provide them with a sense of belonging to the new community, and information concerning their rights and obligations.

12.9 Interpretation and Translation

Interpreters are available to assist refugees in their day-to-day activities and in accessing services prior to their becoming functional in English or French. Translation services are available for documents relating to employment, health, education and legal matters.

12.10 Para-Professional Counselling

Non-therapeutic services (identifying needs, determining how to meet those needs and helping the newcomer get help) are available to refugees having difficulties adjusting to life in Canada.

12.11 Employment-Related Services

These services include assistance in obtaining required certification of education and/or trade documents, and job finding clubs which hold sessions on job search techniques, including résumé writing, interview skills and use of the telephone. Canada has also a "buddy system" to assist refugees overcome the stress of moving to a new country by having a friend familiar with Canadian ways available to guide them. Through the Host Program newcomers are matched with volunteer individuals and groups (the hosts) who help them find out about available services and how to use them, practice English or French, make contacts in their employment fields and participate in community activities. In return, host volunteers acquire new friends, learn about other cultures and strengthen community life.

12.12 Health

Refugees are eligible for provincial health coverage no later than 90 days after arrival in the province in which they intend to reside. The federal government provides essential and emergency health care coverage to refugees in need of assistance as an interim measure pending eligibility for provincial health benefits.

12.13 Language Training

Canada understands that by developing language skills, refugees are assisted in the integration process and are better able to function in and contribute to Canadian society. Therefore, instruction in one of Canada's two official languages is available to adult immigrants and refugees through federal and/or provincially funded programs. Children generally develop their language skills through regular attendance at school, with supplementary instruction as required.

12.14 Education

Elementary and secondary schools fall under provincial jurisdiction. All across Canada, immigrant and refugee children are welcome to attend provincially funded public schools. Post-secondary education is not free in Canada, but neither is it restricted to the wealthy. Entrance to colleges and universities is based on a person's educational abilities, as demonstrated through high-school grades, and sometimes through equivalent work experience.

12.15 Employment and Vocational Training

Employment and training programs are administered by Human Resources and Skills Development Canada (HRSDC). While many of HRSDC's programs are available only to clients who are eligible for Employment Insurance (EI), all residents of Canada, including newly arrived immigrants and refugees, have access to the National Employment Service, which includes labour market information, the Electronic Labour Exchange, and the National Job Bank.

Furthermore, all unemployed Canadians have access to the services offered through community organizations that have been contracted under the Employment Assistance Services (EAS) support measure. Through the local planning process, local Human Resource Centers of Canada will work with provinces, other federal departments, and other partners to identify gaps in service, collaborate on alternative means of serving immigrants and refugees, and encourage the community to share in providing support to those individuals who are not eligible for employment benefits.

13. Reference materials

13.1 Other Useful Reference Material

The following document may be obtained through Canadian Visa Offices or visiting the CIC website: Overseas

Processing Manual Chapter OP 5 Refugees – Protected Persons.

Immigration and Refugee Board Guidelines on Women Refugee Claimants

Fearing Gender-Related Persecution

13.2 Website:

Refugee Resettlement Partners Web Site:

<http://www.cic.gc.ca/ref-protection>

Citizenship and Immigration Canada:

www.cic.gc.ca

Immigration and Refugee Board:

www.irb.gc.ca

Ministère des Relations avec les citoyens et de l'immigration (Québec)

www.immq.gouv.qc.ca

**COUNTRY
CHAPTER**

CHL

CHILE

BY THE GOVERNMENT OF CHILE



1. Resettlement Policy

THE GOVERNMENT OF THE REPUBLIC OF CHILE, within the framework of adherence to the respect for human rights and fundamental freedoms, as well as respect for international agreements concerning the protection and assistance to refugees, and, in order to strengthen international solidarity in the search for durable solutions, has agreed with UNHCR to establish a refugee resettlement programme in Chile. The resettlement programme's primary objective is to allow refugees to integrate into the Chilean society and enable them to attain self-sufficiency as soon as possible. Resettled refugees are expected to contribute in a positive way within the local society.

The Government of Chile is responsible for the reception and facilitating the integration of resettled refugees in co-operation with UNHCR and non-governmental organisations. Refugee resettlement is under the auspices of the Ministry of Foreign Affairs and the Ministry of the Interior, the latter providing the overall co-ordination and oversight of the national resettlement programme. Direct services are provided by an NGO through a sub-agreement with UNHCR.

2. Criteria for Refugee Status Eligibility and Asylum

To qualify for resettlement in Chile the refugees must meet the criteria contained in the 1951 Convention/1967 Protocol relating to the Status of Refugees. Moreover they must be unable to return to their country of origin or to remain safely in their country of asylum.

3. Resettlement Criteria

Refugees eligible for resettlement in Chile are refugees recognised under UNHCR's mandate who fall into one of the following categories:

Legal or physical protection needs, when the refugee meets one of these conditions:

- immediate or long-term threat of forced repatriation or expulsion
- threat of arbitrary arrest, detention or imprisonment
- threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable

Refugees victims of violence and /or torture

Refugee victims of violence and /or torture who require special medical attention will be considered, subject to the availability of appropriate medical services.

Women at Risk

Women facing serious physical and /or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc) lacking the traditional protection of their families or communities.

Refugees without local integration prospects in the first country of asylum

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement. In these cases, attention needs to be given to lack of legal instruments to ensure these basic rights. Field offices must ensure that detailed information is provided in the RRF regarding the refugees' own attempts to successfully integrate into the country of asylum and the barriers encountered.

Refugees with special needs

Refugees with other special needs, such as unaccompanied minors, elderly persons or medical cases will be considered with priority given to refugees who have ties in Chile.

4. Resettlement Allocations

The Ministry of the Interior and the Ministry of Foreign Relations establish an annual resettlement target in consultation with UNHCR. There are no sub-allocations by region at this time.

5. Admissibility for Resettlement

No special constraints on admissibility are given

6. Submissions and Processing via Dossier Selection

The Government of Chile undertakes resettlement processing of refugee cases via Dossiers selection, when the number of the cases submitted out of the same country of asylum is less than ten dossiers. The Resettlement Registration Forms are submitted to the government of Chile by UNHCR Argentina, through UNHCR Headquarters.

The dossiers are referred to the Foreigners' Department (within the Ministry of the Interior) who reviews the cases in close consultation with the UNHCR Regional Office and the Resettlement NGO, and a formal decision by the Ministry of the Interior is normally made within 8 weeks. Should the Ministry decide that additional information on the individual cases is required, they will notify UNHCR. Field Offices in the Countries of Asylum will then provide the required information, through Headquarters, within the earliest delay.

When a resettlement request is rejected by the Chilean authorities, UNHCR may ask for a reconsideration of the case on the basis of any additional/complementary information provided by the refugee.

7. Submissions and Processing via In-Country Selection

The Government of Chile undertakes in-country selection of refugees for resettlement in Chile when the number of dossiers submitted out of one country of asylum exceeds ten cases.

Selection missions are composed of one delegate from the Foreigners' Department and one NGO representative. The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The recommendations of the selection delegation are submitted to the Ministry of the Interior who informs UNHCR of its decisions within a maximum period of 8 weeks and issues necessary travel documents to accepted refugees. Selection missions are also aimed at providing initial counselling to refugees in order to ensure, to the extent possible, that refugees are making an informed decision regarding their resettlement in Chile.

8. Emergency Cases

No accelerated procedures for the processing of emergency cases are yet in place.

9. Special Categories

The Government of Chile considers the case of refugees with special needs submitted by UNHCR under established categories (Medical Needs, Victims of Torture, Women-at-Risk, Unaccompanied minors, Elderly refugees). However, if these refugees require a specific treatment in Chile, the Chilean government will consider the availability of services in Chile before making a decision.

10. Family Reunification of Refugees

The Government of Chile acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. The principle of family unity is provided in the Universal Declaration of Human Rights. Based on this ground, the Chilean Government agrees to facilitate in its territory the reunification of members of the same refugee family with priority to the members of the nuclear family. The criteria and the procedures are those contained in the Resettlement Handbook, in compliance with the practice established in the country.

The family reunification of a refugee with his nuclear family takes place within the overall resettlement quota. This provision includes:

- Spouses, including common-law spouses with proof of relationship (e.g. birth certificates of joint offspring);
- Children, biological or adopted, under 21-years-old or economically dependant regardless of their age; and
- Elderly parents who are economically dependent.

The family reunification of other members of the refugee' family (siblings, grandparents, grandchildren, great grandchildren or nephews, or not self-sufficient adults) is dealt with under the general provisions of the immigration law.

11. Medical Requirements

Shortly after arrival in Chile, all refugees will receive a medical check-up. The cost for the medical check-up, as well as for any treatment of pre-existent diseases, will be covered by UNHCR and co-ordinated by the resettlement NGO.

12. Travel

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel will be under the responsibility of UNHCR or of any sponsor.

13. Status on Arrival

All individual refugees, including family members, accepted for resettlement in Chile are granted refugee status according to the 1951 Convention and subsequently issued temporary legal residence. With this document, the refugees can obtain national identity cards, which allow them to work legally and earn an income in Chile. It takes approximately 2 weeks in order to process these documents, but even during this period refugees are not prohibited from working as temporary work authorisations are available until they receive the Identity Cards. Refugees must renew their temporary residence after two years or apply for permanent residence. Refugees who become permanent residents are eligible to apply for citizenship after 5 years of residence in Chile.

14. Domestic Settlement and Community Services

14.1 Actors

UNHCR has a tripartite agreement with the Chilean Government and a non-governmental organisation in Chile for the resettlement and integration of refugees. The following governmental ministries are involved in the resettlement of refugees in Chile: the Ministry of Health, the Ministry of Education, the Ministry of Housing, the Ministry of Labour, the Ministry of Foreign Affairs and the Ministry of the Interior.

The Vicaria de Pastoral Social, a local NGO of the Archdiocese in Santiago, is the primary provider of reception and integration services to refugees in the area of Santiago.

An interministerial commission has been established with representation of all the ministries mentioned above and the Vicaría de Pastoral Social in order to facilitate access of refugees to public programmes and services, convened by the Ministry of the Interior.

Non-governmental organisations, churches, communities and individuals are authorised to sponsor refugees for resettlement in Chile, in agreement with the Ministry of the Interior. The sponsor shall take up the responsibility of travel arrangements, installation and integration of resettled refugees and of the dependants. If recommended by the Selection Committee, UNHCR may provide some support to the sponsor with travel or installation costs.

14.2 Orientation

The Government of Chile provides initial group orientation sessions to refugees in the country of asylum, in case of an In-Country selection mission. Further orientation sessions are provided by the Vicaria de Pastoral Social, in groups and individually, upon arrival in Chile. Orientation issues include life in Chile, practical information on daily living, Chilean culture and values, access to health and education programmes, work culture and other information that helps the refugee in his or her integration. The NGO provides translator services when required to ease communication with refugees.

14.3 Reception

Upon arrival, refugees are received at the airport by the Vicaria de Social Pastoral, who arrange for temporary housing and provide welcome orientation. Refugees are temporarily accommodated in a reception-house with private bedrooms, semi-private bathrooms and communal kitchen. During this period, housing expenses are paid directly by Vicaria Social de Pastoral and a monthly subsistence allowance is provided to cover food, transportation, basic hygiene and other incidentals. This phase lasts approximately 12 weeks in order to allow the refugee time to find suitable employment.

14.4 Housing

During the initial period, refugees are assisted by Vicaria Social de Pastoral to find permanent housing through agreements with the Ministry of Housing. Upon relocation to independent housing, refugees are offered a one-time grant to purchase basic furniture and supplies to set up their household. Refugees are eligible for monthly financial assistance to cover rent, food, transportation and basic hygiene for up to six months.

14.5 Health

Refugees receive a medical check-up during their initial stay at their temporary domicile. Dental care will also be available to refugees. Vicaria Social De Pastoral in co-operation with the Ministry of Health arranges any special medical treatment required by refugees during the first year. In the longer period, refugees are entitled to public health services with the same benefits as national citizens. Chile also has extensive private health care services available through private health insurance offered by many employers.

14.6 Language Training

Intensive Spanish language courses are provided for adult refugees during the reception phase through arrangements made by the Vicaria Social de Pastoral. Additional language training is available through arrangements with other educational institutions.

14.7 Education

The government of Chile provides resettled refugees with the same benefits as national citizens concerning primary, secondary and tertiary education. Furthermore, the Ministry of Education facilitates administrative assistance as necessary for equivalence and validation purposes in accordance with national legislation.

University education is private in Chile. Enrolment in university courses is limited due to costs and entry requirements. Technical degrees, which require an average of 5 semesters, do not have the same rigid requirements for enrolment, but are also private.

Validation of post-secondary degrees and professional titles can be a long process, which also depends upon ability of the refugee to provide the necessary documentation, such as notarised diploma, transcripts, course descriptions, etc. The University of Chile is the institution responsible for reviewing the documents and accreditation of degrees and titles.

14.8 Vocational Training

The Training and Employment Service under the Ministry of Labour (SENCE) provide vocational training. This agency is responsible for technical training programmes throughout the country and the re-training of the labour force for new jobs. The programmes are varied and also include courses for particular groups such as youth, women, etc. In addition, there are courses available through private institutions recognised by the State as qualified training programmes. Training courses in general are short in duration and do not require previous experience, which allows individuals to be trained in new areas of the labour market.

14.9 Employment

The refugees receive counselling and basic orientation on employment, including work customs and practices as well as basic work environment. Through agreements with public and non-profit entities, the Vicaria Social de Pastoral is developing a network of services and opportunities for the integration of refugees. Arrangements are in place with the Ministry of Labour to provide for vocational training and job placement services for refugees.

Micro-Enterprises – An important alternative form of income generation is the creation of new micro-enterprises which often allow the refugees to take advantage of the skills, education and previous work experience that they bring with them to Chile. Micro-enterprise grants are available through the resettlement NGO, who also provides technical assistance, project evaluation and mentoring. Refugees must submit a project proposal to the Resettlement NGO and grants will be awarded based on the viability of the project and the experience/ skills of the refugee.





While the initial reception period takes place in Santiago, the nation's capital, depending on the refugee's work experience and area of expertise, he or she may wish to consider employment offers in other cities or towns in Chile. In such cases, the Resettlement NGO is available to assist the refugee in relocation.

14.10 Other assistance

Where required, refugees are entitled to the following assistance, on a case-by-case basis:

- additional medical treatment, prescriptions and/or mental health services
- school uniforms and text-books
- cost of translations and renewal of immigration documents
- translation of diploma and certificates
- cost of interpreter services

15. Reference Material

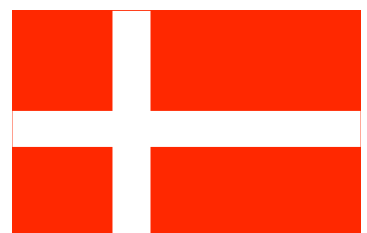
-  Framework Agreement for the Resettlement of refugees in Chile, between the Government of the Republic of Chile and UNHCR
-  Law Decree No. 1094 of 1975 amended by Law No. 19476 of 14/10/96 (enacted on 21/10/96)
-  Supreme Decree No. 597 of 1984) include some provisions aimed at establishing basic rules for the treatment of refugees.
-  Supreme Decree No. 2518 of 23/10/97 enacted on 10/02/98, amended the previous decree and regulated the functioning and composition of the Recognition Commission.

**COUNTRY
CHAPTER**

DEN

DENMARK

BY THE GOVERNMENT OF DENMARK



1. Resettlement Policy

Denmark has since the end of the Second World War in addition to spontaneous refugees received groups of refugees with temporary stay in other countries. Generally, these refugees have been received upon request from UNHCR.

For example after the 1956 uprising in Hungary Denmark received about 1400 Hungarian refugees from other Western European countries. Equally, in the beginning of the 1970es some 150 Asian refugees among those expelled from Uganda, mainly handicapped with families, came to Denmark. In the mid-seventies approximately 700 refugees from Chile and in the years after the Vietnam War some 3000 refugees from Vietnam were resettled in Denmark.

Over the years this has all led to a more formalized resettlement policy. Since 1978 the Danish Parliament has every year within the approved Finance Act earmarked funds for a resettlement quota. Since 1989 the annual resettlement quota constitutes 500 places.

Denmark is not an immigration country but for many years Denmark has been and still is open to persons fleeing persecution. Protection and within that resettlement as a tool of protection has been and still is the leading principle of the overall refugee policy.

2. Criteria for Resettlement

Section 8 of the Danish Aliens Act provides the legal basis for the Danish resettlement programme. It is a precondition that resettlement takes place on the basis of an arrangement with UNHCR or a similar international arrangement.

To qualify for resettlement in Denmark the refugees must meet the criteria of the 1951 Refugee Convention. All refugees accepted under the resettlement quota are granted convention status pursuant to the Danish Aliens Act § 8 cf. § 7 (1).

3. Resettlement Allocations/ Processing Priorities

The Danish Quota Committee composed of representatives of the Danish Immigration Service, the Ministry of Foreign Affairs and the Danish Refugee Council and with the participation of the Association of Municipalities is the decisive body on general policy issues related to the administration of the annual resettlement quota.

The quota is divided into categories: five geographical categories, one emergency category and one medical category under the Twenty-or-More programme. In addition there are two categories for stowaways and for special cases.

At the beginning of each calendar year the Quota Committee meets to decide on the allocation of quota places within the different categories and on the destination of the on average two annual selection missions. The basis for the decision is prior consultations with and an outline presented by UNHCR Resettlement on the distribution of places within the categories based on UNHCR's assessment of current needs and priorities.

Every year 20 places are allocated to the Twenty-or-More programme while the number of places allocated to different geographical areas and for emergency submissions vary and can be changed upon request from UNHCR should the need arise during the calendar year.

4. Admissibility for Resettlement

There are no formulated constraints to admissibility.

Cases concerning refugees with physical or mental illnesses or physical disabilities and who are in need of special or long-term treatment should be submitted under the Twenty-or-More category. A health consultant reviews all such cases with the Danish Refugee Council for an assessment of whether proper treatment is available in Denmark and whether the overall situation of the refugee concerned will improve.

Refugees with only minor medical needs are accepted under the normal geographical category of their nationality.

5. Submissions and Processing via Dossier Selection

5.1 Case Documentation

UNHCR's Resettlement Section at Headquarters must submit all cases. The basic documentation is the Resettlement Registration Form and country reports.

A carefully completed RRF with exact personal data and family details is of utmost importance as well as a full and detailed account on political activities in which the refugee has been engaged in his/ her country of origin and any other circumstances that might be relevant to the flight. This is required in case of dossier submissions in general and emergency submissions in particular thereby enabling the Danish authorities to move quickly in processing the cases.

The possible application of Article 1F of the 1951 Convention is of particular concern. Therefore an express declaration by UNHCR is required to exclude the existence of serious reasons to consider that Article 1F would apply.

Children over 18 years or other adult relatives of PRA to be considered for resettlement should always be presented on their own individual RRF as they might qualify for resettlement or exclusion on their own individual merits.

Updated medical documentation indicating diagnosis, medical prognosis and needed medical treatment should be available in cases that fall within the Twenty-or-More category. However, this also applies to the possible extent for other cases where the refugee has medical problems without falling within the Twenty-or-More category as to ensure adequate reception in Denmark.

As in some cases the refugee may be required to give his/hers consent to information about his/hers private affairs being passed on to or inquiries being made with other Danish or foreign authorities, the refugee – if 18 or older - is requested to sign a declaration of consent to this effect.

5.2 Routing of Submissions

Dossier should be forwarded directly to the Danish Immigration Service with copies simultaneously to the Danish Refugee Council and the Ministry of Foreign Affairs.

Upon reception the case will be registered with a file number. This number is the reference number of the principal applicant (PRA). The case will be categorized within one of the quota categories and an immediate case screening will take place.

After a review of the dossier the Danish Refugee Council will submit its recommendation to the Danish Immigration Service.

5.3 Decision-Making Process

The Danish Immigration Service is the decision-making body as to accept or reject. When the recommendation of the Danish Refugee Council is available a decision will usually be taken.

UNHCR's Resettlement Section in Geneva, the Danish Refugee Council and the Ministry of Foreign Affairs are informed about all decisions.

The relevant Danish Embassies are informed about positive decisions and simultaneously authorised to issue residence permits and travel documents as needed.

5.4 Recourse Processing

There is no appeal system in case of a rejection. But a rejected case may be resubmitted on new and updated grounds.

5.5 Processing Times

Average processing times are normally a few months. Refer to Section 3.

6. Submissions and Processing via In-Country Selection

6.1 Case Documentation

The majority of the resettled refugees in Denmark are usually selected on interview missions. The destination of the annual interview missions is decided upon by the Quota Committee in close consultations with UNHCR Resettlement at the beginning of the year.

The UNHCR RRF with possible attachments and country reports provide the basic documentation. It is recommended to add the Danish file number in case close links in Denmark should be taken into consideration.

In special cases a social assessment would be needful.

Any other documentation see Section 5.1 above.

6.2 Routing of Submissions

The Danish Immigration Service and the Danish Refugee Council undertake interview missions jointly. The RRFs should be forwarded by UNHCR's Resettlement Section in Geneva to the Danish Immigration Service in a suitable time prior to the undertaking of the selection mission – preferable 3-4 weeks before the mission.

After the Danish Immigration Service has registered, entered in the journal and screened the dossiers forwarded preparatory meetings are held with the Danish Refugee Council. UNHCR is then informed by the Danish Immigration Service about which refugees the delegation would like to interview for positive consideration.

The refugees are interviewed by small teams each composed of the Danish Immigration Service and the Danish Refugee Council. UNHCR interpreters are usually used.

6.3 Decision-Making Process

The decision-making body is the Danish Immigration Service. Decisions are as far as possible taken on the spot.

The final decisions will be taken upon the return to Denmark. Please see Section 5.3 above.

6.4 Recourse Processing

See Section 5.4 above.

6.5 Processing Times

Processing times are approx. 4-6 few weeks upon return of the delegation to Denmark.

7. Emergency Cases

Emergency submissions are usually processed quickly provided necessary documentation is forwarded re. Section 5.1 above. In extreme cases the Danish Immigration Service may act within hours.

8. Special Categories

The Danish Resettlement Programme does not operate with special categories. Denmark is addressing the individual needs of all refugees who have been granted refugee status in Denmark be it general or special needs, be it an unaccompanied minor, an elderly, a woman-at-risk etc.

Survivors of Violence and Torture

There are some centres in Denmark specialised in treating victims of torture and to which accepted refugees who are victims of torture and in need of treatment may be referred.

Over the years the Danish Rehabilitation Centre for Victims of Torture has supported the establishment of such centres in a number of other countries world-wide.

9. Family Reunification of Refugees

9.1 Policy concerning Family Reunification of Refugees

According to the Danish Aliens Act, refugees residing in Denmark have the right to be united with their nuclear family.

Other relatives who are in need of resettlement should be submitted on their own dossier

9.2 Criteria for Family Reunification

Residence permits for Denmark can be given to:

- Spouses who have reached the age of 18;
- Children under 18 years of age;
- Parents who have turned 60 years of age (residence permit to parents normally is subject to the condition that the applicant can and will provide for the family members).

9.3 Allocations for Family Reunification

Nuclear family reunification is not counted within the resettlement quota.

9.4 Routing of Applications

Nuclear family members to the refugee (IC), i.e. spouses and minor children who have not a refugee claim on their own, are referred to apply for a residence permit in Denmark through a Danish representation. They could also be of the nationality of the country of first asylum/residence of the IC. Upon arrival, after the IC has been resettled, these family members are referred to the Danish representation whether they are to be considered for reunification or not. Other close family members in special circumstances such as a single parent or a minor brother or sister might also fall under the criteria of this embassy procedure. Please consult the Danish Immigration Service or the Danish Refugee Council for advice before submitting the case.

9.5 Verification of Relationships

Relevant documents such as marriage certificates and birth certificates are required if available. If documentation is not available an explanation must be given.

9.6 Processing and Decision-Making

As mentioned in 9.4

10. Medical Requirements

There are no specific requirements. The Danish government is covering all expenses connected with the refugees' travel to Denmark including possible medical escorts. However, pre-departure expenses are not covered. There is no pre-departure counseling apart from possible counseling during selection missions.

11. Travel

The Danish government covers all expenses connected with the accepted refugees' travel to Denmark.

The Danish Refugee Council prepares the travel arrangements in close cooperation with IOM. The refugees are met by the Danish Refugee Council upon arrival in Denmark.

12. Status on Arrival

Refugees accepted for resettlement under the UNHCR quota are always granted status according to the 1951 Convention. This comprises all the family members included in the submission and accordingly the acceptance. The persons may apply for citizenship after 6 years in Denmark.

During the first years in Denmark the permit must be prolonged, but permanent residence permit can be obtained after 3 years if the refugee has completed an integration programme and other obligations. Refugees resettled in Denmark may repatriate at any time. If the refugee chooses to repatriate, any travel costs and a reasonable amount for re-establishment will be granted by the Danish State. If the repatriate regrets his/her return to home country within the first 6 months, re-entry in Denmark will be granted.

13. Domestic Settlement and Community Services

13.1 Actors

The Danish Ministry of the Interior has the principal responsibility for the reception and integration of refugees, which is carried out by the local municipalities. The local municipalities provide for a 3-year integration programme on behalf of the Government. The programme is financed by governmental funds. The Danish Refugee Council has volunteer programmes all over the country. The programmes promote the integration of the refugees into the local communities and create a dialogue, understanding and tolerance between the refugees and the rest of the population. The volunteer programme offers a variety of activities in the local community.

13.2 Orientation

Refugees in Denmark must participate in a 3 years introduction programme. The main objective of the programme is to ensure integration of refugees in the Danish society.

The introduction programme must include a course in understanding Danish society and language lessons.

For those refugees who do not have a job and who are not self-supporting the introduction programme also consists of vocational training. The municipality shall prepare an individual plan of action in co-operation with the refugee in order to plan the individual introduction programme. The action plan must be prepared on the basis of an assessment of the particular skills and qualifications of the individual refugee and must be targeted at introducing the individual refugee to the labour market or to an education.

The main objective of the course in understanding Danish society is to enable the refugees to get an understanding of the fundamental values and norms of Danish society. The course is individually planned in each municipality but must have a duration of at least 20 hours.

13.3 Reception

The refugees will be received by a local municipality in Denmark according to an overall agreement between the Danish municipalities concerning distribution of refugees in the country.

The 3-year integration programme will start right from the reception.

13.4 Housing

In connection with the grant of residence permit to a refugee it is decided in which municipality the person in question should take up his or her abode. To which municipality the person is allocated is decided on the basis of an agreed or fixed municipal quota-system and the personal situation of the refugee in question, as well as the situation of the municipality.

Any family links the refugee may have in the area and the opportunity to come into contact with people of their own nationality is taken into consideration in the housing process.

Every effort is made to find a permanent dwelling for the refugee within 3 months of arrival.

13.5 Health

Refugees have the same access to the national health system as Danish nationals. This entitles them to free medical and hospital treatment. Under the Social Assistance Act, discretionary grants can also be given towards the cost of essential medicines, dental treatment, spectacles, physiotherapy and psychological treatment etc.

13.6 Language training

The local authorities provide Danish language tuition. Courses are available in the language schools and are free of charge.

The purpose of the language training is to enable the refugees to conduct a normal conversation in Danish and to read and write texts at the level at which the introduction programme of the individual person aims and the lessons are planned in accordance with the action plan mentioned under 13.2.

13.7 Education

School System

All refugee children have access to the normal Danish school system, which is free of charge. Children who cannot speak sufficient Danish when they start school may be placed in special reception classes before they start normal classes. They may continue to receive special language lessons if necessary.

Some local authorities employ bilingual teachers who teach some subjects to foreign children in their mother tongue for a number of hours per week.

Bilingual children have the right to mother tongue tuition in addition to their ordinary schooling, provided there are at least 12 children with the same language in the municipality.

Access to the Adult Education System

There are no restrictions on refugees' access to the Danish education system. In order to promote refugees' educational opportunities and job prospects, special courses have been arranged for refugees. Some are of short duration aimed at finding actual work, whereas others are aimed at enabling them to receive further education.

In order to access some types of higher education, however, sufficient knowledge of Danish is required.

Refugees who have been accepted by an educational institution are entitled to the same grants as Danish citizens. In addition, they may apply for special help under the Social Assistance Act, which contains a special clause providing financial assistance during educational and vocational training for persons who find it difficult to manage for health or social reasons. This clause can be applied to refugees who have educational or employment problems for linguistic or cultural reasons.

13.8 Vocational training

Refugees who are not self-supporting and who receive the introduction allowance vocational training will be offered. Vocational training may include job training, specially adapted educational activities or special courses.

The introduction programme for refugees to whom vocational training is offered must have a scope of at least 30 hours per week on an average. Vocational training is planned in accordance with the action plan mentioned under 13.2.

13.9 Employment

The refugees received under the quota programme are granted a working permit. They have access to the labour market in Denmark as from their entry in the country.

COUNTRY
CHAPTER

GBR

GREAT BRITAIN

BY THE GOVERNMENT OF THE UNITED
KINGDOM



1. Resettlement Policy

The Gateway Programme

On 29 October 2001, the UK Home Office Minister, David Blunkett, made a statement in the House of Commons regarding the UK's intention to expand its resettlement activities. The UK Govt. announced in February 2002 the creation of a formal resettlement plan with a total (ie including dependants) quota of up to 500 per year which will augment the existing Mandate and Ten or More resettlement schemes. The Plan has been named the Gateway Protection Programme (the Gateway).

The Gateway became operational in April 2004. It aimed to process approximately 100 cases (individuals and families) during the first year, increasing capacity to fulfil the 500 placements gradually over ensuing years.

The Mandate and Ten or More Programme

For many years, the UK has worked with the UNHCR to identify and process a small number of refugees requiring resettlement. This has been achieved by using its Mandate or Ten or More Schemes. These schemes have been used to process approximately 120 persons a year for resettlement to the UK, including dependants.

The mandate scheme has been used to mainly bring family members of settled persons to the UK. The Ten or More Plan is a scheme established by the UNHCR in 1973 for the resettlement of disabled refugees in need of medical attention unavailable in their present country of refuge. The aim of the programme is for a host country to accept ten or more refugees, plus their families, annually.

Both programmes are administered on behalf of UNHCR, by the British Red Cross and referrals must be submitted via the Red Cross.

2. Criteria for Refugee Status Eligibility and Asylum

A person applying for asylum will be granted asylum if the following conditions are met:

1. She/he is in the United Kingdom or has arrived at a port of entry in the United Kingdom; and
2. She/he is a refugee as defined by the 1951 Refugee Convention and Protocol; and
3. Refusing her/his application would result in her/him being returned in breach of the Convention and Protocol, to a country in which her/his life or freedom would be threatened on account of one of the Convention reasons.

People who do not meet the above requirements may be offered Humanitarian Protection or Discretionary Leave if returning them to their country of origin would violate their human rights under the European Convention on Human Rights or where humanitarian circumstances require. Such a person may be granted Humanitarian Protection if he would face the death penalty, unlawful killing, torture, inhuman or degrading treatment or punishment on return, or Discretionary Leave if the person's other human rights may be violated on return or where humanitarian circumstances require. Limited leave is granted in both cases, and an active review of a person's circumstances will take place if further leave is sought.

3. Criteria for Resettlement

A. Mandate Refugee Programme

In order for a person to be resettled to the UK under this Programme, he or she must be a mandate refugee. A mandate refugee is a person in their own country, or in a third country, who has been recognised as a refugee by, and given protection by UNHCR. Such a person may also be recognised as a refugee and given asylum by a host country without this affecting their mandate refugee status.

The applicant **must** have close ties with the UK. These ties may either be close family members, or a history of time spent in the UK, for example, as a student. Close family members are normally limited to:

- spouse
- children under the age of 18 years old
- parents/grandparents over the age of 65

The family members in the UK do not need to have been accepted as refugees, but must be settled here or have limited leave in a category leading to settlement. This includes family members in the UK who have been granted Humanitarian Protection or Discretionary Leave. Family members who are in the UK in a temporary capacity (for example, visitors, students, those seeking medical treatment) would not normally provide the mandate refugee with a close tie with the UK*.

**Highlighted section is under review.*

In exceptional circumstances, the following members may meet the requirement or a close tie with the UK:

- parent/ grandparent (in the singular) under the age of 65
- family members aged 18 or over: son, daughter, sister, brother, uncle and aunt.

No other categories of family relationship will meet the close tie requirement.

In some cases, there are compassionate circumstances sufficient enough to warrant consideration of the exercise of the Home Office's discretion. Such cases are referred to a special casework team to maintain consistency of approach

B. The Ten or More Programme

The cases are judged against several criteria, the three most important being that:

- the refugee must fall under UNHCR's mandate
- s/he must have a severe disability to which s/he is not well adjusted, for which treatment and/or rehabilitation is not available in the first country of asylum;
- s/he falls outside all regular resettlement criteria.

Definition of the term "disabled"

The definition of the term "disabled" is a fairly broad one and caseworkers can therefore expect to receive cases involving for example invalidity, ill health, mental disability and/or illness, alcoholism, and survivors of torture or other violence who are suffering from the physical and/or psychological consequences.

C. The Gateway Protection Programme

Gateway (defined earlier in document) is operated by the Immigration and Nationality Directorate (IND) of the United Kingdom Government. The International Asylum Policy Unit (IAPU) is the section of the Home Office that is responsible for identifying caseloads, organising missions and managing the policy of decisions on Gateway applications. The Refugee Integration Section maintains oversight and management of the programme and quota once the resettled refugees have arrived in the UK.

The UK works in accordance with the UNHCR's resettlement criteria as laid out in the Handbook. To qualify for resettlement in the UK, applicants should have been assessed as a refugee within the 1951 Refugee Convention and Protocol.

The UK has additional criteria outlining that the applicant (and his/her dependants) must co-operate with UK officials and any other body involved in the UK programme; be committed to supporting themselves and their family (with support and training); not be in a polygamous marriage; and not have an active application lodged for the Mandate scheme or Ten or More plan.

The UK also looks at whether the programme is able to meet the resettlement needs of the applicant and their dependants; whether resettlement of the applicant and their dependants in the UK would not be conducive to the public good. The UK process also seeks to establish whether resettlement to the UK may be contrary to the best interests of the applicant, or their dependants.

Where the applicant does not qualify for the Gateway programme, but where compelling compassionate circumstances exist, there is provision that the Home Secretary can exercise his discretion to admit an applicant outside of the criteria. This also applies to health screening results.

An applicant's spouse and minor children, not declared on the RRF to UNHCR or to IND officers at the point of referral and interview, cannot apply to be recognised as the principal applicant's dependants subsequent to the decision on the principal applicant's resettlement application*.

All applicants are health screened before a decision is made on their case. Resettlement will not routinely be offered to applicants, or dependants, with HIV/AIDS, Multi-Drug-Resistant-TB, or established renal failure.

**(Undeclared dependant's applications are under review)*

4. Resettlement Allocations / Processing Priorities

A. Mandate Refugee Programme

Not applicable.

B. The Ten or More Programme

The number of cases accepted by the UK government is approximately ten in any given calendar year. As these cases normally involve refugees facing some risk to their well-being in their country of refuge, they should be given priority.

C. The Gateway Protection Programme

The number of arrivals to the UK through the Gateway protection programme is limited by an annual quota, the level of which is established by Ministers each year having considered the resources available, need for resettlement globally, and impact on local services in the UK.

Successful applicants and their dependants who *arrive* in the UK through the resettlement programme before the end of the financial year (1st April to 31st March) are counted against the quota. No more than 500 people will be resettled for the financial year 2004/05. No unused portion of the quota can be rolled-over to the following year.

5. Admissibility for Resettlement

A. Mandate Refugee Programme

see paragraph 3 : Criteria for Resettlement

B. The Ten or More Programme

see paragraph 3 : Criteria for resettlement

C. The Gateway Protection Programme

Security

Security screening and refusal on the grounds that admission to the UK would not be conducive to the public good - Security screening will be conducted for the principal applicant and dependants, and they will also be considered against the exclusion provisions in the Refugee Convention.

If there is reason to suspect that the applicant, or dependant has been a combatant, checks will likely be made with relevant authorities to ensure that the applicant is not wanted for war crimes, or otherwise in connection with their military service.

6. Submissions and Processing via Dossier Selection

A. Mandate Refugee Programme

6.2. Routing of submissions

6.2.1 Referrals by UNHCR

Mandate refugees are normally nominated for resettlement by UNHCR. The administration of such referrals is undertaken by the British Red Cross (BRC) on behalf of the UNHCR. *The BRC receives resettlement cases from UNHCR Geneva. After assessing the case, verifying the family's status in the UK and confirming that the family is willing to have the refugee join them, BRC submits the case to a specific casework team at the Asylum Policy Unit of the Home Office.*

6.2.2 Referrals by a British Post Abroad

Occasionally, a case for resettlement is referred by a British Post abroad directly to the Home Office as part of a formal entry clearance application. In such cases, the caseworker will confirm with UNHCR London that the applicant has been recognised as a mandate refugee as claimed.

6.2.3 Self referrals

Exceptionally, the Home Office will consider individual applications from a mandate refugee who is overseas and wishes to be resettled to the UK. Such an application will be considered outside the UK Immigration Rules and on a discretionary basis.

6.3. Decision Making Process

Once a case has been referred by either the BRC or British post, consideration is given to the applicant's circumstances in the present country of refuge, and whether or not the UK is the most appropriate country for resettlement. An applicant's circumstances may include such matters as his local integration prospects, his living conditions, whether there are any physical protection needs, and whether there are any close relatives in other countries apart from the UK. It may be that there is a case for the applicant to remain where he or she is, or there is a case for resettlement outside the present country of refuge to another safe third country. In addition to this, the applicant **must** have a close tie with the UK as defined in Section 3 'Criteria for Resettlement'.

6.3.1 Acceptance of an application made via British Red Cross

Once an application is accepted through a BRC referral, the Home Office will inform the British Red Cross of its decision in writing. At the same time, the Home Office will inform the nearest British diplomatic post to enable them to issue the entry clearance visa to allow the applicant to travel to the UK. The visa will be endorsed with the stamp HO/HOref/settlement so that the applicant will qualify for refugee status on their arrival in the UK.

The address of the British Red Cross is:

British Red Cross National Headquarters
9 Grosvenor Crescent
London
SW1 7EJ

6.3.2 Acceptance of an application made from a British Post abroad

The current API refers to fact that caseworker should follow guidance in the instruction on Implementation.

6.3.3 Refusal of an application made via the British Red Cross

If the Home Office refuses an application, it will advise the British Red Cross in writing of its decision and provide reasons for the refusal. There is no right of appeal to this decision, because such applications are made outside the UK Immigration Rules.

6.3.4 Refusal of an application made from a British Post abroad

If the Home Office refuses an application, it will advise the British Post abroad of the outcome in writing and provide reasons for the refusal. There is no right of appeal against this decision.

6.4. Processing Times

These cases attract priority because they normally involve refugees facing some threat to their safety or well-being in their present country of refuge.

6.5 Applications for resettlement after arriving in the UK

A mandate refugee may not apply for resettlement in the UK after arrival. Any application for resettlement would be taken for an asylum claim and would be considered under the 1951 Convention.

6.5.1 Decision Making Process

In-country applications will be considered under the 1951 Refugee Convention and not the criteria relating to applications referred from a British post abroad. The Home Office will confirm with UNHCR London that the applicant has been recognised as a mandate refugee as claimed.

UNHCR may provide an opinion or information in support of the mandate refugee's application, and this may be taken into consideration when assessing the claim, although it is not binding.

If an in-country asylum application is refused, the Home Office will notify the applicant of its decision in writing and provide its reasons for refusal. The applicant will then have a right of appeal to an independent body.

B. The Ten or More Programme

6.1 Case Documentation

6.1.1 Assessing Applications

All applications for acceptance under the scheme are assessed by the UNHCR Headquarters in Geneva.

Consideration of the case should usually be limited to an assessment of

- the severity of the disability; and
- the applicant's circumstances in the present country of refuge; and
- whether the UK is the most appropriate country for resettlement
- e.g. does the applicant have stronger ties in another country where the medical facilities would be on a par with those in the UK.

The applicant must have close ties with the UK - usually immediate close family, but also possible history (e.g. periods spent here as a student). The family members in the United Kingdom do not need to have been accepted as refugees but must be settled here or have limited leave in a category leading to settlement and this includes family members here under the Humanitarian Protection or Discretionary Leave provisions. Those who are here in a temporary capacity (e.g. visitors, students, for medical treatment etc) would not normally provide the applicant with a close tie with the UK.*

**Highlighted section is under review.*

For the purposes of clarifying what constitutes close family the categories are:

- spouse
- children (minor's)
- parents/grandparents over 65

Exceptional Circumstances

The following family members will only meet the close ties requirement in exceptional circumstances:

- parent/grandparent (in the singular) under 65
- family members aged 18 or over: son, daughter, sister, brother, uncle, aunt

6.2 Routing of Submissions

Resettlement Registration Forms are forwarded by relevant field offices to UNHCR Geneva Resettlement Unit. UNHCR Geneva then conveys the RRF to the British Red Cross (BRC). BRC verifies whether there are sufficient housing support/arrangements for the applicant. If yes, the RRF is then forwarded to the UK Government (Home Office) for final decision. If the Home Office issues a positive decision letter, the BRC informs UNHCR Geneva of that fact. UNHCR assists the applicant, at whatever field office, to attend the nearest UK embassy and to obtain visas and travel documents.

6.3 Decision-Making Process

6.3.1. Acceptance

Applicants accepted under the scheme qualify for refugee status on their arrival in the UK.

6.3.2 Refusals

A request for resettlement under the scheme can be refused on security grounds or because of a serious criminal record or simply because the disability is not considered serious enough to warrant resettlement. However the Home Secretary has discretion to admit someone for resettlement where they don't qualify under the 10 or more programme on compassionate grounds.

C. The Gateway Protection Programme

The United Kingdom does not, at present, conduct dossier selections. Each applicant is interviewed by a United Kingdom official via an organised mission.

7. Submissions and Processing via In-Country Selection

A. Mandate Refugee Programme

Not applicable.

B. The Ten or More Programme

Not applicable.

C. The Gateway Protection Programme

7.1 Case Documentation

Once IND and UNHCR have agreed a region and a group case allocation taking into account the need for resettlement and profile of the suggested caseload, UNHCR field offices prepare RRFs in consultation with UNHCR HQ Resettlement Unit. The Home Office considers the RRFs pre-mission to ensure all necessary information is included and makes an initial assessment on the application. At this stage it is particularly important for the RRF to provide detailed information about the applicants' flight from their country of origin and how they would meet the UK criteria in this regard.

7.2 Routing of Submissions

RRFs are referred to IND only by UNHCR. Applications cannot be made direct to UK embassies or high commissions abroad.

RRFs should be forwarded from UNHCR Geneva to IND at least one month before the selection mission. This will give a reasonable amount of time before the mission to allow caseworkers to make a full initial assessment and for preparation to be completed.

7.3 Decision-Making Process

A UK Home Office official will interview all principal applicants and their dependants to assist the IND UK-based Caseworker in making their decision. The interview will be used to supplement the information given in the RRF as well as to gather information regarding integration and support needs.

Child dependants will generally only be interviewed to verify their relationship with the principal applicant, and to confirm integration needs. Interviews with children will be conducted by members of staff who have undertaken specialist training, and will be undertaken in the presence of another adult. In the first instance, this will be the principal applicant.

Medical screening is carried out in the field by partner agencies. (see also Section 11 below). The results of the medical screening can take up to three months to receive; IND is unable to make any decisions without these results. The final decision is made by caseworkers in IND taking into account the interview, health and security screening.

IND will send a decision letter to the applicant via UNHCR to confirm whether they have been accepted. If the applicant has been refused, IND will send a decision letter to UNHCR briefly outlining the reasons.

7.4 Recourse Processing

There is no right of appeal against a decision to refuse an application for resettlement. However, if an applicant's circumstances change or if additional information comes to light that was not previously available, UNHCR may re-submit a case for reconsideration.

7.5 Processing Times

The time required to process a resettlement application could vary. IND requires around one month between the submission of the RRF referral until the time of the selection mission. Following the selection mission, it could take up to three months to receive the results of the medical screening. Once an applicant has been accepted for resettlement agencies in the UK require at least 6 weeks between date of decision and date of arrival in the UK to ensure reception arrangements are ready.

8. Emergency Cases

Owing to the United Kingdom being in the early stages of its resettlement programme we are not accepting emergency cases. This will be reviewed when procedures and integration arrangements become more established.

9. Special Categories/Refugees with Special Needs

9.1 Refugees with Medical Needs

The United Kingdom conducts medical screening of all Gateway resettlement cases and their dependants (see Section 11 below). Certain medical conditions are given special consideration and a decision is made on a case by case basis after reference to ministers.

If accepted, preparations for medical treatment are made in conjunction with local authorities and non-governmental organisations within the UK responsible for resettlement integration.

9.2 Survivors of Violence and Torture

Assessment of individuals who are survivors of violence and torture are conducted as part of the normal process.

It is important that UNHCR referral forms are as explicit as possible in respect of the refugee's mental disturbances as a result of violence or torture, so that preparations for assessment of potential treatment can be made.

The United Kingdom, as part of its integration programme, also offers an initial counselling session to all arrivals under the Gateway programme. This can followed up with further sessions if necessary.

9.3 Women at Risk

There is no specific programme for women-at-risk. However assessment of special needs are made pre-departure to ensure that women-at-risk are housed appropriately and given suitable support, including counselling.

9.4 Children

At present the UK is not taking unaccompanied children as part of its Gateway programme.

9.5 Elderly

Referrals of elderly persons will be considered on a case by case basis, taking into account special needs relevant to integration if their settlement application is accepted.

10. Family Reunion of Refugees

N.B The UK policy on family reunion cases is under active review and all information stated below is given on a without prejudice basis. Any updated policy on Family Reunion will be available on the IND web-site.

10.1 Policy concerning Family Reunion of Refugees

The UK has, for many years, maintained a policy of allowing the refugee's spouse and dependant children under the age of 18 years old to join him or her in the UK. This long-standing policy has now been incorporated into the UK's Immigration Rules.

10.2. Criteria for Family Reunion

The spouse and dependant minor children of a Convention refugee who formed part of the family unit prior to the time the sponsor fled to seek asylum will be eligible for family reunion. Other family members may also be eligible if there are compelling, compassionate circumstances.

Persons who have not been recognised as Convention refugees but who are resettled in the UK under the Gateway programme on a compelling compassionate basis are granted indefinite leave to remain.

Applications received for family reunion from dependants of individuals falling into this category will be dealt with on an individual case basis until further guidelines are published.

N.B. A spouse is the husband or wife of the recognised refugee. A minor is a child under the age of 18 years.

Normally only pre-existing families are eligible for family reunion. This means that the spouse and minor children must have formed part of the family unit prior to the time the sponsor fled to seek asylum. However the United Kingdom will also give consideration to those cases that do not strictly fit this criteria.

Other members of the family (for example, elderly parents, siblings, and adult children) do not qualify for family reunification unless there are sufficient compelling and compassionate circumstances.

Family reunion may also be refused if family members fall within the terms of one of the exclusion clauses in the 1951 Refugee Convention.

10.3 Routing of Applications

Family reunion applications for entry clearance to the UK must be made at the nearest or designated British post overseas.

10.4 Verification of Relationships

Once an application for entry clearance has been submitted under the Family Reunion provisions, the applicant will normally be invited to attend an interview with the Entry Clearance Officer (ECO). The purpose of this interview is to verify the relationship of the family members to the sponsor in the UK.

The ECO may request DNA tests to be carried out in respect of verifying a relationship.

10.5 Processing and Decision-Making

The processing times will vary from post to post and will depend on the complexity of the case, current interview waiting times and the volume of applications being processed.

The ECO will check the status of the sponsor in the UK with the Home Office. On condition that the application is accepted an entry clearance will be granted that will give the same entry conditions as the principal applicant in the United Kingdom.

Should the family members have no travel documents, and cannot approach the authorities because the sponsor is wanted by them, entry clearance officers may be able to issue a one-way identity document called a "GV3" which is valid for travel from most countries to the UK with entry clearance.

If the application to join a resettled person is not to be immediately issued at post it will be referred to the Home Office. IND officers will then decide whether there are any compelling compassionate circumstances that merit issue of an entry clearance to join the resettled person in the UK.

If an application is refused, the family member has a right of appeal against the refusal of entry clearance under Section 82 Nationality Immigration and Asylum Act 2002. An appeal has to be lodged with the Entry Clearance Post within 28 days of the notice of decision

A. Mandate Refugee Programme

Once the applicant has been accepted for resettlement and recognised as a refugee, the immediate family members may apply to join the applicant under the UK's Family Reunion Provisions. See separate section on Family Reunion.

B. The Ten or More Programme

Not applicable.

C. The Gateway Protection Programme

Not applicable.

11. Medical Requirements

N.B. Policy on medical screening and acceptance of cases stated below are currently under active review

The International Office of Migration is currently contracted to conduct health screening of all proposed UK Gateway cases. The results of the medical screening can take up to three months to receive.

Resettlement will not normally be offered when, in the opinion of the medical examiner, the individual has a disease or illness, which, for the individual's own health, or for public health reasons, currently precludes travel, or requires treatment before travel. Resettlement may be offered to such individuals once, in the opinion of the medical examiner, this ceases to be the case.

Gateway applicants who have been diagnosed with HIV/AIDS, Multi-Drug-Resistant-TB, or established renal failure will not, usually, be offered resettlement for reasons of public health. However there may be cases where there are compelling compassionate circumstances which merit the exercise of the Home Secretary's discretion to admit persons for resettlement outside the Gateway criteria.

A. Mandate Refugee Programme

People who intend to remain in the UK for more than 6 months (for any reason) will normally be referred for a medical examination.

Additionally an Entry Clearance Officer has discretion to refer any other person for an examination if necessary.

The costs of any examination must be borne by the applicant, including when their Entry Clearance/ GV3 is/are issued free of charge.

B. The Ten or More Programme

Not applicable.

C. The Gateway Protection Programme

Not applicable.

12. Travel

Travel is co-ordinated by IOM and paid for by the UK Home Office. Travel is organised once arrangements in the reception area are finalised. IND liaises with the local UK Embassy and UNHCR Branch Office to ensure all travel documentation is prepared. Successful Gateway applicants will usually travel on a one way GV3, which is retained by the IND on arrival in the UK.

Accepted Gateway cases will travel in small groups of around 20 from their current country of residence to the UK. Directly before their departure they take part in a cultural orientation lasting one week. For resettled refugees from within West Africa, this programme is carried out in Accra, Ghana.

A. Mandate Refugee Programme

Travel arrangements to the UK are made either by the UK sponsor or through UNHCR in exceptional circumstances where there are no other financial means available.

In cases referred by the BRC, the BRC will arrange for the applicant to receive the travel documents, endorsed by the Home Office for settlement in the UK. In other cases, the British post will provide the necessary travel documents to the applicant for their journey to the UK.

B. The Ten or More Programme

UNHCR and IOM co-ordinate logistical and travel details as appropriate to the existing arrangements where the applicant is located.

C. The Gateway Protection Programme

Not applicable.

13. Status on Arrival in UK

Leave to enter the United Kingdom under the Gateway programme is provided exceptionally, outside the Immigration Rules.

All accepted resettlement cases will be granted indefinite leave to enter on arrival in the UK. In addition, those applicants who meet the criteria of the 1951 Convention will qualify for refugee status on their arrival in the UK.

A. Mandate Refugee Programme

On their arrival, the applicants will qualify for refugee status and be granted Indefinite Leave to Remain. Following their arrival, the BRC will make requests to the Home Office for the applicants to receive their letters confirming their status.

B. The Ten or More Programme

Applicants accepted under the scheme qualify for refugee status on their arrival in the UK.

C. The Gateway Protection Programme

Not applicable.

14. Domestic Settlement and Community Services

14.1 Actors

The Gateway Protection Programme is the official name given to the UK's resettlement programme. The Scheme is a partnership between UK Government, UNHCR and Non-Government Organisations (NGOs).

14.2 Reception

Resettled individuals are met upon arrival at a port of entry and transported to temporary accommodation. Upon arrival, sponsoring agencies are responsible for ensuring that primary basic needs are met: food, toiletries, additional clothing (where necessary), a small amount of money and a briefing pack (providing practical information). After a period of approximately 2/3 days they are transported to their permanent accommodation and given two weeks living costs.

14.3 Beginning Settlement (Basic needs of life/Referral to Settlement Services/Orientation Materials/Community Information and Orientation/Interpretation and Translation)

Following the arrival of successful Gateway applicants at their long-term accommodation, additional support is provided in the form of: information on their local community, access to local services and regional orientation. The aim is to assist those newly arrived on the programme to settle and adapt to their new communities.

14.3 Housing

Upon arrival to the UK resettled persons under the Gateway programme are provided with furnished accommodation for up to 12 months, or until they become self-supporting, whichever comes first.

14.4 Health

Health screening will be conducted for all Gateway applicants and their dependants before a decision is made on their resettlement application. Some health information will be included for the benefit of the Primary Care Trust in which the resettled refugee will be living. Once in the UK resettled refugees have access to health care and services under the same conditions as nationals.

14.5 Language Training

Language training is provided, as part of the Cultural Orientation Programme prior to their arrival in the UK. In addition to this further guidance and information, on available English language courses, is offered as part of their long-term resettlement.

14.6 Education

Education for between the ages of 5 and 16 year is compulsory. Resettlement refugee children are given the same access to education as nationals. Information is also given on facilities and services for pre-school and under five years.

14.7 Vocational Training and Employment

Resettled refugees have the same access to vocational training and employment as nationals.

15. Reference Materials

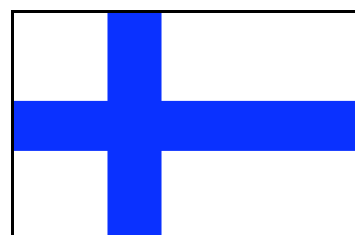
Further information on the UK's Gateway Protection Programme can be found in policy guidance published www.ind.homeoffice.gov.uk

**COUNTRY
CHAPTER**

FIN

FINLAND

BY THE GOVERNMENT OF FINLAND



1. Resettlement Policy

Finland has been receiving refugees on UNHCR's proposal since 1979. In connection with the handling of the State budget Parliament decides annually on the resources for admitting quota refugees to Finland and on the annual number of quota refugees. Since the year 2001, the annual number of quota refugees has been 750.

The largest refugee groups admitted to Finland under the refugee quota have been Iraqis, Iranians and since the year 2000 also Afghans. Building larger communities of a particular nationality on the local level is considered beneficial, which is why Finland wishes to find continuity in its resettlement activities as far as resettlement needs still exist.

The Finnish Aliens Act (in force since 1 May 2004) lays down the definition of 'refugee quota' and the requirements and procedures for admitting aliens to Finland under the refugee quota.

The Act on the Integration of Immigrants and Reception of Asylum Seekers entered in 1999 into force. In Finland immigrants are encouraged to integrate in their new home country. This is implemented through individual integration plans and integration programs for resettling municipalities. The newcomers are permitted to an integration plan for the first three years, during which they acquire knowledge and abilities needed in the Finnish society

2. Criteria for Refugee Status Eligibility and Asylum

An alien who has spontaneously entered Finland and applies for asylum is granted asylum if he or she meets the requirements laid down in section 87 of the Aliens Act. The wording of this section is virtually identical to the definition in the 1951 Convention, omitting the territorial and temporal limitations. An alien residing in Finland will be granted asylum if, owing to well-founded fear of persecution for reasons of ethnic origin, religion, nationality, membership of a particular social group or political opinion, he or she resides outside his or her country of origin or habitual residence and if, owing to such fear, he or she is unwilling to avail him or herself of the protection of the said country.

Under section 106 of the Aliens Act refugee status is also granted to an alien who has been admitted to Finland for resettlement under the refugee quota on the basis of refugee status. Refugees admitted to Finland under the refugee quota on UNHCR proposal are all granted convention status. This is why Finland expects those that are proposed to have a strong need of protection against the country of origin. As regards people other than those whom UNHCR has proposed, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them convention/refugee status.

Furthermore, under section 106 of the Aliens Act, refugee status will be granted to an alien who has been issued a residence permit on the basis of a family tie if he or she is a family member of an alien who has been granted asylum in Finland or of a refugee admitted to Finland under the refugee quota, and if he or she is to be regarded as a refugee. (See section 10)

3. Criteria for Resettlement

The conditions for admitting of aliens for resettlement under the refugee quota are laid down in section 92 of the Aliens Act.

The first condition is the alien's need for international protection with respect to his or her home country. Account should be taken of the same factors as are taken into consideration when the need for international protection is determined within the asylum procedure.

The second condition is the alien's need for resettlement with respect to the country where he or she is residing. The need for resettlement is apparent if the person is threatened with return to his or her country of origin or with arbitrary arrest or imprisonment in the first country of asylum. Next on the list of people in need of resettlement are survivors of violence and torture and people in need of resettlement for medical reasons. Women, particularly single women and single parents, often find themselves in a more vulnerable position than other alien groups in the country of asylum owing to the lack of social and ethnical pillars. When considering resettlement, attention is paid not only to women but also to the need for reunification of families and to the special needs of children, adolescents and elderly refugees.

Resettlement may also be considered for refugees who are not in need of resettlement for reasons of immediate protection but who find it difficult to establish themselves in their country of asylum in a manner appropriate to their cultural, social, religious or educational background. In such cases a further condition for resettlement is, however, that there are places available in the quotas that are not needed for those in need of immediate resettlement.

The third condition is that the conditions for reception and integration in Finland have been assessed.

The fourth condition is that the issue of a residence permit is not prevented by reasons relating to public order and security, public health or Finland's international relations.

4. Resettlement Allocations / Processing Priorities

Under section 91 of the Aliens Act, the Ministry of Labour prepares in cooperation with the Ministry for Foreign Affairs and the Ministry of the Interior a proposal on the areas from where quota refugees are admitted to Finland. UNHCR's proposal to Finland and discussion conducted with UNHCR form the basis for the preparations.

The final decision on the territorial allocation of the refugee quota is made at the ministerial level. The decision states the areas from where refugees are admitted to Finland and the number of refugees to be admitted from each area.

5. Admissibility for Resettlement

See Section 3 on the criteria for resettlement.

6. Submissions and Processing via Dossier Selection

As an exception to the normal procedure, in emergency and urgent cases aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota. See section 8 on emergency cases.

Dossier selection in other than emergency and urgent cases is possible but has traditionally not been used.

7. Submissions and Processing via In-Country Selection

7.1 Case Documentation

The procedure is started on the basis of documents submitted by UNHCR. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police make a pre-selection in Finland.

Already at this stage comprehensive and reliable information relating to the need for resettlement, data on all family members as well as information on the refugee's integration potential should be available.

7.2 Routing of Submissions

UNHCR sends all documentation (RRF's) to the Ministry of Labour, which forwards copies of the documents to the Directorate of Immigration and to the Security Police. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police review the documentation and jointly select the cases for personal interviews. When necessary, health care services are consulted on medical needs and possibilities of treatment as regards ill and disabled persons.

7.3 Decision-Making Process

During selection missions, applicants are interviewed by officials of the Ministry of Labour or its administrative sector, the Directorate of Immigration and, if necessary, officials of the Security Police. Directly after selection interviews, the members of the selection mission prepare a tentative list of those who will probably be admitted to Finland. At the end of the selection mission, the list is given to the competent field office of UNHCR.

In Finland, the Directorate of Immigration decides on issuing of a residence permit to an alien to be admitted to Finland under the refugee quota, after obtaining a statement from the Security Police. UNHCR, the Ministry of Labour and the Finnish mission concerned are informed of the decision.

7.4 Recourse Processing

A decision on issuing a residence permit to an alien to be admitted to Finland under the refugee quota may not be appealed. As a rule, a case that has been rejected once will not be re-examined. Re-examination will only be possible if new, significant information on the refugee's background or circumstances can be presented or if considerable deterioration has taken place regarding his or her health.

7.5 Processing Times

The pre-selection of cases to be interviewed is normally done within three weeks of receiving the UNHCR submission documentation. After the selection mission, the Directorate of Immigration normally decides on quota cases within two months of the mission.

8. Emergency Cases

In emergency and urgent cases, aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota.

The emergency resettlement submission is sent by UNHCR to the Ministry of Labour, which forwards it to the Directorate of Immigration with its statement, which focuses on the integration potential of the refugee. As regards cases presented as medical emergencies, the Ministry of Labour consults with a physician to establish the treatment possibilities in Finland, and assigns the refugee to a municipality that can offer the necessary treatment.

The Directorate of Immigration decides on issuing a residence permit to an alien to be admitted to Finland under the refugee quota. It may request a statement from the Security Police. A copy of the decision is sent to UNHCR, to the Finnish mission concerned and to the Ministry of Labour. Travelling arrangements are made in co-operation with IOM.

Emergency cases are normally decided within 5 workdays and urgent cases as quickly as possible.

9. Special Categories

Finland has no separate quotas for special categories but they are included in the normal quotas.

When the refugees already residing in Finland appeal on behalf of their relatives' acceptance on some special grounds, the relatives are always advised to contact the respective UNHCR office in the country of their residence and ask if their case could be submitted to Finland by UNHCR. Finland does not ask for these cases but the submission should always come from the UNHCR.

The Act on the Integration of Immigrants was drawn to promote equal opportunities of immigrants. Each immigrant draws up an individual integration plan in collaboration with the authorities of the resettling municipality. These plans take into account the situation of the refugee concerned and his/her individual and family needs. This is especially important for refugees representing special categories, like Women at Risk or Elderly. While the immigrant carries out the integration plan and does not obtain a salary the subsistence is guaranteed by means of an integration allowance.

9.1 Refugees with Medical Needs

It would be desirable to obtain as accurate and up-to-date medical statements as possible in order to be able to estimate whether these cases can be treated in Finland within humanitarian time-limits taking into account the best interest of the refugee.

9.2 Survivors of Violence and Torture

The UNHCR submissions forms should be as explicit as possible in respect of the refugee's eventual mental disturbances as a result of violence or torture, so that the preparations for his/her referral to correct treatment could be made as early as possible. The normal municipal mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them.

The normal health care system provides the medical treatment and rehabilitation needed in case of physical traumas caused by violence and torture.

9.3 Women at Risk

Single women and single mothers are received in localities where they already have possible connections, or they are placed in other communities where they can get support from other women but not become objects of special attention. Women's possibilities to participate in integration training and to acquire language skills are being supported by organising suitable day care for the children.

9.4 Children

As a rule, the children resettled in Finland have entered the country either with their parents or with other relative families. Among the quota refugees, Finland has received only a few minors without accompanying parents. At the initial stage of their resettlement, unaccompanied minors have been placed in family community homes.

9.5 Elderly

Most of the elderly arriving in Finland among the quota refugees have come among larger family entities, a fact that makes it easier for them to adapt to the new environment. However, their language skills often remain insufficient for active contacts with society outside the family.

The elderly refugees are not entitled to receive the pension immediately after their arrival, since the pension is dependent on the period of stay in the country. However, they can receive integration allowance or the corresponding living allowance from their municipality of residence. Integrative measures adapted to the needs of elderly persons are organised by municipalities and NGOs.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

Under section 114 of the Aliens Act, a residence permit is issued on the basis of a family tie to a family member of a refugee who is residing in Finland or who has been

issued a residence permit to move to Finland, unless there are reasons relating to public order, security, public health or Finland's international relations. In cases where issues relating to public order, security, public health or Finland's international relations come up, a decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

As a family member (section 37 of the Aliens Act) of a person residing in Finland are regarded his or her spouse, as well as an unmarried child under 18 years of age whose guardian the person residing in Finland is. If the person residing in Finland is a minor child, his or her guardian is regarded as a family member. A same sex spouse is regarded as a family member if the relationship has been registered.

Also, people who continuously share a household and cohabit in a relationship resembling marriage are regarded as spouses. A requirement for this is that they have cohabited for a minimum of two years, except if they have a common child.

Under section 115 of the Aliens Act, a residence permit is issued to a relative of a refugee other than a family member if refusing a residence permit would be unreasonable because of the intention of the persons concerned to continue previously established family-life, or if the relative concerned is totally dependent on the refugee residing in Finland. In cases where issues relating to public order, security, public health or Finland's international relations come up, the decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

10.2 Criteria for Family Reunification

See Section 10.1

10.3 Allocations for Family Reunification

Family reunification cases as described in section 10.1. are not included in resettlement allocations

10.4 Routing of Applications

See Section 10.6.

10.5 Verification of Relationships

The applicant must present adequate evidence of his or her identity and family connection. The Directorate of Immigration decides what kind of evidence may be regarded as adequate. Parties may be orally heard and statements of social and health care officials may be requested. Parties may be given an opportunity to verify the family tie through a DNA-test sponsored by the Finnish State.

10.6 Processing and Decision-Making

The procedure for applying for a residence permit on the basis of a family tie is laid down in sections 62-65 of the Aliens Act.

A family member residing abroad may lodge an application for a residence permit on the basis of a family tie at a Finnish mission. A family member already residing in Finland may lodge an application on behalf of the alien abroad at a local police station in Finland.

The Directorate of Immigration decides on issuing of a residence permit on the basis of a family tie to a family member of a refugee. Parties are given an opportunity to be heard before the decision is made. Parties may be orally heard by the police, the Finnish mission or the Directorate of Immigration. Statements of social or health care officials may be requested before the decision is made.

Once the Directorate of Immigration has issued a residence permit on the basis of a family tie, the Finnish Red Cross will contact IOM for travel arrangements and organize the reception of arriving family members in collaboration with the receiving municipality.

11. Medical Requirements

The processing of the cases and the preparation of the reception at municipality level is facilitated if the information about the health status and specific health care needed by the refugees is as up-dated as possible.

No general medical control is necessary prior to the admittance.

12. Travel

Once the Directorate of Immigration has decided on the residence permits, the Ministry of Labour will inform UNHCR and the respective Finnish diplomatic mission about the municipalities in which the refugees are resettled and the timetable in which the municipalities are prepared to receive them. The IOM office in the respective country will make the practical travel arrangements and invoice later for the flights.

IOM is asked to book the flights to the final destination of the refugees and IOM Helsinki assists the IOM in the respective country by booking the domestic flights after getting the authorisation from the IOM office abroad. The Finnish Red Cross will receive the refugees at the airport and will be informed about the timetables by IOM.

When necessary, the respective Finnish diplomatic missions will issue the temporary (group) travel documents and stamp the residence permits.

13. Status on Arrival

Refugees as defined by UNHCR who are admitted to Finland under the refugee quota are granted refugee status. As regards people admitted to Finland under the refugee quota other than those whom UNHCR considers refugees, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them refugee status.

A family member of a refugee is normally issued the same status. If the situation of a family member, however, is not comparable to the situation of the refugee (he or she may, for example, be of another nationality), refugee status may not be granted.

An alien admitted to Finland under the refugee quota may be issued a permanent residence permit after 4 years after the arrival in Finland.

Changes in residence permits will be possible in situations provided by the Aliens Act, if the ground for residence changes.

Citizenship may be granted on application after four years' residence in the country.

The provisions on the application of the cessation clause are laid down in section 107 of the Aliens Act. Refugee status will be withdrawn, if the person:

1. voluntarily re-avails him or herself of the protection of the country of his or her nationality;
2. having lost his or her nationality, voluntarily re-acquires it;
3. acquires a new nationality and is able to enjoy the protection of the country of his or her new nationality;
4. voluntarily re-establishes him or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or evidently no longer stands in need of protection as the circumstances which caused him or her to be a refugee no longer exist.

The Directorate of Immigration makes decisions on the cessation of refugee status. In very few cases where it has been stated that the refugee status has ceased, the person concerned has been allowed to stay in Finland with a different residence permit, because of the existing ties to Finland. Under the Act, it is possible to deport, for example, an alien who is found to be guilty of a serious crime and whose refugee status has ceased. Cases like this are rare. All cases are decided individually, and all the details that have appeared in a case are weighed in their entirety.

14. Domestic Settlement and Community Services

14.1 Actors

In collaboration with the regional administration, the Ministry of Labour will settle the selected refugees to the municipalities that have made a reception decision.

At the municipality level, various administrative sectors collaborate to organise the practical reception, and various voluntary organisations serving both nationals and immigrants take part in the initial reception in the municipalities.

14.2 Orientation

Since 2001 Finland has been arranging 3-day cultural orientation courses for Finland-bound refugees before their departure to Finland. These courses have been bought from IOM.

All the accepted refugees above 15 years of age attend the courses which include e.g. basic information about Finland, reception procedures in municipalities, rights and duties of refugees and also practical exercises on using the public services, shopping etc. Also some basic phrases in Finnish are taught.

14.3 Housing

In the municipalities, the refugees will settle directly in the dwellings assigned them, normally rented apartments in apartment buildings. Large family entities are housed in various apartments in one building or in individual houses.

14.4 Health

Refugees will use the normal health care services. The normal municipal health and mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them.

14.5 Reception

On his/her arrival in Finland, the refugee will be directly settled in the municipality. The refugee will undergo an entrance interview whereby his/her integration potential and his/her individual needs will also be discussed. Together with the authorities, the refugee will elaborate on his/her personal integration plans. The refugee's social and health situation as well as the respective reception requirements will be reviewed on that occasion.

14.6 Integration Plan

In Finland immigrants are encouraged and supported by various measures to integrate into the new home country. They have during the first three years possibility to language studies, to complementing their professional skills and to acquiring the forms of knowledge and abilities needed in Finland.

14.6.1 Language Training

For adults, immigrant training includes Finnish language studies. There are special literate courses for persons in need of literacy education. Children of school age, i.e. 7-16 –year-olds, are provided with preparatory instruction in a group of their own. The aim is for children to first learn the language and school attendance according to the Finnish system, after which they can switch to Finnish classes, which correspond to their level. The language training of the first year gives the refugees the language skills needed in every day life. It is, however, essential that they continue their language studies on their own initiative in courses organised by the municipalities.

14.6.2 Education and vocational training

The refugees are entitled to an immigrant training which includes language and civic skill studies, as well as vocational guidance and employment training.

The individual integration plan takes especially into account the education and vocational training that the refugee has acquired in his/her homeland and also the need of supplementary training in order to find work in Finland. Often refugees have to study for to acquire a new profession. The studying possibilities in Finland are very good, but studying requires good language skills and that is why the language studies of the initial stage are of great importance.

After the immigration training, the refugees have the opportunity to receive vocational training compatible to their personal abilities. There is a clear need for long-term vocational training organised especially for the immigrants.

14.6.3 Employment

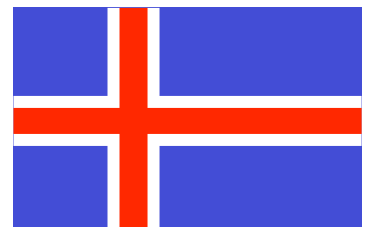
In Finland, the general employment situation has improved significantly during the last couple of years, which has effected also the employment situation of immigrants. Even so, the unemployment rate of certain immigrant groups is as high as 30 to 60 percent. However, many innovative projects e.g. through the European Refugee Fund and ESF have been initiated to promote employment.

**COUNTRY
CHAPTER**

ICE

ICELAND

BY THE GOVERNMENT OF ICELAND



1. Resettlement Policy

The Government of Iceland agreed, in 1996, to establish an annual resettlement quota as part of the UNHCR Resettlement Programme. The Icelandic Refugee Council is the consultative body on refugees. The Ministry of Social Affairs, through the Icelandic Refugee Council, is responsible for the selection, admission and integration of refugees in Iceland while working in close co-operation with the concerned ministries.

2. Criteria for Refugee Status Eligibility and Asylum

Refugees eligible for resettlement in Iceland are recognised refugees according to the 1951 Geneva Convention and the 1967 Protocol relating to the Statute of Refugees and regional instruments, who for security reasons cannot remain in their first country of asylum or return to their country of origin.

3. Criteria for Resettlement

Refugees eligible for resettlement in Iceland are refugees recognised under UNHCR's mandate who fall into one of the following categories:

Legal or physical protection needs, when the refugee meets one of these conditions:

- Immediate or long-term threat of forced repatriation or expulsion.
- Threat of arbitrary arrest, detention or imprisonment.
- Threat to human rights or physical integrity/safety, analogous to that considered under the refugee definition and rendering asylum untenable.

Refugees victims of violence and /or torture

Refugees victims of violence and / or torture who require special medical attention. Their resettlement in Iceland is subject to the availability of appropriate medical services.

Women at Risk

Women facing serious physical and / or psychological threats (rape, sexual harassment, violence, exploitation, torture, etc...) lacking the traditional protection of their families or communities.

Refugees without local integration prospects in the first country of asylum

Under specific circumstances, refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational background. When refugees remain a certain period in a country of asylum without being able to integrate and there is no prospect for repatriation in near future, they can be considered for resettlement.

4. Resettlement Allocations

The Government of Iceland decides the allocation of the quota in close consultation with the Ministry of Social Affairs. The Icelandic Refugee Council, reuniting representatives from the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Foreign Affairs as well as with the Icelandic Red Cross and the National Association of Local Authorities, makes a proposal on the basis of UNHCR assessment of overall resettlement needs. The Refugee Council meets once per month in average, and decides upon the allocation of sub-quotas by region and category.

5. Admissibility for Resettlement

No special constraints on admissibility are given.

6. Submissions and Processing via Dossier Selection

The processing of refugees in Iceland is mainly carried out through In-Country Selection.

7. Submissions and Processing via In-Country Selection

The selection process is implemented through participation in selection missions to the countries of refuge by an Icelandic delegation.

The delegation is composed of representatives from the Icelandic Red Cross, who heads the delegation, the Ministry of Social Affairs or/and the Local Community as well as an interpreter.

The selection of candidates is made through refugee status determination and resettlement eligibility interviews on the basis of the Resettlement Registration Forms submitted by UNHCR. The Icelandic delegation notifies UNHCR of its decisions immediately after the interviews are completed.

Entry visas are issued by the nearest Danish Embassy to accepted refugees.

8. Emergency Cases

No accelerated procedures for the processing of emergency cases are yet in place.

9. Special Categories

Considering the positive results achieved by the Resettlement Programme thus far, there is potential for a progressive diversification of the Icelandic quota to also include refugees with special needs.

10. Family Reunification of Refugees

The Government of Iceland acknowledges that family unity is an important factor that facilitates the integration of refugees in their country of resettlement. Cases of family reunification are dealt with under the general provisions of the immigration law, on a case-by-case basis.

11. Medical Requirements

No specific medical requirements are provided for under the Icelandic programme.

12. Travel

Travel will be arranged by IOM in close co-operation with UNHCR. Costs of travel are paid by the Icelandic Government, under the responsibility of UNHCR or of any sponsor.

13. Status on Arrival

Refugees accepted for resettlement in Iceland are granted refugee status according to the 1951 Convention. The refugees will be subsequently granted an open residence and work permit. They will be eligible to apply for citizenship after 5 years of continued residence in Iceland.

14. Domestic Settlement and Community Services

14.1 Actors

The reception and integration of refugees is co-ordinated by the Ministry of Social Affairs through the Icelandic Red Cross. A Steering Group, chaired by the Red Cross, is established in each of the local communities and is responsible, at a local level, for the assistance provided under the Icelandic Programme. Support families are an essential feature of Iceland's integration programme for resettled refugees.

The support families scheme is based on the initiative of individual citizens who volunteer with the Icelandic Red Cross to assist a refugee to integrate in their respective local communities. Support families undergo specific training before being formally assigned to a refugee, including a psychological aid course and a full briefing on the refugee's cultural background.

14.2 Orientation and Language Training

Language training is provided during the first year of residence, four days per week. Icelandic teachers receive interpretation assistance, where required. Cultural orientation on Iceland is provided within the framework of language training.

Information sessions on the background of resettled refugees are provided to the receiving communities in Iceland at the beginning of the programme. This contributes to the development of a good understanding between the refugees and the local community.

14.3 Reception

Newly resettled refugees are met at the airport by representatives of the Ministry of Social Affairs and the Icelandic Refugee Council, as well as the local authorities, Red Cross representatives and support families.

14.4 Housing

Upon arrival, refugees are provided with an apartment for one year including heat, electricity and the basic costs for telephone service. In addition, refugees are offered free health services for six months and allowances for their living expenses according to a standard fixed by the Social Services of the local receiving community. Refugees are also provided with new and/or second-hand furniture, a television, radio, vacuum cleaner, refrigerator and washing machine, as well as with clothing.

14.5 Health

Upon arrival in Iceland, all refugees will receive a medical check-up. Medical and dental care is provided as required, free of charge, during the first six months of residence in Iceland. After six months, refugees have the same access to the health system as Icelandic citizens.

14.6 Education

Iceland has a ten-year compulsory education term for children. Refugee children are entitled to education in their mother tongue for the first year at least. All refugees are expected to attend classes of Icelandic language for the initial 9 months, at least.



14.7 Employment and Vocational Training

In each of the communities receiving resettled refugees, a project manager is appointed by the local authorities to mentor and monitor the integration of the refugee(s) concerned. The project manager is responsible for liaising with potential employers and arranging job interviews for the refugee. After an initial period of 4 to 6 weeks, the refugee is generally offered a part-time job. Due to a low unemployment rate in Iceland, most refugees are usually employed before the end of the first year.

14.7 Other assistance

Psychological assistance, language instruction and cultural orientation are provided to refugees throughout their integration process. At the end of the one-year support programme, refugees are expected to become self-sufficient and receive the same level of social assistance as other Icelandic residents.

15. Reference Material

-  Icelandic Nationality Act, No. 100 dated 23/12/1952 and amended in 1982 and 1998.
-  Icelandic Immigration Law, 1965.

**COUNTRY
CHAPTER**

IRE

IRELAND

BY THE GOVERNMENT OF IRELAND



1. Resettlement Policy

In 1998, Ireland agreed to accept persons for organised resettlement under a Resettlement Quota programme. The criteria for the acceptance of persons under the current programme were set down in a Government Decision in 1998. There is provision in the Refugee Act 1996, as amended, for future agreements with the High Commissioner for Refugees.

2. Criteria for Refugee Status Eligibility and Asylum

Ireland is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol. All persons are entitled to apply for refugee status. When they do so, specific procedures are followed for determining whether or not a person meets the necessary criteria for the granting of this status.

All applications are examined in accordance with the definition of a refugee as set out in section 2 of the Refugee Act, 1996, which defines a refugee as someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Where it is established that a well-founded fear of persecution exists, the applicant will be granted refugee status.

3. Resettlement Quota

Ireland accepts ten "special case" refugees per year for resettlement, who would not normally come under the scope of Ireland's obligations under the Geneva Convention of 1951 as amended by the New York Protocol of 1957.

Ireland also accepts family members of those special cases on a similar basis as the admission of relatives of persons granted refugee status in the State. If the family members reside with the applicant at the time of transfer to Ireland they may travel with the applicant. Otherwise the applicant may apply for relatives to be admitted following arrival. (See Section 7: Family Reunification).

4. Submission and processing via Dossier Selection

Case selection is based on dossier submissions by the UNHCR. Dossiers are submitted to the Department of Foreign Affairs and are examined by both the Departments of Foreign Affairs and Justice Equality and Law Reform. Where medical cases are submitted the dossiers are also forwarded to the Department of Health and Children for examination and approval.

The following documentation should be included with a submission to Ireland:

- i) Completed UNHCR Resettlement Registration Form, ensuring that all sections are completed, particularly information regarding family members. Information provided at this time will be used during processing of all future applications for family reunification etc..., so it is essential that this information is complete and correct (See Section 7).
- ii) Relevant documentation such as medical certificates, birth certificates, copy of passport etc...
- iii) Covering letter explaining why the refugee requires resettlement and whether he or she is at risk or falls into a vulnerable category
- iv) Ensure that name and date of birth and other essential information is accurately completed on dossier submissions otherwise difficulties may arise when processing documentation later.

5. Emergency cases

At the present time, Ireland does not have an emergency procedure. There is no separate special allocation for urgent cases.

6. Special Categories of Refugees

There are four special categories to which priority is attached in consideration of vulnerable refugee cases.

These are:

- (1) survivors of violence or torture,
- (2) medical needs,
- (3) women at risk,
- (4) Elderly refugees

7. Family Reunification

A refugee may apply for the admission into the state of a member of his/her family. A member of the family is:

- (a) a spouse, where the person is married and the marriage is subsisting on the date of the application.
- (b) children under the age of 18 years who remain single and
- (c) where the refugee is under 18 years of age, he or she may apply for the admission of his or her parents.

There is provision for permission to be granted in exceptional circumstances for other dependent members of the family.

8. Medical Requirements

Acceptance of refugees with medical problems will be conditional on verification that the Irish Health Services can adequately cater for their needs (including resource implications). The acceptance of persons with medical needs will also be subject to consultation with the Department of Health and Children. While elderly refugees are not excluded, back-up support and medical considerations may also apply in these cases.

9. Travel

A refugee may leave and re-enter the State. Persons who do not have a valid passport may apply for a convention travel document which will identify them as a person with permission to reside in the state.

10. Status on arrival in Ireland

All refugees processed overseas are granted permanent residence status upon arrival in Ireland.

11. Settlement and community services

Arrival procedures

Persons admitted under the Resettlement Quota programme are met at the airport by a Resettlement Officer.

During the days immediately after arrival the Resettlement Officer assists the new arrivals to access health and social welfare services. He/she will also offer advice and information on life and culture in Ireland.

Status on Arrival

Persons admitted under the Resettlement Quota programme have the status of Programme refugee.

Rights and entitlements

Under article 24 of the Refugee Act 1996, as amended, programme refugees are entitled to the same rights and privileges as persons with Convention Refugee status in relation to health, social welfare, education and housing, access to the law courts, employment etc.

Resettlement location

New arrivals are placed in cities and towns outside the capital where services and structures are put in place for their reception and resettlement. They may move from these locations but there is no guarantee that resettlement services will be provided in their new location.

Accommodation

The new arrivals may be placed directly into long term private rented accommodation or, if no such accommodation is available, they may be placed in temporary accommodation until longer term accommodation is sourced. Where a person/family is unable to meet their accommodation needs from their own resources, they may apply to the state for assistance.

New arrivals may apply for local authority (state provided) housing in the same manner as an Irish citizen.

Employment / Income

Persons admitted under the Resettlement programme are entitled to seek and enter employment and to carry on any business, trade or profession. They would, in general, be expected to meet their own income needs.

Under Irish Government policy, programme refugees and their relatives who are unemployed have the same entitlements in terms of access to social welfare payments and supplementary welfare payments as are available to Irish citizens and other refugees who have been granted Convention Status. These payments are means based.

Education

Programme refugees, who require it, are provided with English language training to enable them to access further education and employment.

Children are placed in primary or post primary schools appropriate to their age up to the age of 18 years.

Persons over the age of 18 years may access third level education in the same manner as an Irish citizen - subject to the normal terms and conditions e.g. a persons must be resident in Ireland or another EU country for three of the previous five years before they will be eligible to access the free fees initiatives in place in third level academic universities.

Health and Medical Services

Health and Medical Services are provided free of charge to those persons who cannot meet their own medical costs, subject to terms and conditions. In order to avail of free medical services new arrivals must apply for a medical card. Entitlement to a medical card is means based.

Primary Health care is provided through the local General Practitioner (GP) Service and all referrals for hospital treatment or special care is through this GP service. New arrivals must therefore register with a local General Practitioner (GP).

Local Support Groups

Ireland has a very active voluntary community who work to welcome and support new arrivals as they settle into their new lives in Ireland.

Access to Religious bodies

Ireland is predominantly a Christian country and there may not be easy access to other religious institutions country wide.

**COUNTRY
CHAPTER**

NET

THE NETHERLANDS

**BY THE GOVERNMENT OF
THE NETHERLANDS**



1. Resettlement Policy

Prior to 1977, the number of refugees invited to resettle in the Netherlands was fixed by the government on an ad hoc basis. In 1979 a new regulation was introduced allowing a fixed number of 750 to settle every year. This figure comprised 550 resettled refugees and 200 individual refugees (asylum seekers). However, the subsequent increase in the number of asylum seekers and the problem of the Vietnamese boat people, made it impossible to continue this policy and in 1984 a new quota of 250 resettled refugees was laid down.

In 1986, following a request from UNHCR and in response to a motion put before the Lower House of Parliament, it was decided to double the quota of resettled refugees to 500 with effect from 1 January 1987. To date, this figure has remained unchanged despite the considerable influx of asylum seekers.

In 1999, the government decided to discontinue the standard practice of selecting groups of refugees in the country of refuge. Henceforth the quota will apply to refugees individually submitted by or through UNHCR.

To allow greater flexibility during the years 1999, 2000 and 2001 the Netherlands is prepared to consider requests by UNHCR to accept more than 500 refugees in a particular year as long as the ceiling of 1500 resettled refugees for the entire three years is not exceeded.

The preferred option for the Netherlands is for refugees to return to their country of origin on a voluntary basis. If that is not possible, an attempt has to be made to resettle refugees in the region, since this offers them the best opportunities for social and cultural integration and facilitates repatriation, should the opportunity arise. If resettlement in the region proves impossible, the UNHCR can propose refugees for resettlement in the Netherlands. Dutch quota policy focuses on people who can neither return to their country of origin nor be resettled in the region. Recognised as refugees by UNHCR, they are generally accommodated in refugee camps while awaiting possible resettlement.

Although the UNHCR prefers the Netherlands to fill its quota by directly admitting its own recommended cases, the Netherlands reserves the right to assess all aspects of resettlement, including the determination of refugee status, in the light of the Convention relating to the Status of Refugees (Geneva Convention), the Dutch Aliens Act, the Ministry of Foreign Affairs country reports and the policy of the State Secretary for Justice with respect to a given refugee's country of origin.

2. Criteria for Refugee Status Eligibility and Asylum

Any person wishing to be considered for resettlement must be a refugee within the meaning of the Geneva Convention and the Dutch Aliens Act. Special consideration is given to persons persecuted for their political activities and to victims of torture. Where necessary, particular attention is also paid to the exclusion grounds laid down in article 1, notably 1F, of the Geneva Convention. Persons with a criminal background and who pose a threat to public order in the Netherlands, will not be considered.

3. Criteria for Resettlement

In order to be considered for resettlement in the Netherlands, refugees proposed by the UNHCR must meet certain requirements. First, they must have refugee status (see section 2 above).

Second, persons wishing to be considered for resettlement must be deemed reasonably capable of integrating into Dutch society. Factors relevant to the assessment of suitability include level of education (they must at least have completed secondary education); work experience, initiative, resourcefulness and an elementary command of the English language.

Third, in a number of cases, importance is also attached to humanitarian considerations. In this category attention is focused on refugees with medical problems (hereafter 'disabled refugees'). The selection of persons in the disabled category for resettlement in the Netherlands is subject to the following additional criteria:

- no medical treatment can be provided in the country of refuge or elsewhere in the region;
- they must fall into one of categories laid down by the UNHCR, namely Medical at Risk (MAR), Disabled (DIS) and/or Victim of Torture (VOT);
- their condition must be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement;
- there must be a reasonable expectation of their being able to function satisfactorily in a psycho-social sense following medical treatment in the Netherlands.

4. Resettlement Allocations / Processing Priorities

A maximum of five hundred refugees are invited to resettle in the Netherlands every year. This annual quota extends from 1 January to 31 December of each year and applies to years 1999, 2000 and 2001.

To allow greater flexibility during this three-year period, the Netherlands is prepared to consider requests by UNHCR to accept more than 500 resettled refugees in a particular year, but 1500 resettled refugees will be considered an absolute maximum for the three-year period.

The quota will apply to refugees individually referred by or through UNHCR.

Groups will no longer be selected for resettlement in the country of refuge.

There will be a sub-quota for the years 1999, 2000 and 2001 of 100 disabled refugees who cannot receive medical treatment in their countries of refuge or elsewhere in the region.

The Dutch government is of the opinion that if a refugee is invited for resettlement in the Netherlands this invitation should extend to that person's immediate family. Accordingly, immediate family members - even those who came to the Netherlands later - will henceforth count towards the quota.

5. Submissions and Processing via Dossier Selection

Quotas are filled mainly on the basis of resettlement requests submitted in writing by UNHCR/Geneva, with assessment (and selection) taking place in the Netherlands. The UNHCR may indicate priority cases. Resettlement requests are assessed on paper. The Immigration and Naturalisation Service (IND) of the Ministry of Justice decides on individual admissions after consulting the Ministry of Foreign Affairs. This decision is not subject to appeal. Normally the reason for rejection is not specified in the decision. The Ministry of Foreign Affairs notifies UNHCR about the decision through its permanent mission.

In addition to the refugees proposed for resettlement by UNHCR, other organisations and even individuals can submit applications. These applications need, however, to be processed through UNHCR. The Netherlands will stipulate that proposals for resettlement from third parties be presented by UNHCR in writing.

6. Submissions and Processing via In-Country Selection

Since 1999 the quota has no longer been filled by means of selection missions to countries of refuge.

7. Emergency Cases

This category covers individual emergency cases. Places are filled on the basis of applications submitted by or through UNHCR Geneva.

8. Special Categories

Under the TOM scheme the Netherlands employs the following criteria for disabled persons:

- they must fall into one of the categories laid down by the UNHCR, i.e. MAR, DIS or VOT;
- their condition should be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement;
- there must be a reasonable prospect of their being able to function satisfactorily in a psycho-social sense following medical treatment in the Netherlands.

9. Family Reunification of Refugees

The Netherlands distinguishes the following categories of family reunification:

- family reunification;
- extended family reunification;
- reunification of married couples;
- partner policy.

9.1 Family reunification

Persons admitted to the Netherlands for reunification with resettled refugees within the framework of this category will fall within the quota for the years 1999, 2000 and 2001.

A refugee who has been resettled in the Netherlands may under certain conditions be joined by his/her spouse and minor children (including minor children from a previous marriage). The marriage must be legally valid and the spouse/children must be *de facto* members of the individual's family, and officially authenticated documentary proof to this effect must in principle be provided.

The sponsor in the Netherlands submits a request for family reunification to the Immigration and Naturalisation Service (IND) of the Ministry of Justice or to the Aliens Police, which will decide whether or not to authorise admission to the country.

If the request is approved, the Ministry of Foreign Affairs assumes responsibility for bringing the family member to the Netherlands. Travel expenses are paid by the Dutch government. On arrival in the Netherlands the family member is granted derived refugee status, as it is called, if he or she possesses the same nationality as the sponsor.

The granting of derived refugee status is based on the principle of family unity, as laid down in Recommendation IV of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, which adopted the text of the 1951 Convention relating to the Status of Refugees. In principle the members of a refugee's family are also granted accorded refugee status, even if they do not meet the Convention's definition of a refugee.

9.2 Extended family reunification

Other persons not included among the immediate family referred to in the family reunification category may under certain conditions be admitted to the Netherlands for the purpose of extended family reunification. These may be children who have reached the age of majority or, for instance, a grandmother who has lived with the nuclear family for years.

9.3 Reunification of married couples

Aliens may be admitted to the Netherlands if they are married to an alien residing in the Netherlands (who may already possess Dutch nationality). In the case of resettled refugees, the marriage must have taken place after the alien's selection for resettlement; otherwise category 1 is applicable.

9.4 Partner policy

Aliens may be admitted to the Netherlands if they have a long-term relationship with an alien who has been admitted to the country (who may already possess Dutch nationality). The relationship must predate a refugee's selection for resettlement in the Netherlands.

In the case of the above mentioned categories, officially authenticated documentary evidence of family relationship, marital status or proof of cohabitation must in principle be provided. The conditions are listed in the Aliens Act implementation guidelines.

The sponsor in the Netherlands must submit a request for an authorisation for temporary stay to the Immigration and Naturalisation Service (IND) or the Aliens Police; the IND then decides whether or not to authorise admission to the country. If the request is approved, the Ministry of Foreign Affairs will inform the relevant Dutch mission and mediate in bringing the relative or partner to the Netherlands. On arrival in the Netherlands, the relative/partner is issued with a restricted residence permit bearing the words "residing with". It is valid for a year, and can be extended for periods of a year at a time.

Persons admitted to the Netherlands for reunification with resettled refugees within the framework of the categories 2, 3 and 4 do not form part of the quota of 1500 for the period of 1999- 2001.

Other forms of extended family reunification

Sponsors may be joined by refugees enjoying asylum in a third country, who are members of the sponsor's extended family. A sponsor must submit a request to this effect to the Immigration and Naturalisation Service.

10. Medical Requirements

Unless arrangements have been made with the local representatives of the International Organisation for Migration (IOM) to check for TB by means of chest X-rays, refugees do not need to undergo routine overseas medical screening before coming to the Netherlands. However, cases proposed by the UNHCR for resettlement under the TOM programme have to be properly supported by reasons. Cases which have been proposed in writing are assessed on the basis of medical reports obtained by the UNHCR from local medical practitioners.

11. Travel

Travel expenses and the costs of visas and, where necessary, laissez-passers, are paid by the Netherlands.

12. Status on Arrival

Persons who are invited to the Netherlands to resettle as refugees are granted refugee status.

13. Domestic Settlement and Community Services

In principle, all refugees are medically screened within two weeks of arrival in the Netherlands - that is to say, the procedure is voluntary. Refugees are made aware of this fact, and the purpose and relevance of the screening are explained to them, as follows: screening is carried out on public health grounds and in the context of care provision; it also aims to promote care accessibility and to provide socio-medical advice

relating to education, employment and accommodation in the Netherlands. The screening consists of a medical examination and a check for TB.

During the follow-up phase at a reception centre and at municipal level refugees are provided with a comprehensive programme of preventive health care which includes health education, an extended immunisation programme and information about mother and child health. Organised by public health officers, the programme is geared to the needs of care providers who assume responsibility for it once the refugees have finally settled in a municipality.

Refugees who are being resettled in the Netherlands are not provided with orientation courses prior to departure. Those arriving in the Netherlands for resettlement are taken first to a reception centre and then allocated residential accommodation in a municipality.

The refugees remain at a reception centre for 3 to 6 months. They live in private rooms and are responsible for their own housekeeping. They receive a weekly allowance to cover their personal expenses. The refugees receive medical screening, and are given any urgent medical treatment they might require. They register for health insurance and are entitled to the same medical facilities and treatment as Dutch citizens. During the day the refugees attend a reception programme which consists of Dutch language lessons and information about living in the Netherlands. Children below the age of 18 go to school.

After this period at a reception centre, the refugees are housed in a municipality in accommodation provided by local authorities. Until they find employment, they receive a subsistence allowance. Children under 18 are enrolled in local schools. The local authorities offer an extended reception programme generally lasting about one to two years. Dutch language lessons and information about Dutch society also form part of this programme, which is tailored to individual needs. The local authorities are obliged to provide at least 500 hours of Dutch language lessons per refugee, and to guarantee a minimum level of proficiency in the Dutch language - the level needed for unskilled or semi-skilled jobs, following vocational courses or participating in mainstream education. In most cases, local language training institutes provide the linguistic training. It is funded mainly by central government, with the local authorities taking full responsibility for its organisation.

Refugees are entitled to the same educational facilities as Dutch nationals, provided their knowledge of Dutch is sufficient to enable them to benefit. They must also have the necessary basic qualifications for the courses they wish to follow. Refugees and members of ethnic minorities can also attend special vocational training centres which demand only a minimum knowledge of Dutch. Educational qualifications obtained by the refugees in their country of origin are assessed in the light of the standards that apply in the Netherlands. Sometimes a refugee will have to take an additional course or to gain some practical work experience in order to have his or her qualifications recognised. This applies not only to refugees but to all foreigners who settle in the Netherlands.

Refugees are entitled to work in the Netherlands and enjoy the same rights and obligations as Dutch nationals. They can register at labour exchanges and use the services of job centres and other organisations.

The Dutch Refugee Council plays an important role in the reception of refugees in the Netherlands. It advises local authorities and institutions and, perhaps more importantly, recruits and supervises Dutch volunteers who assist with reception.

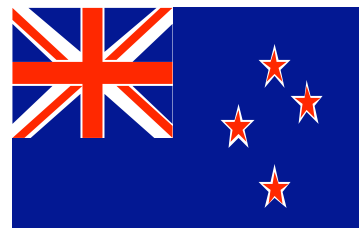
The Council, which also provides the Dutch public with information about refugees, receives financial assistance from central government. In addition, refugees from various countries have organised their own voluntary associations, which hold meetings, publish magazines and provide advice. These associations, some of which are subsidised by central government, can intercede with the Dutch authorities on the refugees' behalf.

**COUNTRY
CHAPTER**

NZL

NEW ZEALAND

BY THE GOVERNMENT OF NEW ZEALAND



1. Resettlement Policy

New Zealand has been accepting refugees for resettlement since the end of the Second World War. In 1987, the Government established a formal annual quota for the resettlement of refugees. Over time, New Zealand's refugee policy has evolved in response to changing global circumstances and needs. In recent years, a focus on refugees in need of protection - identified by the UNHCR - has resulted in the resettlement of a diverse range of nationalities, for example, from East Africa, the Middle East and Southeast Asia.

New Zealand's refugee policy reflects the Government's commitment to fulfilling its international humanitarian obligations and responsibilities. Through refugee policy, New Zealand contributes to the global community's efforts to assist refugees in need of resettlement. The size and composition of the refugee resettlement quota is set annually by the Minister of Immigration after consultation with the Minister of Foreign Affairs and Trade, relevant Government departments, the UNHCR and other stakeholders. In recent years, New Zealand's annual resettlement quota has been maintained at 750 places with a focus on the needs and priorities identified by the UNHCR. The Government aims to ensure that the quota remains targeted to refugees in greatest need of resettlement, with consideration to resettlement objectives as well.

2. Criteria for Refugee Status Eligibility and Asylum

New Zealand is a party to both the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. Persons in New Zealand who seek asylum as refugees are, therefore, assessed in accordance with the criteria for refugee status set out in article 1 A (2) of the 1951 Convention. Applicants who are declined have the right of appeal to the independent Refugee Status Appeals Authority. These asylum-seekers are considered quite separately from, and in addition to, the UNHCR mandated refugees accepted for resettlement to New Zealand.

Individuals accepted for resettlement to New Zealand must be recognised as a refugee under the mandate of the UNHCR and meet eligibility criteria for resettlement.

3. Criteria for Resettlement

All refugees considered for resettlement under New Zealand's annual Refugee Quota Programme (except certain applicants who are nuclear or dependent family members of the principal applicant) must be recognised as a refugee under the UNHCR's mandate and referred by the UNHCR according to prescribed resettlement guidelines.

Those other eligible family members must combine their resettlement submission with that of the principal applicant.

All submissions for resettlement to New Zealand are generally referred by the UNHCR and are forwarded to the New Zealand Immigration Service (NZIS) for consideration. In brief, individual refugees submitted by the UNHCR for resettlement to New Zealand must:

- be recognised by the NZIS as a refugee according to the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol;
- be submitted for resettlement by the UNHCR in accordance with the UNHCR resettlement guidelines and priorities;
- fall within the regional and global priorities of the Government of New Zealand (exceptions for emergency and family reunification cases); and,
- be otherwise admissible under New Zealand law.

4. Resettlement Allocations / Processing Priorities

Each year, the Government of New Zealand, in consultation with relevant stakeholders, sets regional and global priorities for the allocation of places under the Refugee Quota Programme. The quota programme year runs from 1 July to 30 June, concurrent with the fiscal year. In exceptional cases, individuals who do not come within the global or regional allocations may be considered for resettlement under the quota. For instance, emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional allocations have been made. Where possible, the Government sets aside a number of unallocated places as “contingency reserve” to ensure sufficient flexibility to respond to changes in global resettlement needs and priorities.

4.1 Composition of the Refugee Resettlement Quota

The Refugee Quota of 750 places is comprised of the following subcategories:

Women-at-Risk	75	
Medical/Disabled	75	
UNHCR Priority Protection	600	(including up to 300 places for family reunification)

All subcategories within the refugee quota generally include the nuclear and dependent family members (i.e. spouse and dependent children) of the principal applicant. Up to 300 places within the UNHCR Priority Protection subcategory may be used for the reunification of nuclear and dependent family members as well as others submitted for resettlement by the UNHCR.

4.2 Women-at-Risk Subcategory

The Women-at-Risk subcategory covers refugee women who are without the support of their traditional family protectors or community and are at risk in their country of refuge. These women would usually be outside the normal criteria for acceptance by resettlement countries and are in need of protection from gender-related persecution such as abduction, sexual abuse and exploitation. This subcategory generally includes the nuclear and dependent family members of the principal applicant.

4.3 Medical / Disabled Subcategory

The Medical / Disabled subcategory provides for the resettlement of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. Applicants under this category generally must have a medical condition that cannot be treated in their country of refuge, and resettlement to New Zealand would be life-saving or significantly enhance their medical condition and well-being. In all cases where there is an apparent physical or psychological condition, full medical reports must be provided by the UNHCR for assessment by the relevant health authorities in New Zealand. The full disclosure of the condition and its effects are essential for planning purposes. Health authorities must give prior confirmation that suitable medical treatment is available before a case can be accepted (see Section 5). This subcategory generally includes the nuclear and dependent family members of the principal applicant.

4.4 UNHCR Priority Protection Subcategory

The UNHCR Priority Protection subcategory applies to refugees requiring urgent legal or physical protection (i.e. refugees who face an immediate life-threatening situation, imminent refoulement, deportation or local security threat including arbitrary arrest, detention or imprisonment, which may result in a violation of their human rights). It may also include refugees for whom the international community has identified a need for resettlement as part of a comprehensive strategy to address a refugee problem. This subcategory, as with all other subcategories within the Refugee Quota, generally includes the nuclear and dependent family members of the principal applicant.

4.4.1 Emergency Resettlement

Emergency resettlement submissions from the UNHCR are considered under the Priority Protection subcategory (see Sections 4.1 and 4.4 above). Emergency resettlement cases are given priority over all other refugee resettlement cases. The degree of urgency must be assessed to determine the response time required. In general, the degree of urgency in such cases can range from a matter of hours to several days. Where possible, the NZIS would aim to issue its decision and undertake resettlement within five days of receiving all the necessary documentation from the UNHCR.

The Government of New Zealand offers a limited number of places for emergency resettlement each year. A notional figure of around 50 places is used (including the immediate family of the principal applicant). Emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional priorities have been allocated. In general, only emergency submissions from the UNHCR may be considered by the NZIS on a dossier basis. That is, the decision could be made on the documentation alone. All other cases submitted by the UNHCR are scheduled for interview by the NZIS during selection missions, which are periodically undertaken - in consultation with the UNHCR - to countries where priorities have been identified. Emergency resettlement cases should be submitted to the NZIS via the UNHCR Regional Office in Canberra (copied to the Resettlement and Special Cases Section at the UNHCR Headquarters in Geneva).

5. Admissibility for Resettlement

The principal consideration in determining admissibility for resettlement relates to meeting the criteria set out in Section 3. The reasons an individual may be inadmissible for resettlement to New Zealand include past criminal activity (i.e. individuals who have committed crimes of moral turpitude, drug trafficking or acts involving persecution or torture) or on security grounds (i.e. individuals who have been involved in terrorist activity, crimes against humanity or who would present a serious security threat). Although individual refugees are not declined on medical grounds alone, if appropriate medical treatment or services are not readily available in New Zealand this is taken into account in the decision-making process. Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes; for instance, to uphold the principle of unity of the family or when it is otherwise in the public interest.

6. Submissions and Processing via Dossier Selection

The UNHCR is the sole referral source of applications for resettlement to New Zealand under the Refugee Quota Programme. Documentation requirements are, therefore, standard regardless of the place of origin of the resettlement submission. The UNHCR Resettlement Registration Form (RRF) is the standard form that initiates consideration by the NZIS.

6.1 Case Documentation

The NZIS requires the following documentation in order to consider a resettlement submission:

- an RRF that has been fully and accurately completed by the UNHCR;
- completed and signed Application for Residence in New Zealand form;
- signed declaration by the applicants to undergo the on-arrival orientation programme;
- four passport-size photographs of each applicant (endorsed on the back by the UNHCR);
- where appropriate, medical reports and a special needs assessment by the UNHCR.

6.2 Routing of Submissions

All submissions for resettlement to New Zealand must generally be referred by the UNHCR in accordance with the UNHCR resettlement guidelines and priorities. The NZIS only considers emergency submissions on a dossier basis. All other cases are generally scheduled for interview during an NZIS selection mission. Submissions are usually forwarded by the UNHCR to the NZIS for consideration in the lead-up to a selection mission. The NZIS consults with the UNHCR on the timing of its selection missions to assist with the preparation of case dossiers and submissions. With regard to emergency cases and eligible refugees who have family members in New Zealand, the UNHCR may forward case dossiers to the NZIS via the UNHCR Regional Office in Canberra, irrespective of selection mission schedules (see also Section 4.4.1).

6.3 Decision-Making Process

All refugee resettlement applications are considered by the NZIS in accordance with established policy and operational guidelines. In certain cases, the NZIS seeks advice from other Government departments. For example, medical cases are referred to the Ministry of Health for advice concerning the availability of suitable treatment in New Zealand. Feedback from these sources is taken into consideration in the decision-making process. Processes are also in place to determine whether or not an individual is inadmissible for resettlement to New Zealand on character or security grounds. Prior to issuing its final decision in each case, two immigration officers must concur as to whether or not eligibility criteria have been satisfied. In some cases, managers may be directly involved in the decision process.

6.4 Recourse Processing

There is no review or appeal process for individuals whose submissions have been declined by the NZIS. However, the NZIS would be prepared to reconsider a case submission from the UNHCR provided additional information was forthcoming in support of the case and reason given for requesting reconsideration.

6.5 Processing Times

The length of time in processing applications varies according to the category of referral, numbers involved and factors relating to the country of origin. Providing the submission is complete and the documentation is in order, processing time ought to be approximately six to eight weeks after the applicant's interview by the NZIS. Actual resettlement to New Zealand may occur sometime thereafter, depending on the urgency of the case, intake schedules and other operational factors. Resettlement normally occurs within two months of a decision.

Emergency resettlement cases are given priority over all other refugee resettlement cases and may be considered by the NZIS on a dossier basis. The degree of urgency usually determines the response time required. Where possible, the NZIS would aim to issue its decision and effect resettlement within five days of receiving all the necessary documentation from the UNHCR (see Sections 4.4.1 and 8).

7. Submissions and Processing via In-Country Selection

All submissions for resettlement to New Zealand must generally be referred by the UNHCR in accordance with the UNHCR resettlement guidelines and priorities. The NZIS may only consider emergency submissions on a dossier basis. All other cases are generally scheduled for interview during an NZIS selection mission (see section 6 for details of this process). In exceptional cases, the NZIS may waive the requirement of a formal UNHCR submission for members of the nuclear family of a resettled refugee, provided the relationship was originally declared to the NZIS. Such cases may include nuclear family members in their country of origin.

8. Emergency Cases

Refugees facing an immediate risk to their security may be referred by the UNHCR for emergency resettlement to New Zealand. Emergency resettlement cases must be submitted by the UNHCR in accordance with the UNHCR resettlement guidelines.

Emergency resettlement referrals from the UNHCR are considered under the Priority Protection subcategory (see Section 4). Emergency resettlement cases are given priority over all other refugee resettlement cases. The degree of urgency must be assessed to determine the response time required. In general, the degree of urgency in such cases can range from a matter of hours to several days. Where possible, the NZIS would aim to issue its decision and undertake resettlement within five days of receiving all the necessary documentation from the UNHCR.

The Government of New Zealand offers a limited number of places for emergency resettlement each year. For the sake of clarity, a notional figure of 50 places is used (including the immediate family of the principal applicant). Emergency resettlement cases are drawn from countries worldwide and not limited to areas where global or regional priorities have been allocated. Emergency submissions from the UNHCR may be considered by the NZIS on a dossier basis. Where possible and to expedite its decision, the NZIS would request that the UNHCR Headquarters vet the case prior to its submission to New Zealand. The UNHCR submissions may be forwarded electronically provided the original and signed documentation follows by courier. Emergency resettlement dossiers should be sent to the NZIS via the UNHCR Regional Office in Canberra and copied to the Resettlement and Special Cases Section at the UNHCR Headquarters in Geneva.

9. Special Categories

Special provisions within the Refugee Quota Programme include subcategories for Women-at-Risk and Medical/Disabled cases (see Sections 4.2 and 4.3).

The Women-at-Risk subcategory covers refugee women who are without the support of their traditional family protectors or community and are at risk in their country of refuge. These women would usually be outside the normal criteria for acceptance by resettlement countries and in need of protection from gender-related persecution such as abduction, sexual abuse and exploitation. Where possible, the NZIS expedites the resettlement processing of Women-at-Risk (see Section 4.2).

The Medical / Disabled subcategory provides for the resettlement of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. The Ministry of Health must give prior confirmation that suitable treatment is available before a case can be accepted (see Section 4.3). Although there is no specific category for survivors of torture and trauma, such cases may be considered under any of the three categories defined in Section 4.1.

10. Family Reunification of Refugees

Family reunification is recognised as an important part of New Zealand's refugee resettlement activities. However, it is acknowledged that there is a consistently high level of demand for family reunification from resettled refugees that cannot be met through the Refugee Quota alone. Family reunification cases are considered in accordance with the UNHCR resettlement guidelines and are usually referred by the UNHCR. In the case of separated members of the immediate family, the NZIS may waive the requirement of a formal UNHCR submission, provided the relationship was originally declared to the NZIS.

Such cases may include nuclear family members in their country of origin. Generally, refugees who have relatives in New Zealand and who do not qualify for resettlement in accordance with the UNHCR resettlement criteria must apply for residence under standard immigration categories.

11. Medical Requirements

Although medical screening prior to acceptance for resettlement is not mandatory, in all cases where there is an apparent physical or mental health condition the NZIS would require that medical reports be provided. The disclosure of the condition and its effects are essential for planning purposes (see Section 4.3).

12. Travel

The Government of New Zealand pays for the travel of refugees accepted under the Refugee Quota Programme. This includes travel from the country of refuge to New Zealand and to centres within New Zealand where the refugees will settle following their initial on-arrival orientation in Auckland (see also Section 14.1).

12.1 Arrangements for Travel

On acceptance of a case for resettlement the NZIS notifies the relevant UNHCR field office (copied to UNHCR Canberra) and Government departments and non-governmental agencies in New Zealand. The NZIS arranges for the travel of the refugees to New Zealand and liaises with the UNHCR to ensure departure can be made at a given time. In certain cases, the NZIS may request the UNHCR to assist with exit formalities. Where possible, the NZIS sends an escort officer to accompany the refugees on their journey to New Zealand. This is normally only possible when sizeable numbers of refugees are travelling from the same country of refuge.

12.2 Travel Documentation

The NZIS issues travel documents (Certificates of Identity) and visas, and liaises with the UNHCR to ensure that they are received by the individual refugees.

13. Status on Arrival

Persons accepted for resettlement to New Zealand under the Refugee Quota Programme are granted a residence permit on arrival. As New Zealand residents, they are entitled to live in New Zealand permanently and enjoy similar rights to New Zealand citizens in terms of access to education, health care, employment and social welfare. After a qualifying period of three years residence, resettled refugees are eligible to apply for New Zealand citizenship.

14. Reception and Integration of Resettled Refugees

The reception and integration of resettled refugees is effected through partnerships between government and non-governmental organisations (NGOs), whereby government funding purchases settlement outcomes from community-based organisations. The Government and NGO sectors work in close partnership with the voluntary sector to provide support and settlement assistance to refugees.

14.1 Reception and Orientation

Refugees who arrive in New Zealand under the Refugee Quota Programme are received for six weeks at the Refugee Reception Centre, based in Auckland. The Centre can accommodate approximately 150 refugees. The facilities at the Centre include accommodation blocks, a nursery, classrooms, medical and dental clinics and general living and recreation areas. Here the NZIS works in partnership with both government and non-governmental agencies to implement a variety of programmes to assist the refugees during their initial phase of settlement.

Newly arrived refugees undergo a six-week orientation programme at the Refugee Reception Centre. The orientation programme is conducted in the refugee's own language and provides general information about life in New Zealand, including the relevant institutions and services. It also aims to build basic social and coping skills required for their new life in New Zealand. The Auckland University of Technology co-ordinates the English language and socio-cultural components of the orientation programme. It also provides childcare, special education support and primary and secondary classes, which prepare students for the New Zealand education system.

Health and social services are important components of the orientation programme. The Ministry of Health provides a comprehensive medical and dental check-ups and, when required, psychological assessments. The Refugees as Survivors Centre has a multidisciplinary team that provides a trauma counselling service as well as therapeutic activities for adults and children.

The Refugee and Migrant Service (RMS), contracted by the NZIS, provides social services (including bilingual / cross-cultural workers) and co-ordinates the training of volunteer support workers to assist resettled refugees with on-going settlement needs and accessing mainstream services.

An early intervention programme has been developed at the Centre to assist with the identification of refugees who are in special need of assistance upon arrival in New Zealand. This programme links together key agencies to identify and assist “at-risk” individuals (i.e. severely traumatised refugees). This programme aims to address the particular post-arrival settlement needs of individual refugees. These are brought to the attention of relevant government and non-government agencies in a manner to allow for informed decisions with regard to service delivery.

14.2 Physical and Mental Health

The Ministry of Health operates a medical clinic (including dentistry) at the Refugee Reception Centre, which medically screens all refugees during their stay and treats or refers to health specialists, as appropriate. Access to specialised medical services outside the clinic is also facilitated. In addition, resettled refugees, like others on low incomes, are eligible for a Community Services Card, which entitles them to free outpatient treatment at hospitals and maximum subsidy for General Practitioner visits and prescriptions. Health funding authorities also support refugee-specific mental health counselling services, for survivors of torture and trauma, through non-government agencies in Auckland, Wellington and Christchurch. In addition, some refugee specific community education and health programmes are funded by the Government, as well as community liaison and co-ordinator positions that assist refugees with gaining access to health services in the community.

14.3 Education and English Language

The Ministry of Education - through the Auckland University of Technology - funds the language and cultural orientation programme for refugees at the Refugee Reception Centre. It also funds a community liaison and co-ordinator service to assist refugees with gaining access to ongoing education opportunities in the community and to support the studies of refugee students in secondary schools. Refugees aged 13-17 years attend secondary classes where goals and skills are assessed by bilingual tutors for placement in the education system. Refugees aged 18 years and older who have had an interrupted education may also attend secondary classes. Refugee children are also prepared for their introduction into the New Zealand’ classroom. The primary classes they attend at the Centre aim to prepare them for the national curriculum and to learn and understand basic English in a variety of contexts. Preschool children may also attend the Early Childhood Centre. Parents are encouraged to join in sessions and to converse with staff, who include bilingual speakers. In addition, Refugee Education Co-ordinators are employed by the Ministry of Education to work with refugee families, agencies and schools throughout the country.

The Government provides supplementary funding to enable schools to develop programmes that best meet the identified needs of students from non-English speaking backgrounds. Funding for “English for Speakers of Other Languages” (ESOL) is provided to schools, upon application, for each identified student of non-English speaking background, which is distributed on a pro-rata basis. Additional funding is allocated for ESOL support for all school-aged refugees for the four years following their enrolment. The National Association of ESOL Home Tutor Schemes (an NGO), whose English language and support services are prioritised for adult refugees, also receive Government funding for its services.

14.4 Employment, Housing and Social Welfare

For the duration of their six-week stay at the Refugee Reception Centre, resettled refugees receive a weekly allowance provided by the Ministry of Social Development (formerly known as the Department of Work and Income). On leaving the Centre, they are eligible to receive an Emergency Benefit at the same rate as benefits provided to unemployed New Zealanders. In addition, resettled refugees may be eligible for additional assistance such as a Disability Allowance or accommodation supplements. A special grant for re-establishment costs are also provided to assist with acquiring household items such as furniture and whiteware. The RMS provides practical assistance and advice to refugees and assists them, in conjunction with volunteer support workers, to find accommodation. The RMS liaises with the Housing New Zealand Corporation to ensure that resettled refugees have access to government subsidised accommodation on leaving the Centre.

As with other persons requiring employment and social welfare, refugees may be entitled to additional allowances and recoverable grants to assist with finding employment. While there is no refugee-specific job placement service, resettled refugees are recognised as having special needs and are given priority consideration for government-funded work placement and training programmes. For example, Skill New Zealand purchases training opportunities for those disadvantaged in the labour market, including refugees. Such training opportunities can include English language courses as well as vocational and life skills training. Similar vocational training and income generating initiatives that focus on the refugees’ traditional skills and occupations are funded by some city councils.

The government agency, ‘Child, Youth and Family’, purchases services specifically in support of refugees. It funds community based organisations working with resettled refugees to provide family and social support, counselling and interpreting services and activity programmes for refugee children and young persons with special needs. A national contract with the RMS supports the employment of cross-cultural workers to assist with the settlement and integration of resettled refugees.

14.5 Co-ordination of Settlement Services

Government agencies whose areas of responsibility are associated with refugee resettlement liaise quarterly each year to exchange information, clarify policies and resolve issues at government level. This 'Interdepartmental Committee on Refugee Resettlement' has been instrumental in developing comprehensive policies on refugee settlement and has served as an advisory body for the Government. The co-ordination of settlement services also benefits from National Tripartite Consultations on Resettlement, which have been held each year since 1997. These tripartite consultations bring together government, non-governmental and intergovernmental organisations (i.e. UNHCR and IOM) to share information and exchange ideas on resettlement policy and practice.

In 2001, the Government commenced a series of settlement projects to help provide services to assist with the settlement and integration of persons from refugee-like backgrounds who did not benefit from the on-arrival programme at the Refugee Reception Centre. These projects aim to better target settlement support and enhance Government and community networks by developing and sustaining settlement services, with the emphasis being on co-operation and co-ordination of services. This reflects the Government's commitment to achieving positive settlement outcomes, and its belief that the best way to measure the quality of its immigration policy is through the quality of settlement outcomes.

14.6 The Role of Volunteers

The Government and NGO sectors work in partnership with the voluntary sector to provide support and settlement assistance to refugees. A non-government settlement agency, the RMS, is contracted by the NZIS to recruit, select and train volunteers to provide assistance for resettled refugees. The role of volunteers is to provide practical advice, support and assistance to refugees as they settle into the community. Volunteers introduce the refugee, or refugee family, to local services such as the shopping centre, doctor, dentist and schools. They provide advice on how services are billed and paid, and how to access emergency services. They may be involved in some low level advocacy or mediation on behalf of the refugee(s). It is also expected that the volunteer will recognise when a refugee family may need more support than they are able to provide and will refer the issue to the social worker from the RMS for intervention and case management.

The National Association of ESOL Home Tutor Schemes also delivers its services through trained volunteers. These home tutors invariably provide more than just English language support to refugees in their homes. The medium for language development is often around the practical challenges faced by refugees in their every day lives. For example, a refugee may be struggling with a letter from the Inland Revenue Department or Income Support Office and the tutor may use this opportunity to facilitate both understanding of the letter and how to communicate a response.

Often the Home Tutor keeps an eye on the family members' general well being and may also be involved in advocacy or mediation with school teachers and local services or agencies. The Association draws its tutors from a wide section of the community, many of whom are in full-time employment. The ESOL Home Tutor Service places a great deal of emphasis on pre-service and in-service training and support of its volunteers, and has a high retention rate of its tutors.

14.7 Cultural Diversity

The constitutional framework of New Zealand places great importance on respect for peoples' cultural, ethnic, racial and religious differences and their right to participate equally in society. The rights of resettled refugees are protected by New Zealand law, which covers all forms of discrimination and racism and upholds peoples' rights and freedoms of speech, religious belief and political opinion. Specific bodies such as the Human Rights Commission, Office of the Race Relations Conciliator, refugee councils and incorporated associations also support the rights and interests of resettled refugees. To strengthen refugee communities and assist them to participate equally in society, the Department of Internal Affairs funds refugee councils and specific refugee-related projects, and provides information through its Ethniclink newsletter. Increasingly, local councils are appointing ethnic community co-ordinators to facilitate understanding of ethnic and racial diversity and to provide assistance and support to ethnic communities on a range of matters. Similarly, government and non-governmental agencies support multicultural festivals and promote community awareness as part of their on-going programmes.

15. Reference Materials

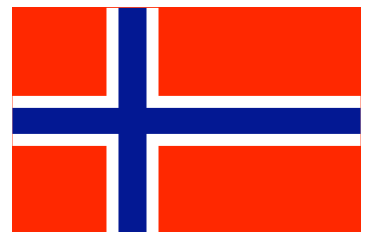
A substantial bibliography is contained in the publication *Refugee Women - the New Zealand Refugee Quota Programme* published in 1994 by the Department of Labour, New Zealand Immigration Service.

**COUNTRY
CHAPTER**

NOR

NORWAY

BY THE GOVERNMENT OF NORWAY



1. Resettlement Policy

Norway recognizes and supports resettlement as an important instrument of protection, within the framework of UNHCR's three durable solutions.

Norway sets and allocates its resettlement quota on the basis of UNHCR's assessment of current resettlement needs and priorities. The actual resettlement is carried out in close co-operation with UNHCR, and almost all of the resettlement cases are selected from UNHCR referrals. Every case is considered individually.

In 1992, in response to UNHCR's request for flexibility, the Norwegian Government decided, that following varying needs for resettlement opportunities; a three-year perspective could apply to the use of the annual quota places. This means that it is possible to exceed the quota one year, by making use of quota places from the following year within the three-year period. Likewise, when annual ceilings are not reached, unused places may be carried over to the following year. The last three-year period extended from 2001 through 2003.

The size of the annual quota is determined by the Parliament. For 2003 the quota is 750 places. However, due to a backlog from 2001 and 2002, Norway may accept 1145 in 2003. For 2004 the quota is 750 places. The Ministry of Local Government and Regional Development establishes the composition of the quota after consultations with other Ministries and the Directorate of Immigration (UDI).

2. Criteria for Refugee Status Eligibility and Asylum

The Ministry of Local Government and Regional Development determines a framework from within which selection on the quota should take place. First and foremost the individual's need for protection should be confirmed. Secondly, the refugee's ability to integrate in Norway should be taken into consideration.

UDI is responsible for selection, decision-making and settlement into Norwegian municipalities.

When UDI accepts a refugee for resettlement in Norway, he or she is given an entry visa and a residence or work permit prior to entering the country. This applies to refugees accepted via dossier selection as well as in-country selection. A decision on the refugee status of the individual may be taken during a selection mission or after the refugee is resettled.

In order to obtain refugee status, the refugee has to fulfil the requirements of the Norwegian Immigration Act.

A refugee within the meaning of the Act is a foreign national who falls under article 1 A of UNHCR's Convention relating to the Status of Refugees of 28 July 1951 as amended by the Protocol of 31 January 1967. The same criteria apply to individual asylum-seekers and resettled refugees.

3. Criteria for Resettlement

Norway holds the view that resettlement first and foremost is an instrument of protection. In line with this, individual need for protection outside country of origin and country of first asylum is deemed to be the basic criteria for resettlement.

All refugees presented for resettlement are evaluated against article 1A in the convention by the Norwegian authorities. Moreover, Norway's decision relies heavily on the refugee claim in the RRF. Normally, Norway accepts the refugee claim presented by UNHCR.

For 2003 The Parliament expressed that integrational aspects should be important factor to be weighed when selecting refugees for resettlement.

Although the criteria related to integration have not been detailed, the essence of the integration factor when selecting refugees is that refugees should have a potential to integrate well into Norwegian society and to support themselves within a reasonable period of time. Elements to be considered are e.g the refugees' professional and educational background, their proficiency in languages, other skills/factors and family links in Norway. Generally, priority is given to families, because it is easier to find accommodation for families than for single refugees in Norway.

Norway is a small and sparsely populated country, with few city-centres and long travel distances. When resettling refugees, Norway tries, for integration-related reasons, to ensure building up ethnic/national groups of a certain size to enhance sustainability of the group locally and prevent too much secondary movements which create concentrations of refugees in bigger cities.

Traditionally, Norway has been resettling vulnerable groups, e.g. "Women at risk", children and persons in need of medical treatment. The refugees in need of medical treatment comprise a limited number of the total number of refugees resettled in Norway. Woman and children are given priority by Norway.

Norway relies on UNHCR in the process of resettling refugees. Norwegian authorities expects UNHCR, in general, to submit applications for refugees meeting the criteria in the 1951 Convention and that exclusion clauses, where appropriate, have been considered. Upon presenting applications to Norway, UNHCR is requested in general to take into consideration the criteria mentioned above.

UNHCR and the Directorate of Immigration have developed a good operational cooperation in preparing, at an early stage towards the end of one year, a detailed plan for the use of following year's quota and selection missions. Norway wants to build on and develop further this cooperation.

4. Resettlement Allocations / Processing Priorities

The Ministry of Local Government and Regional Development decides the allocation of the quota in consultation with other ministries and based on the assessment of resettlement needs by UNHCR and the Directorate of Immigration. In 2003, the majority of places are allocated to refugees from Africa. For details on the composition of the 2003 quota, please see Annex A. Within this quota the Directorate of Immigration will resettle refugees in close co-operation with UNHCR.

Norway is also involved in the UNHCR Trust Fund for Enhancing Resettlement Activities. For the period 2001 – 2003 Norway has contributed by converting between 50 and 100 places yearly from the quota.

5. Admissibility for Resettlement

In order to be considered for resettlement in Norway, refugees presented by the UNHCR should satisfy the requirements for refugee status according to the 1951 Refugee Convention and the Norwegian Immigration Act. If the caseload presented exceeds the actual number of quota places, priority is given to persons identified as being in most urgent need of protection and deemed reasonably capable of integrating into Norwegian society.

Military activities are normally not considered as an obstacle to resettlement. However, the exclusion grounds as laid down in article 1F of the 1951 Refugee Convention may be applied whenever this is considered necessary. Refugees with a criminal record are normally not resettled by Norway.

6. Submissions and Processing via Dossier Selection

The quota may be filled by means of dossier selection or by selection missions. The dossiers are normally submitted by UNHCR Geneva. In understanding with UNHCR, Geneva, they may also be presented directly from other UNHCR missions. UDI makes decisions on the basis of information presented in the Resettlement Registration Forms (RRFs).

The UDI decides whether a person is accepted for resettlement or not. This decision is not subject to appeal.

The UDI notifies UNHCR Geneva about decisions. The Norwegian Embassy in the country of temporary protection is informed about every positive decision and is instructed to issue necessary travel documents.

Average time frame for UDI to make a decision in resettlement cases is 3-4 weeks from reception of the dossiers. Emergency cases are normally processed within 48 hours.

7. Submissions and Processing via In-Country Selection

Selection missions are composed of representatives from the Directorate of Immigration (UDI). For in-country selections, UNHCR is usually expected to present a number of refugees on dossier for pre-screening prior to the actual mission. The delegation interviews the refugees and decides who will be accepted for resettlement. The decisions are presented to the refugees by UNHCR. A rejection is final and thus not subject to appeal.

The responsible Norwegian Embassy issues necessary travel documents.

The UDI will then start preparing the municipalities for the reception of the selected refugees. When housing, introduction-programme and other preparations are arranged, travel arrangements are made, and the refugees are brought to Norway.

With few exceptions, refugees selected for resettlement will arrive in Norway within 6 months from the date they were accepted. However, due to difficulties in relation to exit arrangements, processing time is sometimes prolonged.

8. Emergency Cases

In situations where a refugee's life or freedom depends on emergency resettlement because of potential refoulement, deportation, physical threat to security, undue detention, or other reasons UNHCR may ask for an accelerated processing of the case. Emergency cases are drawn from cases worldwide, and not limited to specific areas. A decision in these cases should be made within 48 hours.

In order to facilitate the processing, UNHCR Geneva should notify the UDI by telephone that an emergency case is being forwarded. When the papers are received by facsimile and/or E-mail, the case is given priority.

Cases presented as urgent are being treated as a normal case with regard to time frame, which normally means 3-4 weeks. There are no special procedures for urgent cases, however, they are given priority by UDI and usually treated within 2 weeks.

9. Special Categories

Cases concerning special categories are presented by the UNHCR according to normal procedures. However, when refugees with medical needs and victims of violence and torture require special treatment in Norway, available medical services in Norway are examined before decisions are made. If a person requires special treatment not or scarcely available in Norway, the case will normally be rejected. Refugees with medical needs should have a refugee background and prospects to recover after getting medical treatment in Norway.

In order to be able to make a proper decision, the UNHCR must forward a recent, transparent and complete report of the refugee's medical condition.

10. Family Reunification of Refugees

Family reunification implies that a family member abroad is reunited with one or more family members already living in Norway. The aim of the provisions on family reunification is to protect already established family ties.

Family reunification with a refugee selected for resettlement in Norway may take place according to regulations in the Immigration Act. Normally, only the closest family members such as spouses, co-habitants who have lived together for at least two years and children under 18 years of age are granted a residence permit to be reunited with their family. A registered partner is considered along the same lines as a spouse. Parents and siblings of a single minor who has been granted asylum will also be counted as close family members, and also in some cases parents of children who for other reasons are resident in Norway.

More distant family members and other persons may also be granted family reunification if they have special ties to Norway, or if there are other strong human considerations. In addition to co-habitants who have not lived together for at least two years and thus are not considered on equal terms as spouses, those who may be granted a residence permit will primarily be elderly parents without any of their closest relatives in the country of origin, children older than 18 years of age with special care needs or without care persons in their country of origin.

Family members should contact the nearest Norwegian Embassy, or the embassy assigned to handle applications for any particular country, when they wish to apply for family reunion.

11. Medical Requirements

Norway sometimes requests IOM to carry out medical checks on refugees already accepted. This in order to prepare for the reception in a Norwegian municipality. Norway does not exclude refugees on medical grounds.

12. Travel

Norway is one of the member States of the International Organisation for Migration (IOM) and makes use of its services. IOM arranges travel for refugees accepted for resettlement in Norway under the quota as well as for persons accepted for family reunification with refugees in Norway. Norway contributes to IOM's general budget besides paying for travel and other assistance. The Norwegian Foreign Service missions issue emergency travel documents (*laissezpassers*) and visas to refugees before departure.

In 2003 Norway in cooperation with IOM, implements a Cultural Orientation Program for Norway-bound refugees. Information about Norway and Norwegian way of life is given before the refugees depart for Norway.

13. Status on Arrival

As mentioned under Section 2 above, the question concerning refugee status of the resettled refugee is normally decided upon arrival. When the principal applicant is granted refugee status, the family members are given the same status.

After three years of legal residence in Norway, the refugee may apply for a permanent residence permit. This will allow him or her to reside outside Norway for a period of maximum two years without losing the permit. In order to obtain citizenship, the refugee must have stayed 7 years in Norway with a residence or work permit. Other requirements apply if the refugee is married to a Norwegian citizen.

According to Norwegian legislation, asylum may be revoked when the refugee no longer falls under the definition of a refugee, or if this otherwise follows from general rules in public administrative law.

The Norwegian Government has established a voluntary repatriation programme where economic support is given to any refugee who has been resettled, granted refugee status or a residence permit on humanitarian grounds in Norway.

The rates are the following:

- 15,000 NOK per person upon departure from Norway;
- Travel free of charge from the nearest airport in Norway to country of origin.

14. Domestic Settlement and Community Services

Immigration policy in Norway is based on genuine equal status for immigrants (including refugees) and Norwegians. This means that, as far as possible, immigrants have the same opportunities, rights and obligations as the rest of the population. This objective also requires continued efforts to give immigrants the same opportunities as the rest of the population to acquire education and obtain employment. In addition it implies support for immigrant cultural activities.

The Ministry of Local Government and Regional Development has the overall responsibility for immigration and refugee policy in Norway. The Directorate of Immigration has the primary responsibility for implementing the policy. This includes immigration control, reception of asylum-seekers and resettlement and placement of refugees. Other ministries are obliged to observe the rights of immigrants and refugees in their sectors of responsibility.

The municipalities have the same responsibility for those who are allowed to stay in the country as refugees or on humanitarian grounds as they have for the rest of the population. This relates to health, education, housing, vocational training, employment etc.







The NGOs in Norway have no specific responsibility in integration of refugees. Many NGOs do, however, contribute in the integration process.

Resettled refugees are almost always directly settled in a municipality. Only rarely do they have a short stay in a reception centre.

Upon arrival in Norway the refugees will be provided housing by a municipality. The municipality will also provide the refugees with assistance in getting established and give necessary information.

The refugees get 850 hours of language training in Norwegian by the municipalities. Illiterates are entitled to up to 3000 hours of language training, or for as long as needed to attain a certain level of proficiency in Norwegian. The children may get training in their mother tongue in kindergarten and school as a tool to learn Norwegian. Schooling is obligatory in Norway. All boys and girls between the age of 6 and 16 must attend school. Most schools and universities are free of cost in Norway. The local labour employment offices provide services to the unemployed. The services also may include vocational-/work training.

15. Reference Materials

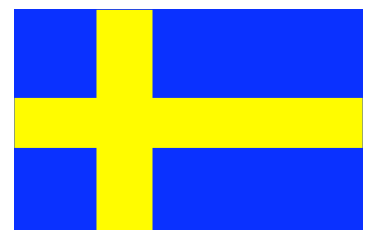
-  Act of 24 June 1988 concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Act).
-  Regulations concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Regulations), passed by Decree of the Crown Prince Regent on 21 December 1990.
-  White paper no. 17 (1994-95) to the Storting on Refugee Policy
-  White paper no. 17 (1996-97) to the Storting on Immigration Policy and Multicultural Norway.
-  White paper no. 17 (2000-01) to the Storting on Asylum- and refugee policy in Norway.
-  Various pamphlets giving relevant information on housing, education etc. to foreign nationals who are going to live in Norway.

**COUNTRY
CHAPTER**

SWE

SWEDEN

BY THE GOVERNMENT OF SWEDEN



1. Resettlement Policy

Since 1950, Sweden has accepted persons for organised resettlement in Sweden within the framework of a special refugee resettlement quota. This quota is used for transferring persons in need of international protection or others in particularly vulnerable situations.

The general guidelines on which application of the quota is based are established by the Government each fiscal year after approval by the Swedish parliament. The Responsibility for the selection and transfer of quota refugees to Sweden rests with the Migration Board. Transportation and other practical matters are handled by the International Organisation for Migration (IOM) as instructed by the Migration Board.

Refugees are selected for resettlement in Sweden in close cooperation with UNHCR, and it is primarily on the basis of UNHCR's assessment that the Board plans its selection. In matters of overall policy, the Governments of the Nordic countries meet for regular consultations within the framework of the Nordic Council for Refugee Affairs (NSHF).

For the latest fiscal (calendar) years the Swedish parliament, as recommended by the Government, has allotted funds corresponding to the resettlement in Sweden of 1840 quota refugees.

2. Criteria for Refugee Status Eligibility and Asylum

Under the Aliens Act (1989:529) a person has the right to asylum if he or she meets the definition of refugee spelled out in the Act. The wording of this definition is virtually identical to the definition in the 1951 Convention, omitting any territorial and temporal limitations. In the Aliens Act, the definition encompasses the concept of agents of persecution. In the travaux préparatoires to the mentioned amendments it is stated that guidance can be sought in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and UNHCR's Executive Committee Conclusions.

The Aliens Act also spells out other categories in need of protection having the right to receive a residence permit. These categories are:

- persons who risk execution, corporal punishment, torture, inhumane or degrading treatment or punishment;
- persons who are escaping armed conflict or environmental disaster; and
- persons who risk persecutions due to gender-related reasons or on grounds of homosexuality.

3. Criteria for Resettlement

Although priority is given to persons with a well-founded fear of persecution in the sense of the 1951 Convention, the quota reaches out to broader categories. The above shows Swedish legislation's categories of persons in need of protection. The resettlement quota has also in exceptional cases been used for persons who have not yet crossed the boundary of their country of nationality thus not *refugees* in a formal sense.

The Swedish quota policy will as of 1998 support UNHCR's endeavour to ascertain so called "Regional Resettlement" opportunities.

In line with UNHCR policy, durable solution through voluntary repatriation and local integration must have been ruled out.

Persons who have family members already residing in Sweden can also be resettled within the quota e.g. a person who have stayed in the country of refuge for a long time and if there is a strong link to Sweden and strong humanitarian reasons. The principle of family unity is upheld in the Swedish policy on resettlement. The resettlement quota can include close members of family if they arrive at the same time or shortly after the person in need of protection.

Selection on medical grounds is permitted only in exceptional cases and provided that the proper form of treatment is available in Sweden. Persons with grave mental disabilities are normally not selected as part of the quota, although, generally speaking, illness is not in itself considered an obstacle to the selection of persons in need of protection.

Reasons not to accept a case for resettlement can be (not counting the exclusion clauses stated in the 1951 Convention) criminality, alcohol and drug consuming illnesses and reasons relating to *ordre public*. Another category for exclusion is minor children without custodians if they not have relatives in Sweden who are willing to receive the child and this otherwise correspond with the best interests of the child.

4. Resettlement Allocations / Processing Priorities

For fiscal calendar year 2004, the Swedish parliament has allocated funds corresponding to the cost of resettlement in Sweden of 1,840 quota refugees. These funds may be used primarily for direct resettlement or as a contribution to projects designed to help solve refugee problems outside Sweden. The quota is general; it is not confined to certain nationalities only. Acting on the Government's instructions, the Migration Board then initiates a dialogue with UNHCR on the principal areas for examination, including Strategic use of resettlement, and it is on this basis that the Board eventually determines where the quota is to be applied.

5. Admissibility for Resettlement

Refer to Section 3.

6. Submissions and Processing via Dossier Selection

The guiding principle for the selection of refugees within the framework of the Swedish refugee quota is that selections be made on the basis of investigations carried out by the Migration Board itself (selection by delegation). If this is not possible, selections may be made on the basis of the findings of a Swedish authority abroad, UNHCR, or other suitable organisations (dossier selection).

UNHCR's submission for resettlement constitutes the basic material for the processing by the Board of the cases or cases reviewed in any given presentation. Presentations are usually given in Geneva, although material is sometimes received directly from UNHCR Field Offices as well. Dossier selection of quota refugees is almost always made on the basis of the documentation (RRF) included with UNHCR submissions for review. If the Migration Board is to reach a decision, it is essential that all relevant details of the case be set forth in full in the RRF. And, to eliminate problems during the later stages of processing, it is particularly important to ensure that the identities and photographs of the individuals and their families are correct. Likewise, particulars of any relatives of the husband or wife at home or abroad must also be provided. The reason why the particulars given in the RRF must be complete and true is, of course, the fact that they will serve as the basic material for determination of refugee status which is considered and decided after arrival when they apply for Convention of 28 July 1951 Travel document and/or conferral of refugee status. Since the Migration Board will not normally undertake any further assessment or review of the case once a refugee has arrived in Sweden, any political activities in which the individual has engaged must be carefully reported, as must any other circumstances that may be relevant to the flight from the country of origin.

In the event that the basic material is unreliable or insufficient, supplementary information is obtained from UNHCR or some other suitable source, such as an embassy or NGO. Occasionally, presentations may be submitted by organisations other than UNHCR, e.g. the Red Cross or a Swedish diplomatic mission.

The Migration Board is the competent authority to take decisions regarding residence in Sweden.

Cases dismissed by the Migration Board may be presented by UNHCR again if new facts have emerged or the Swedish admission criteria have been modified in some way.

Furthermore, Sweden raises no objections to reviewing cases dismissed by some other country, although the reasons for dismissal should be clearly set forth in the accompanying documentation.

Decisions on selection as part of the quota are sent both to the appropriate Swedish mission and to UNHCR. To help prepare the practical details of the resettlement process, the IOM is also informed. If the refugees lack valid passports, passports are issued by the Swedish Embassy or Red Cross as instructed by the Migration Board.

Quota cases are normally decided within 20 days.

7. Submissions and Processing via In-Country Selection

Before a decision is reached on selection by delegation, the matter is discussed in detail with UNHCR and the Swedish Embassy concerned with a view to determining the most suitable logistical approach, the scope of the selection, and various practical details of accommodation, transport, security, meetings, etc.

Selection by delegation is then made in close cooperation with the Swedish diplomatic mission and UNHCR. The Migration Board assumes responsibility for preparation, staffing, practical implementations and any post-processing or follow-up that may be required.

To ensure that the work proceeds quickly and smoothly, good preparation is essential. This means, among other things, that all documentation (RRF) provided by the UNHCR should be made available at least one month before the planned date of departure. And to ensure sufficient scope for selection and avoid no-shows, presentations should envisage about 50 percent more persons than will actually be selected. Presentations should clearly indicate whether the persons recommended have relatives in Sweden, and, if so, should state their names, their degree of kinship, their place of domicile, and, to facilitate identification, give as many personal particulars as possible.

In conducting selection by delegation, the Migration Board may itself initiate cases to limited extent, which are duly reviewed and eventually lead to a decision. Such cases may be brought to the notice of the Board by a candidate's next-of-kin in Sweden or by persons in some way involved in the case in question. In cases of this nature, UNHCR is always consulted first.

Interviews are normally carried out in the presence of the entire family, the aim being to supplement the information provided in the RRF and hence to provide a sufficient basis for assessment of refugee status and a final decision by the Board. At the end of each day of interviewing, the delegation conducts a thorough review of the cases considered during the day.

Once the interviews have been concluded, the delegation reviews each case once again, and only then will a final decision be reached. Occasionally, doubtful cases may be referred to Sweden for consultation and a decision at some later date.

These are known as pending cases.

In conclusion, the delegation provides the Embassy, UNHCR and IOM together or individually with an oral report on the course and progress of its work, naming those who have been awarded the right to settle in Sweden and those who have been rejected. Grounds for rejection are given orally, never in writing. Concrete plans as to the time and means of transfer of the refugees to Sweden and the practical details of their travel documents, etc., are also discussed during this meeting.

The length of time needed for selection by delegation depends both on the scope of the assignment and the size of the delegation. Excluding the preparation period and any follow-up that may be needed, two to four weeks may be considered normal.

8. Emergency Cases

Emergency cases are processed as quickly as possible, usually within ten days (and often sooner). Such cases are initiated and processed in the same manner as the dossier selection cases described in Section 6. The basic selection criteria are as outlined in Sections 2 and 3.

To preserve the special status and processing routines applied to such cases, the Board recommends that considerable restraint be exercised in their presentation.

9. Special Categories

The circumstances qualifying an individual to settle in Sweden within the framework of the Swedish refugee quota do not entirely correspond to the categories listed under this heading by UNHCR. It is, however, important that the RRF indicate whether the person is in need of some special care or treatment that might be covered by one or more of these categories.

The Directorate of the Swedish Migration Board has adopted Guidelines for decisions on resettlement matters in order to sort out the specific criterias and how to put them into practice within the resettlement procedure.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

The Swedish policy on resettlement takes into account the principle of family unity. There is only exceptionally a distinction between refugees in the sense of the 1951 Convention and other aliens residing in Sweden with regard to the rules on family reunification. Relatives to refugees under the Convention who have been granted residence permit can be granted costs for the travel to Sweden under certain circumstances.

10.2 Criteria for Family Reunification

Residence permits may be granted to aliens married to or cohabiting with a person domiciled in Sweden or who is a holder of a Swedish residence permit. Any children of a parent living in Sweden or holding a Swedish residence permit are also regularly awarded residence permits provided that they are under 18, are unmarried, and are or have been living in their parent's home.

Relatives outside the immediate circle of the nuclear family are awarded residence permits only if they were members of the same household community as their kin in Sweden while in their country of habitual residence. Apart from membership of the same household community, they must also be able to demonstrate some form of mutual dependence making it difficult for them to live apart. In rare cases on exceptional grounds, persons in need of protection residing in Sweden may be allowed to be joined there by a relative with whom they were particularly close even though they may not have been members of the same household community while in their country of habitual residence.

10.3 Allocations for Family Reunification

In principle, any person resident in Sweden is entitled to be reunited with his or her spouse, partner or unmarried children under the age of 18.

10.4 Routing of Applications

Applications for family reunification should be handed in by the applicant at a Swedish embassy or consulate in his or her country of origin or habitual residence. The appropriate staff then conducts an interview with the applicant to determine the origin and nature of the family ties referred to, their duration, and any plans which the applicant may have for his or her future. These findings are appended to the application in the form of a report, which is forwarded to the Migration Board along with the actual application. Relatives already settled in Sweden may submit reunification applications direct to the Migration Board if they can produce a power-of-attorney empowering them to act on behalf of the applicant.

In such cases, however, the accompanying documentation is almost always insufficient and the Board is itself obliged to take steps to collect the extra information. This procedure should, therefore, not be encouraged.

10.5 Verification of Relationships

Applications for residence in Sweden should be accompanied by documents confirming the relationship, civil status and other particulars of the alien's personal circumstances (passport, national service discharge book, marriage certificate, etc.).

If possible, confirmation of identity should also be provided in presentations submitted by UNHCR.

10.6 Processing and Decision-Making

Upon receipt by the Migration Board of the application and accompanying report, the Board contacts the person resident in Sweden and asks him or her to verify the particulars provided and supply any further information that may be needed. Decisions on residence permits, which also entitle holders to enter Sweden, are made by the Migration Board. Residence permits are normally granted for one year at a time.

Appeal against a decision to reject an application for a residence permit may be lodged with the Aliens Appeals Board.

Decisions on travel allowance for those family members who are allowed to this subsidy and next-of-kin are made by the Migration Board. No appeal may be lodged against these decisions.

11. Medical Requirements

Sweden does not require UNHCR to perform a medical examination of the refugees or next-of-kin who have been granted permits entitling them to settle in Sweden.

However, as mentioned above, it is still important to comment on an individual's state of health and to include the relevant medical documentation in the RRF. This will be a valuable source of information both for the refugee and for the municipal authorities who will be charged with his or her care.

The Migration Board has occasionally commissioned IOM to check the health of refugees pending resettlement in Sweden. These check-ups were conceived as part of a special information programme designed to prepare the refugees mentally for their initial reception and resettlement in Sweden.

12. Travel

The Migration Board cooperates with IOM in arranging the transport called for by decisions on the resettlement of refugees in Sweden. Here it is desirable that communications between the Board, UNHCR and IOM function as smoothly as possible, since the travel process is a long one and demands good cooperation between all those involved.

As will be apparent from Section 14 below, a guiding principle of Swedish refugee policy is that quota refugees shall normally be resettled directly in one of the municipalities. However, to ensure success, the timing must be perfect.

Arrangements must be made to acquire acceptance by the local authorities, to obtain the necessary exit permits from the country or countries of origin, to issue passports and travel documents, to provide information on the final destination, to describe the route to be travelled, to draw up timetables, and much more besides. Clearly, coordination is of the essence.

13. Status on Arrival

When refugees arrive in Sweden they have already been granted permanent residence permits but are entitled to apply for a travel document and for official recognition of their refugee status (confirming, therefore, that Sweden has deemed them to be bona fide refugees under the terms of the Geneva Convention). In other words, official refugee status is granted not in conjunction with selection under the quota system but only after the individual has arrived in Sweden and applied for a travel document or declaration of refugee status.

Aliens who have lived in Sweden for five years (four years for Convention refugee) are eligible for Swedish nationality. Certain conditions are imposed before an alien can acquire Swedish nationality. These include an age requirement, a record of good conduct, and relinquishment of previous citizenship.

Some nationals can, if their national legislation allows it, keep their old citizenship, notwithstanding granted a Swedish one.

The Swedish policy on voluntary repatriation encompasses actions in the field of the general Swedish foreign policy promoting situations in countries of origin conducive to return in safety and dignity.

An allowance for resettlement in another country is available to persons awarded a residence permit on the basis of de facto refugee status or who were selected for immigration under the quota system. Re-immigration is also allowed, depending on the time spent abroad and the degree of personal attachment to Sweden.

14. Domestic Settlement and Community Services

14.1 Actors

Under the present system of refugee resettlement, introduced 1998, the Swedish Integration Board reaches agreements with individual municipalities on the reception and resettlement of refugees and certain other aliens. Each municipality who has an agreement gets compensated by the state, at present 492 000 Swedish crowns annually, in order to manage the reception of refugees and certain other aliens. In other words, the system of refugee reception is based on the voluntary participation of the majority of municipalities in Sweden.

14.2 Reception

As of 1991, the municipalities have been required to draw up plans for the introduction and integration of refugees into Swedish society on an individual basis. Each plan must be drawn up in consultation with the refugee in person and in partnership with the local employment office i.e. The programme drawn up for the active, coordinated introduction of refugees to life in Sweden stresses the importance of maintaining a holistic approach to the problems involved and of ensuring widespread cooperation between the various authorities. In addition, it recommends that trade unions, employers and NGOs be encouraged to play a more active role than hitherto.

According to the proposition Sweden, diversity and the future, nr 1997/98:16, is the individual perspective much more in focus. A special introduction program, during approximately two years, is offered to each individual received in municipality. Various authorities have recently signed an agreement where cooperation is emphasized.

A state grant of 164 000SEK is paid for each adult refugee resettled in a municipality; for children, the equivalent figure is 100 700 SEK (2004 figures). This sum is expected to cover the extra costs arising in conjunction with reception of the refugee in the municipality, including any financial assistance paid out under the Social Assistance Act, it covers i.e. accommodation, Swedish tuition, child-care, education and training, interpreters' fees, administrative costs. The grant is expected to suffice for all costs paid by the municipality during the entire introductory period. An additional grant is payable for elderly or disabled refugees and for unaccompanied minor children.

14.3 Housing

Quota refugees are settled directly in a municipality, only rarely having to pass through a clearance or residential centre. Unless otherwise requested, Swedish Integration Board always attempts to locate a place in a municipality close to other relatives already settled in Sweden. Refugees are otherwise free to settle anywhere in Sweden, although if they need help in finding permanent accommodation they must accept a home in the municipality allocated to them.

At present, most refugees are allocated a flat or other form of accommodation in a municipality after receiving their residence permits.

After being resettled in a municipality, refugees are assisted to facilitate their adjustment to Swedish society. During this introduction period, normally two years, they have access to income support, language training and job search assistance. These services are provided and financed by local governments.

Under the terms of the Social Assistance Act, refugees are entitled to financial assistance if they are unable to support themselves by any other means. Refugees enjoy the same right to financial assistance from the local services as Swedish citizens. The amount paid out varies from one municipality to another.

A special home furnishing and equipment loan, administered by the National Board of Student Aid, has been available to refugees since 1 January 1991. These loans may be applied for by refugees and others who are at least 18 years old and who have arranged for a flat in a municipality. The amount is payable as a fixed percentage of the current basic amount as established for use by the national social insurance scheme. The maximum currently available to a single-person household is 15,000 SEK and for a family with two children, the maximum amount is 35,000 SEK. Interest is charged at a rate fixed annually by the Government. The time allowed for repayment depends on the amount borrowed.

14.4 Health

Refugees enjoy the same degree of access to the national health services as Swedish citizens. There is no qualifying period once a residence permit has been granted.

14.5 Language Training

Instruction in the Swedish language is an essential part of the introduction process. Indeed, proficiency in Swedish is vital to successful integration into Swedish society. The Swedish For Immigrants (SFI) programme is the oldest single measure for the linguistic education of adult refugees and other immigrants and it remains the most important, for growing competition in the labour market is placing increasingly stiff demands on the ability to speak good Swedish.

All municipalities are under a responsibility to offer refugees and other immigrants an SFI course as soon as may be arranged, and no later than three months after the individual's arrival in the municipality. All such adult education courses are to be based on the fundamental values set forth in the 1994 curriculum for voluntary forms of training and education, and instruction is to be given in the form of courses which it is the student's right to attend. As of 1 July 1994, SFI has had its own syllabus (partly revised 2003 i.e. new form of tests at different levels), method of marking and standardised achievement tests.

All school-age children in the custody of a person or persons whose native language is not Swedish are entitled to tuition in that language at primary and secondary schools and at certain other schools as well. Mother tongue classes are often held in the afternoon after other lessons. In practice, many municipalities are unwilling to organise such tuition unless they can expect at least five pupils per class.

14.6 Education

Swedish compulsory schools accept large numbers of pupils from abroad. The previous educational backgrounds and scholastic achievements of these students vary widely, but all children living in Sweden enjoy the same access to the school system and the rules on compulsory education apply to them all, whether they are native Swedes, immigrants or refugees.

Like Swedish citizens, therefore, refugees have access to the entire Swedish educational system and are entitled to the same forms of educational assistance (i.e. grants and loans).

During the past few years, increasing numbers of children and young people under age of 18 have arrived in Sweden unsupervised by a custodian of their own. The responsibility for ensuring that these children also receive the care and protection of which they have need rests with the local social welfare services, and some criticism has been raised as to the form and content of the support provided in conjunction with their reception in a municipality.

After receiving their permits, half of the children are placed in foster-homes, 30 percent in juvenile accommodation and 20 percent in group lodging homes. However, although the form of reception of children and young people varies considerably from one municipality to another, it is thought on the whole to function quite adequately.

14.7 Vocational Training / Employment

Persons with official refugee status or who hold a residence permit on similar grounds are permitted to take up employment on equal terms with Swedish citizens.

The entry of immigrants into the Swedish labour market is central to their integration into a job brings opportunities for stimulating social interaction and the development of proficiency in Swedish. Unfortunately, however, statistics show that over the last few years the status of immigrants in the labour market has steadily de times as high as among Swedish nationals (although it should be noted that current unemployment statistics do not differentiate between refugees and other categories of immigrants).

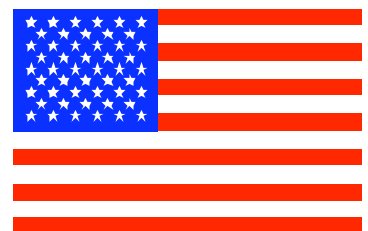
Efforts to bring refugees and other immigrants into the labour market should be undertaken within the framework of regular labour market policy. It should be remembered, however, that refugees and immigrants are particularly exposed to the risk of long-term unemployment. They may, indeed, risk permanent exclusion from the chance of a regular job, and to prevent them from being outcast entirely they should be afforded special priority in official labour market policy.

**COUNTRY
CHAPTER**

USA

The UNITED STATES OF AMERICA

**BY THE GOVERNMENT OF
THE UNITED STATES OF AMERICA**



1. Resettlement Policy

The United States has a long tradition of granting refuge to those fleeing persecution. Since the Second World War, more refugees have found permanent homes in the United States than in any other country. Admission of refugees of special humanitarian concern to the United States as well as admission of those for the purpose of family reunification are important tenets of the U.S. refugee resettlement programme.

At the federal level, the Bureau of Population, Refugees and Migration (PRM) of the Department of State administers the U.S. refugee resettlement programme in conjunction with the Citizenship and Immigration Services (CISDHS) of the Department of Homeland Security and the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). Non-governmental organizations play a major role in domestic resettlement activities and, along with the International Organization for Migration (IOM), in overseas processing

2. Criteria for Refugee Status Eligibility and Asylum

A person must meet the U.S. definition of a refugee found in Section 101(a)(42) of the Immigration and Nationality Act (INA), which closely follows the definition in the 1951 UN Convention. The INA also defines as refugees, under certain circumstances specified by the President, certain persons who are within their country of nationality, or if they do not have a nationality, the country in which they are habitually residing (See Annex B).

3. Criteria for Resettlement

Applicants for refugee admission into the United States must meet all of the following criteria:

1. Meet the definition of a refugee contained in Section 101(a)(42) of the INA (see Annex B);
2. Be among those refugees determined by the President to be of special humanitarian concern to the United States;
3. Be otherwise admissible under U.S. law; and
4. Not be firmly resettled in any third country

4. Resettlement Allocations / Processing Priorities

The Administration annually consults with the Congress on the U.S. refugee admissions programme. These consultations provide an opportunity for Congress and Administration representatives: The Department of State, the Department of Homeland Security, and The Department of Health and Human Services; to discuss the international and domestic implications of U.S. refugee policy. These consultations are the culmination of a many-faceted, consultative process that includes discussions with Congressional staff, representatives of state and local governments, public interest groups, international and non-governmental organizations such as the Refugee Council USA (RCUSA), the American Council for Voluntary International Action (InterAction), and others concerned with refugees. During the Congressional consultations, the President's proposed refugee admissions programme for the coming fiscal year is presented. This proposal includes information on refugee admissions levels, groups of refugees of special humanitarian interest to the United States, and processing priorities.

The processing priorities serve as guidelines to determine eligibility for access to the USG resettlement programme and as a tool to manage the refugee admissions process within the established annual regional ceiling. The following priorities are in effect for Fiscal Year 2004 (1 October 2003 - 30 September 2004):

Priority One

UNHCR or U.S. Embassy identified cases: persons facing compelling security concerns in countries of first asylum; persons in need of legal protection because of the danger of refoulement; those in danger due to threats of armed attack in an area where they are located; or persons who have experienced recent persecution because of their political, religious, or human rights activities (prisoners of conscience); women-at-risk; victims of torture or violence, physically or mentally disabled persons; persons in urgent need of medical treatment not available in the first asylum country; and persons for whom other durable solutions are not feasible and whose status in the place of asylum does not present a satisfactory long-term solution. As with all other priorities, Priority One referrals must still establish a creditable fear of persecution or history of persecution in the country from which they fled. All nationalities are eligible for processing under Priority One.

Priority Two:

Groups of Special Concern:

–Includes specific groups (within certain nationalities) as identified by the Department of State in consultation with NGOs, UNHCR, DHS, and other area Experts as well as some in-country programs. Only those members of the specifically identified groups are eligible for processing.

Each group will be selected based on its individual circumstances. For example, a priority two designation was developed for the Mushunguli, nationals of Somalia.

In-country Priority Two programs include:

Cuba –

Emphasis given to former political prisoners, members of persecuted religious minorities, human rights activists, forced-labor conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, dissidents, and other refugees of compelling concern to the United States.

Former Soviet Union (FSU) –

Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches. Preference among these groups is accorded to those with close family in the United States.

Note: Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious activists may establish refugee status for U.S. admission by asserting a fear of persecution and asserting a credible basis of concern about the possibility of such persecution. (Lautenberg Amendment)

Vietnam –

McCain amendment programs as well as any new referrals, should they arise.

Priority Three:

Nationals of the following countries who are spouses, unmarried sons and daughters under 21 years of age, and parents of persons admitted to the United States as refugees or granted asylum, or persons who are lawful permanent residents or U.S. citizens and were initially admitted to the United States as refugees or granted asylum:

- Burma
- Burundi
- Colombia
- Congo (Brazzaville)
- Democratic Republic of the Congo
- Iran
- Liberia
- Somalia
- Sudan

5. Admissibility for Resettlement

Section 212(a) of the INA lists grounds under which aliens may be excluded from the United States. Refugees may be excluded for the following reasons:

1. Health-related: Some communicable diseases, physical or mental disorders, and current drug abuse or addiction (Health-related denials may be overcome when the problem has been successfully treated, or upon waiver at the discretion of the Attorney General).
2. Criminal activity: Individuals who have committed crimes of moral turpitude, drug trafficking, multiple criminal convictions, prostitution, murder or acts involving persecution or torture.
3. Security grounds: Espionage, terrorist activity, membership in Communist or other totalitarian parties, Nazi persecution or genocide, or individuals who would present a serious security threat (A name check is required for all refugee applicants over the age of 16. In some cases, this requires administrative processing in Washington). Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Requests for waivers for refugees (Form I-602) should be sent to the Officer in-Charge of the overseas DHS Office with jurisdiction over the case. DHS has sole authority to determine whether or not to waive these ineligibilities for refugees.

6. Submissions and Processing via Dossier Selection

The U.S. refugee resettlement programme does not admit refugees by dossier selection

7. Submissions and Processing via In-Country Selection

With respect to a person applying in a third country for admission to the United States as a refugee, an initial review is undertaken to evaluate cases based on the applicants' situation in temporary asylum, the conditions from which they have fled, U.S. national interest, and other humanitarian considerations. Applicants who claim persecution or a well-founded fear of persecution and who fall within the priorities established for the relevant nationality or region are presented to DHS for determination of eligibility for admission as a refugee under Section 101(a)(42) of the INA.

7.1 Case Documentation

The situation of refugees often makes it difficult for the applicant to produce adequate documentation to verify a claim to a certain priority. Thus, while available documentation should be presented before a final decision is reached (including primary documents such as birth certificates, baptismal records or household registries or secondary evidence such as affidavits of relatives and friends), documents may not be required if the refugee's claim to processing in a certain priority appears credible.

7.2 Routing of Submissions

All refugee applicants must ultimately be interviewed by a DHS Officer. USG-funded Overseas Processing Entities (OPEs), usually managed by voluntary agencies or IOM, prepare cases and schedule interviews within their regions. Some processing locations have DHS officers permanently assigned who may adjudicate refugee applications (including Rome, Nairobi, Accra, Vienna, Moscow, Athens, Bangkok, New Delhi, Havana, Mexico City, Frankfurt, Ho Chi Minh City, and Islamabad). In other locations, which do not have a regular DHS presence, the USG and the OPE work together to schedule visits from DHS officers on a circuit ride basis. The U.S. refugee admissions programme is committed to frequent circuit rides to posts where there are sufficient numbers of UNHCR- and Embassy-referred cases or others who are eligible. For those cases approved by DHS, the OPEs make preparation for onward movement to the United States by arranging medical examinations, security name checks and a resettlement agency sponsor. IOM makes travel arrangements once the final clearances have been obtained.

7.3 Decision-Making Process

Section 207 of the INA grants the Attorney General the authority to determine who is inadmissible to the United States as a refugee. The Attorney General has delegated this authority to DHS. DHS makes the final determination as to admissibility and priority of a refugee applicant after the interview.

7.4 Recourse Processing

There is no formal procedure for appealing the denial of refugee status, although an applicant may file a “request for reconsideration” of his case to DHS on the basis of additional evidence or information not available at the time of the interview.

7.5 Processing Times

The time required to process a refugee claim varies considerably based on such factors as the availability of a DHS officer to adjudicate the claim, OPE processing capabilities, type of security name checks required, and whether an applicant is admissible to the United States. A very rough estimate of the time from DHS approval of a refugee’s admission to the United States until departure is generally 4 to 6 months. Emergency cases may be expedited and have occasionally been processed in a very short time, depending on the circumstances.

8. Emergency Cases

8.1 Emergency Cases

DHS and the Department of State have agreed to specific procedures for processing limited numbers of emergency cases each year. Emergency cases are defined as cases in which the risk to the refugee is so great that processing must be completed within 7 days.

All such cases must be referred by UNHCR offices in the field to the UNHCR Resettlement Office in Geneva, which refers the case to the designated USG authorities in Washington. Upon acceptance of the case, the USG will initiate processing on an emergency basis.

8.2 Urgent Cases

The U.S. Program tries to be responsive to urgent cases. However, these cases must follow the same procedures outlined in Section 7 above. Processing may be expedited by the USG in appropriate situations.

9. Special Categories

9.1 Refugees with Medical Needs

Such cases may be processed under Priority One, following procedures outlined in Section 7. Refugees with medical needs who fall under other priorities are also eligible, except for limited instances where the medical condition is grounds for exclusion (see Section 5 above).

9.2 Survivors of Violence and Torture

Such cases may be processed under Priority One, following procedures outlined in Section 7.

9.3 Women at Risk

Such cases may be processed under Priority One, following procedures outlined in Section 7.

9.4 Children

Unmarried children under the age of 21 who are accompanying or following to join a refugee parent are eligible for derivative refugee status. Unaccompanied minors may also qualify as refugees if they satisfy all requirements for admission to the United States as refugees. The U.S. refugee admissions programme works with UNHCR to determine whether third-country resettlement is in the best interest of the child.

Unaccompanied minors may be placed in the priority for which their parents would have been eligible if the parents were prevented from applying because of imprisonment, death or other compelling reasons. Only certain authorized voluntary agencies can sponsor unaccompanied minors who are placed in foster care upon arrival in the United States.

9.5 Elderly

Age is not a factor in U.S. refugee admissions.

10. Family Reunification of Refugees

Family unity is an important element of the U.S. refugee admissions programme. This is reflected in the processing priorities discussed in Section 4, as well as in other refugee and immigrant admissions programmes detailed below.

10.1 Policy concerning Family Reunification of Refugees

Certain family members may join relatives in the United States by one of the following means:

- A UNHCR referral for the purpose of family reunification (Such referrals follow the procedures outlined in Section 7).
- An Affidavit of Relationship (AOR): An AOR is a form filed with a voluntary agency by refugees, permanent residents, or American citizens to establish a relationship in order to qualify for consideration under the priority three, family reunification category.
- Visa 93: A resettlement authorization for the spouse and unmarried children under 21 of a refugee already resident in the United States.
- Visa 92: A resettlement authorization for the spouse and unmarried children under 21 of an asylee already resident in the United States.
- Regular immigration: Refugees may also qualify for admission under regular immigration categories if they have the requisite relatives in the United States.

10.2 Criteria for Family Reunification

Use of an AOR requires that the relative applying for U.S. resettlement establish refugee status in his own right and be otherwise admissible for entry into the United States, as determined by DHS. An acceptable AOR permits an applicant to be considered under Priority 3. A Visa 93 or Visa 92 petitioner must establish proof of relationship (spouse or unmarried child under 21). While immediate family members do not need to qualify as refugees in their own right in order to be eligible for Visas 92 or 93 and may still be situated in their countries of origin, they must demonstrate that they meet the required standards regarding admissibility to the U.S.

10.3 Allocations for Family Reunification

All family reunification cases, whether direct applicants, UNHCR referrals or Visas 93 beneficiaries, count against the annual regional refugee admissions ceiling. Visas 92 beneficiaries do not count against the annual admissions ceiling.

10.4 Routing of Applications

UNHCR referrals for the purpose of family reunification follow the procedures outlined in Section 7.

- AOR: A relative in the United States files an AOR with a local branch of one of ten voluntary agencies with a (resettlement) cooperative agreement with the Department of State. If determined to be eligible, routing then follows the procedures outlined in Section 7.

- Visa 93: A refugee in the United States must file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship. The I-730 must be filed within two years of the refugee's arrival in the U.S.
- Visa 92: An asylee in the United States must also file Form I-730 (Refugee/Asylee Relative Petition) with DHS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship.

10.5 Verification of Relationships

When the refugee applicant seeks resettlement in the United States through UNHCR based on family ties, such ties may be supported by a marriage and/or birth certificates, certificates of adoption or approved Form I-130s (Petition for Alien Relative). If these documents are unavailable, a church record, school record or census record showing date and place of birth may be acceptable. If the above documentation is unavailable, the applicant may present a notarized voluntary agency Affidavit of Relationship (AOR), sworn statements of persons who are not related to the principal applicant attesting to the relationship claimed, or, if necessary, such affidavits from persons related to the principal applicant. UNHCR need not request that an AOR be filled out when referring a case under Priority One.

10.6 Processing and Decision-Making

AOR: After initial screening of an AOR recipient by the OPE, processing and decision-making generally follows procedures outlined in Section 7.

Visa 92 and Visa 93: After the Department of State's National Visa Center receives an I-730 form approved by DHS, the file is sent to the U.S. Embassy having jurisdiction over the beneficiary's place of residence. Approved Visas 92 and 93 recipients must be interviewed by either a DHS or consular officer and meet other admissions standards (e.g. medical) before departure. Upon arrival in the United States, Visa 93 recipients are granted refugee status while Visa 92 beneficiaries are granted asylee status.

11. Medical Requirements

Medical screening is mandatory for all refugees. Medical exams are performed by U.S. Embassy-contracted physicians or by IOM. The costs for medical exams are borne by the USG. Costs for medical treatment necessary to make an already approved refugee ready for travel are usually paid by the USG. Medical exams normally are valid for 1 year and must be valid at the time of departure for the U.S. Screening is generally coordinated by the processing OPE

12. Travel

Refugees approved by DHS generally enter the United States within four to six months of final approval. Travel is coordinated by IOM. Refugees generally receive interest-free loans for the cost of their transportation through IOM. (A refugee is expected to begin incremental repayment of this loan 6 months after arrival in the United States, and the total amount is expected to be repaid within 3 1/2 years.) Refugees generally travel coach class and must pay for excess luggage. Refugees carry travel documents prepared by the OPE which they must present to DHS officials at the port of entry to the United States.

13. Status on Arrival

At the U.S. port of entry, DHS admits a refugee to the United States and authorizes employment. After one year, a refugee is eligible for adjustment of status to lawful permanent resident. Five years after admission, a refugee is eligible to apply for U.S. citizenship. Refugees who have not yet adjusted to Lawful Permanent Resident Status who wish to travel abroad must obtain advance permission to re-enter from DHS in the form of a Refugee Travel Document. Voluntary return to the country of persecution or availing oneself of services of that country's Government (e.g. passports) may, under certain circumstances, be considered abandonment of refugee status. The USG does not impede voluntary repatriation, but USG funding is not generally available for refugees wanting to repatriate. Private organizations and UNHCR may be able to assist refugees who choose to repatriate.

14. Domestic Settlement and Community Services

The U.S. resettlement programme recognizes the desirability for public and private nonprofit organizations to provide sponsorship, reception and placement services appropriate to refugees' personal circumstances and to assist refugees to achieve economic self-sufficiency as quickly as possible. Sponsoring agencies are required to ensure that refugees' basic needs are met: initial housing, essential furnishings, food or a food allowance, necessary clothing, and transportation to job interviews and job training for a minimum of 30 days after arrival in the United States. Further, sponsoring agencies also provide orientation and information about services available in the community (employment opportunities, vocational training, education, language classes, and health care) for a minimum of 90 days after arrival.

14.1 Actors

Initial reception and placement of refugees is carried out by sponsoring agencies through cooperative agreements with the Department of State. Longer term resettlement resources are provided primarily through assistance programmes funded by HHS and local and national non-profit organizations. State, county, and local governments also assist in resettlement efforts. Private sponsors, such as relatives or friends of the refugee, may also assist with the refugee's resettlement.

14.2 Orientation

The U.S. resettlement programme strives to ensure that refugees who are admitted to the United States are prepared for the significant changes they will experience during resettlement. Pre-departure cultural orientation programmes are available for refugees at many sites around the world. After arrival in the United States, the sponsoring agency provides refugees with community orientation, which includes information about public services and facilities, personal safety, public transportation, standards of personal hygiene, and information about legal status, citizenship and family reunification procedures. Refugees may also receive materials in their native language which provide information about life in the United States to ease the transition to a new society and culture.

14.3 Reception

An IOM representative meets the refugee at his port of entry and when necessary, ensures he/she makes his onward travel connections. Sponsoring agencies meet the refugees at their final U.S. destination, transport them to their initial living quarters and assist them in obtaining initial housing, furnishings, food, clothing, and basic employment services for a minimum of 30 days.

14.4 Housing

Under the guidelines established for reception services by the Department of State, the resettlement agencies ensure that decent, safe and sanitary accommodation is made available to the refugee upon arrival. Refugees reuniting with family may spend some time at their relative's accommodation.

14.5 Health

Resettlement agencies refer refugees to local health services for a comprehensive health assessment upon arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge. Refugees are eligible to apply for Refugee Medical Assistance (RMA) or Medicaid to cover basic health care costs.

14.6 Language Training

English language ability is critical to a refugee's successful transition in American society. English as a Second Language (ESL) training programmes vary among communities. The local resettlement agency is the best source of information about the availability of such programmes.

14.7 Education

Public schools in the United States are operated by local governments so curriculum and facilities vary. Public school education is free for grades Kindergarten to 12 (approximately ages 5 to 18) and is mandatory for children ages 6 to 16. The resettlement agency will be able to provide more information about school registration and other educational resources in the community.

14.8 Vocational Training




Refugees should be aware that job mobility in the United States is great and that refugees frequently change jobs as technical skills and English ability improve. Refugees should also be aware that foreign job certification is often not valid in the United States and that further training, testing and/or certification may be necessary for some jobs. Vocational and technical schools train people for special skilled occupations, such as auto mechanics, computer programming and medical and dental assistants. These programmes require varying levels of English language ability and often require payment. The local resettlement agency will be able to provide more information about the availability and cost of such programmes.

14.9 Employment

Achieving economic self-sufficiency is the cornerstone of the U.S. resettlement programme and getting a job is the first step toward that goal. Many jobs available to newly-arrived refugees are entry-level and refugees are encouraged to improve their language and job skills in order to move up the economic ladder. Refugees may receive assistance from the resettlement agency in finding a job, though it may not be in the same field in which the refugee was previously employed. Refugees must have documentation authorizing employment such as an Employment Authorization Document (EAD) and the I-94 form, which they receive from DHS upon arrival.

15. Reference Materials

The following materials are available from any U.S. Embassy that processes refugees or from the Bureau of Population, Refugees, and Migration at the U.S. Department of State.

-  Center for Applied Linguistics (CAL). *Welcome to the United States: A Guidebook for Refugees*. 1996.
-  Committee on the Judiciary of the House of Representatives. *Immigration and Nationality Act*, May 1995.
-  U.S. Department of State, Department of Homeland Security, Department of Health and Human Services. *Report to the Congress: Proposed Refugee Admissions for Fiscal Year 2004*, October 2003.

Annex A: Current Resettlement Allocations

The following are the FY 2004 projected arrivals by region:

Region	Projected FY 2004 Arrivals	FY 2004 Ceiling
Africa	29,000	25,000
East Asia	7,500	6,500
Europe / Central Asia	10,800	13,000
Latin America/ Caribbean	2,700	3,500
Near East/ South Asia	2,500	2,000
Allocated from Reserve		2,500
TOTAL	52,500	52,500

* Numbers will be drawn from the unallocated reserve of 20,000 total to augment regional ceilings where necessary.

Annex B**Section 101(a)(42) of the Immigration and Nationality Act (INA)**

The term “refugee” means: (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

ANNEX

1

**EXECUTIVE COMMITTEE CONCLUSIONS
RELATING TO RESETTLEMENT**

**CONCLUSIONS ADOPTED BY THE EXECUTIVE
COMMITTEE ON INTERNATIONAL PROTECTION
OF REFUGEES**

No. 99 (LV) - 2004

General Conclusion on International Protection

The Executive Committee

(...)

- (t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;
- (v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;
- (x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

(...)

No. 100 (LV) - 2004

Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations

The Executive Committee

(...)

- (m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:
 - i. the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(...)

No. 95 (LIV) - 2003

General Conclusion on International Protection

The Executive Committee

(...)

- (i) *Reiterates* the crucial importance of achieving durable solutions for refugees and *urges* States and UNHCR to continue their efforts in this regard to promote and facilitate, in conditions of safety and dignity, voluntary repatriation as the preferred solution, in addition to working proactively on local integration and resettlement opportunities where appropriate and feasible;
- (j) *Notes* the willingness of UNHCR, with the support and assistance of the international community, to participate in regional efforts, where appropriate, to provide protection and to achieve durable solutions for refugees, by working closely with countries in the region and other partners;
- (p) *Welcomes* the High Commissioner's "Convention Plus" initiative and *encourages* the High Commissioner and those States which have offered to facilitate "Convention Plus" agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility sharing and realizing durable solutions; and *calls on* UNHCR to report regularly to the Executive Committee on "Convention Plus" developments;

- (q) *Welcomes* the report of the Working Group on Resettlement³, particularly its important reflections on how this durable solution can be enhanced and used more strategically, including as part of comprehensive durable solutions arrangements and *reaffirms* the vital role of international resettlement in providing orderly, well targeted durable solutions;
- (v) *Encourages* States to co-operate with UNHCR on methods to resolve cases of statelessness and to consider the possibility of providing resettlement places where a stateless person's situation cannot be resolved in the present host country or other country of former habitual residence, and remains precarious;
- (...)

N. 85 (XLIX) - 2001

DURABLE SOLUTIONS

The Executive Committee

- (...)
- (ff) Urges States, particularly countries of origin of refugees, resolutely to cooperate at the bilateral, regional and universal levels to address the underlying causes of refugee flows, both in a preventive and curative manner, and to facilitate just and lasting solutions;
- (gg) Recalls Conclusion No.62 (XLI) which states that voluntary repatriation, local integration and resettlement, that is, the traditional solutions for refugees, all remain viable and important responses to refugee situations, even while voluntary repatriation is the pre-eminent solution;
- (hh) Calls upon countries of origin, countries of asylum, UNHCR, and the international community to take all necessary measures to enable refugees to exercise freely their right to return to their homes in safety and dignity;
- (ii) Emphasises the importance of reconciliation for facilitating and ensuring the durability of return and calls upon States and all other actors, including the refugees themselves, to cooperate willingly and generously in all initiatives undertaken to bring lasting peace and justice to reintegrating communities;
- (jj) Reaffirms the continuing importance of resettlement as an instrument of protection and an element of burden-sharing; calls on UNHCR to continue to work with resettlement countries to improve the efficiency and timely provision of resettlement opportunities for those where resettlement is the appropriate solution; encourages States which have not already offered resettlement opportunities to refugees, and which are capable of doing so, to join in offering such opportunities, and calls on States and UNHCR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, adolescents, elderly refugees, and survivors of torture.
- (...)

N. 87 (L) – 2001

DURABLE SOLUTIONS

The Executive Committee

(...)

- (r) Reaffirms that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; reiterates that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and notes that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions;

Stateless persons and internally displaced persons

- (s) Notes with concern the persistence of statelessness problems; welcomes the accession of Chad to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as the accession of St Vincent and the Grenadines and Zimbabwe to the 1954 Convention relating to the Status of Stateless Persons; and encourages UNHCR to continue to promote further accessions to and full implementation of both instruments by the States concerned;
- (t) Recalls Conclusion No. 75 (XLV) on internally displaced persons; takes note of resolution 53/125 adopted by the United Nations General Assembly in December 1998; reiterates the relevance of the Guiding Principles on Internal Displacement,[1] and reaffirms its support for UNHCR's role with internally displaced persons on the basis of criteria specified by the General Assembly.

(...)

N. 90 (LII) – 2001

RESETTLEMENT

The Executive Committee

(...)

- (j) Emphasises that the ultimate goal of international protection is to achieve a durable solution for refugees and commends States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognising that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;
- (k) Commends in particular efforts made by States and by UNHCR to ensure the diverse uses of resettlement as an important tool of international protection, as a durable solution to be used strategically along with the other two durable solutions, appropriate, as part of a comprehensive approach to enhance protection, and as an expression of international solidarity and a means of burden or responsibility sharing, particularly in countries of asylum coping with large numbers of refugees or protracted refugee situations;

- (l) Acknowledges that resettlement is a process beginning with the identification and assessment of refugees requiring protection and ultimately resulting in a durable solution leading to their successful reception and integration; and in this context takes note of the principles on the development and implementation of reception and integration practices developed by the International Conference on the Reception and Integration of Resettled Refugees convened in Norrköping, Sweden, from 25 to 27 April 2001;[1]
- (m) Encourages initiatives directed at diversifying resettlement opportunities by further increasing the number of resettlement countries, thereby sharing resettlement needs more widely, and meeting increased resettlement needs; acknowledges that capacity-building is essential to develop and sustain the necessary conditions for successful integration of resettled refugees in emerging resettlement countries, and underlines the important catalytic role which UNHCR should play in this regard; acknowledges the important role that regional arrangements have played in certain regions in supporting diversified resettlement opportunities;
- (n) Recognises the importance of further strengthening tripartite partnerships, and of strategically enhancing a consultative and collaborative approach to resettlement and notes that further efforts are needed to ensure more responsive and speedy processing, better identification of urgent needs, and co-ordination; and urges further UNHCR efforts to ensure the integrity of the processing of the resettlement caseload and encourages States and UNHCR to continue to pursue a strategic and systematic approach to the problem of attempted fraud or other abuse;
- (...)

No. 79 (XLVH) - 1996

GENERAL CONCLUSION ON INTERNATIONAL PROTECTION

The Executive Committee,
(...)

- (q) Notes that voluntary repatriation, local integration and resettlement are the traditional durable solutions for refugees, while reaffirming that voluntary repatriation of refugees is the most preferred solution, where feasible;
- (r) Reaffirms its conclusion 67 (XLII) on resettlement as an instrument of protection and as a durable solution, and welcomes the action taken recently by UNHCR, including the issuance of the Resettlement Handbook on criteria and procedures, and encourages training activities to support resettlement operations in the field;
- (s) Acknowledges the resettlement efforts undertaken by Governments and the efforts being made by UNHCR to take full advantage of resettlement opportunities and to find solutions for individual refugees considered in need of resettlement, and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;
- (t) Encourages the regular exchange of information as part of the ongoing consultations of UNHCR with Governments and NGOs on resettlement;

No. 77 (XLVI) - 1995

GENERAL CONCLUSION ON INTERNATIONAL PROTECTION

The Executive Committee,

(...)

- (a) Distressed at the continued suffering of refugees for whom a solution has yet to be found; reaffirms that respect for fundamental humanitarian principles, including safeguarding the right to seek and enjoy in other countries asylum from persecution, and full regard for the principle of non refoulement, is incumbent on all members of the international community; and urges the continued commitment of States to receive and host refugees and ensure their protection in accordance with accepted legal principles;
- (b) Notes that the search for solutions to refugee problems is an integral part of the High Commissioner's mandate for international protection, and that identifying and implementing solutions to the problems of refugees requires the constant support of the international community in order that the will and capacity of individual States are reinforced in this common pursuit;
- (p) Reiterates the continued importance of resettlement as an instrument of protection and its use as a durable solution to refugee problems in specific circumstances; welcomes the initiative in commissioning an evaluation study and the UNHCR-sponsored consultation on resettlement; and encourages UNHCR to continue the process of dialogue with interested Governments and non-governmental organizations to strengthen its activities in this connection, and to provide regular reports to the Executive Committee;
- (q) Reaffirms its Conclusion 48 (XX7KVIII) on Military or Armed Attacks on Refugee Camps and Settlements and reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character, and all parties are obliged to abstain from any activity likely to undermine this; condemns all acts which pose a threat to the personal security of refugees and asylum-seekers, and also those which may endanger the safety and stability of States; calls on States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained and, in this regard, calls on all other States to assist them; and further calls on States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers, and to afford UNHCR and other appropriate organizations prompt and unhindered access to them.

(...)

No. 67 (XLII) - 1991

RESETTLEMENT AS AN INSTRUMENT OF PROTECTION

The Executive Committee,
(...)

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

- (a) Calls on governments in a position to assist, to establish refugee admission ceilings, in the context of international burden-sharing;
- (b) Requests States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;
- (c) Recognizes that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;
- (d) Recognizes the need for rapid and flexible response to UNHCR resettlement requirements in particular for vulnerable groups and emergency protection cases subject to refugee admission requirements of receiving States;
- (e) Acknowledges the utility of close consultation with UNHCR in the resettlement activities of the Office;
- (f) Recognizes that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;
- (g) Emphasizes that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

(...)

No. 61 (XLI) - 1990

GENERAL CONCLUSION ON INTERNATIONAL PROTECTION

The Executive Committee,

(...)

- (e) Emphasizes the close nexus between international protection, international solidarity, material assistance and the provision of solutions through voluntary repatriation, integration in countries of asylum, or resettlement, and calls upon the High Commissioner to continue his efforts to ensure that protection measures are fully integrated into assistance and durable solutions programs;
- (f) Noting the link between protection and resettlement, underlines the need for states to provide adequate places for refugees in need of resettlement;

- (g) Notes that countries of first asylum carry the major burden of refugees, displaced persons and asylum-seekers, and calls on the international community and the High Commissioner to continue efforts to share the task of providing assistance and solutions and to pursue the search for mechanisms that provide solutions appropriate for the groups involved;

(...)

No. 55 (XL) - 1989

GENERAL CONCLUSION ON INTERNATIONAL PROTECTION

The Executive Committee,

(...)

- (m) Underlined that resettlement is not only a possible solution for some refugees, but is also an urgent protection measure in the individual case, welcomed the fact that several African States provide such resettlement opportunities, and invited all states to make places speedily available to respond to urgent or emergency protection situations facing individual refugees;

(...)

No. 47 (XXXVIII) - 1987

REFUGEE CHILDREN

The Executive Committee,

(...)

- (l) Stressed the need for internationally and nationally supported programmes geared to preventive action, special assistance and rehabilitation for disabled refugee children and encouraged States to participate in the "Twenty or More" Plan providing for the resettlement of disabled refugee children;

(...)

No. 38 (XXXVI) - 1985

RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA

The Executive Committee,

(...)

- (a) Reaffirmed the fundamental obligation under international law for shipmasters to rescue all persons, including asylum-seekers, in distress at sea;
- (b) Recalled the conclusions adopted by the Executive Committee at previous sessions recognizing the need to promote measures to facilitate the rescue of asylum-seekers in distress at sea [No. 20, No. 23, No. 26, No. 31, No. 34];
- (c) Expressed satisfaction that the rescue of asylum-seekers in distress at sea has increased significantly in 1985 but at the same time expressed concern that many ships continued to ignore asylum-seekers in distress at sea;
- (d) Welcomed the fact that the provision of an appropriate number of resettlement places had made it possible for the Rescue at Sea Resettlement Offers (RASRO) scheme to commence on a trial basis as from May 1985;
- (e) Welcomed the wide-ranging initiatives undertaken by UNHCR to promote the rescue of asylum-seekers in distress at sea and the support given to these initiatives by States;
- (f) Strongly recommended that States maintain their support of UNHCR action in this area and, in particular, that they:
 - (i) join or renew contributions to the DISERO (Disembarkation Resettlement *Offers*) and to the RASRO (Rescue at Sea Resettlement Offers) schemes, or to either of them, as soon as possible;
 - (ii) request shipowners to inform all shipmasters in the South China Sea of their responsibility to rescue all asylum-seekers in distress at sea.

(...)

No. 34 (XXXV) - 1984

**PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN
DISTRESS AT SEA**

The Executive Committee,

(...)

- (a) Noted with concern that rescue of asylum-seekers in distress at sea has decreased significantly in 1983 and again in 1984;
- (b) Recalled the Conclusion on the Rescue of Asylum-Seekers at Sea adopted by the Executive Committee at its thirty-fourth session recognizing the need for promoting measures for facilitating the rescue of asylum-seekers in distress at sea;

- (c) Welcomed the actions taken by UNHCR to draw attention to the continued need to rescue asylum-seekers in distress at sea and expressed the hope that these actions would receive the widest possible support of Governments;
 - (d) Strongly recommended that the Rescue at Sea Resettlement Offers (RASRO) Scheme be implemented on a trial basis as soon as possible and that additional resettlement places be provided as a matter of urgency;
 - (e) Recognized the need for continued support for the DISERO (Disembarkation Resettlement Offers) Scheme and recommended that States renew their contributions to this scheme.
- (...)

No. 24 (XXXH) - 1981

FAMILY REUNIFICATION

The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

(...)

7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption -- involving a severance of links with the natural family -- is decided upon.

(...)

No. 23 (XXXH) - 1981

PROBLEMS RELATED TO THE RESCUE OF ASYLUM-SEEKERS IN DISTRESS AT SEA

The Executive Committee,

(...)

Adopted the following conclusions on problems related to the rescue of asylum seekers in distress at sea.

1. It is recalled that there is a fundamental obligation under international law for ships' masters to rescue any persons in distress at sea, including asylum seekers, and to render them all necessary assistance. Seafaring States should take all appropriate measures to ensure that masters of vessels observe this obligation strictly.
2. Rescue of asylum seekers in distress at sea has been facilitated by the willingness of the flag States of rescuing ships to provide guarantees of resettlement required by certain coastal States as a condition for disembarkation. It has also been facilitated by the agreement of these and other States to contribute to a pool of resettlement guarantees under the DISERO scheme which should be further encouraged. All countries should continue to provide durable solutions for asylum seekers rescued at sea.

3. In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.
4. As a result of concerted efforts by many countries, large numbers of resettlement opportunities have been, and continue to be, provided for boat people. In view of this development, the question arises as to whether the first port of call countries might wish to examine their present policy of requiring resettlement guarantees as a precondition for disembarkation. Pending a review of practice by coastal States, it is of course desirable that present arrangements for facilitating disembarkation be continued.
5. In view of the complexity of the problems arising from the rescue, disembarkation and resettlement of asylum seekers at sea, the High Commissioner is requested to convene at an early opportunity a working group comprising representatives of the maritime States and the coastal States most concerned, potential countries of resettlement, and representatives of international bodies competent in this field. The working group should study the various problems mentioned and elaborate principles and measures which would provide a solution and should submit a report on the matter to the Executive Committee at its thirty-third session.

(...)

No. 22 (XXXII) - 1981

PROTECTION OF ASYLUM-SEEKERS IN SITUATIONS OF LARGE-SCALE INFLUX

The Executive Committee,

Noting with appreciation the report of the Group of Experts on temporary refuge in situations of largescale influx, which met in Geneva from 21-24 April 1981, adopted the following conclusions in regard to the protection of asylum seekers in situations of large-scale influx.

(...)

IV. International solidarity, burden-sharing and duties of States

1. A mass influx may place unduly heavy burdens on certain countries; a satisfactory solution of a problem, international in scope and nature, cannot be achieved without international co-operation. States shall, within the framework of international solidarity and burden-sharing, take all necessary measures to assist, at their request, States which have admitted asylum seekers in large-scale influx situations.
2. Such action should be taken bilaterally or multilaterally at the regional or at the universal levels and in co-operation with IJNHCR, as appropriate. Primary consideration should be given to the possibility of finding suitable solutions within the regional context.

3. Action with a view to burden-sharing should be directed towards facilitating voluntary repatriation, promoting local settlement in the receiving country, providing resettlement possibilities in third countries, as appropriate.
4. The measures to be taken within the context of such burden-sharing arrangements should be adapted to the particular situation. They should include, as necessary, emergency, financial and technical assistance, assistance in kind and advance pledging of further financial or other assistance beyond the emergency phase until durable solutions are found, and where voluntary repatriation or local settlement cannot be envisaged, the provision for asylum seekers of resettlement possibilities in a cultural environment appropriate for their well-being.

(...)

TOOLKIT

Toolkit contents

Section 1: Management tools

1. Resettlement self-assessment checklist
2. Sample text for resettlement brochure
3. Form for reporting populations in need of resettlement (template)
4. Sample accountability designation for Resettlement Officer
5. Training module RLD3: “Interpreting in a Refugee Context”: (CD-Rom only)
6. Training module RLD4: “Interviewing Applicants for Refugee Status”: (CD-Rom only)
7. Related IOM-FOMs
8. Guidelines on confidentiality :(CD-Rom only)

Section 2: Procedural tools

1. Sample referral form
2. Resettlement needs-assessment form (template)
3. Sample text for rejection letter
4. Sample text for letter requesting additional information
5. Interpreter’s confidentiality undertaking
6. RRF Step-by-Step User Guide :(CD-Rom only)
7. Selected Provision on Family Reunification
8. IOM/FOM: Group Methodology

Section 3: Templates

1. Resettlement needs-assessment form (template)
2. Form for reporting populations in need of resettlement (template)
3. RRF (template)
4. RRF13 (template) :(CD-Rom only)
5. Medical assessment (template)
6. Social assessment (template)

United Nations High Commissioner for Refugees



Resettlement self-assessment checklist

Name of Office:

Assessment conducted by:

Date of assessment:

Name of authorizing officer:

Date of authorization:

Minimum Standard	Fully implemented?		If 'Yes', how is the standard implemented?	Focal point	Deadline
	Y Yes	Ω No	If 'No', what action is required?		
An officer accountable for resettlement has been designated. (Chapter 7.1.2)					
Standard mechanisms exist for receiving and treating internal referrals of resettlement cases. (Chapter 5.3.2)					
Standard mechanisms exist for receiving and treating external referrals of resettlement cases. (Chapter 5.3.3)					
Standard mechanisms exist for the treatment of unsolicited resettlement requests. (Chapter 5.3.4)					

Resettlement-Needs Assessments are conducted according to Handbook standards. (Chapter 5.4.1)					
Registration elements and refugee status are verified in a non-resettlement context. (Chapter 5.4.2)					
Specialist staff have been identified and are used for the assessment of medical cases. (Chapter 5.4.5 and Chapter 6.3)					
Specialist staff have been identified and are used for Best Interest Determination. (Chapter 5.4.5 and Chapter 8.1)					
Interview spaces adhere to Handbook standards. (Chapter 5.5.2)					
Interpreters are trained according to UNHCR guidelines. (Chapter 5.5.3)					
All interpreters have signed a confidentiality undertaking. (Chapter 5.5.3)					
RRFs are prepared according to standards established in Step-by-Step User Guide. (Chapter 5.6.2)					
Electronic versions of RRFs are stored on a limited access drive or are password protected. (Chapter 5.6.3)					
A photograph of PA and all dependants listed in Section 2 are securely attached to the RRF. (Chapter 5.6.3)					

Guidelines are followed on the confirmation of family composition during case preparation. (Chapter 5.6.6)					
Guidelines are followed in the signing of the RRF. (Chapter 5.6.7)					
Standard mechanisms exist to ensure that resettlement submissions are assessed and prioritized in an objective and transparent way. (Chapter 5.7.2)					
Standard mechanisms exist to ensure that files of IC's submitted for resettlement contain documentation to demonstrate that proper procedures have been followed in the identification and processing of that refugee for resettlement. (Chapter 5.7.1)					
Resettlement submissions are only made with the authorization of the officer for resettlement (or deputy). (Chapter 5.7.2)					
RRFs are submitted through the appropriate route. (Chapter 5.7.4)					
Standard mechanisms exist to ensure that resettlement selection missions are facilitated, within the limitations of the office. (Chapter 5.8.1)					

Standard mechanisms exist to ensure that UNHCR maintains oversight responsibility over pre-departure arrangements. (Chapter 5.9.1)					
Standard mechanisms exist for the withdrawal or suspension of resettlement cases. (Chapter 5.9.3)					
Special procedures exist for the processing of Survivors of Torture and Violence. (Chapter 6.2)					
Special procedures exist for the processing of Medical Cases. (Chapter 6.3)					
Special procedures exist for the processing of Women-at-Risk. (Chapter 6.4)					
Special procedures exist for the processing of Family Reunification cases. (Chapter 6.5)					
Special procedures exist for the processing of Children and Adolescents. (Chapter 6.6)					
A resettlement self-assessment is conducted on an annual basis. (Chapter 7.1.5)					
Resettlement Standard Operating Procedures (SOPs) are followed according to Handbook standards. (Chapter 7.1.5)					

The most recent version of the resettlement SOPs has been sent to the relevant Bureau, the Resettlement Section and the Regional Resettlement Officer. (Chapter 7.1.5)					
UNHCR Guidelines are followed in the opening of IC files. (Chapter 7.2.2)					
A focal-point is responsible for maintaining the IC file system. (Chapter 7.2.2)					
IC files are stored in a secure and centralized location. (Chapter 7.2.4)					
Procedures are followed to ensure file security. (Chapter 7.2.4)					
A file tracking system is maintained. (Chapter 7.2.5)					
Guidelines are followed for the storage of travel and identity documents. (Chapter 7.2.6)					
Resettlement need is mapped on a regular basis. (Chapter 7.3.1)					
Written profiles are prepared for population in need of resettlement identified during the mapping exercise. (Chapter 7.3.1)					

Compiled populations in need of resettlement and a statement of resources required is sent to the Resettlement Section in UNHCR Headquarters by 1 December each year. (Chapter 7.3.1)					
The officer accountable for resettlement is directly involved in the formulation of the Country Operation Plan. (Chapter 7.3.1)					
Regular resettlement meetings are held with staff working on resettlement on a day-to-day basis. (Chapter 7.3.2)					
Co-ordination is ensured between Units responsible for registration, refugee status determination and resettlement. (Chapter 7.3.2)					
The officer accountable for resettlement and international protection staff meet with community services and NGOs on a regular basis to discuss on-going protection and resettlement needs of refugees. (Chapter 7.3.2)					
Operations meetings are held on a regular basis with resettlement partners. (Chapter 7.3.2)					
Confidential mechanisms exist for reporting allegations of fraud and corruption in the resettlement process. (Chapter 7.4.3)					

Public information has recently been distributed advising refugees that all resettlement services and documents are free. (Chapter 7.4.2)					
Refugees are counseled on the implications of fraud before they sign the RRF. (Chapter 7.4.2)					
Identity checks are conducted at key stages in the resettlement process. (Chapter 7.4.2)					
Resources and mechanisms exist for managing resettlement expectations within the refugee population. (Chapter 7.5)					
All staff working on resettlement on a day-to-day basis have an up-to-date version of the Resettlement Handbook.					

United Nations High Commissioner for Refugees



SAMPLE TEXT:

INFORMATION FOR REFUGEES ON RESETTLEMENT

RESETTLEMENT TO A THIRD COUNTRY:

This brochure on **resettlement to a third country** aims to inform refugees about the nature and extent of the assistance that can be provided by UNHCR regarding resettlement.

WHAT IS RESETTLEMENT TO A THIRD COUNTRY?

- ❖ UNHCR is mandated to find a **durable solution** for refugees. In the long-term, there are three possible durable solutions: voluntary repatriation, efforts towards local integration in the country of asylum, and resettlement. Resettlement as a durable solution is a limited option available only to refugees who meet very precise criteria.
- ❖ **UNHCR does not have a “resettlement programme”**. Resettlement need is considered for all refugees on an on-going basis as part of UNHCR’s everyday work.
- ❖ **“Resettlement to a third country”** means that a refugee leaves his/her country of asylum and legally settles in another country.
- ❖ A refugee does not have a **right** to resettlement. Resettlement is a solution that only applies to refugees in very specific circumstances.
- ❖ Resettlement is **not automatic**. Recognition of refugee status does not necessarily mean that a refugee has a case acceptable for resettlement to a third country.
- ❖ There are **precise criteria** defined by the resettlement countries and the UNHCR for a refugee to be considered for resettlement.
- ❖ The country willing to accept the concerned refugee for resettlement is **not necessarily the country of choice** for the refugee.
- ❖ Resettlement **places are limited**, and the number of refugees to be resettled in a given year is determined by the resettlement countries themselves and not the UNHCR.

WHO IS INVOLVED IN RESETTLEMENT?

1. The resettlement country

- ❖ Resettlement to a third country depends on the **willingness of the third country** to accept a person for legal stay in its territory.
- ❖ It is **the immigration/home office authorities** in the capitals of the third country, in association with their respective Embassies or Regional Missions, who make the decisions on whether someone will be accepted for resettlement.
- ❖ Each country has its own **regulations and procedures** in respect to the resettlement for refugees.

2. UNHCR

- ❖ UNHCR has **no decision-making authority** on resettlement cases. Decisions are made by the concerned Embassy officials, in consultation with their respective capitals.
- ❖ Only in **exceptional** cases does the UNHCR assist the Embassies to identify potential cases for resettlement.
- ❖ In some cases, the UNHCR may **recommend** cases for resettlement, but **cannot guarantee** that the recommendations will be accepted.

RESETTLEMENT AND FRAUD:

- ❖ All resettlement services, information and documents are **free**.
- ❖ Any individual who offers resettlement services or travel documents in return for money is **committing fraud and is breaking the law**.
- ❖ **Only refugees can be considered for resettlement.**
- ❖ Travel documents for resettlement are normally issued by the resettlement country themselves.
- ❖ At many stages of the resettlement process, refugees may be interviewed by representatives of either resettlement countries or UNHCR. **Misrepresenting facts of family links during an interview is a form of fraud and may result in the rejection of a case for resettlement.**
- ❖ Any individual caught misrepresenting UNHCR or a resettlement country, selling resettlement information or producing fraudulent travel documents will be reported to the authorities and will be dealt with according to the full force of the law.

United Nations High Commissioner for Refugees



Resettlement Needs-Assessment Form

Referral information:

Type of referral (Internal / External / Unsolicited):

Name of referral source:

Date:

WRITTEN REFERRAL MUST BE ATTACHED TO THIS FORM

Priority of submission:

Normal
Unclear

Urgent

Emergency

Bio-Data

Name of PA:

Nationality:

DOB:

Ethnicity:

POB:

File #:

Family composition:

(For each dependent, state: Name, place/date of birth, sex and relation to PA)

Family links abroad (in country of origin and in third countries):

Country of Asylum Information

Remarks on Protection Environment and Vulnerability:

Special remarks:

Evaluation

Repatriation prospects:

Local integration prospects:

Resettlement needs assessment:

Submission category:

Further action:

Verification:

Registration details confirmed by:

Date:

Signature:

Refugee Status confirmed by:

Date:

Signature:

Certification and authorization:

Prepared by:

Authorized by:

Date:

Date:

Office:

Office:

Signature:

Signature:

SAMPLE

ACCOUNTABILITY DESIGNATION FOR RESETTLEMENT OFFICER

Note: In order to ensure “accountability” within an organizational structure, managers must follow a prescribed methodology. This type of written “designation of accountability,” as in financial management, assigns responsibility for specific operational processes which use or distribute resources or benefits. This designation should be signed by the “accountable officer,” as well as by his supervisor, who is responsible for ensuring the accountable officer performs the duties assigned adequately.

(This designation is used in conjunction with the “Management Control Self-Assessment Checklist.” The checklist helps to identify activities which are not being carried out efficiently, effectively, and/or according to established procedures. Once problems or vulnerabilities are identified, managers are required to plan a course of action, including a timeframe, to correct the problems. If a supervisor fails to ensure that corrective action is taken as decided, he is also “accountable” for waste, fraud or mismanagement. The CMS and employee evaluation process may form part of the plan, depending on the nature of the deficiency.)

1. An “accountable officer” should be designated in writing for the resettlement function by the Country Representative or Senior Protection Officer. This officer must exercise adequate supervision over the integrity of resettlement activities, including resettlement identification and referral. This supervision must extend to the use of any automated system for record-keeping and case preparation to ensure confidentiality and adequate protection from fraud and abuse.
2. Access to areas where interviews are held and where files are maintained should be limited to authorized employees of that area. Access to automated systems should be restricted by passwords and keys in accordance with written instructions in the written operational procedures.
3. Individual case files for refugees including resettlement registration forms must be safeguarded in accordance with the UNHCR Manual and relevant IOM-FOM’s and other instructions on records management.
4. The process for identifying and referring refugees for resettlement by UNHCR must be consistent with instructions of the Resettlement Handbook and the office’s standard written procedures. The accountable officer must certify that procedures are in place to ensure :
 - that referrals for resettlement are complete and supported by appropriate documentation;
 - that the identity of the refugee and his family are established adequately and documented, including affixation of photos of each family member;
 - that registration records, community service records and refugee status determination files have been accessed and reviewed by the approving officer;
 - that the referral is consistent with UNHCR instructions and policies;
 - that the Resettlement Registration Form is signed by the accountable officer as well as by the principal refugee and spouse; and
 - that the record of referral is properly filed with the Registry and entered into the [PROFILE] database.
5. The accountable officer is responsible for monitoring on a systematic and ad hoc basis the resettlement referral process, including the role of field staff, non-governmental and governmental partners, in order to ensure that refugees are appropriately identified and referred according to UNHCR policies and instructions.

INTERPRETING IN A REFUGEE CONTEXT (RLD 3)

June 1993

Introduction

Why this module?

The function performed by interpreters – that of overcoming the barrier of language – is vital in any international context. This function assumes an added dimension when it comes to the tasks for which UNHCR was created, which are those of protecting and assisting refugees.

Of the numerous settings in which the services of an interpreter are needed, the most important is that of the interview for refugee status. Being recognized – or not – as a refugee will have direct consequences for the life and well-being of the applicant and his/her family. A heavy burden of responsibility lies on the interviewer. The ease and accuracy of communication are also of great importance, and it is in this that the interpreter has a vital role to play.

Persons who are called upon to provide interpreting services, especially those with little previous experience of UNHCR's work, need guidance on how to perform their role effectively. This module is designed to provide this guidance and to meet the needs of a wide range of users including persons who are relatively new to interpretation.

What the module contains and how it was developed

The module includes **four Chapters** as follows:

- Understanding the Context
- Choosing the Type of Interpretation
- Taking Notes for Consecutive Interpretation
- Some General Advice

The module is based on in-pu from a variety of persons and sources both within UNHCR and outside, including the International Catholic Migration Commission. All have first-hand experience of working through interpreters, particularly within the refugee determination process. In preparing this module, we have also benefited from the expertise of a professional interpreter, Ms. Kathy Bijleveld, to whom we are greatly indebted.

How it can be used

- The module is primarily intended as a self-instructional tool. Each chapter begins with simple *learning objectives*, which form the basis of the text itself. Wherever possible, the advice and guidance offered is in the form of checklists for quick and easy reference by the user. Additional training activities are suggested when relevant.
- It can also be used by staff of UNHCR or its operational partners who frequently use the services of interpreters. They will find it useful to gain a better understanding of the interpreters' role and techniques. They may also choose to use it as basis for training sessions which they may wish to organize for the benefit of their interpreter(s). In this case, additional tools are available on request from the Training Section at Headquarters.

For practical reasons, the English language is the reference used by the module. However, the basic principles it contains can be applied to all other languages.

Acknowledgement

Thanks are due to the Ford Foundation, which helped cover the cost of developing this training module.

Chapter 1 Understanding the Context

In this Chapter you will find answers to questions such as:

- why was UNHCR created?
- what is its mandate?
- where and how does UNHCR operate?
- what kind of work does UNHCR do?
- what is meant by UNHCR's protection functions?
- how does the determination process work?

As an interpreter working in the refugee context, it is important to understand the broader context of this work. This is the purpose of this first chapter. Although the information provided here is brief, it is important that you read it carefully. It will provide you with answers to some basic questions that relate to UNHCR, where it fits within the United Nations system, its history and its work, the definition of a refugee and the process of determining refugee status.

More detailed information is contained in a general Information Paper issued by UNHCR, as well as in other training modules such as the Introduction to International Protection (RLD 1), UNHCR Within the UN System (OHC 2) and the Determination of Refugee Status (RLD 2). Copies of all of these texts are available with UNHCR Field Offices, or can be obtained from the Training Section at Headquarters.

Understanding the broader context of UNHCR's work will help you perform more effectively in the task for which your services are needed. This is particularly true of interviews to determine the granting of refugee status.

Why was UNHCR created?

UNHCR was conceived in the aftermath of the Second World War, at a time when the issue of human rights was high on the agenda of the international community. Its immediate predecessor, the International Refugee Organization (IRO), had been concerned with resettling people displaced by the war, and reached the end of its mandate in 1950. Yet there still remained over 1 million refugees, many of whom were living in camps.

By decision of the General Assembly of the United Nations, UNHCR began operations in 1951 as a new humanitarian organization. The High Commissioner is elected by the General Assembly and reports to that body through the **Economic and Social Council**. Policy directives are provided by the General Assembly. In accordance with its Statute, UNHCR's work is *humanitarian* and *non-political* in character.

Look carefully at the chart overleaf. It shows clearly where UNHCR fits within the UN system.

What is UNHCR's mandate?

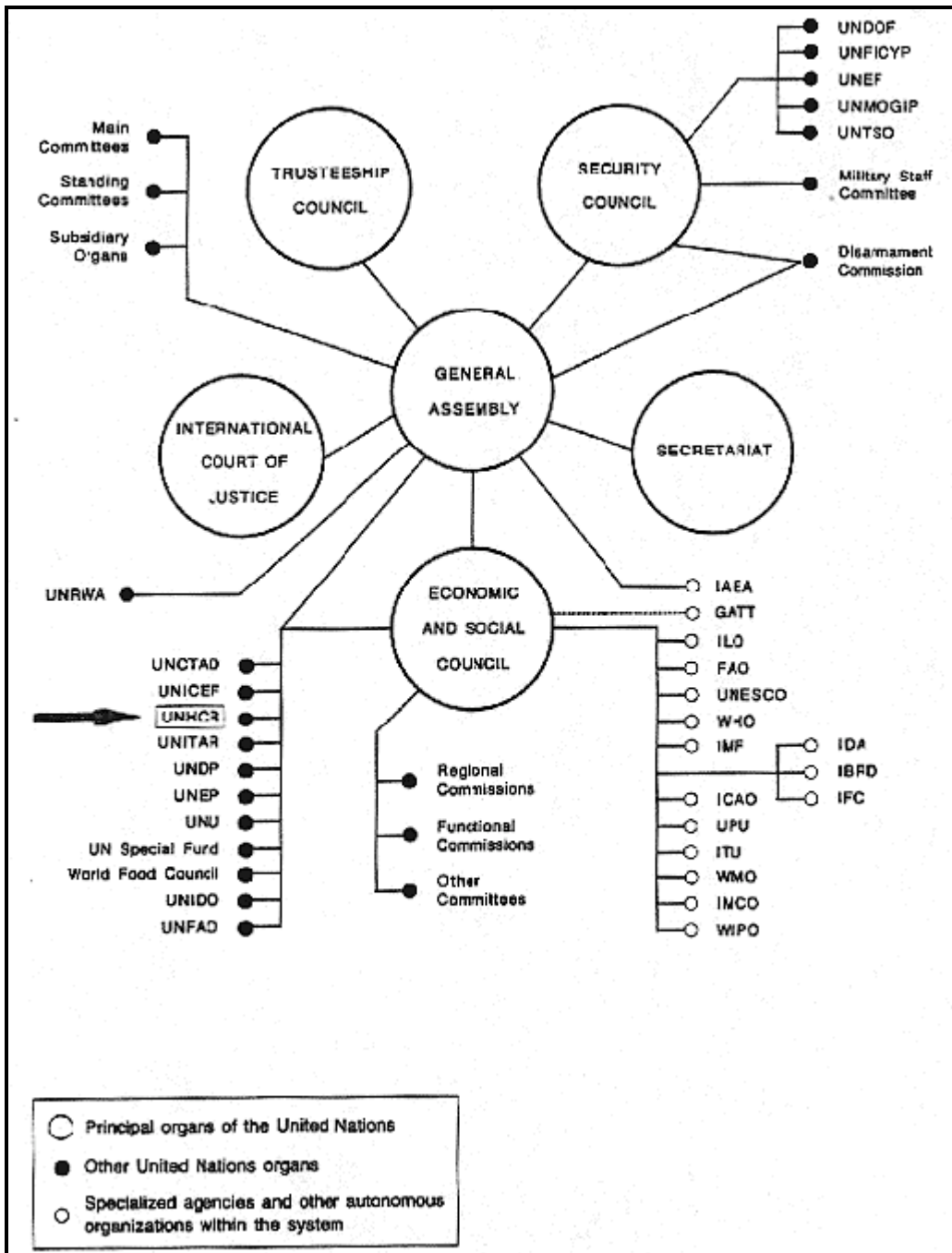
UNHCR has two basic functions, which are as follows:

- to provide international protection to refugees;

- to seek lasting solutions to their problems.

These solutions fall into three categories:

- **voluntary repatriation:** usually the preferred solution;
- **local settlement:** assisting refugees to integrate within the host community;
- **resettlement:** encouraging governments to offer places for permanent settlement.



Where and how does UNHCR operate?

UNHCR's Headquarters are in Geneva. It has field offices throughout the world as you may see from the

maps below. Much of its work is performed through operational partners. These may be national or local authorities of the country concerned, other organizations of the United Nations system, non-governmental organizations, or private technical agencies.



What kind of work does UNHCR do?

The scale and scope of UNHCR's activities have changed radically over the years.

In the **early 1950's**, Western Europe gradually emptied its camps of Second World War refugees, many of whom found new homes in the Americas and Oceania. But at the same time 10,000 new refugees were arriving each year from Eastern Europe. The first major post-war influx saw 200,000 Hungarians fleeing to Western Europe in 1956. Solutions were found for all of them. In 1959, UNHCR's reputation and finances benefited enormously from the World Refugee Year Campaign.

In the ensuing decades the refugee situation gradually deteriorated. In the **1960's**, the increasing number of wars of independence, the emergence of new powers, outbreaks of civil war and conflicts fanned by East-West rivalry combined to force hundreds of thousands of Africans to flee. In just a few years, the

brunt of the human burden had shifted from Europe to the Third World.

The **1970's** witnessed massive population displacements, beginning with a wave of 10 million Bengalis fleeing their war-torn country. Exodus upon exodus from Cambodia, Ethiopia, Laos, Southern Africa, Sudan and Viet Nam increased the number of refugees in only 10 years from 2.5 million to 8 million. Durable solutions were increasingly difficult to find. For many, being a refugee meant languishing in a camp for years.

The **1980's** were marked by the arrival of 5 million Afghans in Pakistan and Iran. There were new exoduses in Central America and Africa and a steady flow of departures from Viet Nam. During the same decade, the number of asylum seekers from the South arriving in countries of the North increased rapidly. UNHCR ended the decade with nearly 16 million refugees in its care.

The **current decade** shows no sign of an abatement. As events unfold in the post-Cold War world, the scale of humanitarian needs has continued to grow. The sudden dislocation of international relations has brought in its wake refugee flows of new proportions and complexity. In Europe, the situation in the former Yugoslavia has posed an unprecedented challenge to UNHCR, following the conflict in the Persian Gulf in 1991, with its exodus of over 1 million Iraqis fleeing to Iran and Turkey. Elsewhere, particularly in Africa, millions of refugees continue to rely on UNHCR for protection and assistance.

What is meant by UNHCR's protection functions?

In normal circumstances, a person benefits from the protection of the authorities of the state of which he/she is a citizen. Refugees, by the very nature of their circumstances, are deprived of the protection of national authorities. UNHCR was created by the international community primarily with the function of providing international protection to such persons.

The 1951 United Nations Convention relating to the Status of Refugees (which has now been ratified by well over 100 States), was the most comprehensive attempt ever made to codify and ensure the humanitarian treatment of refugees. Many of the tasks performed by UNHCR as part of its protection functions, are closely linked to the provisions of this important Convention.

The list that follows is by no means exhaustive. It identifies some of the priority tasks to give you some idea of the scope of UNHCR's activities in the field of international protection, and help you understand the meaning behind the status of refugee. Providing protection includes:

- securing the **admission of asylum-seekers**, especially when states are tempted to close their frontiers indiscriminately;
- **preventing refoulement**, which implies opposing measures to expell or return refugees to a country where their lives or liberty may be threatened;
- assuring that the treatment of asylum-seekers corresponds to certain **basic humanitarian standards**. It is UNHCR's duty to encourage governments to make adjustments to their national laws and regulations, and make sure that they are properly applied;
- ensuring that asylum-seekers have **access to refugee status determination** (of special relevance here);
- piracy or abusive detention;
- promoting the **reunification of separated refugee families**. This is particularly important when family members stay behind in the country of origin or first asylum and wish to join the head of the family in a resettlement country.

How does the determination process work?

The refugee definition as contained in the 1951 Convention, and in UNHCR's Statute provides that an

applicant for refugee status must meet **four main criteria**:

1. outside the country of origin;
2. well-founded fear;
3. persecution;
4. reasons (race, religion, nationality, member of a particular social group, or political opinion).

The purpose of the interview is to establish whether the applicant meets these criterias. UNHCR's involvement in the determination of refugee status varies from country to country:

- it can confer refugee status in **accordance with its Statute**. This is what happens when the country is not a party to the 1951 Convention or other international treaties. It can also happen in a country which has signed and/or ratified the Convention, but has not introduced national legislation to implement it;
- it can conduct the determination process **on behalf of the national authorities**, which prefer to leave this responsibility to UNHCR;
- it can participate in the determination process, as an **observer/adviser**. This usually occurs at the appeal stage.
- outside the procedure itself, UNHCR may **review rejected applicants** who are due to be expelled.

The need for your services may occur in any one of these scenarios. It is the responsibility of the interviewer to explain which process applies, and the sequence of events. It is also the responsibility of the interviewer to listen carefully to the applicant's case, to ask questions and assess whether or not he/she meets the legal criteria.

As interpreter, your role is to assist in this process by **providing a channel for communication**. Each party speaks through your voice. It is an important role that must be accomplished with a high degree of professionalism.

Chapter 2

Choosing the Type of Interpretation

In this Chapter you will learn:

- the four types of interpretation (and their variations);
- typical situations where each apply.

As interpreter, you may choose between several types of interpretation. These are described briefly in this chapter. In practice, the technique you choose will depend upon the circumstances in which you will be providing your services.

The four types of interpretation (and their variations)

1. Consecutive Interpretation

This is by far **the most common type of interpretation** in a refugee context particularly in an interview for refugee status. As interpreter, you listen to a segment of speech, then repeat what you have heard in the language of the listener(s). The speaker then resumes his/her statement, before pausing again to allow the interpreter to translate. In this way the interpreter **alternates** with the speaker (in contrast with

simultaneous interpretation described later).

The length of what you can retain before rendering your translation will depend upon the complexity of the statement being made, and upon your own experience. A new interpreter will need to keep the segments short (no more than a sentence or two). A more experienced interpreter will be able to take in longer segments. The chapters that follow will provide you with guidance on how to take notes, and other important tips on rhythm and delivery to help you perform as effectively as possible.

2. Summary Interpretation

This is a condensed form of consecutive interpretation, and one that requires considerable experience and skill. The interpreter listens attentively to a lengthy statement, taking notes, and then provides a summary in the language of the audience. This implies using judgement as to what needs to be said, and reformulating in a more concise manner, perhaps even changing the order of the points made by the speaker.

You may need to use this type of interpretation when there is a discussion between two or more people, which cannot be interrupted (*examples*: a meeting or conference). It is far less precise than the kind of consecutive interpretation we have just described. It is **not** appropriate for a refugee interview, nor whenever detailed information is important.

3. Verbatim Interpretation

This type of interpretation implies a word-for-word interpretation after each phrase or sentence. The interpreter thus gives an exact translation of the speaker's words, rather than interpreting the speaker's meaning. It is mainly used in court settings. In refugee interviews, verbatim interpretation is useful to convey precise procedures or a factual statement.

Example: a word-for-word translation is useful to convey the definition of a refugee.



“Monitoring” is closely related to verbatim interpretation, but involves a written text. In this case, the interpreter simultaneously translates a statement that is being read aloud from a text.

Example: the interviewer reads back the recording of the applicant's statement. At the same time, the interpreter translates word-for-word from the text, thus allowing the claimant to check on the accuracy of the written statement.

This type of interpretation is chosen in order to exclude any possible misunderstanding on either side.

4. Simultaneous Interpretation

With this type of interpretation, the interpreter listens to the speaker and translates at the same time. It requires equipment such as soundproof booths, microphones and headsets, as well as technical support staff. It is the type of interpretation that is used in a multilingual conference setting, but is rarely applicable to interpretation in a field setting.



“Whispering” is another type of simultaneous interpretation, but one for which no technical equipment is required. The interpreter translates a statement while the speaker continues to speak. To do it, the interpreter must be close to the listener's ear, and use a low, regular tone (*“sotto voce”*). For obvious reasons, whispering is suitable for

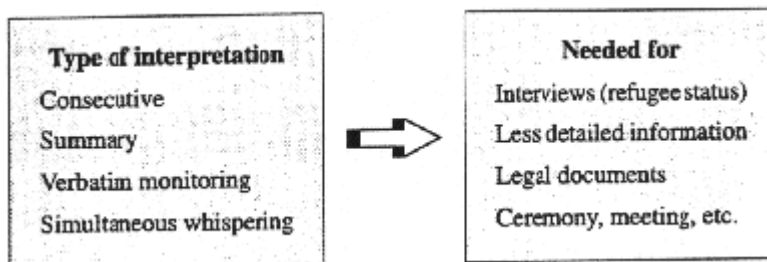
only one or two persons.

Example: whispering can be used at a ceremony, public gathering or group meeting.

Simultaneous interpretation is a difficult technique that requires a high degree of concentration, a good short-term memory and high level of language skills. Experience and intense practice is needed to master this technique.

Typical situations where each apply

As already explained, the type of interpretation you choose will depend upon the circumstances. The table below provides a brief recapitulation.



It can occur that a situation requires a **combination** of two types of interpretation.

Example: The Minister of Health has come from the capital to meet with a group of refugee leaders at a major camp. A meeting is organized in order to let the Minister listen to the concerns expressed by the leaders. Upon arrival, he/she makes a general statement on which you take notes and provide **consecutive interpretation**.

The Minister then invites the leaders to voice their concerns. As interpreter you stand next to the Minister and **whisper simultaneously** your translation of the various statements and questions.

Before leaving the meeting, the Minister makes a concluding statement. As interpreter, you revert to **consecutive interpretation**, speaking out loud once more.

For the purposes of this module, emphasis will lie on **consecutive interpretation**, since this is the most appropriate for the determination interview. This in turn requires skill in note taking, which is the subject of the Chapter that follows.

Chapter 3

Taking Notes of Consecutive Interpretation

In this Chapter you will learn:

- how note-taking can help you in consecutive interpretation;
- what you should find in your notes;
- what to avoid;
- how to proceed (in particular in choosing your symbols);
- basic points to remember;

- how to train on your own.

As we have just seen, consecutive interpretation is the format you are likely to use most often when working with refugees. It is useful for any formal exchange between two parties, particularly an interview. To perform effectively you will need to take notes. This is a technique in itself.

How note-taking can help you in consecutive interpretation

It is important to understand that an effective system of taking notes during an interview will:

- increase your self-confidence. Relying on memory may be risky, especially when you are tired;
- help you to focus on the meaning of what is being said rather than just translating the words;
- allow each speaker to talk more freely without constantly stopping to be interpreted. Frequent interruption and switching between languages upsets the flow of thought and often hampers the logic and clarity of the speaker's ideas. Choppy statements reflect poorly on both the speaker and the interpreter;
- help you to report faithfully all the information provided and in the same order as the original statement. This ensures continuity and precision;
- assist the interviewer who, in turn, is taking notes from your interpretation. As you interpret, you may point to the names and figures you are interpreting with your finger so that the interviewer may see in writing a name he/she finds difficult to spell or understand;
- increase your credibility with the speaker, who will recognize the logic and structure of her/his statement as s/he watches you follow your notes;
- be used during or immediately after the interview as a means of verification should the interviewer wish to check on a detail of information.

What you should find in your notes

Notes in consecutive interpretation are a very special way of writing down and understanding what you hear. Their purpose is to supplement your memory. They are a visual aid, a photo-graphic representation of what the speaker said. They must contain:

- names, dates, figures;
- facts, descriptions and other detailed information that can immediately be brought back to mind and interpreted.

Your notes are intended for immediate use, and will be made up of words, signs and symbols that your mind can immediately connect with an idea, without immediate concern about what language that idea is to be expressed in. The guidelines and practical tips that follow will help you acquire a good consecutive note-taking technique. However, it is important to realize that there is no universal note-taking system. Just as we each have a different way of thinking and learning, we each develop a different note-taking system. Note-taking in consecutive interpretation is thus highly **individualized**. The end result, however, must always be the same for each of us: the message we communicate must correspond in every way to the message expressed by the original speaker.

The reason for using a note-taking system that "jumps to the eye" and is a memory aid, is that the two speakers (in this case interviewer and applicant) should forget that they are speaking through a go-between or intermediary. The interpreter must therefore be able to deliver the message as naturally as the speaker, with no difficult deciphering of words, and without wasting time reading translated words, while being very precise.

What to avoid

Never use shorthand with consecutive interpretation. Here are the reasons why:

- several lines of shorthand cannot be read at one glance;
- reading back shorthand takes longer as it is a word-for-word reproduction of the speaker's statement;
- shorthand does not allow you the flexibility to insert phrases or ideas added by the speaker as an after-thought.

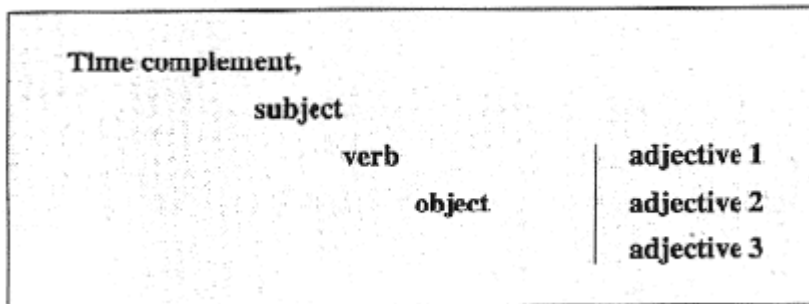
NOTES ARE TO BE TOLD NOT READ!

How to proceed

- Always start taking notes as soon as the speaker starts talking. What is promised as a "few brief words" may turn out to be a statement of several minutes and you will only be able to retain a small part of what he has said;
- always make sure the words or signs you put down are easy to read, so that you will immediately recognize them and remember what they mean.

Using the page

- Construct your phrases in a logical manner, with parts of the page reserved for specific parts of phrases and with margins of varying widths, leaving enough space for your eye to catch the picture at a glance.



Example: "On the first day of the month, my grandparents liked to prepare traditional food made of raw fish, vegetables and spices".

On 1st day/mth.
my grps
♥ cook
trad. food w. | *fish (raw)*
vegs
spices

Such a logical analysis will give you all the required information at a glance, while giving you the flexibility of using your own words.

Which language to use

Take your notes using words in the first language that comes to your mind. It is best, if you can, to take

notes in the target language (language that you will be interpreting the statement in) so that the translation problems are solved before you render your interpretation. If you cannot think of the exact translation, note the word you hear and, when interpreting, paraphrase the idea in your own words.

Choosing your symbols

It is important to work out a system that is adapted to **your own** logical way of thinking. In developing your system you will need to create signs and symbols, each representing a global concept that can be reproduced for any language you are hearing and working into. Here are some examples of symbols used by many Western interpreters to represent global concepts.

person, individual, man
country
world
peace
conversation, statement, speech, discussion
thought
to like, to welcome
agreement, approval
money
programme

On the basis of these global concepts, work out your own more specific concepts, so that you have reliable, immediately recognizable "associations". This can often be done, for example, by adding an extra letter to the global concept.

person
 refugee or
 mother father
 population
 casualty
 soldier

country
 developed country
 developing country
 oil producing-country
 the population of Canada
 many rich countries

Indicating tense

Work out your own precise system for signaling the tense of the verb or time of the action.

Examples:

We say:	<i>we</i> ^o		he likes to work: he ♥ ^s wk ^o
We said:	<i>we</i> ^d		she is living in the States: she liv.
We will say:	<i>we</i> ^{-ll}		USA

Overcoming problems of syntax

The same symbol can be used for words which are more or less synonymous, but it is important to find a way of noting whether the symbol is referring to a noun, a similar noun, a verb or an adjective. Again, this is an individual choice. One idea is to circle the word or symbol to indicate a noun, while a small o at the upper right-hand side of the word or symbol can indicate an infinitive verb.

to act
 an act
 an action (... ion: ...)
 active
 an activist
 an activity

Distinguishing between negative and affirmative

Find a clear way of expressing what is negative and what is affirmative.

Example:

Switzerland is not a big country

big
or
not
or
no big
or
small

Expressing quantity and intensity

Use different kinds of underlining to show intensity, quantity, feeling, etc.

Example:

Your statement is very important Yr. is imp.

My brother is a little rich My . b: rich

He is not at all happy He:

Showing movements

Use arrows and/or mathematical signs to show ups and downs, fluctuations, movements, increasing or decreasing amounts.

Example:

France is bigger than Ireland FR > IR

The value of the dollar has dropped
but the yen has increased

Value/\$ ↓
b. / yen ↑

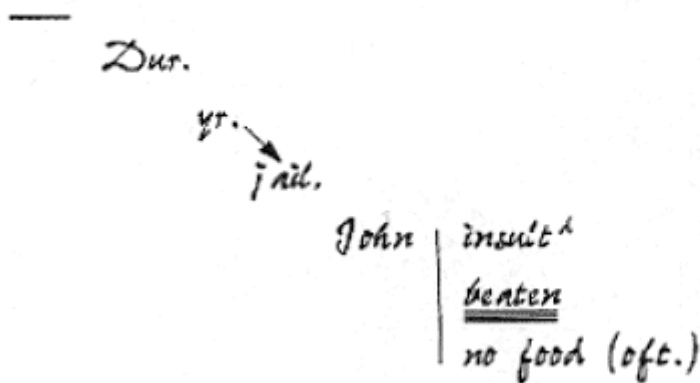
Indicating lists

Short vertical lines are useful to indicate an enumeration, a list of adjectives or whatever is associated with the word or concept preceding it.

Example:

During his year in jail, John was insulted, severely beaten and often deprived of food:

During his year in jail, John was insulted, severely beaten and often deprived of food:



Linking and ending

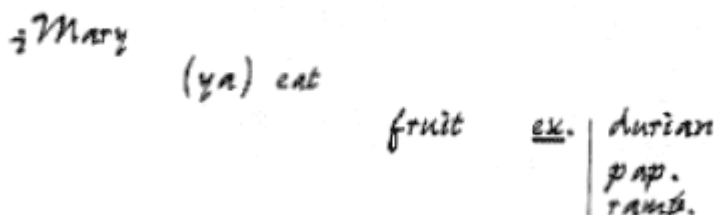
- find appropriate links or a way of indicating a **sequence** of ideas or the connection between successive ideas; find a quick formula to express “that is why”, “before that”, “but”, “because”, “in spite of that”, etc.
- use a clear sign to show the end of a sentence (not a period or full stop which is not visible enough and should be used for other purposes), such as a short horizontal line on the left hand side of the page. A short double horizontal line can show the end of a comment on one topic and the passage to a different idea. A full horizontal line across the page can show the end of the entire statement.

Conveying a question

- when the speaker asks a question, it is handy to use the Spanish-style upside down question mark at the beginning of a question to remind you that you must indicate in your tone that you are asking a question and not making a statement.

Example:

¿Has Mary ever tried to eat tropical fruit, such as durian, papaya and rambutan?



Using punctuation

Try to make best possible use of punctuation marks such as commas and parentheses. Remember that they don't have to correspond to usual grammatical usage: for consecutive interpretation note-taking, spelling and grammar rules don't count: you are dealing with purely ORAL expression, and all means are justified if they help you interpret the message accurately, reflecting the exact meaning of the speaker including his tone, his style, his cultural patterns, etc.).

Basic points

- ✓ your notes are intended for **immediate use**, to remind you of information still fresh to the mind. Don't expect to be able to re-utilise your notes a few days, or even a few hours later, except perhaps for dates, names and figures;
- ✓ make sure you write **clearly** and only use signs, abbreviations or symbols you are certain you will **immediately recognize** and be able to re-read easily;
- ✓ although your interpretation of a statement should contain all the information given by the speaker, it should not take longer to deliver;
- ✓ draw a diagonal slash across the segment you have finished interpreting. When the speaker stops talking, quickly turn back to the sheet where you started noting his last statement and start interpreting without wasting time to look over your notes;
- ✓ while glancing at your notes, keep your head up and look at the person you are addressing. Speak in a natural and convincing manner so as to constantly maintain the interest of your listener. The golden rule is to put yourself in the shoes of the person you are interpreting, sharing his/her wish to communicate and be understood in every way.

How to train on your own

There are a number of methods that can help you improve your skills. Most are quite simple and can be done on your own or with the assistance of a friend. They are used by all professional interpreters:

- ✓ take short articles in magazines or newspapers and do some **sight translation** to stimulate mental switching. Practice this exercise regularly, interpreting to yourself out loud (in front of a mirror) or to a friend or colleague;
- ✓ take articles and read them out loud paraphrasing or re-phrasing the sentences using different words but keeping the same meaning to stimulate your vocabulary and your reflexes in finding synonyms;
- ✓ ask somebody to read you a text at normal speed (starting with one minute, going up to three or four) and take notes in consecutive style. Re-write the entire text in longhand comparing it to the original and check where you went wrong and why. Do this in one language until you feel confident, then from one into another and back again. (eg. English-English or Vietnamese-Vietnamese, then English-Vietnamese, followed by Vietnamese-English);
- ✓ if you have a tape recorder with incorporated micro-phone, tape a short radio programme or read out a short speech. Then listen to the recording taking notes. Tape your own interpretation immediately after the original reading and compare the two. This can help you to correct certain voice deficiencies (intonation, diction, sounds of hesitation or nervousness). It is also important to learn to like the sound of your own voice, since this will give you confidence and pleasure when on the job.

Chapter 4

Some General Advice

In this Chapter you will learn:

- some general guidelines on quality;
- tips on the delivery of consecutive interpretation;

- maintaining accuracy and neutrality;
- interpreting for refugee children;
- interpreting for refugee women;
- guidelines on attitude and conduct.

Some general guidelines on quality

Preparing and training on your own using the kind of exercises described at the end of the last chapters can help improve the quality of your work. What follows now are a few more ideas along the same lines.

Reinforcing your vocabulary

Prepare a list of words and phrases you anticipate. Each time something new or unfamiliar occurs, make a note of it and add it to your list. In this way you will compose a **glossary**, that can save your precious time and avoid searching for a translation. Your delivery will flow more easily, and your confidence will also grow!

Working at your diction and articulation

As interpreter it is essential to be **heard and understood**. If you find that your clients ask you to repeat, the chances are that your speech needs improvement.

- Practice your **vowels** and **consonants**

If a particular vowel or consonant is difficult for you, analyse which parts of the mouth are at work. Understanding the mechanics of how the sound is produced can often help articulate more clearly.

- Study your **pronunciation**

Be particularly careful where the accent falls in the word. If in any doubt consult your dictionary.

- Learn to **phrase** and to **emphasize**

Adjust your speech by groups of words that flow naturally, and modulate your voice to avoid monotony. This will make your interpretation both easier and more pleasant to the listener.

Improving your voice

As we have already seen, understanding the mechanics of the voice can help you work on your articulation. The same also applies to the quality of your voice. Learning to **relax** and to **breathe correctly** are also important. Relaxation for good speech requires a lessening (but not an absence) of tension. Experience will help you acquire the right degree of muscular tension for proper control. A well-trained voice must also have carrying power. It must project. Although this is less relevant in the context of an interview, it becomes important if you are asked to interpret at a meeting or ceremony. There are a number of simple breathing exercises that can help develop the volume of your voice.

Tips on the delivery of consecutive interpretation

Adjusting the length of segment

It is important to set a standard length with which you are comfortable. This will vary according to the complexity of the subject, the clarity of the speaker, and your experience at the job. It is up to you, as interpreter, to stop the speaker before the segment gets too long. You may interrupt the speaker (a discreet gesture should be enough), until s/he gets accustomed to the right length, or simply ask that the segments be shorter. An experienced interpreter should be able, with the help of notes, to wait over

4 minutes, but this would be too long for a less experienced interpreter.

How fast should you be?

Aim to speak at your normal speed (quickly yet clearly). A slow interpreter can considerably extend the session, and this must be avoided. Under ideal circumstances, your interpretation will be a **little shorter** than the speaker's statement. If it is much shorter, you have probably over-summarized perhaps by waiting too long before interjecting your interpretation. If it is longer, it is a sign that you are speaking too slowly, searching too long for your words, or adding explanations of your own. All of this must be avoided.

Adopting the right tone

There are two schools of thought among professionals as to the kind of tone the interpreter should use. For some, the interpreter must remain entirely neutral, seeking only to translate what is being said as accurately as possible. For others, the interpreter must put expression into his/her speech in order to convey the emotion of the speaker. In the context of a refugee interview, it is natural for the interpreter to insert intonation and avoid monotony. As interpreter, you should reflect the speaker but not "outdo" him or her. **Remember also to look up from your notes and to speak clearly.**

Where you should sit

The place you occupy in relation to interviewer and applicant is an important detail. The correct place is to the side of the interviewer and slightly withdrawn, leaving the interviewer and applicant face to face.

NEVER PUT YOURSELF **BETWEEN** THE INTERVIEWER AND APPLICANT

The correct position is illustrated in the sketch below.



Maintaining accuracy and neutrality

This must be your constant and prime objective in all circumstances. Your credibility as interpreter depends upon it as recalled later in the section on behaviour and attitude. Developing a reliable note-taking system, such as recommended in Chapter 3, can help you immensely.

A few additional hints:

- pay attention to all details. Do not attempt to sift the information given by the applicant, but faithfully translate all factual and anecdotal details. Remember that it is the responsibility of the interviewer, not the interpreter, to decide whether or not the facts given are relevant to the legal criteria;
- avoid conversations with the applicant. Translate all his/her questions, even if you know the probable answer;
example: *applicant:* *What time is it?*
 interpreter: *"He is asking what time it is"*
- if there is a conversation that which either the interviewer or the applicant cannot understand, give a summary of what is said;
- avoid expressing a personal opinion. It is not up to you, as interpreter to react either verbally or through facial expression, to what a speaker says.

What if...

- **You cannot understand an expression or a word?**

If this happens, ask for clarification rather than hazarding a guess. You will need to signal to the other party (interviewer or applicant as the case may be) that you are asking for additional clarification.

- **The applicant expresses a notion that is very typical of his/her culture?**

Here again, you must take the time to explain, rather than allow a misunderstanding to arise. Do not forget that your value to the interviewer is not limited to your language skills. You are also a channel for communication. Simple words such as “brother”, “family”, etc. can convey very different notions from one culture to another. Remember to explain to the applicant the reasons for your dialogue with the interviewer.

- **The applicant makes an embarrassing or offensive statement?**

In principle it is your duty to translate whatever is said. In practice, you may warn the interviewer as to the character of the applicant's statement, and ask his/her permission to check that the applicant really wants to use such language, before giving a translation. The slight pause may be enough for the applicant to adjust his/her tone.

- **The language used by the applicant is primitive and unsophisticated?**

Do not seek to polish or embellish – this is not your role. You may sometimes make a statement more clear and concise but this must never be at the expense of accuracy.

There are two situations calling for additional guidance. They concern interviews with refugee children and those with refugee women. The guidelines below can help you in both cases.

Interpreting for refugee children

The advice that follows is based on the “Guidelines for interviewing unaccompanied refugee children and adolescents and preparing social histories” issued by the Programme Technical Support Service at Headquarters. As interpreter you will be called upon to play a more active role, in view of your capacity for communication in the child's language.

- explain carefully to the child before the interview begins that he/she is being asked to respond to a few questions and why;
- be reassuring and understanding if the child shows signs of anxiety;
- resist the temptation to act as an advocate, since this may distort proceedings;
- sit closer to the child than to the interviewer, in order that you should not be perceived in a position of authority and inhibit his/her ease of expression.

Interpreting for refugee women

There exist a set of “Guidelines on the protection of refugee women” that should be available from the UNHCR field office, and which you may wish to consult, giving special attention to the section on legal procedures and the criteria for the determination of refugee status.

It is important for the interviewer and interpreter to work together to create a setting that will allow the applicant to explain her story with the least difficulty possible. This is particularly true if the applicant has suffered traumatic experiences such as rape or physical abuse, since she may well be experiencing persistent fear, loss of self-confidence and self-esteem, and various other distressing symptoms that

make it hard for her to communicate.

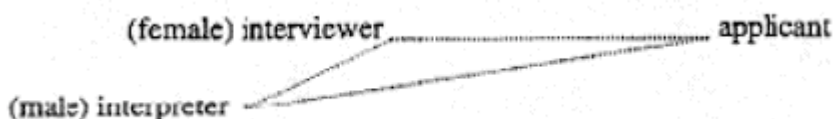
Your task will of course be easier if you are also a woman, and if the interviewer is female. If this is the case, you can follow the advice given earlier in a preceding section concerning seating arrangements. Here it is again, for easy reference.



This arrangement should change if the interpreter is male, or if the interviewer is male, since there will be another relationship between participants.

- **Male interpreter with female interviewer**

In this scenario, it is preferable for the male interpreter to take more distance from the interviewer, and for the latter to move closer to the applicant.



- **Female interpreter with male interviewer**

Here it is preferable for the female interpreter to move closer to the applicant, while the interviewer maintains more distance.



Guidelines on attitude and conduct

As we have been reminded throughout this module, the task of an interpreter is difficult in any circumstances. To do it well requires concentration, language skills, agility of mind as well as many personal qualities.

Interpreting in a refugee context can make even greater demands. The conditions in which you work may be noisy and uncomfortable, making concentration more difficult. There may be wide cultural gaps between the various parties, calling for more than a simple translation of the words that are spoken. You may meet vocabulary or notions that are new or unfamiliar to you.

More serious still, the interviewer may make other demands on you, expecting you to run errands or perform tasks that are not those of an interpreter. In one case, an interpreter complained that he was being required to fetch the reluctant applicants from their huts and bring them to the place of the interview. Alternatively, the applicants may seek to put pressure on you, using bribes or threats and demanding you to lie on their behalf.

It is therefore extremely important for you to be clear on your attitude and conduct as interpreter. What follows is a set of rights and responsibilities which we recommend you to use as a **code of professional conduct**. It is in your interest to remind yourself of this code as a means of guiding and protecting yourself.

Your Rights as Interpreter

✓ Adequate briefing

Ask to be given adequate briefing on the job to be performed. This must include the background of the case about to be heard. Time may be short, but you will perform more effectively if you are briefed on the purpose and context of your work. Ideally the interviewer will organize a training session before you start, but this will depend on individual circumstances.

✓ Defining your role

It should be standard practice for the interviewer to introduce you to the applicant, and define your role. This is not merely a matter of courtesy. It can also help to protect you against pressure from the applicant if the interviewer makes it clear that your role is to allow communication, but that you have no responsibility for the outcome of the interview.

✓ Obtaining respect

As interpreter, you are entitled to be treated as an equal. Interpretation is a service, but interpreters are not servants! There may of course be circumstances in which you will be asked to perform a task or make an enquiry which the interviewer is unable to do because of the language barrier. This should, however, be the exception rather than the rule. The bad example given above of having the interpreter go alone and fetch an uncooperative applicant should not be allowed to become a pattern.

✓ Gaining the right support

To perform effectively, you need the support of the interviewer. If things go wrong, and if misunderstandings arise, you must be given the opportunity to interrupt the interview and put things right. Even though the interviewer may be working against the clock, he/she must give you support in this way.

Your Responsibilities as Interpreter

The rights we have just defined are complemented by responsibilities. These are briefly described below.

✓ Maintaining a high level of performance

Much of the advice contained in this module is specifically designed to help you maintain the highest possible level of professional performance. It has included tips for improving your techniques or learning new ones, and advice on maintaining a professional attitude to your work. As an interpreter, your task is to be as accurate as possible. If in doubt as to the meaning of what has been said, it is preferable to ask for additional explanation. It is equally important to maintain your cultural sensitivity, since communication is much more than just words and phrases!

✓ Remaining neutral

As interpreter, it is not your role to take sides. You may well feel sympathy for the applicant, but you are not allowed to act as his/her advocate. As mentioned earlier, the applicant may even insist that you should invent or lie on his/her behalf. Never accede to such a request. Your credibility and that of the interpreter's function is at stake.

You may even feel compelled to **refuse to act as interpreter** if there are strong personal ties between yourself and the applicant. This could happen if, for example, you are of the same family or close community.

✓ Maintaining confidentiality

It is standard practice for professional interpreters to maintain strict confidentiality as to the content of any discussions to which they are party. This requirement must apply rigidly to interviews for refugee status. Revealing facts that concern an applicant's story could be of great danger, for example, for family members or relatives who are still in the country of origin. With this in mind:

- never discuss what you have heard during an interview with anyone outside the interview;
 - destroy your written notes as soon as you no longer need them. If you need to keep them between interviews, always make sure they are inaccessible to anyone but yourself.
- ✓ **Refraining from abusing your power**

As interpreter, you are often the only person who can follow exactly what is going on in a given circumstance for which your services are needed. In addition to the constraints we have already defined, this situation brings with it a certain power. You owe it to your function to resist any temptation to abuse that power, but on the contrary to use it constructively.

In conclusion you will find a summary of these rights and obligations. Together they make up your code of conduct

Rights	Responsibilities
Adequate briefing	Maintaining a high level of performance
Defining your role	Remaining neutral
Obtaining respect	Maintaining confidentiality
Gaining the right support	Refraining from abusing your power

Interviewing Applicants for Refugee Status (RLD 4)

1995

Introduction

Why this module?

Interviewing is a task that is an integral part of many functions performed by staff concerned with protecting and assisting refugees. These functions may include providing counselling, seeking durable solutions, or documenting human rights violations. Interviewing is particularly important within the context of determining refugee status. To do it well requires certain skills that can be developed and improved. The essential purpose of this module is to help you develop your skills in this regard.

We should never forget that being recognised – or not – as a refugee will have direct implications on the life and well-being of the applicant and his or her family. This places a heavy burden of responsibility on the person conducting the interview whether or not this person is the final decision-maker.

What does the module contain?

There are **seven chapters** which are designed to help you to prepare for and conduct an interview, to overcome a number of specific problems you may encounter, and to reach a fair conclusion. Wherever possible the advice given is in the form of checklists to help you through the various steps. This module provides basic information which is specifically geared towards conducting interviews in the context of refugee status determination. The information presented in this module is by no means exhaustive, but represents a compilation of general instructions, rules and practical tips.

Who can use it?

Those most directly concerned are UNHCR and government personnel involved in refugee status determination procedures in the field. Persons working with resettlement applications and counselling will also find it useful. In addition, this module should be of interest to non-governmental organizations or UNHCR implementing partners who are concerned with refugee protection and status determination procedures.

Which other training tools and sources to use?

Other UNHCR training materials, guidelines and notes of relevance for conducting interviews are listed below. Copies of these materials can be obtained from UNHCR Headquarters:

- An Introduction to the International Protection of Refugees (RLD 1), 1992
- Determination of Refugee Status (RLD 2), 1989
- Interpreting in a Refugee Context (RLD 3), 1993 and Training Video on "Interpreting in a Refugee Context", 1995
- Handbook on Procedures and Criteria for Determining Refugee Status, 1991

- Guidelines on Preventing and Responding to Sexual Violence against Refugees, 1995
- Note on Certain Aspects of Sexual Violence against Refugee Women, A/AC.96/822, 1993
- Guidelines on the Protection of Refugee Women, EC/SCP/67, 1991
- Note on Refugee Women and International Protection, EC/SCP/59, 1990
- Refugee Children: Guidelines on Protection and Care, 1994
- Working with Unaccompanied Minors in the Community, 1994
- Guidelines on Evaluation and Care of Victims of Trauma and Violence, 1995
- People-Oriented Planning at Work: Using POP to Improve UNHCR Programming, 1994
- Community Services for Urban Refugees, 1994

Chapter 1 Preparing for the Interview

In this Chapter you will learn:

- what background information to study;
- how to prepare the interpreter;
- how to make sure the setting is suitable;
- how to plan your time.

Preparing for the interview is a crucial part of the process. An interviewer who is well-informed and well-prepared will be in a position to establish a relationship with the applicant which provides an atmosphere of confidence and trust. Proper preparation and information will allow an interviewer to ask the right questions, deal with any difficulties which may arise during the course of the interview, and ultimately make a fair assessment of the applicant's credibility.

Doing your homework

This can only begin with the applicable refugee definition which in most cases will be, or will be based upon, that contained in the 1951 Refugee Convention. According to Article 1 A(2) of this fundamental instrument, the term "refugee" applies to any person who:

"...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it".

A thorough understanding of this definition, the criteria it contains, and how they apply is an essential pre-requisite for conducting refugee determination interviews. The Training Modules entitled An Introduction to the International Protection of Refugees (RLD 1) and Determination of Refugee Status (RLD 2), as well as the Handbook on Procedures and Criteria for Determining Refugee Status, are tools that can help you.

The Organization of African Unity (OAU) Convention

In addition to incorporating the definition of a refugee as found in the 1951 Convention, Article 1(2) of the 1969 OAU Convention defines a "refugee" as including:

"...every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality".

The Cartagena Declaration on Refugees

Another definition of "refugee" is found in Conclusion 3 of the 1984 Cartagena Declaration. Similar to the OAU Convention, and in addition to the definition of refugee as found in the 1951 Convention, persons will be granted protection if they:

"...have fled their country because their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order".

Knowing the applicable refugee definition, though essential, is not enough. Numerous other sources of information must be assembled. These will, of course, vary according to the location and circumstances in which the interview takes place. What follows are a number of suggestions that can be used as a checklist.

- What other international legal instruments may apply (international human rights and humanitarian law)?
- What do you know of the country of origin of the applicant?
- What national legislation is of relevance (Immigration Acts, Aliens Acts, nationality laws, laws relating to extradition, or domestic human rights legislation)?
- What is the relevant jurisprudence?

Identifying sources of information

It should be emphasized that knowledge of the country of origin of the applicant is crucial for preparing for the interview. You must become familiar with basic facts about the country from which the claimant has come. The information you gather should include the following:

- the basic political and administrative organization of the country of origin. For example, does the country have an elected government, political parties, an independent legal system, a civilian police force, autonomous or semi-autonomous local or regional governments, restrictions on freedom of movement, etc.?
- respect for and adherence to fundamental human rights in the country of origin, and any reports of harassment or persecution of any individual or groups of individuals on grounds related to the definition of a refugee;
- the basic geography (maps) of the country of origin, and the economic and social characteristics of the country including: the major population centres, distances between cities, ethnic or tribal groups, the main sources of employment, the system for the distribution of goods, economic or population dislocations affecting particular groups or areas, and so on;
- the culture of the country with respect to such issues as the definition of family and the nature of

family relationships, the role and status of women, attitudes towards homosexual relationships, attitudes towards “foreign” influences, etc.;

In addition, you may have to seek or collect more detailed information concerning such matters as: the operational methods of the police, military or security services, the criminal and military justice systems, and terms of punishment for criminal, military or political offences.

As noted above, the type of information to be collected should not be limited to legal materials. Human rights reports, general country of origin information, specialized reports concerning ethnic, religious, gender issues or political groups, and news reports of current events are just some of the sources which can be employed for reference purposes. Uncovering this information will require investigation and imagination. Here again are a few suggestions that include support you can obtain from UNHCR Headquarters and sources of information that you will need to assemble locally.

Protection databases

The Centre for Refugee Documentation at Headquarters maintains several information databases to which Branch Offices are being linked. So far, those available are as follows:

- REFCAS national CASE LAW on refugee protection;
- REFLEG national LEGISLATION on refugee matters;
- REFINT INTERNATIONAL INSTRUMENTS (texts and reservations);
- REFLIT BIBLIOGRAPHY of books, periodicals and articles;
- REFPRO annual field office PROTECTION REPORTS (reserved to UNHCR staff);
- REFINFO country and refugees information database;
- WRITENET weekly event reports and country information chronologies.

Country of origin information

The sources of this information are many and varied, including governments, other UN agencies, refugee, human rights and non-governmental organizations, research and documentation centres, academies, national and international media and external information networks and databases. The Centre for Documentation on Refugees (CDR) is a part of this global network. It manages an extensive collection of information stored in library format and computer databases. Updating existing databases and developing new sources of information is an important aspect of the work of CDR, as is training UNHCR, government and independent researchers to use and access this information.

A principal aim of CDR is to provide up-to-date information which can be employed by UNHCR staff and others working within protection activities, status determination, training, and research concerning refugees. The CDR maintains an extensive collection of books and periodicals on refugee issues, human rights issues, migration, and other relevant topics. The Centre also maintains, with the help of the UNHCR Bureaux and Field Offices, a collection of documents relating to refugees and asylum seekers in national and international law. This includes both legislation and case law. The CDR also prepares responses to questions concerning such issues as causes of flight and problems of return, as well as broader information on historical, political, legal and social developments in a country or region. CDR shares information with an international network via an electronic E-Mail and Bulletin Board called IRENE and publishes a quarterly literature survey on refugees.

It is further suggested that UNHCR Field Offices collect and update their own sources of country of origin information. This is especially important when a Field Office is dealing with a number of

refugees arriving from the same country of origin and specialized reference materials are regularly consulted.

Another useful source of country of origin information is the worldwide network of UNHCR Field Offices. Most Field Offices have access to open sources of information concerning the country in which they operate, including contemporary legislative and political developments, news reports or other documented accounts of events. Specific requests for information should be forwarded through the CDR, Regional Legal Advisers, or respective Heads of Desk at Headquarters.

Knowing the content of the application

Even if you are working under time constraints, be sure to read the basic data and registration forms and other relevant testimonies and translate and examine copies of all documents received from the applicant in advance of the interview. This will help you:

- to ask the right questions and identify what information may be missing, incomplete, contradictory or unclear;
- to inspire confidence in the applicant. An interviewer who fumbles in his or her papers, uncertain as to the applicant's correct name and personal history will be viewed with suspicion. This can be an obstacle to obtaining an honest account of the claim on which the outcome of the application will depend.

Preparing the interpreter

In many cases, the interview will take place with the assistance of an interpreter. This may constitute an additional obstacle to communication. It is important to brief the interpreter in advance of the interview to make sure that he or she understands what to do. You should explain how you intend to conduct the interview and what types of questions you will ask the applicant. Some explanations on the refugee determination process and common terminology may also be helpful. In all cases you should provide guidance as to the code of ethics expected of the interpreter. It is particularly important to insist on the **confidentiality** of all information that concerns the applicant. You should also ensure that the interpreter understands that he or she must remain neutral and objective during the interview process.

Interpreters should understand that everything the interviewer and applicant say must be interpreted. It is not sufficient to summarize or embellish what is being said through filling in missing information. Nor should the interpreter try to improve on the words or phrases of the applicant in order to make him or her sound more coherent, credible or educated. The interpreter should be trained to take notes during the interview in order to ensure the accuracy of what is being translated, and to record all the facts clearly. Any names of persons or places must be spelled out so they are clear. The interpreter should also be told that the interviewer or applicant may ask for clarification whenever necessary.

If you are not satisfied with the interpreting arrangement then the interview should not proceed. For example, such a situation may arise if the applicant does not fully understand the interpreter due to differences of dialect. Similarly, in a situation where refugee interpreters are employed, an interpreter should not be engaged if he or she is closely related to the applicant through family ties or other connections such as political party affiliation. It is important to recall that the relation between the applicant and the interpreter will have an impact on their ability and willingness to communicate. You should therefore make sure that the applicant and the interpreter feel comfortable with one another. This is important not only to preserve the objectivity of the interview process, but to prevent against the interpreter being placed in a position where he or she can be pressured by the applicant.

You will find additional advice and tips on these various points in the UNHCR Training Module RLD 3 and the training video entitled "Interpreting in a Refugee Context". These materials are

available from UNHCR Headquarters.

The importance of the physical setting and your attitude

In preparation for an interview you should assume a caring attitude and provide a setting that encourages the applicant to communicate. Try to provide a comfortable physical environment for the interview, and establish a good impression by greeting the applicant and addressing him or her throughout the interview in a respectful and attentive manner. Be aware of your posture and body language.

Also be attentive to how you dress. If you dress in a formal manner this may intimidate the applicant and make him or her feel uneasy and unwilling to communicate. You should dress in an appropriate and culturally sensitive manner as this will show that you respect the applicant and it will reflect positively on your attitude.

Never use a threatening or harsh tone with the applicant but at all times be reassuring and encourage the applicant to answer your questions fully and truthfully. You may not have a choice as regards the location of the interview. However, give careful attention to the following details as they will influence the general atmosphere of the process.

➤ *Privacy*

Confidentiality is an essential condition. Testimonies may cover information which the applicant has not even revealed to his or her spouse or family. Communication cannot be established if there exists a fear of being overheard by others. It is therefore most important to ensure that the interview area is completely private.

Ensuring a private setting, especially in the field, may not always be possible. Difficult circumstances such as hot, noisy, crowded or stressful settings are clearly more difficult for interpreters, refugees and interviewers. If such a setting cannot be avoided then this should be explained to the refugee and the interpreter. You should also try to remedy the worst conditions by, for example, bringing drinking water or other refreshments and ensuring there is a place to sit.

➤ *No interruptions*

Make sure that there are no distractions while the interview is taking place. Telephone calls or interruptions by other people should be avoided. You should place a notice at the entrance to the interview room which indicates that you are not to be disturbed during the interview.

➤ *No noise*

Any distracting noises will interfere with the concentration of the applicant, the interpreter, and the interviewer.

➤ *Seating arrangements and the interview room*

Arrange the table and chairs on the same level and, if possible, in a well lit area. Avoid signs of authority in the interview room and surrounding environment. (e.g. court-room settings, bars on windows, locked doors, the presence of uniformed personnel, etc.). Also avoid seating the applicant in such a way that he or she is facing a source of light as this may tend to "blind" the applicant.

Where you should sit

The place which the interviewer and interpreter occupy in relation to the applicant is an important detail.

You should try to arrange the seating so that the interpreter is to the side of the interviewer and slightly withdrawn. This will allow the interviewer and applicant to communicate face to face.

The preferred position is illustrated in the sketch below.



In the event you are interviewing a child, the interpreter should sit closer to the child than to the interviewer in order to avoid being perceived in a position of authority and to put the applicant at ease.

Planning your time

It is likely that your time for each interview will be limited. This is another reason why careful preparation is important. Begin by assessing the main aspects of the case, then plan your interview in such a way as to concentrate on the areas where there are omissions or contradictions. Try to anticipate where tact and special interviewing skills may be needed to help overcome communication barriers.

Sketch out a schedule that allows time for breaks if the interview is going to be long. Never forget that interviewing is an emotionally draining and intense exercise for all parties to the process. In particular, it is necessary to provide breaks for the interpreter and the applicant. You as interviewer must also take regular breaks in order to perform most effectively. You should plan time for the possible intervention of additional persons to be interviewed, for example, family members of the applicant (spouses, children) or other witnesses such as medical professionals (in the case of torture victims or persons with disabilities). Before starting the interview it is necessary to remind the applicant of the procedures and schedule to be followed. If the interview will last a considerable length of time, keep in mind that as a general rule you should provide a 5 to 10 minute break for every 1 to 1.5 hours of interviewing.

Recalling the objectives

As a final step in your preparations, it is important to be clear in your approach and to remind yourself of the importance of the interview process for the applicant's future and that of his or her family.

In this regard, *it is important to recall that the interview is not a trial.*

It is an opportunity to discuss and present all the facts and events which form the basis of an applicant's claim to refugee status.

To summarize, the objectives of the interview process are as follows:

- You must document with as many details as possible the applicant's story, including both the objective and subjective elements. You must allow the applicant to tell his or her story fully, and

you must direct the interview by planning your questions carefully in order to cover all aspects of the claim.

- As an essential part of the decision-making process you must assess the applicant's story and credibility in connection with the principles and criteria for determination of refugee status. This requires that the applicant's story be carefully documented and cross-checked.

The pages that follow contain advice on how to achieve these objectives.

Chapter 2 Conducting the Interview

In this Chapter you will learn:

- how to introduce the interview;
- how to establish and maintain confidence;
- how to put your questions;
- methods that can help get to the true story;
- how to close the interview.

As we have seen in the previous chapter, the purpose of the interview is to uncover the facts and to provide a picture of events that is as complete and objective as possible. As interviewer, there are two pitfalls to avoid:

- appearing judgmental or aloof;
- being overly sympathetic.

For persons with limited experience of interviewing asylum-seekers this is no easy task. Conducting interviews in the refugee context is a difficult and time consuming process. This chapter is intended to provide you with a suggested framework for conducting interviews.

Opening the interview

The way you open the interview will set the tone for the rest of the proceedings. The message you must convey to the applicant from the outset is that:

- you are there to hear his or her story in a totally neutral way;
 - as a representative of your organization you are concerned and respectful of his or her distress;
- but
- you work within a legal framework which imposes certain specific conditions when it comes to eligibility for refugee status.

Step 1 Putting the applicant at ease

Take care to show courtesy and respect by:

- smiling and shaking hands (or some other appropriate gesture of greeting);
- using the applicant's family name (having already made sure that you know how to pronounce it correctly);

- introducing yourself;
- if the interview is not on time, apologizing for the delay;
- asking if the applicant is prepared to be interviewed.

Step 2 Introducing the interpreter

Having introduced the interpreter and having explained his or her role, you should check that the applicant and the interpreter understand one other. To do this invite the applicant to talk informally for a few moments with the interpreter, then ask if he or she is satisfied that they understand each other. In the case of women applicants, every effort should be made to use a female interpreter and interviewer. This is especially important for claims which may involve aspects of sexual violence.

Care should also be taken if children are to be interviewed. In such circumstances you should arrange to have a trusted adult accompany the child during the interview (see Chapters 4 and 5).

Step 3 Reviewing basic personal information

You should already have read the applicant's basic data or registration form. However, you may find it necessary to go over certain points to make sure that the information you have is accurate and complete. A sample Basic Data/ Registration Form can be found in Appendix 1 to this Training Module.

Step 4 Providing some background explanations

Before commencing the interview the applicant must be provided with certain information. This can be done by giving written information to the applicant during an earlier contact with your office, or by providing it orally before starting the interview. In either case, the following information should be explained to the applicant:

- the applicable refugee definition;
- the procedures followed with respect to the determination of refugee status.

It is particularly important for the applicant to understand that the **following questions** must be established:

- Does the applicant fear persecution?
- Is this fear well-founded?
- Is the persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or for reasons defined in the OAU Convention or Cartagena Declaration definition of a "refugee"?

This is why many of the questions that will be asked during the interview will concern:

- the conditions that exist in the country of origin, and more especially in the region where the applicant comes from; what kind of difficulties the applicant, members of his or her family, or similarly situated persons have experienced in the past;
- what difficulties might be expected if he or she were to return to that country;
- why these difficulties will arise.

Before proceeding, make sure that the applicant has understood the purpose of the interview, and of the questions you will be asking.

Step 5 Reminding the applicant of his or her rights and obligations

Having by now explained your role as interviewer, it is important to outline the applicant's own rights and obligations. These mainly include:

- The right to **confidentiality**. Reassure the applicant that none of the information he or she will reveal to you will be shared with the authorities of the country of origin, or with any other third party without the applicant's express consent. You should reassure the applicant that both you and the interpreter will respect the confidentiality of the interview and are under oath to do so. This reassurance is indispensable in order that the applicant may feel that it is safe to talk openly about past experiences and events.
- The right to **counsel**. For refugee determination interviews conducted exclusively by UNHCR personnel in the field, legal or other counsel would not normally be allowed to attend the interview. Nevertheless, UNHCR often receives written or other communications from a representative of the applicant or some other body such as a refugee support group. This sort of information can often be of assistance to the interviewer.

Where national legislation provides for the participation of legal or other counsel to assist an applicant in presenting his or her claim, it is essential to allow such counsel to participate in the interview. The presence of a legal representative or other counsel who is familiar with the refugee criteria and local jurisprudence and the applicant's claim, is helpful not only to the applicant but also to the interviewer.

- The right and obligation to give **evidence**. The granting of refugee status depends upon the facts provided by the applicant. Only he or she can provide these facts. As an interviewer you have a vital role to play in helping and encouraging the applicant to bring to light the relevant details of his or her past experience and to present them convincingly. In order to substantiate the claim, and thereby assist the applicant, the interviewer may need to obtain supporting documentation such as newspaper articles, witness accounts or human rights reports. It is the duty of the interviewer to assist the applicant by drawing his or her attention to the importance of providing all available evidence in support of his or her claim to refugee status. However, the interview is for the applicant. Although the person conducting the interview should be in control, you should recall that the interview process is **an opportunity for the applicant to present his or her claim**. One way to help you and the applicant identify the main aspects of the claim is to have the applicant submit a short written statement. This statement can then be used as a preparatory tool before the substantive interview begins (see sample Basic Data/Registration Form in Appendix 1 to this Training Module).
- The obligation to **be truthful**. Tell the applicant that giving an honest, open testimony is in his or her best interest. The applicant may have been told by others that the chances for recognition are greater if the story is told in a certain way. As an interviewer you must be aware of such realities. It is your job to impress upon the applicant that the case must be based on true experiences and not on false information.

Step 6 Explaining the process

Tell the applicant how long you expect the interview to last, whether you plan any breaks, and how the questions will be asked. Having explained the preceding steps 1 through 5, you should ask the applicant whether anything remains unclear and requires further explanation. Once everything has been well understood the interview can proceed.

- **Summary checklist**

- ✓ introduce yourself and explain the process to be followed in order to put the applicant at ease;
- ✓ introduce the interpreter and make sure the applicant and interpreter understand one another before proceeding with the interview;
- ✓ review the information provided on the basic data/registration form with the applicant to ensure it is accurate and complete;
- ✓ explain the refugee definition to the applicant and the type of questions you will be asking;
- ✓ remind the applicant of his or her right to confidentiality, obligation to provide evidence, and obligation to tell the truth.

Maintaining the applicant's confidence

The purpose of the various steps suggested above has been to establish a degree of confidence on the part of the applicant. Your task throughout the interview will be to build on this confidence, remaining vigilant for any signs of incomprehension or tension that may arise and seeking to dispel them at once.

Two approaches can help achieve this:

➤ *Eye contact*

With the exception of certain cultures, where eye contact can have another significance, maintaining a steady and friendly visual expression and keeping eye contact with the applicant suggests that you are paying careful attention to what is being said. Avoid reading papers while the applicant is speaking. If you need to check on a document, wait until there is a pause.

Eye contact should be with the applicant, not with the interpreter. Ask your questions directly to the asylum-seeker and not "through" the interpreter.

For example:

NO! (addressing the interpreter) "Ask him what happened after the bomb exploded".

YES! (directly to the applicant) "What happened after the bomb exploded?"

➤ *Body posture*

Like eye contact, the physical position you adopt can communicate your interest in what the applicant is saying. Be natural, attentive and relaxed. Keep your movements and facial expressions as neutral as possible. This will encourage the applicant to communicate.

DON'T!

- slouch or move about in your chair;
- put your feet on the interviewing table;
- look out of the window;
- make any gestures (such as shaking your head or rolling your eyes towards the ceiling) that suggest that you do not agree with or believe the story being told.

Putting your questions

Put your questions in a friendly manner and not too quickly. Allow the asylum-seeker adequate

time to present his or her story as freely as possible. Although you may have a large number of cases to review, avoid pushing an applicant to come more quickly to the main point of the testimony as he or she may be about to reveal an important and relevant detail.

Questions should lead on naturally rather than be drawn from a list you have prepared in advance. If you are using an interview questionnaire or question checklist it will alert you to the essential elements which should be covered during the interview (see sample Eligibility Determination Questionnaire in Appendix 1 to this Training Module). However, do not confine yourself to a pre-set format or list of questions as this will unduly restrict the flow and scope of the interview.

Everyone has a way of speaking which varies according to such factors as speed, tone and rhythm. In order to put the applicant more at ease, and thereby encourage him or her to communicate, you should try to modulate your voice and pace your questions to suit the particular characteristics of the applicant.

Throughout the interview you should be prepared to follow-up with questions on all relevant issues which are raised by the applicant. No reply or issue should be left in doubt when you finish the interview. This requires that you remain alert and intellectually active during the interview process.

Example:

A claimant has testified that she was arrested while attempting to distribute leaflets and was detained for three months. In order to clarify this statement you could follow-up with questions such as:

- “Why were you detained?”
- “How were you treated while in detention?”
- “Were you ever charged with an offence?”
- “Did you have any contact with your family while in detention?”
- “Can you describe the place where you were being detained?”

Following-up with these questions will provide an opportunity to obtain additional relevant information from the applicant. Such questions will also show that you are concerned and interested in learning about what happened.

Your reaction to silences

Allow the applicant time to think, especially after a general or open question (see below). Avoid the temptation to break the silence by adding a restricted question which may elicit a quick response, but may also prevent the applicant from revealing the full importance a specific event had for him or her.

Example:

Interviewer: “What happened to you after the military seized power?”

Silence

Interviewer: “Were you ever interrogated or arrested?”

A preferable approach, if the silence is too long, is to re-formulate the general question.

Taking the same example:

Interviewer: “What happened to you after the military seized power?”

Silence

Interviewer: “You mentioned earlier that your troubles began when the military overthrew the

government. Could you tell me about some of the difficulties you experienced?"

Silence from the interviewer (provided it suggests that he or she is interested and awaiting the rest of the story) may encourage the applicant to talk. It gives time to consider a question carefully and can help the applicant recall past events. Considerable non-verbal communication also occurs during such pauses, to which you must be attentive.

Types of questions

As an interviewer you need to understand which types of questions will be most effective at each stage of the interview, as well as those which should be avoided as potential barriers to communication. This knowledge will also help you overcome problems of hesitation or reluctance. In the following, two types of questions will be described: **open questions** and **closed questions**.

➤ **Open questions**

An open question is one that asks for general information and cannot be answered by "yes" or "no". It is used to gather information on personal opinions and reactions, and is therefore most appropriate at the beginning of an interview. By using open questions, the interviewer provides the applicant the opportunity to relate events in his or her own way.

Examples:

- What made you decide to leave your country?
- How did your life change after the war?
- Please describe any difficulties you have had with the authorities in your country?
- What happened when the Government changed?
- What reasons do you have to believe that you may have difficulties if you are sent back to your country?

Open questions can help give the interviewer a greater understanding of the background to the applicant's problems and unwillingness to return to his or her country of origin.

Open questions are also used to encourage the applicant to talk more openly on an important topic.

Example:

Applicant: I didn't want to get into trouble with the authorities so I stopped going to the meetings. But it made no difference. I know they were still going to get me.

Interviewer: Could you help me understand why you felt that way?

This type of question is likely to elicit more important information.

When to avoid open questions

Open questions can be time-consuming. If the applicant is nervous, emotionally upset, or has misunderstood the type of information you are seeking he or she may become confused and talk at length about irrelevant details. If this occurs the interviewer must gain control of the interview by politely intervening and changing the line of questioning. When asking open questions you must also take into account the education level and cultural background of the applicant in order to assess whether he or she is capable of providing clear and relevant information in response to your questions.

➤ **Closed questions**

A closed question calls for a short response, usually “yes”, “no”, or a simple statement of fact.

Examples:

- When did you leave your country and when did you arrive here?
- Who paid for your voyage?
- Did you have a visa to enter this country?
- What route did you take to get here?
- Did you apply for refugee status in any other country?

Closed questions serve **to fill in information that is not clear from the applicant’s story**, particularly when there are **contradictory details**.

Examples:

- While you were in detention were you interrogated? By whom? How often? How long did the sessions last? What questions were you asked?
- Where were you detained? How were you treated in prison? What did the prison authorities do to you? How big was your cell? Were you alone in the cell?
- You said that you hid with your brother but on your basic data form you have indicated that your only brother lives abroad. How many brothers do you have?

Here now are a few general hints on formulating questions. They are expressed in the following “do’s” and “don’t’s”:

DO Keep your questions short and uncomplicated.

Alternate between open and closed questions. This will help to reduce tension as the applicant will be able to express him or herself more freely during the interview. It will also help avoid making the applicant feel that you are deliberately pursuing confusing or contradictory points.

DON’T Ask a string of questions that will leave the applicant feeling confused.

Interrogate as in a cross-examination, or use a harsh tone of voice when asking your questions.

An example of what you should avoid doing is as follows:

When you applied for your visa, you said you had a good job and could only take a two-week holiday. At the airport, you said you had no relatives in this country but your brother is also a refugee applicant, isn’t he? Now you tell me you will be persecuted if you are sent back home. You lied to get your visa and you lied at the airport. Why should I believe you now?

Getting the true story

There are two methods that can help you achieve this essential objective.

➤ **Keeping the applicant talking**

We have already mentioned the importance of establishing and maintaining the confidence of the applicant. If this is achieved it will be relatively easy to keep him or her talking freely.

Don’t break in: avoid introducing a new question before the applicant has finished replying to the previous question.

Give encouragement even if there are hesitations or silences. Nod and quietly prompt with phrases such as "...and then?"; "I understand..."; or repeat a few key words from the previous response.

Example:

Applicant: When I heard they were looking for me I didn't know what to do. I was afraid to go back to my house or to my job... (pause)

Interviewer: You were frightened...

Applicant: Every day people disappear... Sometimes their bodies are found and sometimes they just disappear... (pause)

Interviewer: I understand...

Applicant: I went to my friend's house. When I told him what had happened, he said that it was very dangerous for me to stay in the city. That is when I decided to leave.

Interviewer: And then what did you do...

By using this approach the applicant is reassured that the interviewer is listening carefully. The interviewer is perceived as encouraging, but remains neutral without taking a position either for or against the applicant's story. In this way the applicant is more likely to want to communicate further information.

➤ **Identifying discrepancies**

These may be of two kinds:

discrepancies in the written and spoken testimonies, or in other documents provided

Examples:

- An applicant states that he was detained for the last six months of 1992 but his passport was issued in October of that year.

This discrepancy may be due to a confusion of dates, or to the fact that the passport was obtained by a relative or friend (perhaps using a bribe).

- The applicant testifies that his brother was arrested for taking part in a student strike and is still in detention. His basic data form indicates that the applicant's only brother is living in the United States.

Here the use of the word "brother" may have a specific cultural meaning. Alternatively, the interpreter might simply have forgotten to add the second brother's name to the form.

discrepancies in the form of inconsistent behaviour

Examples:

- An applicant claims to have taken refuge at a friend's house for fear of being arrested. However, he also declares that he continued to go to work each day at the same job.

As interviewer, it is your responsibility to clarify this discrepancy. Ask a neutral question such as:

"Weren't you frightened of being arrested at work or followed to your hiding place?"

This will encourage the applicant to provide additional explanations. It may be that he consciously took the risk of going to his work place since he could not afford to leave the country at that time, and his main concern was to remain as long as possible for the safety of his family.

- An applicant states he received the first death threat in March, and then received them every two or three weeks. In May someone tried to run him over with a truck, yet he only left the country the following February.

As in the previous example this requires further explanation.

“You must have been very frightened. When did you decide that you had to leave the country?”

A question such as this will invite additional information. On the other hand, a direct question such as “Why did you take so long before deciding to leave?” may well create a guarded, defensive reaction and deprive you of the explanations you are seeking.

- **Confronting**

This does not necessarily imply a critical attitude by the interviewer. It is a means of clarifying statements that are confusing or appear contradictory. It is therefore an opportunity for the applicant to provide all relevant details.

Confronting is a complex skill requiring tact, patience and the ability to convince the applicant of the need to look objectively at his or her testimony and dispel any unclear points or contradictions. **Avoid at all costs adopting a critical or judgmental attitude** since this will destroy the atmosphere of confidence you have tried so patiently to establish.

As noted, if you are faced with contradictory or unclear statements allow the applicant the opportunity to provide an explanation. One technique you could use is to put the blame on yourself and say for example: “I’m sorry, I may have misunderstood you, can we check that part of your story together as I do not want to make any mistakes”. In this way you can avoid making the applicant feel uneasy or nervous.

Another method is to try to reformulate your questions. You should recall that due to cultural differences, the translation provided, health problems, or lack of attention, the applicant may have misunderstood what was being asked. In such a case, the applicant may more readily understand your questions if they are reformulated or asked in another way.

If after going over a part of the story the inconsistencies remain, do not push the applicant to provide an explanation. If you cannot confirm or obtain satisfactory explanations at that stage of the interview, drop it, you can always return to that point at a later time. Be alert as there may be something that the applicant does not want, or is unable, to tell you. (See excerpt from UNHCR Guidelines on “Evaluation and Care of Victims of Trauma and Violence” in Appendix 2 to this Training Module and Chapter 3 “Barriers to Communication”).



Points to Remember

- Confronting is a necessary means of getting a true story. Yet it should not destroy the climate of confidence you have sought to establish and which is vital for good communication.
- Make sure to document any outstanding discrepancies and the responses and clarifications which are given by the applicant. This will be of assistance for preparing your assessment of the claim and will provide an important record of the proceedings which can be used during a further interview.
- Pay careful attention to each detail.
- Avoid phrasing your questions in a judgmental way. This will intimidate the applicant and block or distort communication.
- Be positive in your approach. Use phrases such as “Could you explain...?” or “You seem to be saying...”.

Closing the interview

When it comes to closing the interview this brief checklist can help tie up loose ends:

- Have you asked the applicant if he or she has anything to add?
- Have you advised the applicant of what will happen following the interview?
- It is important to be as specific as you can concerning:
 - when the decision can be expected;
 - what will happen if the application is successful (concerning documentation, family reunification, the right to work, etc.);
 - what will happen if the response is negative (explain the right and procedure to appeal).
- Have you reassured the applicant that, whatever the circumstances of the case, you will include all the relevant information in the interview report that will accompany the request for recognition of refugee status?
- Have you thanked the interpreter and given the applicant the opportunity to do likewise?

Chapter 3 Barriers to Communication

In this Chapter you will learn:

- which are the common barriers to communication;
- how to overcome them;
- what to do in the case of hostile or threatening behaviour.

As we already know, interviewing applicants for refugee status has another dimension than interviewing in other contexts since so much is at stake. A successful outcome can mean a new start and fresh hope for the applicant and his or her family, while a negative result may spell despair and danger. This knowledge places a heavy responsibility upon the interviewer.

The first two chapters of this module have sought to provide a framework for preparing and conducting the interview. In this chapter we shall be looking closer at the barriers to communication, their origin, and how the interviewer can attempt to overcome them. We will also be looking at the issue of threatening behaviour on the part of the applicant and how to respond as an interviewer.

The effects of trauma

It is not unusual for asylum-seekers to have difficulty in relating their story. They may falter, retreat into prolonged silence, or provide explanations that lack coherence and seem contradictory. Alternatively, they may recite an account that you suspect has been learned for the occasion. It is your task to patiently unravel the story and extract the true facts.

A person who has undergone a physical or mental shock may be particularly reluctant to re-live the emotions by relating events from which he or she has suffered. The unwillingness to talk may or may not be conscious. In more extreme cases, past experiences have been suppressed from the conscious mind. It is not unusual for an applicant to break down and become incapable of coherent expression, or be able to remember only certain events from his or her past.

The interviewer must also be aware that an applicant may have a mental or emotional disturbance

which impedes a normal examination of his or her case. If it is considered that an applicant may have such a condition you should seek medical advice concerning the health of the applicant. Particular attention must also be provided for those refugee claimants who may be victims of torture or sexual violence or, due to their age or disability, require special care when being interviewed. (For further guidance see the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, paras 206 – 212, the Guidelines on Preventing and Responding to Sexual Violence against Refugees, and excerpt from the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence in Appendix 2 to this Training Module).

Omission and confusion

Forgetfulness affects us all and is one of the major obstacles in remembering events. For persons seeking asylum, dates, locations, distances, events, and even significant personal experiences can be forgotten or blurred due to mental shock or lapse of time. Omissions or inaccuracies on the part of the applicant do not necessarily mean dishonesty. The interviewer must remain aware that the applicant cannot be expected to remember all the details of his or her personal history.

The chronological order of events may be particularly difficult to reconstruct. Often the applicant remembers the events that affected him or her most in emotional or physical terms while retaining little of the time sequence.

Example:

“...People who were members of a death squad came to my house on several occasions looking for me... Two of my friends disappeared and another was found dead... I fled to my uncle’s farm and hid for five months until I felt it was safe to return. I received several anonymous threats... A stranger asked questions about me at my work... I decided I had to leave the country”.

You may discover in the course of the interview that this chronology of events is incorrect. The body of the friend was found after the applicant had gone to live with the uncle. He applied for a visa before the employer was questioned by the stranger. Such confusions, in themselves, do not necessarily imply a deliberate fabrication.

Fear to share information

An asylum-seeker having left his or her country through fear of persecution is likely to carry this anguish with him or herself for some time. It may manifest itself in a number of ways, such as:

- fear of persons in authority (particularly those in uniform);
- fear of putting relatives or friends in danger;
- fear of the interview process;
- fear of the consequences if the application is rejected.

As an example, persons who have been involved in political movements that were illegal in their home countries are likely to have become suspicious towards outsiders. They were part of a social network largely founded on a set of values and practices which were crucial for the success of the organization and the survival of its members. Such persons may have difficulty in communicating openly and expressing their feelings, beliefs and experiences to a non-member of the group. Suspicion of the interpreter may be another reason for an apparently fragmented and confusing story.

Loss of self-esteem

The applicant may seek to withhold information which he or she believes will lower the respect of others towards him or herself. In this context, gender, and cultural and societal expectations are

factors to be considered. For example, a man may find it hard to admit to having experienced fear or to having been obliged to leave his wife and children unprotected. A woman who has been sexually assaulted may feel so deeply ashamed that she has not even told her family about her suffering.

“Culture shock”

Persons who move from one culture to another – especially if this implies a move from a less developed to a more developed environment – may experience bewilderment and anxiety. This in turn can affect their ability to make a clear and coherent statement. The asylum-seeker may speak in a confused and unconvincing manner not because he or she is lying, but because of the insecurity and anxiety caused by the difficulties of life in a new social and cultural environment. Unfamiliarity with the style of question-and-answer interview may be another factor which inhibits communication.

Disparities of notions and concepts

Quite common words can carry different meanings from one culture to another and be a source of misunderstanding. This problem can have serious repercussions for an asylum-seeker.

Example:

A Turkish asylum-seeker, applying for refugee status in Switzerland, stated that he had escaped arrest by hiding in the *mountains* near his home town. The application was rejected. Among the reasons given was the fact that the town was situated amid *hills*. For the Swiss interviewer there were no mountains in the region and thus the applicant was considered to be not credible. However, in Turkish, the term “mountain” also applies to hilly regions.

Other common words that can give rise to misunderstanding include *brother* and *cousin*. For many Africans, for example, these words are not limited to close relatives but extend to all members of the tribe.

Notions of *time*, of *truth* and *falsehood* can also vary from culture to culture and give rise to misunderstandings that put the asylum-seekers’ credibility in doubt.

Your attitude as interviewer

The guidelines below concern general behaviour to adopt during an interview. You will recognize many of these recommendations as similar to those contained in earlier chapters of this module.

- Be aware of your responsibilities at all times. Never forget that an unfair decision can have serious consequences for the applicant.
- If you detect symptoms of trauma, try to avoid adding to the trauma by doing the following:
 - make sure the room does not resemble a court room;
 - avoid having persons in uniform;
 - if the applicant is agitated or nervous try to pose your questions in a relaxed manner. Reassure the applicant that you are trying to help and can best do so if your questions are answered directly and truthfully;
 - in order to support the information received during the interview, use whatever documentary evidence is available (documents received from the applicant, newspaper and human rights reports, medical reports, etc.);
 - reassure the applicant that any information provided will be kept strictly confidential. Clarify the role of the interpreter and inform the applicant that the interpreter is under oath to maintain the

confidentiality of the interview proceedings.

- Always remain neutral. Refrain from posing questions that appear judgmental such as, for example:
“How could you leave the country without your family?”
“How could you leave your children with a stranger?”
- Take account of the cultural background of the applicant so as to avoid misunderstandings of communication during the interview. Be aware of any disparities of notions and concepts which may be arise.
- A number of additional factors which can affect the applicant-interviewer, and applicant-interpreter, relationship are as follows: compatibility of age, gender, social class, education, race, belief, political and social values or disability. Throughout the interview you should be aware of these factors and how they may affect or complicate communication with the applicant. You should also brief the interpreter concerning these issues.

What if the applicant is unwilling or unable to participate in the interview?

It should be recalled that refugees may be victims of torture, violence or under great emotional stress. The interview process could in itself trigger off anxiety reactions which could be perceived as aggressive behaviour. The signs and symptoms of emotional disturbance need to be understood. The need for medical intervention should also be understood in order to assist the applicant with his or her mental state before any further interviewing can take place.

While keeping in mind the above considerations the interviewer may find him or herself having to deal with a refugee or asylum seeker who is uncooperative or displays hostile or aggressive behaviour. In such a situation one of the prime considerations is security. In all interviewing situations precautions should be taken to ensure that the interviewer, interpreter, and all staff members are protected against the possibility of physical assault. In field offices it is often the case that the local police, guards or other security arrangements (such as windows in interview rooms) are in place. However, in isolated locations organized security may be lacking and alternative steps, such as alerting the local authorities or other staff members to assist if problems arise, must be taken. (Further on this topic see Chapter 7 “Security Concerns”).

Disruption of the interview

Uncooperative or hostile behaviour can take a variety of forms. In any case it can result in disruption of the interview. You may find that the applicant refuses or appears unable to answer questions, or he or she may display an intransigent attitude which makes continuing the interview difficult and time consuming. On this point a number of suggestions can be offered:

- at all times remain calm and try to ascertain why the applicant is displaying hostile or uncooperative behaviour. Perhaps due to personal difficulties the applicant is unwilling to participate in the interview;
- explain to the applicant that the interview cannot continue unless he or she is willing and able to answer your questions and fully cooperate;
- if available, request a trained counsellor or community services officer to intervene. This will show the applicant that you are trying to help and it may facilitate regaining his or her confidence so the interview can proceed.

If your attempts to calm the applicant and gain his or her confidence are unsuccessful and the behaviour of the applicant makes the continuation of the interview impossible, then as a last resort you should terminate the interview and postpone it for another day, making it clear that the

postponement is not a punishment but simply reflects the need for cooperation which you hope to obtain at a later date. This will allow the applicant some time to think about his or her behaviour with a view to returning at a later time in a more positive frame of mind. If deemed necessary, a different interviewer should see the applicant at the re-scheduled interview.

At all times the interviewer must be aware that apparent hostile and uncooperative behaviour may be symptomatic of other troubles or an indication that the person is having serious difficulties coping with the stresses and difficulties of the interview process. If the applicant has a particular problem which can be addressed by counselling, medical or community services offered through your office, then an appointment should be made to see someone at the earliest opportunity. This course of action will not only demonstrate that you care about the person concerned and are ready to offer assistance, but it may also provide an opportunity to obtain important information concerning health or other problems the applicant is experiencing.

Chapter 4 Interviewing Women Refugee Applicants

In this Chapter you will learn:

- sources of information;
- eligibility criteria;
- interviewing women refugee applicants.

In this Chapter we will be looking at specific issues linked to interviewing women refugee applicants. We shall begin by reviewing some of the sources of information and eligibility criteria.

Sources of information

There are a number of publications which provide useful guidance and information for conducting refugee status determination interviews of women. The "UNHCR Guidelines on the Protection of Refugee Women" (EC/SCP/67, 22 July 1991) contain a section on legal procedures and criteria for the determination of refugee status, as well as information on conducting refugee determination interviews (paras 53 – 76).

Other relevant reference materials include: UNHCR Executive Committee Conclusions numbers 39, 54, 60, 64 and 73; the Note on Certain Aspects of Sexual Violence against Refugee Women (A/AC.96/822, 12 October 1993); the Guidelines on Preventing and Responding to Sexual Violence against Refugees (UNHCR 1995); the Immigration and Refugee Board of Canada Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution (see IJRL (1993), Vol. 5, No. 2), and the United States Immigration and Naturalization Service Guidelines on Considerations for Asylum Officers Adjudicating Asylum Claims from Women (26 May 1995).

The discussion that follows is based largely on these sources.

Country of origin information

In addition to the standards and principles contained in the UNHCR Guidelines and Executive Committee Conclusions concerning sexual violence in the context of the 1951 Convention refugee definition, the interviewer must be familiar with pertinent country of origin information. In general, such information would include:

- the position of women in law, including their legal standing in court, the right to file a complaint and give evidence, provisions of divorce and custody law, the right to own property, the right to have or refuse an abortion;
- the political rights of women, including the right to vote, to hold political office and to belong to a

political party;

- the social and economic rights of women, including the right to marry the person of her choice, the right to an education, the right to work, the status of a widow or divorcee, and freedom of dress and expression;
- the incidence of reported violence against women and the forms it takes, the protection available to women, and the sanctions and penalties on those who perpetrate the violence.

In particular, the interviewer will need to be aware of what consequences may befall a woman on return to her country of origin in light of the circumstances described in her claim.

Eligibility criteria

Women as a particular “social group”

The 1951 Convention definition of a refugee does not specify gender as a ground of persecution. However, as a developing area of law it is increasingly recognized that gender-related persecution is a distinct form of persecution which may properly fall within the definition of a Convention refugee. Thus, the Convention can be interpreted as providing protection to women who demonstrate a well-founded fear of gender-related persecution by reason of one, or more, of the enumerated grounds of race, religion, nationality, political opinion or membership of a particular social group. There is also increasing international support for considering certain women who fear persecution exclusively by reason of their gender to be a ‘particular social group’. In this regard, the UNHCR Executive Committee has recognized that States are “free to adopt the interpretation that women asylum seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a “particular social group” within the meaning of Article 1 A(2) of the 1951 United Nations Refugee Convention” (see EXCOM Conclusion No. 39 (XXXVI)).

Persecution based on transgressing social standards or norms

The UNHCR Guidelines on the Protection of Refugee Women suggest that women fearing persecution or severe discrimination on the basis of their gender be considered a member of a particular social group for the purpose of determining refugee status. The Guidelines further suggest that UNHCR promote awareness that there may be a basis for granting refugee status where a government cannot, or will not, protect women who are subject to abuse for transgressing the social standards or norms of their society.

The interviewer must recognize elements relevant to claims for refugee status by women fearing harsh or inhuman treatment because of having transgressed their society’s laws or customs. The Immigration and Refugee Board of Canada Guidelines on Women Refugee Claimants fearing Gender-Related Persecution describe this category of refugee claimants as follows:

*“Women who fear persecution as the consequence for failing to conform to, or for transgressing, certain gender-discriminating religious or customary laws and practices in their country of origin. Such laws and practices, by singling out women and placing them in a more vulnerable position than men, may create conditions precedent to a **gender-defined social group**. The religious precepts, social traditions or cultural norms which women may be accused of violating can range from choosing their own spouses instead of accepting an arranged marriage to such matters as the wearing of make-up, the visibility or length of hair, or type of clothing a woman chooses to wear.*”

Sexual violence

Past events have demonstrated that refugee women are particularly vulnerable to sexual violence.

In many conflicts, attacks on women are a planned part of a terror campaign.

In the context of seeking asylum, the female victim of sexual violence may be hesitant or unable to speak about such events. Moreover, a female victim of sexual violence may be shunned by her family and alienated from members of her community. The interviewer will therefore have to use a variety of gender-sensitive techniques to obtain information from women during the interview process.

Sexual violence as a form of persecution

As concerns the consideration of sexual violence as persecution under the refugee definition the “Note on Certain Aspects of Sexual Violence against Refugee Women”, which was issued at the request of the UNHCR Executive Committee, states that:

“There can be no doubt that when rape or other forms of sexual violence committed for reasons of race, religion, nationality, political opinion or membership of a particular social group is condoned by the authorities, it may be considered persecution under the definition of the term “refugee” in the 1951 Convention relating to the Status of Refugees (Article 1 A(2)). A well-founded fear of rape in such circumstances can thus provide the basis for a claim to refugee status.

Interviewing women refugee applicants

Access to an interview

When a woman is part of a family unit and is not considered the principal applicant for refugee status it can happen that she is not interviewed, or only cursorily interviewed, even when it is possible that she rather than her male partner has been the target of persecution. With this in mind the interviewer should make every effort to ensure that the female members of a family unit, including spouses and dependents such as mature children, are provided an opportunity to be interviewed separately. Only in this way can the interviewer determine whether the female members of the family have an independent claim to refugee status.

Credibility problems

A common problem relating to credibility can occur when women are interviewed concerning the claims made by their male relatives. For example, if a woman is being interviewed to corroborate the claim of her husband, she may be unaware of certain details of her husband's experiences. At first glance, the interviewer may consider that this lack of corroborating knowledge on the part of the female family member undermines the credibility of the husband's claim. However, in certain cultures men do not share the details of their professional, political, military or social activities with their female family members. As a consequence, spouses, daughters, or mothers may be unable to provide an answer when questioned about the experiences of their male relatives. The interviewer should be aware that lack of knowledge, or even contradictory answers, on the part of female family members does not mean the entire testimony should be discounted as lacking credibility.

Your role as interviewer

The following practices are suggested for interviewing refugee women. Further information on conducting an interview can be found in the UNHCR Guidelines on Preventing and Responding to Sexual Violence against Refugees at pages 33-34 and 38-41.

- as discussed in earlier chapters of this module, you will have to gain the confidence of the applicant and establish a basic rapport with the person being interviewed. This is especially important in the case of victims of sexual violence. It is essential that the interviewer remain

neutral, compassionate, sensitive, and objective during the interview;

- if at all possible, women refugee claimants should be interviewed by a female staff member and female interpreter. In this way the applicant may feel more comfortable in telling her story. For claimants who allege to have been victims of sexual attack, a trained staff member of the same sex must always conduct the interviews unless the applicant requests otherwise. The same interviewer should remain involved in the case in order to avoid the applicant being handed from one person to another. This would include arranging for the applicant to have follow-up counselling or medical and legal assistance;
- be aware of gender differences in communication, especially regarding non-verbal communication. This is particularly important in the context of cross-cultural communication (e.g. a female may avoid eye contact with the interviewer due to her culture);
- provide women the opportunity to be interviewed alone without other family members present or within hearing distance;
- if you suspect that the applicant has been a victim of sexual violence, or if the applicant is unable or unwilling to discuss certain events relating to such an incident, you should ask discreet and indirect questions. Give the applicant time to tell her story in her own way and in her own words. Never force the applicant to communicate, but assure the person that you are available to assist her once she is ready to talk about the problem. There is no need to dwell in detail on the sexual abuse;
- recognize that women refugee claimants who have been subject to sexual violence can exhibit a pattern of symptoms as a consequence of the trauma related to rape. The symptoms exhibited may include a loss of self-confidence and self-esteem, difficulty concentrating, feelings of loss of control, fear, and memory loss or distortion of facts. Women who have suffered domestic violence may be reluctant to speak about such incidents. In some cases, it may be appropriate to consider whether claimants should be allowed to provide their testimony in writing so as to avoid having to recount traumatic events in front of strangers. For further information refer to the excerpt from the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence in Appendix 2 to this Training Module;
- in the case of a husband and wife or other family members being interviewed, the interviewer should be careful when trying to clarify contradictory statements. In general, the interviewer should be cautious if confronting an applicant concerning statements made by another family member in order to avoid adding to the already tense and difficult situation the family may be experiencing;
- lastly, the interviewer must familiarize herself with the practical protection measures for preventing and responding to sexual violence. In this regard, reference should be made to the “Guidelines on Preventing and Responding to Sexual Violence against Refugees” which can be obtained from UNHCR Headquarters.

Points to Remember

- familiarize yourself with relevant sources of information concerning refugee women, including protection guidelines and country of origin information;
- employ the eligibility criteria related to gender-related persecution;
- ensure that women refugee applicants gain access to an interview and that, if possible, the interview is conducted by a female staff member and female interpreter;

- be aware of gender and cross-cultural differences in communication;
- make sure that women refugee applicants have an opportunity to be interviewed alone, and be aware of the credibility problems which may arise when women are interviewed about the claims of their male relatives;
- for claimants who are victims of sexual violence, ensure that they are interviewed by a trained staff member of the same sex;
- familiarize yourself with the pattern of symptoms which may be exhibited by victims of sexual violence and ensure that follow-up counselling and medical and legal assistance are made available.

Chapter 5 Interviewing Children

In this Chapter you will learn:

- sources of information and determination procedures for interviewing refugee children;
- general guidelines for conducting interviews.

In this Chapter we will look at specific problems and concerns linked to interviewing refugee children. We will begin by reviewing some of the sources of information and relevant determination procedures.

Sources of information and determination procedures for interviewing refugee children

A number of UNHCR publications provide helpful guidance and information on interviewing refugee children. UNHCR's "Refugee Children: Guidelines on Protection and Care" (1994) provides a comprehensive review of issues concerning accompanied or unaccompanied minors. The document "Working with Unaccompanied Minors in the Community" (1994) provides helpful information for interviewing refugee children. Additionally, the interviewer should refer to the UNHCR Policy on Refugee Children (EC/SCP/82, 6 August 1993), UNHCR Executive Committee Conclusions Nos. 47 and 59, and the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status.

The points that follow are based largely on these sources.

The Convention on the Rights of the Child & the "best interests" principle

The entry into force of the Convention of the Rights of the Child in September 1990 was a major development in the area of children's rights. Not only is the Convention of increasing importance to all children as a result of the near universal ratification of the treaty (currently more than 174 State parties), but it establishes a number of rights and principles which are applicable to the protection needs of refugee children including those relating to non-discrimination (article 2), preservation of identity (article 8), separation from parents (article 9), family reunification (article 10), protection of privacy (article 16), protection of a child without family (article 20), protection and humanitarian assistance for refugee children (article 22), education (article 28), and military recruitment (article 38).

The Convention defines a "child" as anyone "below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier" (article 1). UNHCR applies the Convention

on the Rights of the Child in its own work by using the rights contained in the Convention as guiding principles. A key principle is that relating to the “best interests of the child” (article 3). This principle has been adopted in the UNHCR Policy on Refugee Children as follows: “In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interests, are to be given primary consideration” (para 26 (a)). Furthermore, UNHCR advocates the observance of the standards of the Convention on the Rights of the Child by all States, international agencies and non-governmental organizations.

In the context of interviewing refugee children, a number of issues and situations may arise which require that the “best interests” principle be considered. These include factors relevant to the refugee status determination process (applicable criteria, physical environment, use of trained personnel); application of the principle of “family unity” (when?, for whom?); and availability of durable solutions (resettlement, local integration, and voluntary repatriation). It is important therefore that interviewers and others involved in the refugee status determination procedure be made aware of the applicable rights and standards contained in the Convention on the Rights of the Child.

Determination criteria and procedures for accompanied children

When the head of a family satisfies the criteria of the refugee definition, his or her dependents should also be granted refugee status on the basis of “family unity” (see UNHCR’s Handbook on Procedures and Criteria for Determining Refugee Status at paragraphs 181 to 188). In a situation where a State insists on a separate determination of eligibility for each family member, including children, the “family” may be considered as a “particular social group” under the Convention definition of refugee. Accordingly, a child (or other family member) may base a claim to Convention refugee status on his or her membership in a family which, due to the activities of one or more of its members, experiences a well-founded fear of persecution.

There may also be cases where a child is without his or her parents but is accompanied by an adult caregiver who may or may not be a relative of the child. In this situation, the interviewer should evaluate the quality and durability of the relationship between the child and caregiver to decide whether the presumption of “unaccompanied status” should be set aside. If upon evaluation of the relationship it is determined that the child is accompanied, he or she should be processed under the regular procedures along with the adult caregiver, having due attention to the principle of “family unity”. It should be recalled that a claim of “family unity” may be made by a child in the care of a non-relative when the quality of the relationship is equivalent to a family.

If a child who is in the care of a parent, relative or other adult caregiver makes an individual claim to refugee status, the adult can be of great assistance through providing factual information to document the claim, speaking on behalf of the child, helping the child understand the process, offering emotional support and advice, or making a decision on behalf of the child.

Determination criteria and procedures for unaccompanied children

International refugee law instruments define a refugee regardless of age, and make no special provision for the status of refugee children. Although this does not normally pose any problem when the child is accompanied by one or more of his or her parents, determining the refugee status of unaccompanied children is more difficult and requires special consideration. Moreover, considering the detrimental effects that a prolonged stay in a camp or camp-like situation may have on a child’s physical and psychological development, it is in the child’s best interests to have his or her refugee status determined in an expeditious manner.

The question of whether an unaccompanied child may qualify for refugee status will depend on the child’s degree of mental development and maturity. To assist in this process an expert with sufficient experience and knowledge of the psychological, emotional and physical development and behaviour of children should be engaged to make the necessary assessment, bearing in mind that children may manifest their fears in ways different from adults.

Where it is determined that the child is mature enough to understand and express him or herself during the status determination interview, the case may be treated in a manner similar to that of an adult. However, where the child has not reached a sufficient degree of maturity to make it possible to establish the claim in the same way as for an adult, it is necessary to have greater regard to objective factors such as the characteristics of the group the child left with, the situation prevailing in the country of origin, and the circumstances of family members inside or outside the country of origin.

As children are not legally independent they should be represented by a legal guardian whose task it would be to promote a decision in the child's best interests. In some situations this role can be performed by adult persons carefully selected within the refugee community or from non-governmental organizations. The guardian or adult caregiver can be of great assistance throughout the refugee status determination process and can ensure that the interests of the child are fully safeguarded.

Interviewing unaccompanied children poses a variety of problems and concerns. A major obstacle is that it may not be possible to get accurate information concerning the child's family. Due to the trauma caused by separation from family members a child may invent a version of what happened that is easier for him or her to live with than the truth. The problem of "proof" is great in all determinations for refugee status. It is compounded in the case of children. For this reason, the decision on refugee status calls for a liberal application of the benefit of the doubt.

The following guidelines have been developed to take account of the special needs of unaccompanied minors involved in refugee status determination procedures. These guidelines may also be useful in other interviewing situations involving children. Additional information on the practical considerations of conducting interviews with children can be found in the UNHCR document Working with Unaccompanied Minors in the Community.

General guidelines for conducting interviews

- a) Ensure that the unaccompanied child gains access to a refugee status determination procedure.
- b) Children who are old enough to understand what is meant by refugee status determination should be informed about the procedure. This includes advising them of where they stand in the process and what decisions have been taken. As uncertainty can lead to unnecessary anxiety and worry, keeping the refugee child accurately informed is important not only to help him or her dispel rumours, but also to assist the minor to understand the consequences of the process and form realistic expectations.
- c) If an unaccompanied minor arrives as part of a large-scale influx in respect of which a *prima facie* group determination of refugee status has been made, each child in the group should automatically receive refugee status.
- d) The importance of giving truthful information and being as accurate as possible needs to be stressed to the child applicant, and it should also be emphasized that there is no 'right' or 'wrong' answer to the questions being asked.
- e) For individual status determination interviews, the interviewer and interpreter should ideally share the culture and language of the refugee child. Interpreters should be specifically trained to work with children (e.g. a child welfare worker, or a teacher).
- f) Interviewing techniques should be adopted according to the maturity and understanding of the child. Use simpler language and spend more time establishing rapport with the child and developing a trusting relationship. Take the time to explain the interview process and why you will be asking certain types of questions. The child should be encouraged to ask questions throughout the interview.
- g) If the child is unable or unwilling to talk about a particular event during the interview, it may be

necessary to leave it out. Explain to the child that you understand his or her difficulty and that you can talk about it later, either during the same interview or at another time.

- h) The interviewer must be prepared to recognize when the child's limits have been reached. Take a break or postpone an interview if there are persistent signs of anxiety.
- i) Be aware that you may have to use alternative ways of gathering evidence such as: seeking information from family members or adult caregivers rather than the child; gathering information on the situation of children in the country of origin; obtaining expert evidence from a physician, a child psychologist or a social worker.
- j) The interview should be concluded with a discussion about more normal present-day events which restore a sense of security. The child will need time after the interview to restore his or her coping abilities (e.g. interviews should not be conducted before the child is likely to be going to bed, and preferably they should not be held during school hours).



Points to Remember

- familiarize yourself with relevant sources of information concerning refugee children including protection guidelines and country of origin information;
- employ the eligibility criteria relating to “family unity”;
- ensure that refugee applicants who are children gain access to an interview and that, if possible, the interviewer and interpreter share the culture and language of the refugee child;
- as necessary, seek the advice of an expert with sufficient experience and knowledge of the psychological, emotional and physical development and behaviour of children, and ensure that unaccompanied children are represented by a legal guardian;
- before the interview begins, explain the process to the refugee child. Take your time during the interview and adopt appropriate interviewing techniques;
- familiarize yourself with alternative ways of gathering information including country of origin research, expert advice, seeking information from family members or adult caregivers, etc.

Chapter 6 The Outcome of the Interview

In this Chapter you will learn:

- basic tasks and objectives;
- documenting the interview;
- assessing credibility;
- preparing the assessment and your conclusions.

In the course of this Training Module we have examined how to prepare for and conduct an interview, and we have reviewed a number of specific problems that an interviewer is likely to encounter, suggesting ways of overcoming them. In order to conduct a thorough and well-prepared interview a number of tasks must be undertaken. These include documenting the interview, assessing credibility, and presenting a reasoned conclusion. There is no single method or technique to fulfill these tasks. Conducting refugee determination interviews in an efficient and careful manner requires practice, good supervision and doing one's homework.

After conducting a number of interviews with asylum seekers, the interviewer will develop his or her own technique and style of asking questions. Successful interviews are those in which all the

relevant issues have been discussed and documented. The interviewer must strive to conduct the interview in a manner that assures the highest level of **validity** and **reliability** of the information obtained. These are tasks which can be learned through practice and experience.

Basic tasks and objectives

The interview report is a documentary record of the proceedings of the interview. The form and style of the interview report will vary from person to person. However, there are a number of “tasks and objectives” which must be achieved.

We will review these tasks in more detail below.

➤ ***Relevance-related tasks include:***

- having a clear understanding of the purpose of the interview;
- clearly communicating specific questions in accordance with the purpose;
- detecting and correcting misunderstandings of the question by the claimant;
- distinguishing between the clearly irrelevant, the potentially relevant, and the clearly relevant aspects of the claim.

➤ ***Validity-related tasks include:***

- maintaining good interpersonal relations with the applicant;
- being aware of inhibitors which make the applicant unwilling or unable to provide valid information.

➤ ***Reliability-related tasks include:***

- pointing out and resolving contradictions, discrepancies and/or omissions in the story of the applicant;
- clarifying any conflict that may be perceived between the personal information provided by the claimant and the general information you have on the conditions in his or her country;
- assessing the credibility of the applicant.

Documenting the interview

An essential process in conducting interviews for determination of refugee status is to prepare accurate and detailed notes of the proceedings. Although note taking is an essential part of the interviewing process, it should not interfere with the flow of the interview. Moreover, in some cultures it may be inappropriate to take notes while you are communicating with someone. As well, you may find that in some interview settings, such as a detention centre or a police station, you are unable to take notes during the interview. In such a case, you will have to take time immediately after the interview in order to prepare your written report.

It should also be recalled that preparing notes while interviewing someone can be disruptive as you will momentarily lose eye-contact and could thus miss important non-verbal communication indicators such as facial expressions and body language. To avoid this problem, a useful technique is to write down the main points of the claim during the interview, and prepare more detailed notes at the end of the interview. You should try to review what you have written down with the applicant at the end of the interview. By doing so, this will allow you to confirm that the story has been documented accurately and to the satisfaction of the applicant. It will also show the applicant that you are trying to document his or her claim with utmost care.

Points to Remember

Assuring accuracy

Try to prepare your notes during the interview or shortly after it has ended. If you are writing up your full notes after the interview, set aside time at the end of the interview in order to ensure the accuracy of your recollection.

Record all the facts clearly

Remember that your interview notes represent a documentary statement of the applicant's claim to refugee status. Concentrate on recording clear and objective facts. Use concise, simple and clearly understood language. This will assist other persons who will have to read your notes in order to take a decision or conduct a further interview. Avoid using abbreviations, key words, jargon or ambiguous phrasing. If your notes are hand written make sure they are legible.

Make detailed notes

As a general rule try to prepare detailed notes of the claim, especially concerning key elements such as important events, descriptions of arrests and detentions, immediate reasons for leaving the country, and so on.

Be flexible

When you are interviewing with a form or outline of questions (see sample eligibility determination form in Appendix 1 to this Training Module), it is not necessary to follow the questions in the precise order they appear. Remain flexible and open to following various lines of questioning as they arise. Often answers to many questions you intend to ask will come out naturally in the course of the interview. Questions that cannot be asked during the normal flow of the interview can always be asked at the end.

Check doubtful or confusing statements

If there is any doubt or confusion concerning part of the applicant's statement, a useful technique is to read back or go over those parts of the claim which remain unclear. Then ask the applicant to confirm or explain the discrepancy or misunderstanding. Make sure the applicant agrees that you have written down the facts correctly. This approach will not only help you ensure the accuracy of your notes, but again, it will show the applicant that you are making serious efforts to be careful. This method can also be effective for assessing the credibility of the claim as all outstanding discrepancies and contradictions will have been documented as part of the interview report.

Does the applicant have anything to add?

At the end of the interview ask the applicant if he or she has anything to add, including any questions or concerns concerning the interview itself or any aspect of the determination process. Invite the applicant to forward, at a later time, any additional documents or other information which he or she considers relevant to the claim. Document in your notes that these points have been communicated to the applicant, along with any replies which are provided.

Assessing credibility

Assessing the credibility of an applicant is one of the most important, and most difficult, aspects of your work as an interviewer. There are no hard and fast rules which you can apply blindly. However, the advice offered in earlier chapters should provide you with a sound basis upon which

to assess the credibility of the applicant and reach your conclusions.

Points to Remember

Remind yourself, in particular, how important it is:

- to prepare thoroughly (see Chapter 1, giving special attention to country of origin information);
- to ask the right questions (see Chapter 2, especially the discussion on questioning techniques);
- to be aware of possible barriers to communication (see Chapters 3 [Barriers to Communication], 4 [Women Asylum-Seekers] & 5 [Interviewing Children] and Appendix 2 on “Evaluation and Care of Victims of Trauma and Violence”).

Relevant legal criteria

Assessing the credibility of the applicant amounts to evaluating the believability of the applicant's statement. This should not be confused with the weighing the sufficiency of the evidence. Assessing the credibility of the claim to refugee status is related to the legal criteria of the burden and standard of proof. In the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status the applicability of the burden and standard of proof is examined briefly in paragraphs 195-205. However, the general guidance provided in the Handbook must also be considered in relation to applicable national jurisprudence.

In the context of this Training Module it is not possible to provide an in-depth discussion of legal standards regarding the stage at which a claim should be considered “proved”. Different legal systems and national determination procedures may also employ divergent standards, legal “tests”, and practices which makes it difficult to come up with universally applicable criteria. Nevertheless, since a general understanding of the relevant legal criteria is crucial to assessing the credibility of the claim, they will be briefly discussed below.

Burden of proof

A claim to refugee status is, in effect, an assertion that the applicant has a well-founded fear of being persecuted based on one, or more, of the enumerated grounds in Article 1A(2) of the 1951 Convention Relating to the Status of Refugees. As discussed earlier, in some countries other regional criteria will apply. *Although the burden of proof (meaning who has to prove the claim) in principle rests on the applicant, the applicant and the interviewer share the duty to ascertain and evaluate all the relevant facts.* Furthermore, the applicant is not required to “prove” every fact alleged in a refugee claim. Given that the consequences of an erroneous negative decision can be extremely serious for refugees, and because of the unavailability or inaccessibility of objective evidence in many refugee situations, the burden of proof should be approached flexibly, particularly where:

- the fear which is the subject of an asylum claim is based on some future possibility and is not capable of being demonstrated at the present;
- the circumstances relating to the flight of the applicant from the country of origin make it difficult or impossible to carry documentary evidence;
- the existence of fear and/or trauma following persecution and flight results in gaps and inconsistencies in testimony; and
- as refugees cannot return to their country of origin, obtaining documentary evidence from the country of origin may be extremely difficult or risky.

The burden of proof may thus be satisfied even where the applicant is unable to furnish concrete

evidence as such, but can provide a coherent and plausible account as to the type of persecution feared and the reasons for the fear.

Standard of proof

The standard of proof can be described as the sufficiency of the evidence that an applicant must provide in order to satisfy the definition of “well-founded fear of persecution”. In general, the evidence that a refugee applicant must supply should demonstrate a reasonable likelihood or reasonable probability of persecution. *In conformity with the humanitarian spirit of the Convention it would not be reasonable to require certain proof of an asylum seeker’s claim.* Such an interpretation of the relevant standard of proof is supported by practice and legal developments in a number of national jurisdictions.

Benefit of the doubt

Another important aspect of status determination is dealing with doubts regarding the strength or veracity of a refugee claim. Some refugee claims may fail to meet the standard of proof. Discrepancies and inconsistencies in the testimony itself, between the testimony and documentary evidence, or between testimony and the applicant’s own actions, may also give rise to doubts and result in a negative credibility assessment.

As noted above, it is not possible, nor necessary, for a refugee to “prove” every aspect of his or her claim. Moreover, it is often necessary to give the applicant the benefit of the doubt. *However, the benefit of the doubt should only be applied when the available evidence has been obtained and checked and the decision-maker is satisfied with the credibility of the applicant.* Below we will discuss a number of general rules and guidelines for assessing credibility.

General rules for assessing credibility:

Basic approach

Only conduct the credibility assessment after certain information is collected (i.e. after uncovering the story). Try to define the key points for assessing credibility in the application. Define and adapt the degree of precision and detail which can be required from the applicant. Use probing and focused questions. Do not take assertions at face value, and do not hesitate to repeat questions and follow-up on factual leads in the claim. Always remember to link your questions.

Relevant factors in assessing credibility

A related aspect for assessing the credibility of the person being interviewed is to examine the testimony for internal consistency (the coherence of the statement) and external consistency (agreement with known facts). You may also consider the fluency of the testimony (that is, the incidence of hesitation), as well as its clarity and detail. If both written and oral statements have been provided there should be global consistency between the statements. This means that not only should the sequence of events and supporting statements be logical and consistent, but there should be some linkage between the places, times, events, and other factors which form the basis of the claim.

In order for the interviewer to be in a position to fully assess the claim, it will have to be thoroughly documented. This includes noting the circumstantial evidence surrounding key events such as arrests, periods of detention, or reasons for flight from a country of origin. For example, you will want to ask the applicant a series of precise, probing questions concerning what he or she was doing just before being arrested, including details of where he or she was, with whom, what were the circumstances of the arrest, were there any witnesses, and so on? You will also want to establish a number of “dated” elements or facts. Providing precise dates should not be over-emphasized, as it is more important to establish general “time” indicators which can assist you, and the applicant, to place certain events into the overall sequence of the claim.

Documentary evidence

Other credibility indicators concern examination of documentary evidence. If the applicant has provided such evidence you should assess its relevance, its source and way of obtention, and whether the use of false documents has an impact on the credibility of the applicant. You should also compare documentary evidence for internal and external consistency. In some instances, you may obtain medical reports. Again, they should be assessed in relation to the statements of the applicant and the compatibility of the reports to the claim.

Documents which are received in a language which the interviewer cannot understand must be translated. It is preferable to obtain original documents rather than photocopies. If original documentation is not presented then the applicant can be asked whether it is available and, if not, he or she should be asked to provide an explanation. Checking the authenticity of documents is often problematic. In the case of official documents issued by authorities in the country of origin, such as the police or the courts, it is not permissible to check or share **any** information relating to individual cases with the authorities in the country of origin. This is important not only to safeguard confidentiality for the applicant, but to avoid endangering the security of family members who still reside in the country of origin. Documents will therefore have to be checked to the extent possible with sources generally available through UNHCR field offices or Headquarters.

The use of drawings and maps

Another effective tool to assess credibility, and to facilitate communication with the applicant, is to use drawings or maps. For example, if the applicant crossed a border illegally from his or her country of origin, he or she may be able to show on a map which villages or towns were passed along the journey. Similarly, if a person had spent some time in detention, it may be possible for him or her to draw a picture of the prison cell. The use of drawings can be especially helpful for children, disabled persons, or those who are hesitant or unable to provide clear oral testimony. Using these methods can also assist the applicant to remember places, events, or other aspects of the claim.

The overall profile of the applicant

Assessment of the applicant's statements to the overall profile of the applicant is also important. For example, if the applicant has told you that he holds strong political beliefs or is deeply religious, then it is reasonable that he should be able to tell you something about his beliefs or views. The applicant should not be required, however, to provide an unrealistic degree of precision and detail in his statements.

The demeanour of an applicant

The demeanour means the comportment or behaviour of the applicant, including body language, facial expressions, gestures and manner of speaking. It should be noted that the demeanour of an applicant is of limited value in assessing credibility. As well, culture and gender may have a great influence on the demeanour of the applicant. For example, an applicant may smile at what appears to be inappropriate times due to being nervous or because in his or her culture this is a normal manner of expression. Furthermore, emotional responses vary from individual to individual and are affected in unpredictable ways by traumatic experiences. This is not to say that demeanour is irrelevant, far from it. However, it should never be considered the determining element in deciding on the credibility of an applicant due to its limited reliability and subjective nature. Another important aspect in paying attention to the demeanour of the applicant is to watch for signs of trauma.

Guidelines for credibility assessment

You may find it useful to refer to the following set of recapitulative guidelines.

- Minor inconsistencies, misrepresentations, or concealment in a claim should not lead to a finding

of non-credibility where the inconsistency, misrepresentation or concealment is not material or of vital importance to the claim. If a statement is not believed but if the claim would be well-founded apart from that statement, then refugee status should be granted.

- Concealment of parts of the story do not necessarily detract from the credibility of the applicant. A genuine refugee may not be willing to tell his or her full story for fear of endangering relatives or friends, or for fear of sharing this information with persons in positions of authority. The applicant may also fear the consequences of having his or her claim rejected. In addition, the applicant may have been told by others not to tell the whole truth during the interview.
- A claim may be credible even though the applicant provides information during a later interview which was not submitted during an earlier examination. The reason for the discrepancy may be that the applicant was reluctant to speak freely during the first interview, but provides a full and accurate account on the later occasion.
- An applicant may provide a credible basis for a claim to refugee status even though he or she has never been persecuted. The absence of actual detention or detection by the authorities should not lead to the assumption that the story is false or deficient for consideration under the refugee definition.
- An applicant should not be suspected of fabricating his or her story simply because the pattern of the claim is similar to the pattern presented by other claimants. Conversely, a claim may be credible even though it is different from statements made by other refugee applicants originating from the same country.

Preparing the assessment and your conclusions

Determination of refugee status requires the application of the facts of the claim to a body of law. This module has dealt with the techniques of getting the refugee applicant to communicate all the relevant facts during an interview. We have addressed the related issue of supporting those facts by reference to country of origin information and eligibility criteria. Whether the facts in any given case establish, within the context of applicable international law, that an applicant is a refugee is the subject of another UNHCR Training Module on Determination of Refugee Status (RLD2). Familiarity with the material contained in that module is a minimum qualification for conducting an interview for refugee status.

In preparing the decision or recommendation on a particular case, the interviewer *must* include the following information:

- a basic description of the claimant including all relevant bio-data (see the draft 'Basic Data/Registration Form' in Appendix 1 to this Training Module);
- the Convention grounds upon which the claim is based;
- an outline of the evidence and arguments presented in support of the case;
- definition of the issues upon which the case will be assessed;
- a brief discussion of each issue with reference to the evidence presented and the relevant points of law;
- conclusions reached on each issue (both factual and legal) including your detailed reasons;
- a concise statement of the recommended decision.

Without question, there are unavoidable subjective elements which come into play in deciding on an application for refugee status. However, the actual determination cannot be arbitrarily made on the basis of the interviewer's intuitive or "gut" feeling for the case.

In preparing your assessment and conclusions it may be helpful to highlight the key points of the claim and summarize those aspects for and against recognition for refugee status. This will make it easier for others who may have to read the report at a later stage in order to take a decision or conduct a further interview. Determining refugee status is a professionally demanding and onerous task requiring considerable knowledge, skill and good judgement. If the assessment and conclusions reflect these attributes all parties to the process can be confident that the determination process was thorough and fair, and a reasoned decision has been taken.

Chapter 7 Security Concerns

In this Chapter you will learn:

- about the importance of confidentiality;
- how to safeguard documents;
- what to do if you are interviewing persons in places of detention;
- basic security recommendations when conducting interviews;
- how to guard against “vicarious trauma and burnout”.

With the increasing geographical scope and magnitude of the refugee problem, UNHCR, governments and non-governmental organizations are being called upon to work in increasingly difficult and dangerous conditions. With this in mind it is most relevant to address the issue of security.

Throughout this Training Module the importance of being well prepared in advance of an interview, and conducting the interview carefully and thoroughly, has been repeatedly emphasized. Conducting interviews with asylum applicants can be stressful, difficult, and tiring work. At times, you may also have to conduct interviews in difficult environments or make-shift offices, whether they be in refugee camps, airports, or detention centres. As discussed in Chapter 1, you should try to ensure that the physical setting meets the minimum requirements of comfort, providing privacy, and freedom from noise and interruptions. In Chapter 3 we have also discussed some of the barriers to communication you may encounter, including dealing with an applicant who is uncooperative or is unwilling to participate in the interview process.

What follows is a number of guidelines and suggested practices. Much of the information provided in this Chapter can be found in other UNHCR Training Modules including “Guidelines on Security Incidents” (OMS 2), “Coping with Stress in Crisis Situations” (OMS 3), and “Guidelines on Security” (PER 2). Copies of these Training Modules are available from UNHCR Headquarters. We will begin with the important issue of ‘confidentiality’.

The importance of confidentiality

One of the key concerns in any interview process is to ensure confidentiality. This is crucial not only to help to create a relationship of trust between the applicant and the interviewer, but also to provide protection and security for the applicant.

Conducting refugee status determination interviews is a unique process in that the applicant is purporting to have a well-founded fear of persecution. In effect, this means that the applicant fears for his or her safety and well-being and that of his or her accompanying family members or those who still reside in the country of origin. Because of the need for protection and the importance of preserving the confidentiality of information received from an individual applicant, UNHCR cannot share **any** information relating to individual cases with countries of origin. Accordingly, the interviewer must take precautions to ensure that the confidentiality of the interview process is maintained before, during, and after the interview. In this respect, the following guidelines should

be followed:

- before commencing an interview, explain to the applicant that both you and the interpreter (and anyone else involved in the interview process such as a community worker or counsellor) are obliged to keep any information you receive strictly confidential;
- ensure that all staff involved in the interview process are properly briefed and trained on the importance and methods of maintaining confidentiality;
- Never share any information with a third party such as a medical doctor, community worker, or other individual who is providing assistance to the applicant unless you have the applicant's informed, explicit, and written consent.

Security of documents

A fundamental aspect of maintaining confidentiality of the interview process is to safe-guard documentation. To ensure that all your written documents are kept confidential and are not accessible to unauthorized personnel, the following precautions should be taken:

- ensure that all files are kept in lockable filing cabinets. Make sure that the filing system is secured when no one is in the office;
- make sure that the computer system is serviced and protected;
- destroy any documents which are no longer needed for a file;
- if you must send copies of documentation concerning an individual claim to another UNHCR field office or Headquarters, take special measures to ensure safe transport.

Conducting interviews in places of detention

In some circumstances you may be obliged to conduct an interview in a place of detention which simply means that the applicant is not free to leave a place under official control. This could include airport detention centres, prisons, or police stations. Conducting interviews in such locations should be avoided. However, you may find that there is no other opportunity to conduct an interview.

It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum seekers who are detained should be provided with the opportunity to contact UNHCR, or in the absence of such office, available national refugee assistance agencies. The following precautions should be taken if you are going to conduct an interview in a place of detention:

- always ensure that you and any accompanying personnel have proper identification documents before attending at a detention centre. It is also important to seek prior authorization to access the detention centre. Try to ensure that the person you will be interviewing is given advance notice of your arrival;
- bring your own interpreter and brief him or her on the circumstances of the interview, including the interview environment which can be expected;
- ask for a private room in which to conduct the interview. If this is not available, make sure that no other persons (such as guards, other detainees, etc) are present or can overhear the interview proceedings;
- before beginning the interview, have a brief discussion with the applicant. Be calm and reassuring as he or she will likely be under a great deal of stress;
- if you normally take notes during the interview, consider whether they may be confiscated or photocopied by the authorities upon leaving the detention centre. If this is a possibility, make only

brief notes using key words during the interview and then write up your full notes immediately after leaving the premises.

Security recommendations when conducting interviews

Regrettably, hostile acts against persons conducting interviews sometimes occur. Therefore, it is crucial that all personnel understand the importance of establishing security measures prior to conducting meetings or interviews with individuals or groups.

The following recommendations are meant to enhance the safety of UNHCR officers and other personnel involved in the interview process. Concerning precautions and practices to be followed in specific locations, it is suggested that advice be sought from specialized security personnel.

- all interviews should, where possible, be by appointment;
- install a screening system at the main entrance to the interview area by having trained guards control access to the office. If deemed necessary, the guards should carry out searches of individuals seeking access to the building or you may consider using a metal detector;
- ensure that the interview area is not exposed visually to the waiting room area;
- only allow a minimum number of people into the waiting area at any one time;
- doors on toilets and water facilities should not be capable of being locked from the inside;
- no wall lights or electrical wires should be exposed as these might be used as weapons or for suicide attempts;
- if an individual has a known record of violent behaviour this should be noted on the individual's file. This will alert the interviewer to take precautionary measures if deemed necessary;
- arrange furniture in the interview room to give protection to the interviewer. The interviewer should have his or her chair located so as to provide easy access to the door. Doors to the interview rooms should be lockable from the outside only;
- ensure there are no objects in the interview room which could be used as weapons (e.g. heavy paper weight, letter opener, etc.);
- establish procedures to escape from an interview room and ensure there is a mechanism or procedure in place for summoning help;
- if you are conducting interviews in remote locations, make sure you have proper communication equipment with you at all times such as radios or walkie-talkies. You should also travel with other colleagues and make arrangements with local authorities in case you are in need of assistance;
- in the case of a security incident, serious consideration must be given to bringing to justice any individual who assaults an interviewing officer.

Vicarious trauma and burnout

Persons involved in humanitarian work often have to adopt a calm, efficient and methodical approach to their work in order to work effectively and respond to the crisis. Conducting interviews for refugee status can be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what is referred to as "vicarious trauma and burnout". All persons involved in the interview process should be aware of the symptoms, contributing factors, and prevention and treatment which can be offered to persons in this situation.

Being informed and aware of what can be done in such circumstances is an important consideration for the health and well-being of all staff working with refugees. It also helps ensure

that your work is conducted effectively, efficiently, and in safety. Feeling tired, weak, and depressed will not only have a negative impact on your ability to perform your work, but it could make you more vulnerable to a security incident through being less attentive and able to respond quickly to a situation.

One way to offer assistance for yourself and other colleagues is to organize regular de-briefing sessions. This will provide an opportunity for informal discussion concerning the difficulties and stresses experienced in interview work. Helpful advice on these issues, including methods of prevention and treatment, can be found in Appendix 2 to this Training Module and the UNHCR document "Coping with Stress in Crisis Situations" (OMS 3).

Appendix 1

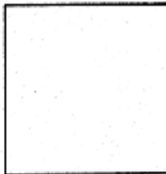
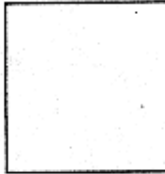
UNHCR Basic Data / Registration Form

EXAMPLE ONLY

UNHCR Basic Data / Registration Form

(Use extra sheets as necessary)

Have you ever approached any UNHCR Office before? * Yes No (If yes, provide details)

Place: _____	PHOTO	
File Number: _____	IC	SPOUSE
UNHCR First Contact: ____/____/____		
Interview Date: ____/____/____		
Father's Name: _____		
Mother's Name: _____		

A. Principal applicant or accompanying adult dependant

A separate form to be completed for each member of the family aged 18 years or over (i.e. accompanying adult dependant)

1. Family name _____
First name (other names) _____
Alias _____
2. Sex: * Male / Female
3. Marital status: * (never married / married / common law marriage / divorced / widowed / separated)
4. Date of birth ____/____/____ (if not known, estimated year of birth (day, month, year))
5. Place of birth (city, locality/country) _____
6. Last place of residency (city, locality/country) _____
7. Nationality/citizenship _____
8. Ethnic or tribal group _____
9. Religion _____
10. Date of departure from country of origin _____

* Circle as appropriate

11. Country/ies where you stayed since leaving country of origin

Country	From/to (by month/year)
_____	_____
_____	_____

12. Entry in asylum country Date: ____/____/____ Place: _____
Mode: (land / air / sea)*

13. Identification and travel documents (see copy for the file)

a) Document used to enter asylum country: Passport / CTD / Other: _____
Number _____ Issued by _____ Date _____ Validity _____

b) How did you obtain the document used to enter asylum country?

c) If you have stayed in the asylum country for some time, what kind of documents do you have:

Passport: _____ Resident's permit (type): _____ Other: _____

14. Language abilities: Mother tongue _____ Other languages _____

15. Education and occupation

a) Primary school (from/to, by years) _____ Place _____

b) Secondary school (from/to, by years) _____ Place _____

c) Vocational Training / University in (place) _____

Name of institution _____

Type of course (from/to, by years) _____

Name of degree / certificate / diploma obtained _____

d) Occupation/skill _____

e) Present employment (if any) Type of work _____ From year _____

f) Employment record (starting from last job in country of origin, last 10 years)

Name of employer	Type of work	From/to, city
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. Military service Yes No Where _____ From/to _____

* Circle as appropriate

17. Special needs or problems (e.g. medical):

18. Family details for unaccompanied children *(other unaccompanied individuals with special needs or foster children)*

a) Relative's name: _____

b) Relative's sex: Male / Female *(circle one)*

c) Relationship: _____

d) Relative's reported age: _____

e) Relative's last reported location *(city, locality, country)*

f) Relative's country of origin data *(city, locality, country)*

19. Basis of Claim for Asylum (brief summary). Provide details in answer to the following questions: What are your reasons for leaving your country? Have you or members of your family ever been detained? Give place and dates if known. Have you or members of your family ever been involved in any political, religious, military, ethnic or social organization? If so, provide details such as the name of the organization you or your family members were involved with; your involvement and activities, dates and brief history of the organization. Do you have any documentary evidence to support your claim (e.g. membership cards, court documents, photographs, press articles)?

B. Family members accompanying the applicant

	Full name	D.O.B.	Relationship to applicant
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

If any dependent has health problems, please indicate the sickness/condition. Also mention who is pregnant.

C. Other relatives in asylum country (include file number, if known)

1.			
2.			
3.			
4.			

D. Close family members at present living in country of origin (please include only spouse, parents, children and brothers/sisters)

	Full name	D.O.B.	Relationship to applicant	Occupation
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

E. Non-accompanying family members living outside the country of origin

	1	2	3	4
1. Full name				
2. Relationship to applicant				
3. DOB/Sex				
4. Country of residence				
5. Arrival date				
6. Address				
7. Status*				

Name of interviewer *(in block letters)* _____

Date and place _____

* (Write in as appropriate): Citizen/immigrant/resident, refugee/applicant for refugee status or for asylum/visitor/illegal/other.
If applicant entered through another asylum country, indicate country and file number, if known

Address: Change of Address Form

Address: Change of Address Form

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

Date: ____ / ____ / ____

Address: _____

EXAMPLE ONLY

UNHCR Eligibility Determination Questionnaire

(Use extra sheets as necessary)

CASE NUMBER: FIRST INSTANCE
IC'S NAME:
INTERVIEWER'S NAME: SECOND INSTANCE
INTERPRETER:
LANGUAGE: REOPENING
PLACE AND DATE:

If the IC is an undocumented person or a forged passport holder he or she must answer the following:

a) Could you present any kind of document proving your identity. Which kind of ID. If not why?

1. Former countries of asylum _____
Have you applied for asylum, or refugee status, in any country? *(Yes/No) (If yes, provide details)*

2. Are you registered with an embassy, consulate or any other authority of your home country?
(Yes/No) (If yes, provide details)

3. Have you approached an embassy or consulate of another country? *(Yes/No) (If yes, provide details)*

4. On what date did you leave your home country? _____
Did you leave with visa/exit permit? *(Yes/No) (If yes) How was it obtained?*

Means of transport: _____
Which towns and countries did you transit? *(state duration of stay in each place)*

5. Entry into present country of sojourn:

a) Date and place of entry: _____

b) In what manner did you enter? *(clandestinely, with authorization, visa or work permit?) provide details*

c) Have you ever applied for a passport in your home country? *(Yes/No) (If no) Why not?*

(If yes) was a passport issued? (Yes/No) _____

(If no) why not?

(If yes) when? _____

Do you still have this passport *(Yes/No) _____*

Dates of extension: _____ *Note. take passport copy if not done at registration*

6. Is military service compulsory in your country? *(Yes/No)*

(If yes) have you been called for it? (Yes/No)

(If yes) period served: _____ Where? _____

Please detail all duty stations and military duties in each

Rank and Type of Unit: _____

If you were called up, but did not serve, state reason:

If you deserted please state date and reason:

7. State any political, religious, military, ethnic or social organization or grouping to which you or any members of your family belong or previously belonged to in your home country:

*(If yes) Please describe what kind of organization or group the above is:
(e.g.) for political parties: aim/strategies/estimated number of members/supporters/known leaders/history/areas of operation)*

8. Describe your activities and responsibilities in any organization mentioned above stating dates and places:

9. Have you ever been arrested or detained? *(Yes/No) (If multiple arrests/detentions, document each separately)*
(If yes)

Date of arrest: _____
Date of release: _____
Period of imprisonment: _____
Where: _____

What was the charge? _____

Do you have any documents from the time of your arrest/detention? Can you get any?

Place and conditions of detention:

Was there a trial? *(Yes/No)*

When, where? _____

Name of judge and prosecutor: _____
sentence passed

Conditions for release:

10. What was the reason for above stated arrest/detention?

11. Have any close relatives been arrested?

(Yes/No) (If yes) names/relation/date of arrest/period of detention

Reason of above stated arrest(s) of close relatives

12. How were you treated during arrest/interrogation or detention?
(Yes/No) 'If yes' please describe:

At any other time?

13. What do you think would happen to you if you returned to your country of origin at this time?

14. Do you have any contact with, or information concerning, your family members remaining in your country of origin?

15. Reason(s) to leave your country? *Please describe in detail.*

List of documents received during the interview

1. _____
2. _____
3. _____
4. _____
5. _____

New documents in file at time of appeal interview

6. _____
7. _____
8. _____
9. _____
10. _____

All documents must be translated

List of related files (i.e. family members, relatives, political associates, etc.)

File No.	Name
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Appendix 2 - Excerpt from UNHCR Guidelines on EVALUATION AND CARE OF VICTIMS OF TRAUMA AND VIOLENCE

Children and Adolescents

1. Children

Overview

The following categories of children are the most at risk of developing immediate or long-lasting psychological disorders:

- unaccompanied children;
- children whose father, mother or other close family member has died or been killed;
- children whose father, mother or other close family member is missing (no information about their whereabouts for months);
- children having experienced especially traumatizing events and losses;
- children with symptoms of psychosocial disorders;
- physically/mentally disabled children.

Not all children of these risk groups are going to show psychological symptoms and require special help. Active efforts should be made to discover those who need special help. When identified, they should be the first to whom psychosocial help is provided.

Symptoms

The majority of affected children suffer their sadness or grief in silence. They function normally in their everyday life but they often become sad when they remember their country, relatives, friends, school, etc.

The most frequent symptoms of psychological distress in children are listed below in order of descending frequency:

- sleep disturbance – difficulty falling asleep;
- nightmares;
- somatic complaints – fatigue, abdominal discomfort, headaches, etc.;
- anxiety and unusual fear for their development stage;
- irritability – exaggerated startle response;
- sadness, despair, loss of energy and interests;
- difficulties in concentrating, memory problems.

The most common social disfunctions interfering with everyday life are:

- problems in peer relationships (aggressive behavior, extreme withdrawal);
- clinging, bed-wetting, separation anxiety;
- learning difficulties, school phobia;
- extremely regressive behavior;
- extreme inactivity and lack of interest.

For some children forced displacement and trauma produce a developmental acceleration – children are more mature than one would expect for their age. They become very autonomous and appear capable of coping with and adapting to new situations.

Detection

Refugee parents do not (or rarely) seek help for the mental health problems of their children. Their

own serious situation frequently leads them to underestimate the degree of violence the child has experienced. Often, the parent will have had little, if any, conversation with his child regarding his traumatic experiences. Because of this, detection and help should be conceived as an outreaching process.

- By far the most important information regarding the traumatic experience and suffering of a child is obtained directly from interviewing the child. Interviews should be conducted in the presence of a parent or family member and with care not to further the suffering of the child. Observing the child in this setting may also provide valuable information on social functioning; information that should be supplemented by other sources as described below. In cases where the presence of a family member prevents the child from speaking, he/she should be interviewed alone.
- Questionnaires addressed to parents, school teachers, other care providers, or older children can be of help in the mass screening process. Refugees and displaced persons are, however, often suspicious about questionnaires as a means of information gathering. Therefore, the aim of the questionnaire, its confidentiality and benefit for children and parents must be clearly explained. It is important that the questionnaire be correctly understood and filled in by parents or other adults. Awareness of illiteracy among the adult population may exclude this type of data collection, or require specific adaptation in carrying it out. Those participating in screening through questionnaires should be provided with basic training to enable them to give simple answers to crucial and urgent questions.

When the questionnaire is the first contact of the refugees with a mental health care team, it should be borne in mind that a trusting relationship must be established. This will enhance future collaboration and encourage help seeking. Caution is called for: mass screening should not be undertaken if no psychosocial assistance for such problems exists. By only disclosing problems, without helping intervention, children can be harmed. This is especially true for children having experienced war atrocities or important losses.

- Contacting kindergartens, schools and other settings for children, whenever such arrangements exist, can indicate behavioral and learning problems observed in their groups. Teachers can provide precious observations and sometimes valuable contributions to the solution of problems. In addition, teachers can influence parents in their behavior towards their children. They may have their own questions and needs which could possibly be addressed by the mental health care providers; this can be achieved either through direct responses to questions or training sessions.

2. Adolescents

Overview

A war situation may seriously affect adolescents, for these young people are usually the most neglected of all age groups. This occurs because of the mature adult-like behavior they often adopt under stress.

Many of the major problems seen in adolescents are explained by the severe disruption in individual and family structure, roles and relationships due to the refugee experience:

- at the individual level, the normal developmental tasks of forming an identity, developing an independent and self-supporting existence, dealing with aggressive and sexual impulses become more difficult to achieve;
- at the family level, modification of the normal hierarchy through missing, dead or absent parents affects the adolescent by overburdening or leaving him without identification or role model or by isolating him; and

- at the social level, relationships, from intimate ones to those with peers, suffer serious disruption or disintegration. Moral, societal and cultural values are questioned and the distinction between right and wrong is no longer clear. If additionally the cultural, moral and societal values of the host country differ significantly from those of the adolescent's, behavioral and psychological adaptation to them develop more slowly and with more difficulty. These processes which are already difficult for the average adolescent refugee become more disrupted when the adolescent has sustained or witnessed extreme violence such as detention, war imprisonment, torture and sexual violence.

Symptoms

The trauma-related symptoms of adolescents resemble those of adults with the following exceptions:

- manifestations of aggressive and delinquent behavior are more frequent;
- substance abuse and suicide may also be more common than in adults, such behavior will often signal an underlying depression; and
- seeking health care is rare.

Detection

For the most part, the methods employed in detecting adolescents at risk is dependent on their age and relative maturity. For some the approach described for children will be appropriate, while for others those used for adults in the general population will be most useful. There are no hard and fast rules for choosing methods. Clinical acumen and some trial and error will be necessary to clarify which techniques work best for particular groups of adolescents.

3. Treatment Approaches

Given that such manifestations and risks are pervasive, mental health care should be integrated into all assistance activities from the very earliest stages after forced flight/displacement.

- Education of the family. Provide information regarding symptoms, possible long-term effects, and how to respond to their presence. This process could be effected through mass media, schools, seminars, community leaders or mental health care providers.
- Ensure the maintenance of the family as a unit.
- Re-integrate children and adolescents into normal age-appropriate, culturally defined social roles (student, children, peers, etc.).
- Re-establish recreational and leisure activities.
- Promote self-help peer groups.
- For seriously symptomatic and impaired children, refer to specialized mental health care providers.

❑ Victims of Extreme Violence: Ex-Detainees, Prisoners of War (POWs) and Victims of Torture and Sexual Violence

Overview

Violence has all too commonly become the accepted final mode of conflict resolution around the globe. Its effects on persons and populations are the subject of worldwide concern. Extreme

violence, often targeted to special groups, i.e. detainee, POWs and women, is particularly reprehensible. Torture, rape and other forms of extreme violence impose upon their victims a particularly harsh sentence. For many, the social, psychological and psychosocial *sequelae* may remain with them for years, perhaps decades.

Such extreme violence affects people in different ways depending on personality, gender and culture. The *sequelae* of torture can appear immediately on a physical and/or psychological level, or can remain hidden and unrecognized for many years.

Experiences of torture and sexual abuse are not readily reported. The intense feelings of powerlessness, shame and guilt and the acute disruption of life, in which the beliefs of a person about the meaning of life are lost, compel people to hide them. The coping process is characterized by an alternating pattern of re-experience and denial of the traumatic events, with all associated psychological responses.

Such denial should not seduce caretakers into assuming that personal and family problems are being successfully managed. It is the responsibility of policy-makers, mental health workers and others involved in victims' protection and assistance to address their special needs, on a mass level and to involve all concerned parties (e.g. the victim himself, family, professionals, host and third countries) from the emergency phase to longer term programmes.

Symptoms

In many cases, ex-detainees, victims of torture and victims of gender-based violence are usually very reluctant to speak about their experiences. It is of great importance to recognize that the empathetic way of conducting an interview will to a great extent determine the quality of the disclosure of violent acts. Ex-detainees and victims of torture often seek help for somatic problems. These can be caused by the bad conditions during detention (infections, under-nourishment) or brutal physical torture (fractures, wounds, nerve lesions) or can be part of the psychological consequences of the traumatic experiences. Somatic complaints can also be the starting point of disclosure. Taking these physical complaints seriously helps to lead progressively to the more insidious psychological *sequelae* of violence. In general the consequences of the trauma of extreme violence can be very diverse. They can be looked at as being part of several categories:

➤ Recurrent Memory Phenomena:

- flashbacks (sensory reliving of the trauma, smell, taste, sight, sound);
- nightmares;
- intrusive thoughts.

➤ Hyper-arousal:

- sleeping problems;
- irritability;
- aggressiveness;
- concentration problems.

➤ Somatic Symptoms:

- fatigue;
- gastrointestinal complaints;

- cardiac symptoms;
 - headaches;
 - diffuse aches and pains;
 - muscular and joint problems;
 - sexual dysfunction.
- Anxiety reactions:
- panic attacks;
 - generalized anxiety (affecting physical, sexual, mental and social functioning).
- Sadness/Grief:
- depressed mood;
 - loss of interest in previously pleasurable activities;
 - loss of appetite;
 - suicidal thoughts.
- Avoidance of situations which remind the victim of traumatic experiences (including talking about it):
- phobias;
 - emotional numbness (being disconnected from family, friends and loved ones, self-medication, etc.);
 - body numbness (frigidity, not feeling one's own body, feeling body changes, feeling like outside one's own body, feeling "possessed").

Detection

As alluded to in the section on screening in the general population, detection efforts in vulnerable populations must be especially adapted in order to identify, with little error, individuals already affected and at high risk. In these groups, the danger of suffering long-lasting effects may be as high as 50%. The personal, social and economic costs of failing to identify and intervene with such individuals are devastating.

Where to Seek/Detect

Such individuals may appear through any of the means noted for the general population (i.e. primary and traditional health care, hospitals, schools, or through the family members, community leaders, field officers or camp officials).

Who to Seek/Detect

The nature of the effects of extreme violence on individuals is such that many may go undetected by the screening methods adapted for the general population. Identifying such individuals as noted below should lead immediately to more complete evaluation of the individuals' symptomatology and functioning:

- screen individuals who present the physical stigma of torture. The presence of such stigma is

indicative of the nature and extent of torture; and

- screen people who are known to be at high risk for deprivation, torture or rape:
 - soldiers and ex-soldiers;
 - known POWs or detainees;
 - inhabitant of town or village subjected to organized violence;
 - members of a specifically persecuted group (ethnic, religious, political, etc.).

Methods

Simply acknowledging and inquiring about the realities of a refugee's experience has therapeutic value. The evaluator may be the first person to show caring and interest in their situation without being horrified.

- Individual evaluation, meant to get enough information about historical circumstances, functioning and symptoms to determine most appropriate treatment intervention.
- Standardized instruments, by acting as a simple medical test, may allow an individual to disclose more about their psychological state and trauma experiences than might otherwise be possible. Such instruments are readily available and have been scientifically demonstrated to be effective.

Treatment Approaches

The consequences of traumatic experiences impinge on every level of the individual's social organization. In many cases, ex-detainees, victims of torture and victims of gender-based violence are very reluctant to speak about their experiences. Although this can be part of the coping process, it should be borne in mind that mobilization of resources on a personal and group level is important and should be developed to help overcome the traumatic experience.

- The screening itself will acknowledge interest and knowledge of the survivor experience.
- Psychological support should be given through information about symptoms, debriefing and other social activities. Within this framework, support of the family system in its community provides an important stabilizing background which can serve as a basis for further intervention.
- Psychological help can be provided by professionals, or under their supervision, at the group and individual level, according to needs and available services. In cases of large numbers of heavily traumatized persons, the approach should be directed to groups. This has the effect of strengthening already existing or creating new support networks.
- Special and individualized care remains necessary for very severe and life-threatening reactions. Seriously depressed or suicidal persons require such care to monitor their safety during their period of hopelessness.
- An outreaching, discrete and non-stigmatizing approach is essential for care and assistance to ex-detainees and victims of torture and sexual violence. Particularly in instances of rape, maintenance of absolute confidentiality is essential to protect against damaging cultural stigma and to provide a trusting atmosphere in which adaptive change can be advocated.
- Mandated catharsis must be shunned. Even if help is actively offered, one must not give the impression that exploration of the trauma history is required.
- For many individuals the first step of every intervention is the healing of the body and other

physical problems.

❑ **Mentally Ill and Developmentally Disabled**

Individuals with a history of mental illness are particularly vulnerable to the effects of trauma and forced flight/displacement:

- resiliency and range of available psychosocial coping mechanisms are reduced, especially in persons with major mental illnesses;
- war, flight, and forced displacement disrupt usual modes of receiving specialized forms of care;
- war, flight, and forced displacement disrupt availability of and access to the medications used to treat some mental illnesses;
- they are less likely to seek help on their own; and
- especially in persons with major mental illness:
 - low socio-economic status exacerbates all attempts to maintain normal functions during the stress of displacement;
 - individuals may be targeted by hostile groups and marginalized specifically from the refugee group by the display of odd and threatening behavior.

In those with a history of mental illness, the extreme stress and chaos of forced displacement may be evidenced first in an exacerbation or recurrence of their mental disorder. For both groups, such stressful conditions serve to reduce even further their ability to cope and may manifest themselves behaviorally by an inability to adequately feed or appropriately clothe oneself or maintain personal hygiene. Such persons are then at high risk of malnutrition, infectious diseases and damaging exposure, among others.

It is, therefore, imperative that these individuals be identified and treatment intervention be arranged as quickly as possible. This may take the form of interventions outlined previously in these guidelines, but more often than not, it will be necessary to refer these persons to specialized mental health care services.

• **Elderly**

That the elderly may be particularly affected by the great stress involved in flight and other traumatic events has been noted empirically for as long as the aftermaths of such experiences have been recorded. While there has been little objective study of this problem amongst refugee and forcibly displaced populations, it is worth being aware of several important issues. The elderly represent an especially vulnerable group for several reasons:

- adaptive coping (i.e. effective adaptation of pre-existing coping strategies to manage situation-specific distress) to the combined stresses of war, flight, forced displacement and other trauma are potentially reduced in elderly persons. They also may have greater difficulty in adapting long-standing coping skills to events and a new environment in rapid transition;
- physical hardship, always felt more harshly by the elderly, fosters the psychological conditions through which other trauma may have a greater and longer lasting psychosocial impact upon the

individual;

- loss of family, friends, professional and community support may have a more significant impact on the elderly due to their greater reliance on the family unit and community resources that provide social support, professional assistance and a sense of community stability.

The process of identifying and evaluating persons potentially at risk is similar to the procedures outlined for other vulnerable groups with emphasis on utilizing family and social networks to identify individuals in special need. The elderly may be much less likely to identify themselves as being in need and, therefore, such contacts are essential if timely detection and evaluation is to occur.

Treatment approaches to the elderly affected and at risk for post-traumatic impairment parallel those previously described for other vulnerable groups. Again, for the elderly, maintenance of the family unit and psychosocial intervention effected through family and social networks is of prime importance. All elderly persons are survivors to a certain extent, and their strength and experience of age should be drawn upon for their own assistance and aid, as well as that of their compatriots sharing their tragedy.

• Principles of ethics in work with refugees and displaced persons

Ethical principles, explicit or implicit, must guide all protection and assistance activities for refugees and displaced persons. The very real, if only temporary, relationship of dependence formed between those requiring and those delivering aid demands adherence to the strictest ethical standards.

General Precepts

- **Respect:** respect for the person is evidenced in several ways: a) respect for the autonomy of those persons able to pursue their personal goals through self-directed means; b) respect for persons with reduced or impaired autonomy by providing care until they are able to regain their autonomy, and lastly c) respect for the social mores of others; a concept particularly important in the context of socio-cultural differences between those receiving and those providing aid.
- **Confidentiality:** a person's story of deprivation or flight or trauma is his or her personal property to possess or to deliver to others as he or she sees fit. Traumatized individuals must understand that they are under no obligation to make their personal stories known, or once known, to relinquish them to the public domain. Aid providers must never contravene confidentiality without explicit consent. Doing so may expose an already traumatized individual to further humiliation, stigmatization and/or manipulation by others.
- **Do No Harm:** never should the work or interests of providers or their proxies cause further suffering to those dependent on their aid.
- **Justice:** allocation of resources and distribution of assistance should never be determined by the religion, nationality, race, politics or social standing of those in need.

Treatment

- Persons have the right to the best available treatment appropriate to their needs.
- Persons have the right to refuse treatment unless unable to comprehend the consequences of life-threatening events or illnesses or their refusal of treatment.
- Treatment programs must be monitored by relevant professional bodies for their attention and

adherence to ethical precepts.

- Care givers may not participate in or condone practices resulting in harm or that contravene the ethical principles outlined in this chapter.

Research/Investigations

- **Informed consent:** informed consent must be adapted for survivors of trauma as they are generally unaware of the psychological pain involved in participating in such projects; there exists the real danger of re-traumatization, even if the individual's consent has been obtained. In addition, the dependent nature of the relationship between provider and receiver of aid means that informed consent must be given with the knowledge that such consent has no bearing on the provision of aid.
- **Research and investigation on traumatized refugees and displaced persons:** are ethically bound to maximize potential benefits to the individual and group while minimizing potential risks. In no instance should the work of investigators take precedence over the well-being of the persons or population studies.
- When study involves exploring a persons' trauma history, investigators are ethically bound to ensure that treatment opportunities exist for the pain and suffering that may result.

Though many of these ethical standards were originally characterized with respect to the medical profession, they equally apply to and set standards for all other professionals working in the field of mental health, protection and assistance to refugees. In this sense, the media, which by its investigation and reporting in conflict situations often delve into the personal histories of refugees and displaced persons, are equally bound to respect basic ethical principles as outlined here. The standard of objectivity which is paramount for the media must never be used to justify transgression of basic ethical codes.

- **Vicarious trauma and burnout**

Secondary trauma is the term that describes the range of psychological and physiological effects seen in those who work intensely with traumatized individuals. Experts have referred to these effects as vicarious trauma, burnout, exhaustion, and counter-transference, all of which are covered by the umbrella term secondary trauma, and all of which overlap in their intended descriptions. If, as in the view of many, no therapist is immune from these effects, the need for those in the helping professions to acknowledge and be aware of secondary trauma phenomena takes on particular importance.

Counter-transference, a concept rooted in psychoanalysis, describes a therapist's emotional re-connection to his own past triggered by exposure to a refugee's trauma material.

Burnout and exhaustion refer to the general psychological strain of working in overwhelming situations where demand for help is greatly disproportionate to its supply. Helpers trying to provide for the often infinite need of traumatized populations are typically unwilling to relinquish their posts until the point of physical exhaustion.

Vicarious trauma describes a substituted experience of trauma in therapists caused by intimate work with trauma survivors. It can manifest itself as short-term symptoms generally experienced in the period of therapy with individuals, or as long-term alterations in the therapist's own beliefs, expectations and assumptions about himself and others. Symptoms may often parallel those of the trauma survivors themselves. A provider's susceptibility to vicarious trauma is shaped by both the characteristics of the situation and the helper's unique psychological makeup.

Frequent symptoms

- fatigue, sadness, depression;
- cynicism, discouragement, loss of compassion;
- hyper-arousal, sleep disturbances, intrusive nightmares related to trauma material;
- somatic problems: headaches, joint pain, abdominal discomfort/diarrhoea;
- feelings of helplessness, denial and disbelief, anger and rage.

Contributing factors

- the correlation between refugee status and political and social problems may make the helper feel hopeless about the potential impact of his work upon the root causes of violence and war;
- conflicted feelings and issues of trust are typical where survivors may be both perpetrators and victims;
- communications difficulties, both lingual and cultural;
- inadequate resources and equipment.

Prevention and treatment

- supportive relationships with family and friends;
- relaxation techniques: formal methods such as meditation and deep-breathing exercises or informal methods such as listening to music;
- physical exercise;
- empathic response, heightened arousal, and often intense relationships may lead the helper to become keenly aware of grief, pain and anguish regarding refugee crises. If the feelings are not openly acknowledged and resolved, there is the risk that the helper may begin to feel numb or emotionally distant, thus unable to maintain an empathic and responsive approach to the refugees. Sharing in the suffering of others is indeed a substantial stressor regardless of one's training or skill in refugee trauma work. If a worker is unable to perform his duties because of secondary trauma, he should be given the possibility to rest and recuperate. Attention should be paid not to further traumatize the worker or his clients;
- rotation through different types of work activity;
- mandatory intermittent work-free periods (days, weeks);
- good nutrition and adequate sleep; avoid excessive use of stimulants such as sugar and caffeine;
- professional support systems: support groups where professionals who work with refugees and displaced persons can share and work through reactions that are painful and disruptive. It is important that group members do not pathologize the secondary trauma. Both the care provider and the trauma survivor are serviced poorly by such labelling; the care provider by loss of

effectiveness in his work and damage to his self-image as a provider/therapist, the trauma survivor by losing trusted carers and feeling somehow responsible for this loss;

- psychological debriefing after crises: a forum for reviewing the experience of working with refugee and displaced populations and experiencing the conflicting feelings of fear, frustration and success that frequently accompany such work.

Appendix 3 - PRACTICE CASE STUDIES

In the following pages you will find a series of **four practice cases**. They can be used in small working groups in order to gain a fuller understanding of the following elements: evaluating credibility; choice of interviewing techniques; and criteria for determination of refugee status.

Also presented in this appendix are two hypothetical claims for refugee status which can be used in an exercise in order to evaluate the results of training interviews with an asylum seeker and to assess the credibility of the person being interviewed.

□ Practice Case A: Evaluation of Credibility

You are interviewing Mr. E, a refugee claimant who is accompanied by his wife. Mr. E claims he has been detained for four years because of his opposition to the government.

After his release from detention he left his country and has sought asylum. He approaches your agency and you are requested to conduct an interview.

Questions

1. What questions will you put to him in order to evaluate the credibility of his statements concerning his detention?
2. Suggest some interviewing techniques which could be of help to you in evaluating the credibility of the applicant.

□ Practice Case B: Evaluation of Credibility

You are interviewing an asylum-seeker Mr./Ms P. Mr./Ms P. tells you that he or she has left his or her country because he or she feared being arrested due to his or her activities with an opposition party.

Mr./Ms P. alleges that he or she had been involved in these activities over the last four years. He or she claims to have been involved in propaganda activities such as:

the spraying of slogans on walls;

the distribution of leaflets;

the distribution of publications;

and participation in demonstrations.

Questions

1. As an examiner you wish to evaluate the political "culture" of Mr./Ms P. Prepare a list of the issues which should be reviewed in order to evaluate Mr./Ms P's political "culture".
2. In order to evaluate the credibility of Mr./Ms P's story you also want to review his or her political

activities in detail. Prepare a list of the most pertinent questions to be asked.

❑ **Practice Case C: Evaluation of Credibility and Eligibility for Refugee Status**

You are going to interview an asylum-seeker who has contacted your organization.

The applicant alleges that he has recently left his country illegally because he had deserted the army. He claims that he decided to desert as he was “fed up” with the war which had been going on for several years between his country and that of a neighbouring one.

Questions

1. What questions can you ask the applicant in order to evaluate the credibility of the allegations concerning his desertion?
2. What information will you try to seek from the applicant and/or other sources in order to assess the credibility of the claimant, and to determine his eligibility for refugee status under the 1951 Convention?

• **Practice Case D: Evaluation of Credibility and Eligibility for Refugee Status**

Mr./Ms K. is a refugee applicant who contacts the organization in which you are working.

He or she alleges that he or she has recently been converted to a different religion. Mr./Ms K. explains to you that during the last two years he or she has avoided drawing attention to this issue especially as his or her new religion is a minority one in the country of origin. However, he or she now fears that this fact will be reported to the national authorities. Consequently, he or she has left his or her country of origin and has sought refugee status.

Questions

1. In order to determine whether Mr./Ms K, owing to his or her religious conversion has a sound fear of persecution as laid down in Article 1 A(2) of the 1951 Refugee Convention:
 - What questions will you ask of the applicant?
 - What information do you require concerning the situation in his or her country of origin?
2. On the basis of the answers provided by Mr./Ms. K, how are you going to evaluate his or her credibility?

❑ **Interviewing Techniques – Simulation Exercise**

Objective

The objective of this exercise is to allow participants to pay more attention to the way in which interviews with asylum-seekers are conducted.

Method

- Make up small groups of participants (4 to 6 persons).
- Appoint or identify two “actors”. One of them is the asylum-seeker, the other the interviewer. The other participants are observers and should, if possible, keep them-selves in the background.

- Variation: the applicants can be a pair - a married couple, brother and sister, etc.

Role of the Applicant

In inspiring him or herself by the content of his or her fictitious stories (see Practice Case 1 and 2 attached), the applicant “actor” should try to present his or her account in such a way as to convince the examiner of the facts being presented. In order to make the narrative sound plausible, the applicant may choose any country of origin with which he or she is familiar. During the actual interview the actor applicant should try to be evasive in his or her replies, off the subject, threatening, uncooperative, insistent, and/or frightened to answer the questions of the examiner.

The applicant may take 5 to 10 minutes to prepare for this exercise.

Role of the Examiner

The examiner should, as far as possible, try to understand the oral account of the applicant with a view to preparing a summary of the facts.

The examiner is not the representative of the authorities charged with determining refugee status but is a member of an association assisting asylum-seekers in preparing their claims.

Role of the Observers

The observers should concentrate their attention more on the procedure rather than the content of the interview. The observers should pay particular attention to the comportment of the two actors (listening, observation, questions asked, physical attitude, atmosphere of the interview, etc.)

How the Exercise takes place

As soon as the applicant enters the room, the exercise begins. The participants have to make sure that a form documenting the relevant bio-data of the applicant has been completed prior to the exercise. The exercise should last approximately 20 to 30 minutes. After the interview the observers can provide their comments to the two actors, taking into account the points raised in the Training Module concerning the comportment of the interviewer and the interviewing techniques used. A rapporteur should be appointed amongst the group of observers in order to present a synthesis in a plenary session.

□ Practice Case 1 – Interviewing Techniques – Simulation Exercise

You are 35 years old. You left your country of origin with your 10 year old daughter. Your wife/husband is still in your country of origin.

You are a member of an ethnic minority group in your country of origin. You are a teacher by profession and your wife/husband is unemployed and has never worked at all. You used to live in a region in your country which was populated mainly by members of your own ethnic group. While you were growing up you spoke your own language which is different from the one spoken by the majority ethnic group in your country. You speak your language at home, at school, in the street and in church. You have carried out all your schooling and studies, including university, in your own language. You used to be a member of a choir in which you sang in your own language.

You left your country for the following reasons:

In as much as you have never had any particular problems with the authorities (e.g. you have never been dismissed from your job, you have never had any problems with the police), the atmosphere in your country has changed. Although you were always able to speak the language

of the ethnic majority and you did so since you travelled to other parts of your country, the government has now forced you to use this language in your home region.

You are very attached to your ethnic identity. You left your country because you think that the government will try to assimilate your ethnic group into the majority ethnic group of the country through the following means:

- the closing of schools, publishing houses, theatres; the suppression of place names as well as shop names in your language; the prohibition of your language in the work place;
- the impossibility of registering the birth of your children with their original ethnic names; secondary education is now only allowed in your language if all the students belong to your ethnic group. Even if there is only one student in the class belonging to the majority ethnic group, then the teaching is carried out in that language;
- the places at university for students of your ethnic group are becoming increasingly limited. Although you represent 10% of the population in your country, persons from your ethnic group are not able to obtain more than 6% of the places available at the university;
- the government is consistently carrying out a policy to move people of the majority ethnic group into your region and is forcing members of your ethnic group to leave their traditional communities.

□ Practice Case 2 – Interviewing Techniques – Simulation Exercise

I am 38 years old. In 1972 my husband/wife belonged to the political party in power in my country. I worked as a waiter in a restaurant in a large hotel. I did not belong to the political party and I did not agree with my spouse's decision to be a member of the party. Following a number of disputes our relationship terminated in a divorce in 1975. Between 1972 and 1973 I suffered a great deal of persecution.

For example, the police use a special section for financial inspection and, as my work involved dealing with money matters and contact with foreigners, I was subject to frequent investigations. I was obliged to change my job very often: in May 1973, August 1974, July 1977, and September 1979. In 1975, I was obliged to work as a non-qualified labourer in a slipper factory for 6 to 7 months before being allowed once again to work as a waiter.

I know that the reason for this was simply due to the fact that I spoke openly to other people. For example, I did not see why I always had to give priority service to members of the party and the police when they came to the restaurant. First of all I mentioned this to my colleagues. I told them that I did not want anything to do with a party which spreads lies to the people. I was later approached by the police who asked me to cooperate with them. I refused to do so. The police put me under surveillance the same day I told them I refused to act as an informant against the guests of our restaurant. As a consequence the police summoned me several times to their premises: in April 1980, March 1982, and August 1984. They threatened and intimidated me.

It was then that I realized what kind of situation I was in so I decided to leave the country. I started to take the necessary legal steps to apply to emigrate to the USA. This was in August 1987. Following this my situation worsened. I was once again summoned by the police and told that I would have no chance of leaving the country. I was hit in the face, beaten up and humiliated. Three times I was physically mistreated by the authorities: in September and December 1987, and in March 1988. In June and August 1988 I was summoned by the Chief of Police who informed me, without providing me any reasons, that my request for emigration to the USA had been turned down.

In 1989, the persecution against me continued. In 1988 the police had conducted a search of my apartment on three different occasions. This also happened in March 1989. I could not stand the

situation any longer. I was not able to imagine any other alternative than to leave my country where my life was so difficult. On 20 August 1989 I fled from my country and arrived here.

ANALYSIS OF PRACTICE CASES

❑ Case A

Question 1

- Sequence of arrest and transfer to place of detention.
- Description of place of detention (prison cell).
- Profile of other prisoners.
- Identification of detention authorities.
- Conditions of life in prison:
 - food;
 - clothing (whether he/she had a prison uniform or not);
 - exercise, walks, other activities;
 - searches;
 - interrogations, torture, ill treatment, threatening;
 - disciplinary sanctions;
 - solidarity between prisoners;
 - status of prisoners (kidnapped, accused, condemned, common political rights);
 - visits (family, lawyers, Red Cross or other NGOs). Go into details on dates, visits, frequency, procedures, place, duration;
 - mail/letters, external communications;
 - medical treatment internal/external at the place of detention;
 - knowledge of external events during detention;
 - and circumstances of liberation, etc.

Question 2

- Possibly make a sketch of the cell and prison.
- Interview separately Mr. E. and his wife about the circumstances of the arrest and the visits to the prison.
- Alternate precise questions with allowing the applicant(s) to describe the details of their claim more fully.

❑ Case B

Question 1

History of the party.

Creation, foundation, congresses, splits/divisions, duration of legality/illegality of the party.

Leaders, past, present, possible representatives abroad.

Political ideology of the party and its origin and evolution.

Political programme and evolution of same.

Relations with other political parties in the country of origin and abroad.

Modalities of propaganda, activities of members, supporters etc.

Question 2

Painting of slogans:

- where (description and motives for choice of place);
- when (date, frequency);
- how (technique, source of supply of materials, guide marks, surveillance) contents (message, quantity);
- etc.

Distribution of leaflets, publications:

- where (description and motives for choice of place);
- when (date, frequency);
- comment (supply of material, paper/ink, technique of reproduction, stockage, distribution techniques);
- contents of propaganda material (format, origin, presentation, title, description and contents);
- recipients already “known persons” or the public as a whole;
- etc.

Participation in demonstrations:

- where (choice of place, route);
- when (date, frequency);
- how (number of demonstrators, demonstrations authorized or not, spontaneous or organized, body of officials responsible for order, hand bills, posters, slogans, profile and number of participants (of same party or not), procedures during demonstration, clashes, arrests, dispersing, presence of journalists etc.);
- global objective, specific objective of demonstrations.

The responses of the asylum-seeker will obviously depend on his level of involvement: sympathizer, supporter, active militant, “professional” (cadre) etc.

However, if the asylum-seeker claims to have had such political activities the above noted questions may help you to obtain sufficient information in order to adequately document the claim and evaluate the credibility of the applicant.

❑ Case C

Question 1

Circumstances of enlistment

Deferred conscription, normal length of notice, ahead of roll-call, voluntary/forced enlistment, competent authorities, documentation, correspondence, etc.

Training Period

Classes, military instruction (theoretical/practical), uniform, grade, functions, individual weapons, description, designs, management, capacity, length of training, officer training, treatment, etc.

Assignment

Type of assignment, circumstances, voluntary, designation, place, length, living conditions, functions, etc.

Details of desertion

Material circumstances, preparatory actions, details, means, itinerary, clothing, documentation, complicity, choice of desertion, date (why not earlier or later), place of desertion, etc.

Question 2

Motives for the desertion

Refer to paragraphs 167 to 174 of the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status. Imagine the different categories and situations foreseen in the above-mentioned paragraphs.

Punishment and treatment incurred

- What kind of punishment would the applicant face if forced to return to his country of origin?
- What kind of punishment could be considered disproportionately inhuman, cruel or degrading?
- What extrajudicial treatment could he face if forced to return to his country of origin?
- Other questions?

Case D

Question 1

- Circumstances of the conversion (marriage, spiritual measures, etc.).
- Legal punishment incurred because of his or her religious conversion.
- Extrajudicial treatment incurred because of his or her conversion and attitude towards his or her former religion/clergy with regard to his or her conversion.
- Proportion of treatment and/or punishment incurred.
- Who are the potential agents of persecution, are they solely the government authorities?
- Position of other persons who are possibly in the same situation as Mr./Ms K.

Question 2

- Precise motives for the conversion.

- Evaluate the religious knowledge of the person concerned (history, fundamental ideas, beliefs, perception of life, sacraments, etc.).
- Evaluate the sincerity of his or her steps (why, at that particular moment did Mr./Ms K decide to change his or her religion, why not earlier, or later?)
- Other questions?



UNHCR Inter-Office Memorandum No. 25/2002
UNHCR Field Office Memorandum No. 24/2002

To / à: All Directors of Bureaux and Divisions
All Representatives, Chiefs of Mission and Heads of Offices in the Field
All Heads of Desks and Desk Officers

From / de: The High Commissioner

Category / catégorie: ORM, Chapt. 02, Chapt. 03

Ref. / réf.: ADM-01-01, OPS-01-01, PRL-01-01

Date / date: 15 March 2002

Subject / objet: **Management of Protection Activities – Responsibilities of UNHCR staff**

1. The purpose of this Memorandum is to encourage all managers to ensure that a clear management and accountability framework is in place for protection activities, in general, and, in particular, the performance of the resettlement function in their respective offices. This Memorandum also serves to advise staff that, pursuant to its oversight function, the Department of International Protection has initiated a programme of regional Protection Workshops. These workshops will address, *inter alia*, management and accountability issues with concerned field offices with a view to assisting officers to put in place or improve the management of their protection activities. Details of the workshops will be issued separately.
 2. The Executive Office, the Department of International Protection, the Office of the Inspector General, the regional Bureaux and individual Offices all have a shared responsibility to ensure that protection activities are carried out to the highest standards possible, and to prevent fraud and malfeasance in all of our activities -- including protection. Staff Regulations 1.2 and 1.3 state that all staff members are bound to “uphold the highest standards of efficiency, competence and integrity” and that we are all ultimately accountable to the Secretary-General “for the proper discharge” of our respective functions. Declining resources, including shortages of staff, and increasing demands create challenges for managers. These challenges should not mean, however, that we give a lower priority to our organisation’s vulnerability to allegations about, much less instances of, corruption and abuse. The programmes we manage are particularly vulnerable to fraud because they offer benefits. Traffickers and organized crime figures, corrupt officials, unscrupulous “visa” fixers, and desperate people, including refugees, are sometimes willing to exploit our vulnerabilities for gain, and even humanitarian workers could become involved and seek to profit from others’ misfortune.
-

3. Performing protection effectively and preventing fraud and corruption *inter alia* requires:
 - 1) oversight and an appropriate degree of “hands on” direct management from Representatives and Bureaux for all protection activities with the support of the Department of International Protection;
 - 2) regular monitoring and effective control of protection activities by senior protection officers;
 - 3) implementing and maintaining effective systems relating to physical access to UNHCR offices, file management and security, proper registration, refugee status determination and resettlement procedures; and
 - 4) a concrete accountability framework.
4. Internal controls for protection activities, just as for the use of financial and material resources, not only minimise fraud possibilities, but should protect innocent employees from false allegations. Reputations and livelihoods are at risk when operations are not well managed.
5. In the final report of the Resettlement Oversight Mission to Africa (8 March – 27 April 2001) it was highlighted that there are major management gaps and vulnerabilities in a number of our operations. The mission did not focus on specific incidents of fraud or corruption. This was not its purpose. Rather, its objective was to review a range of procedures with the aim of identifying better control procedures, reinforcing the performance of resettlement activities and minimising the potential for misuse. The mission enjoyed strong support from the offices visited and the report contains a number of practical suggestions for revised structures and tools tailored to better implementation and control of many protection activities, including resettlement. Attached to this Memorandum is the full report on the Resettlement Oversight Mission to Africa, as well as the Summary Report shared with resettlement country governments during the Annual Tripartite Consultations on Resettlement in Geneva, 20-21 June 2001. The full report annexes a variety of proposed management tools for the use of managers, adaptable to their needs and operations.
6. All managers are encouraged to undertake an early review of protection activities, including resettlement, in their respective offices and to explore the utility of the prototype monitoring instruments forwarded under cover of this memorandum. The Department of International Protection has already begun to refine these management tools in coordination with the Controller, Inspector General’s office, Operations Support, Staff Development, and other concerned offices. The prototypes should meanwhile serve as models for use and self-assessment. Feedback from offices, both on where they have been used and how they might be improved would be welcomed.
7. Amongst the recommendations highlighted in the Resettlement Oversight Mission report, we would like particularly to draw attention to the following:

(i) Manager Oversight Techniques

Representatives are encouraged to ensure that senior protection managers periodically review case dossiers, randomly check status determinations and resettlement referrals, and observe interviews in progress. (See attached documentation for checklists on management control measures, anti-fraud

awareness, protection and resettlement training, and accountability of protection and resettlement officers. Further materials on anti-fraud awareness will be developed by the Inspector General's Office). It would be especially important for each senior manager to meet directly with refugees, not only in periodic planned meetings with refugee representatives, or refugees seeking access to field offices, but on a random basis wherever the refugees may be. Oversight cannot be restricted to file or document reviews, but should involve the people and places where activities actually occur.

Because refugee status determinations and resettlement referrals are "marketable" commodities, stronger accountability measures for persons exercising this authority are necessary. Just as with financial transactions, the senior UNHCR officer with responsibility for approving status or referring refugees to resettlement countries should be clearly designated as "accountable" for the authority he or she exercises. The specific elements of that accountability could be defined in a written accountability designation (see suggested format attached).

(ii) Staff Responsibilities

Each UNHCR staff member has individual performance management responsibilities and office managers are encouraged to ensure that the environment of their office is conducive to the full and effective exercise of these responsibilities. Exemplar standard operating procedures for the status determination function and resettlement referrals contained in the report of the Resettlement Oversight Mission could be adapted to the requirements of each individual office. Individual staff work plans should preferably spell out how staff members will exercise oversight of internal control requirements. Temporary staff and project staff should receive written guidance regarding control requirements. The requirement to develop standard written procedures should be considered a priority for senior protection staff and all Heads of Office/managers (The Protection Oversight and Support Section, or the Resettlement Section in the Department of International Protection at Headquarters, are both available to assist officers in this regard).

The Oversight Report also draws attention to the importance of all protection officers and resettlement officers having a thorough understanding of prevailing UNHCR policies and instructions in, for example, the Resettlement Handbook, the Handbook on Voluntary Repatriation, other UNHCR protection directives (see in particular the new Protection Manual distributed by DIP under cover of IOM/96/2001-FOM/93/2001 dated 9 November 2001), as well as Executive Committee Conclusions. They must also have first hand knowledge of the refugee populations. Those who must depend solely on the knowledge of others are inevitably more vulnerable to malfeasance and fraud, and can protect themselves through better knowledge of the special factors present in the local environment.

To this end, senior protection officers have a particular responsibility to ensure that all protection staff participate in periodic refugee status determination and resettlement training.

(iii) Planning for Resettlement

UNHCR's operations should reflect that, while individual refugees do not have the right to be resettled, they do have the right to a durable solution. UNHCR's mandate includes the search for durable solutions for refugees. If refugees are unable to repatriate or settle locally, resettlement must be considered, according to the criteria contained in UNHCR's Resettlement Handbook. In this respect, resettlement is not an optional activity for UNHCR protection. It is a critical and essential element of UNHCR's protection mandate and offices are asked to approach it with this understanding. Heads of Office should ensure that durable solutions strategies, including resettlement, are incorporated in their country operation plan.

(iv) Implementation of UNHCR Guidelines

Going beyond refugee status determination and resettlement, internal controls for the better protection of refugee women and children are also key for effective management of protection activities. Of serious concern in this regard is the non-compliance with a range of valuable guidelines, including the Guidelines on Protection of Refugee Women, Sexual Violence against Refugees: Guidelines on Prevention and Response, and Refugee Children: Guidelines on Protection and Care. The standards set out in them must form an integral part of all operations, and moreover, accountability for their implementation must properly lie with the responsible managers. Towards this aim, managers are encouraged to bring together protection, programme, and community services staff to review current programmes and renew efforts, along the lines of the guidelines, to better meet the protection needs of refugee women and children.

8. Protecting refugees and identifying durable solutions are the core functions of UNHCR. We all have a collective and individual responsibility to ensure that these functions are carried-out effectively.

Thank you.

Inter-Office Memorandum No 65/2003
Field-Office Memorandum No 65/2003

To/à: All Staff Members at Headquarters and in the Field

From/de: The High Commissioner

Ref. / réf.: ADM-01-01, IG00-ADM-00

Date/date: 9 October 2003

Subject/objet: The role and functions of the Inspector General's Office

1. Introduction

1.1. The purpose of this IOM/FOM is to advise all staff on the role, functions and *modus operandi* of the Inspector General's Office (IGO), headed by the Inspector General (IG). This memorandum supersedes IOM 37/02 - FOM 35/02 of 24 May 2002. It refers, *inter alia*, to Chapter 10.2 of the UNHCR Staff Administration Management Manual (SAMM) which will be amended accordingly.

1.2. As will be evident from what follows, the IGO's terms of reference have been broadened and made more robust. This reflects the importance I attach to principles of accountability throughout our management culture, as also called for in the Secretary-General's reform manifesto for the United Nations^[1]. It is essential to ensure that the highest standards of integrity and efficiency are maintained in all aspects of our service to refugees and other persons of concern to the Office. An independent and appropriately empowered oversight function is central to this effort. Accordingly, the IG is appointed by and reports directly to me and I am committed to ensuring that he/she can carry out his/her role effectively and without hindrance.

2. Mandate

2.1. The IGO was established in 1994^[2] to consolidate and strengthen UNHCR's internal oversight capacity. The role of the IGO has been evolving over the years in response to the changing needs of the Office and will now comprise three functions: inspections of field offices and Headquarters' units, including reviews of UNHCR's role in regional and sub-regional refugee situations (operational reviews); investigations of reports of misconduct; and *ad hoc* inquiries into incidents of violent attacks on UNHCR staff and operations where these involve fatalities, major injuries, or large-scale damage to UNHCR assets. *Ad hoc* inquiries into other types of incidents that could directly impact the Office can also be carried out by the IG at the High Commissioner's request.

2.2. The ultimate aim of the IGO is to support the effective and efficient management of UNHCR operations, including preventing waste of resources, and

through a range of preventive and pre-emptive measures to minimise the need for remedial action. To these ends it also derives trends, lessons and best practices from its findings, and makes recommendations to the High Commissioner, the Oversight Committee and the Policy Committee for the improvement of overall office policies, internal controls and management practices.

3. Modus operandi

3.1. The IGO is authorised by the High Commissioner to initiate and carry out actions that it considers necessary to fulfil its responsibilities with regard to inspections, investigations and *ad hoc* inquiries. It carries out its functions without need for prior clearance and has access to all persons engaged in activities under the authority of the Office^[3] and to all records, documents or other materials, assets and premises it deems necessary for its work, subject to applicable UN Regulations and Rules. Staff are expected to respond promptly and fully to its requests for information and the IG may call upon managers to ensure timely co-operation from respondents. The principles underlying the IGO's mode of operation are impartiality, objectivity and appropriate confidentiality. IGO staff are required to demonstrate both respect for these principles and high professional competence and integrity in the exercise of their responsibilities.

3.2. The IG is accountable and reports to the High Commissioner, and keeps the Executive Committee (EXCOM) and the Oversight Committee informed of his/her office's activities while at all times preserving the confidentiality of the investigation process.

3.3. With a view to providing as comprehensive an approach as possible and to minimizing duplication of efforts, the IGO co-ordinates relevant aspects of its activities with the Executive Office, the Department of International Protection, the Division of Human Resource Management, the Division of Financial and Supply Management, the UNHCR Audit Service and the Evaluation and Policy Analysis Unit (EPAU) of the Department of Operations, and draws on the expertise of these and other units at Headquarters where appropriate. It also liaises with and, as needed and appropriate, refers issues to the UN Office of Internal Oversight Services (OIOS).

3.4. The following sections describe the functions of the IGO in more detail, setting out the specific aims, scope and parameters of inspections, investigations and *ad hoc* inquiries.

4. Inspections

4.1. Inspections (including operational reviews as defined further below) are an internal oversight and management tool designed to provide the High Commissioner and his senior managers with a review of the functioning of the Office at all levels, both at Headquarters and in the field. Inspections furthermore provide the directly responsible managers of the operations or units inspected, and the respective Directors, with a detached and objective perspective on their performance and, where necessary, with a second opinion on difficult issues. Inspections also highlight recurring issues that need to be addressed at a higher level and identify best practices for dissemination.

4.2. Accordingly inspections consist of impartial assessments of the management of UNHCR operations and activities, including their impact, focusing particularly on

those factors, both internal and external to the Office, deemed essential to the effective and efficient achievement of agreed objectives.

4.3. Types of inspections

4.3.1. In a revised approach to its inspection role the IGO will henceforth carry out *standard* or *ad hoc* inspections. In addition it will conduct operational reviews either in conjunction with a *standard inspection* or as a stand alone review.

4.3.2. *Standard inspections* systematically check whether, and how effectively, established policies, guidelines, parameters and best practices are being applied in the management and administration of a field office's/unit's activities, employing for this purpose standardised schedules and methods developed in consultation with concerned functional units (with separate modules adapted for field offices and Headquarters units). They will not cover financial operations, or in other ways duplicate the functions of internal and external audits; nor will they treat issues of policy or strategy, which will be addressed through specifically agreed operational reviews or evaluations, if needed (see below). Generic terms of reference established by the IGO will be uniformly applicable to all *standard inspections* and will be reflected in the Inspection Handbook.

4.3.3. *Ad hoc inspections* are intended to focus on specific management issues that cannot adequately be dealt with through the normal management structure and require a separate assessment. They would typically include "emergency" inspections aimed at supporting efforts to pre-empt, or deal with incipient, management problems, or "compliance" inspections aimed at ensuring timely and effective follow-up of earlier inspection or investigation recommendations. *Ad hoc* inspections are based on customised terms of reference prepared to address the particular need that has been identified in each instance.

4.3.4. *Operational reviews* constitute inspections of strategy and policy development at the regional or sub-regional level, with a particular focus on solutions to refugee problems and on the efficacy of UNHCR's partnerships with other organisations, including UN agencies, other international organisations and NGOs. The aim is to support the Office in developing a more effective and appropriate role in repatriation, reintegration and rehabilitation operations and in addressing protracted refugee situations. As distinct from *standard* and *ad hoc inspections*, which are internally oriented, assess how well an office or unit is managed and advise on remedial action, *operational reviews* examine UNHCR's role and positioning in the wider external context particularly in relation to the pursuit of durable solutions. This dimension of the work of the IGO is also in keeping with the recent reform proposals of the Secretary-General on the strengthening of partnerships by the United Nations.

4.4. Selection of field offices/operations and Headquarters units to be inspected

4.4.1. The IGO will develop and periodically update an annual inspection plan listing field offices and Headquarters units scheduled for a *standard inspection* in the current calendar year. Before drawing up or amending this plan it will consult with concerned Departments, Divisions and Regional Bureaux, including the UNHCR Audit Service, in order to ascertain inspection needs and priorities. It will also take into consideration any requests for inspections from heads of field offices or Headquarters units; and managers of these offices/units may address such requests directly to the IG. The IGO will also be responsive to any requests received

from the Executive Committee. The planning process will include review and analysis of past inspection, investigation, audit, evaluation and other relevant reports and documentation. The annual plan will give priority to the inspection of offices/units which are known to be facing severe management challenges and/or are considered vulnerable to potential management problems. It will also give special attention to offices/units which have not been inspected within the preceding five-year period, notwithstanding lower risk profiles. The annual inspection plan will be developed in consultation with the Oversight Committee and approved by the High Commissioner.

4.4.2. In keeping with the principle of the independence of the oversight function, the IG may, if circumstances so require, schedule a *standard inspection* on his own authority.

4.4.3. *Ad hoc inspections* will be undertaken at the specific request of Directors or with their agreement. Unless initiated by the IGO, costs should be charged to the ABOD of the requesting field office/unit.

4.4.4. *Operational reviews*, whether conducted in conjunction with an inspection or as a stand alone review, will also be undertaken with the specific agreement of Directors of Regional Bureaux. An annual plan of agreed operational reviews will be drawn up by the IG and submitted for the High Commissioner's approval. It will be updated as needed in the same manner. Following an *operational review*, the IG will report to the High Commissioner and share his/her findings internally with concerned Departments/Divisions to ensure a common understanding of the complementary roles of UNHCR and its partners in the situation reviewed. Subsequently he/she will also brief interested governments, UN agencies, and NGO representatives, including proposals for enhanced or revised collaboration with other actors in a given context.

4.5. Principles governing the conduct of inspections

4.5.1. All inspections follow these operating principles:

Inspections should be conducted after due consultation with concerned senior managers at Headquarters, and in the case of field offices, also with Representatives/Chiefs of Mission.

Offices/units to be inspected are required to prepare a work programme, including relevant external meetings, in co-ordination with the inspection team prior to its arrival on site. If during the course of an inspection changes to the programme are necessary these should be accommodated to the extent possible.

Inspection teams must have unhindered access to all staff and records at the location being inspected, subject to applicable UN Regulations and Rules. Staff members have the right to meet or communicate with inspection teams individually and/or on a confidential basis.

Inspection teams may meet with any external interlocutor relevant to their work. To facilitate a free and frank expression of views, the head of the inspection team may meet with external interlocutors separately, while keeping the head of office/unit informed.

Before concluding its on-site work, the inspection team should provide a briefing on the main findings to the head of the office/unit to enable the latter to provide any

relevant clarifications, explanations or additional information. The head of the office/unit inspected and his/her respective Director should also be provided adequate time (normally ten working days) to comment on the full inspection report in draft prior to its finalisation and issuance by the IGO. The content of the final report remains within the authority and responsibility of the IGO.

4.6. Participation of other units

4.6.1. Where appropriate, staff from other units with relevant expertise not available within the IGO will be included in inspection teams. Given the particular competence and complementary responsibility for protection oversight of the Department of International Protection (DIP), the IGO and DIP will establish arrangements for the participation of protection staff provided by DIP in all inspections that involve assessments of protection management. As a rule, the Evaluation and Policy Analysis Unit will be associated with all *operational reviews*, including participating in related missions.

4.7. Reporting and follow-up

4.7.1. Summaries of *standard inspection* reports will routinely be published and posted on UNHCR's internal and external websites, whereas reports of *ad hoc inspections* and *operational reviews* (including when conducted in conjunction with other types of inspections) will have limited distribution, as deemed appropriate by the IG.

4.7.2. The heads of offices/units inspected have primary responsibility for implementing recommendations emanating from *standard* and *ad hoc inspections*. However, responsibility for ensuring effective follow-up on such implementation remains with the supervising Director, and the former are required to report through the latter to the IGO on the status of implementation of the recommendations for which they are jointly accountable. The IGO may then pursue any required clarifications or updates that may be needed; following this it will provide a summary of compliance with the inspection recommendations to the Oversight Committee. The Oversight Committee will co-ordinate and oversee further steps necessary to ensure that outstanding inspection recommendations are implemented. This may include, *inter alia*, requests to the IGO or other units with relevant expertise to field compliance missions. In this context the Oversight Committee may also require concerned supervisors to reflect compliance failures appropriately in relevant Performance Appraisal Reports. The IGO will keep track of outstanding inspection recommendations for as long as these remain valid and actionable, and bring egregious cases to the attention of Senior Management, including recommendations on management accountability, as appropriate.

4.7.3. Deadlines for the foregoing sequence of reporting and follow-up actions will be established by the IGO and should be respected by all concerned.

4.7.4. On a semi-annual basis the IGO will provide the High Commissioner with a summary report on the status and quality of follow-up of inspection recommendations by concerned offices/units, and annually will provide the High Commissioner with a report summarising recurrent findings, lessons learnt and best practices.

4.7.5. The IGO will maintain a computerised database of *standard* and *ad hoc* inspection reports, including listings of all recommendations and their implementation status, for the above purposes.

4.7.6. The responsibility and accountability framework described in paragraph 4.7.2 also governs follow-up on recommendations emanating from *operational reviews*, with the Policy Committee instead of the Oversight Committee serving as the guarantor of compliance.

5. INVESTIGATIONS

5.1. Competence

5.1.1. As set out in paragraph 2 of [ST/AI/371](#) of 2 August 1991 on “Revised Disciplinary Measures and Procedures”:

Where there is reason to believe that a staff member has engaged in unsatisfactory conduct for which a disciplinary measure may be imposed, the head of office or responsible officer shall undertake a preliminary investigation.

5.1.2. The IG has overall authority and responsibility for ensuring that allegations of misconduct within UNHCR are investigated in a timely and appropriate manner and findings are transmitted to the High Commissioner. The purpose of such investigations is to determine whether the facts support a finding of misconduct. The decision to institute disciplinary proceedings is made by the Director, Division of Human Resource Management (DHRM) in accordance with the procedure set out in [ST/AI/371](#), the application of which in UNHCR is explained in [IOM 38/02 – FOM 36/02](#) of 30 May 2002. The separation of functions between investigation and disciplinary action is a fundamental principle underlying the procedures for dealing with misconduct.

5.1.3. Misconduct is defined in UN Staff Rule 110.1 as

failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other administrative issuances, or to observe the standards of conduct expected of an international civil servant

5.1.4. Conduct for which disciplinary measures may be imposed includes but is not limited to:

Acts or omissions in conflict with the general obligations of staff members set forth in article 1 of the Staff Regulations and the rules and instructions implementing it;

Unlawful acts (e.g. theft, fraud, possession or sale of illegal substances, smuggling) on or off United Nations premises, and whether or not the staff member was officially on duty at the time;

Misrepresentation or false certification in connection with any United Nations claim or benefit, including failure to disclose a fact material to that claim or benefit;

Assault upon, harassment of, or threats to other staff members;

Misuse of United Nations equipment or files, including electronic files;

Misuse of office; abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities;

Acts or behaviour that would discredit the United Nations.

5.1.5. Misconduct involving sexual exploitation and sexual abuse of refugees, other persons of concern to UNHCR and other vulnerable populations is expected to be the subject of a forthcoming bulletin by the Secretary-General. Upon its issuance,

the specific definitions and standards it sets out will be reflected in an update of the present memorandum.

5.1.6. The Secretary-General's forthcoming bulletin, as well as the UNHCR Code of Conduct [PDF](#) and the Standards of Conduct for the International Civil Service (Annex II to A/56/30) will serve as illustrative guides to the expected standards of conduct of UNHCR staff members, whose legal obligations are set out in the UN Staff Regulations and Rules^[4].

5.1.7. The IGO is responsible for ensuring the investigation of those allegations of misconduct that involve persons having a direct contractual link with UNHCR, including staff members, consultants and interns. The IGO can also investigate allegations of misconduct against persons deployed to UNHCR offices under agreements with third parties. This normally includes investigating allegations against personnel recruited through the United Nations Office of Project Services (UNOPS) and United Nations Volunteers (UNVs) who are, or were at the time to which the allegation relates, assigned to UNHCR offices, and transmitting the findings of such allegations to UNOPS or UNV Headquarters for their appropriate action.

5.1.8. The fact that a staff member against whom allegations of misconduct have been made has in the meanwhile been separated from service with UNHCR does not preclude the IGO from investigating any allegation related to the period during which this person was still serving as a staff member.

5.1.9. While reports of alleged misconduct may be received by the IGO from any source internal or external to the Office, allegations against personnel of other UN bodies (with the exception of UNOPS staff and UNVs assigned to UNHCR, as noted above), NGOs, governments, partner agencies, or external suppliers or contractors do not fall within its investigative competence and will be referred to the Regional Bureaux, the NGO Liaison Unit, the Controller, the UNHCR Internal Audit Service and/or OIOS for appropriate action. However, if the alleged misconduct could possibly have a negative impact on the Office the High Commissioner may request the IG to conduct an *ad hoc inquiry* (see paragraphs 6.1 – 6.2 below).

5.1.10. Allegations of misconduct against senior staff of the Executive Office will be referred to OIOS as appropriate and will not be dealt with directly by the IGO.

5.1.11. Allegations of misconduct that are more than five years old will not normally be investigated.

5.1.12. The IG keeps the High Commissioner informed of all major allegations of misconduct and their possible repercussions on the Office.

5.2. Procedures for reporting and processing allegations of misconduct

5.2.1. Where to report

5.2.2. Staff, who become aware of misconduct, as defined in this memorandum, should normally report their observations to their Director, Representative or Chief of Mission (hereinafter referred to as "Manager") who should transmit these to the IG without delay. Staff may also, at their discretion, report allegations directly to the IG/IGO as follows:

Confidential

fax:

+41-22-739-7380

E-mail:

inspector@unhcr.ch

Telephone hotline: +41-22-739-8844

5.2.3. If necessary, reports can also be made in person to the IG or to IGO missions in the field. In such cases IGO staff will normally record the report in the form of a confidential note for internal IGO use.

5.2.4. Telephone hotline calls are answered by an IGO officer during normal working hours and are recorded after office hours. When answered by an IGO officer, calls may also be recorded with the prior consent of the caller. The telephone hotline is also available for seeking any preliminary advice that may be needed prior to reporting an allegation.

5.2.5. If a complaint of alleged misconduct, as defined in this memorandum, is received elsewhere in Headquarters other than the IGO, including in DHRM, the recipient should immediately forward it under confidential cover to the IG. (However, see paragraphs 5.2.15 – 5.2.18 below on procedures for reporting allegations of sexual harassment.)

5.2.6. Protection of sources of information

5.2.7. No action shall be taken against any staff member who reports in good faith information on perceived misconduct that subsequently proves unfounded. However, if a staff member knowingly and wilfully reports false information regarding another staff member, such reporting may constitute misconduct.

5.2.8. No action may be taken against staff or others as a reprisal for reporting allegations of misconduct or disclosing information to, or otherwise co-operating with, the IGO. An investigation will be initiated against any staff member who is credibly alleged to have retaliated against another staff member or other person who submitted a complaint to the IGO or otherwise co-operated with the IGO.

5.2.9. If a report received by the IGO is considered to put a staff member at risk the IG will immediately recommend protective measures to the High Commissioner.

5.2.10. The IGO shall safeguard the confidentiality of the identity of the person or entity from whom it receives a complaint of alleged misconduct (the “complainant”). The complainant’s identity can only be disclosed if all of the following conditions are met:

the complainant has been informed in advance of the disclosure;

such disclosure is necessary for administrative, disciplinary or judicial proceedings;
and

the IG has approved such disclosure.

5.2.11. Unauthorised disclosure of a complainant’s identity, if established, may constitute misconduct. The foregoing confidentiality provisions do not apply in instances of knowing and wilful transmittal of false complaints, if confirmed. Nor do they apply to witnesses who provide information relevant to an investigation.

5.2.12. Notwithstanding the above, information contained in the complaint itself, as provided to the IGO, may be used in order to institute or implement administrative, disciplinary or judicial proceedings. It may also be used in other official reports and briefings without attribution directly or indirectly as to source or identity of the individuals or entities involved or implicated.

5.2.13. Initial assessment by Managers who receive a report

5.2.14. The Manager who receives a report or allegation must immediately determine whether it relates to misconduct, as defined above, seeking the IG's guidance in this regard if needed, and if it is so determined, must report it without delay to the IG along with the following assessments:

Whether the allegation is, in his/her view, *prima facie* credible, including the reasons and/or evidence for this judgement;

Whether it is specific and can be dated, including all pertinent information received or obtained in this regard;

Whether supporting evidence is available or might become available, including an itemisation of such evidence;

Whether the alleged misconduct has possibly resulted in material or financial loss to the Office and if so the known or estimated amount of this loss; and

Whether the alleged misconduct has affected in any other way the credibility, integrity or image of the Office.

5.2.15. Optional procedure for reporting allegations of sexual harassment

5.2.16. Sexual harassment is defined in a specific UN Administrative Instruction on "Procedures for Dealing with Sexual Harassment" (ST/AI/379) as:

[...] any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. It is particularly serious when behaviour of this kind is engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contact renewal, performance evaluation or promotion) of the recipient of such attention.

5.2.17. Allegations of sexual harassment may be brought to the attention of a local Staff Counsellor, or, if not available, to the Staff Welfare Section or the Mediator at Headquarters, or any staff member in whom the complainant has particular confidence [hereinafter the "Counsellor"]. The Counsellor should advise the complainant on the "informal approach" as set out in ST/AI/379 of 29 October 1992 on "Procedures for Dealing with Sexual Harassment of Staff Members." The Staff Welfare Section and the Mediator may be contacted as follows:

Staff Welfare Section:

Confidential	fax:	+41-22-739-7370
Telephone:		+41-22-739-7947
E-mail: HQSW00@unhcr.ch		

Mediator:

Confidential	fax:	+41-22-739-7340
Telephone: +41-22-739-8240		

5.2.18. Notwithstanding the above, if at any time the complainant wishes to bring the matter to the attention of the IG/IGO he/she may do so using the aforementioned procedures for reporting allegations of misconduct. Alternatively, the complainant may authorise the Counsellor to make this report.

5.2.19. Registration and acknowledgement of complaints

5.2.20. The IGO should acknowledge receipt of an allegation to the complainant and/or the reporting Manager within *five* working days of receiving the allegation. All complaints of misconduct, however and from whoever received, will be logged in a confidential IGO register and assigned an identification number for case management purposes.

5.2.21. Initial examination of complaints and designation of the Responsible Officer

5.2.22. Allegations reported to the IG/IGO initially will be examined by the IGO Investigation Unit to assess credibility and to determine whether the allegation falls within the competence of the IGO. The decision on the admissibility of the complaint normally will be communicated to the complainant and/or the reporting Manager within thirty days, unless further preliminary inquiries are needed in order to arrive at a determination. If the complaint is determined to be admissible, the complainant and/or reporting Manager will also be notified at this time as to the officer who will conduct the investigation (the "Responsible Officer").

5.3. Responsibility for conducting investigations

5.3.1. While the IG has overall authority and responsibility for ensuring that allegations of misconduct, wherever they arise in the Office, are properly investigated, the addressing of such allegations remains an essential part of each Manager's responsibility and accountability for the performance of staff under his/her supervision. When a Manager receives a complaint alleging misconduct he/she must immediately inform the IG. If the latter determines that the allegation is admissible, the Manager of the unit within which misconduct is alleged must thereupon conduct the investigation in the capacity of the "Responsible Officer", seeking the advice and guidance of the IGO Investigation Unit as needed. In the event that the Manager is unable to mount an effective investigation, or if the IG so determines, the IGO will undertake the investigation directly.

5.3.2. Normally, cases of alleged misconduct involving violations or abuse of staff entitlements administered by DHRM, insubordination, work place harassment, sexual harassment (once the complainant has brought the matter to the attention of the IG/IGO in accordance with paragraph 5.2.18 above,) or other kinds of unacceptable behaviour by a staff member at his/her workplace will be referred by the IGO to DHRM for investigation.

5.3.3. Allegations against members of the Senior Management Committee, Representatives/Chiefs of Mission, or their deputies^[5], will be investigated directly by the IGO, as will any case in which the alleged misconduct could *prima facie* have wide repercussions on the credibility and integrity of the Office.

5.3.4. Investigations, whether carried out by IGO staff or other staff members, are subject to the confidentiality provisions and other standards and procedural safeguards applicable to investigations, as set out in applicable regulations and rules, including those established by the IGO. The guidance and support of the IGO Investigations Unit can be sought if needed to comply with this basic requirement; and the IGO will monitor and wherever necessary intervene to ensure the integrity and efficiency of the investigative process. In all cases, investigation reports must be prepared in accordance with guidelines issued by the IGO and, together with all supporting evidence, should be submitted to the IG for review and approval.

5.3.5. Allegations received by the IG from refugees or other persons of concern to the Office will be, in the first instance, referred to the Representative/Chief of

Mission in the country to which the complaint pertains, while keeping the respective Director of Regional Bureau informed. Where such allegations involve complaints related to the rights and entitlements of refugees/returnees or other persons of concern to UNHCR they should be dealt with directly by the responsible field office.

5.3.6. Allegations from any source that do not involve misconduct as here defined may, after consultation with the complainant, be referred by the IG to the competent senior manager for appropriate action.

5.4. Principles governing the conduct of investigations

5.4.1. Detailed guidance on conducting investigations and the preparation of investigation reports will be issued separately and in due course will also be published as an Investigation Manual. It will be based on the following fundamental principles which govern all investigations regardless of where and by whom in UNHCR they are carried out.

Investigations should respect the individual rights and obligations of staff as set out in the UN Staff Regulations and Rules and be conducted with strict regard for fairness, objectivity, the presumption of innocence and due process. An officer who is required to undertake an investigation (the "Responsible Officer") must disclose to the IG any possible conflict of interest in a timely manner so as to enable the IG to take appropriate action to preserve the integrity of the investigation process.

Staff are required to co-operate pro-actively and unreservedly with an investigation conducted under the overall or direct authority of the IG and should provide upon request of the Responsible Officer full, free and prompt access to all records including files and data stored in any medium or transmitted using UNHCR equipment or with the assistance of UNHCR staff, and to UNHCR property and premises, subject to applicable regulations and rules. Staff members are also expected to provide to the Responsible Officer any additional relevant information that might be unknown to the latter, whether or not requested to do so. Failure to co-operate pro-actively with investigations may constitute misconduct.

Normally no investigative findings should be reported in an investigation report before the subject of an investigation has been afforded the opportunity to respond to the allegation made against him/her. The timing and the manner in which this is done will be decided by the Responsible Officer with due regard for the interests of the staff member, the interests of the Office and the integrity of the investigation process. The staff member can bring to the attention of the Responsible Officer any document or witnesses she/he considers relevant.

In cases where the investigation is conducted directly by the IGO or a designated Responsible Officer other than the Manager responsible for a unit or operation that may be affected by an investigation, the latter should be informed in general terms about the investigation, as soon as this can be done without prejudicing the investigative process. Staff members informed under this provision are expected to respect the confidentiality of the investigation process.

Responsible Officers who are staff members of the IGO are bound by an Oath of Confidentiality relating to the investigation process. Other staff members who are designated as Responsible Officers will be required to sign a statement obliging them to maintain the confidentiality of the investigation(s) in which they participate.

No staff member will release publicly the details, or the fact itself, of an ongoing investigation. Any exception in the interests of the Office will have to be expressly authorised by the High Commissioner. Breach of confidentiality in the context of an investigation conducted under the overall authority of the IG may amount to misconduct.

5.5. Status of staff members alleged to have committed misconduct

5.5.1. While a staff member who is alleged to have committed misconduct normally should continue in his/her official functions, as set out in the relevant job description, circumstances may require that he/she not continue exercising these functions. In such cases the IG or the Responsible Officer who is conducting the investigation can recommend to the Director, DHRM a temporary redeployment of the staff member. If a temporary redeployment within the same office is not possible or appropriate and/or the circumstances require barring the staff member from further access to the office, it may be recommended to temporarily redeploy the concerned staff member on mission. The reasons for redeployment should be clearly set out by the requesting officer in each instance.

5.5.2. If the alleged misconduct is of such a nature or gravity that redeployment would not sufficiently protect the interests of UNHCR, the IG or the Responsible Officer conducting the investigation may recommend to the Director, DHRM the suspension of the staff member against whom the allegation has been made in accordance with Staff Rule 110.2 and paragraph 4 of ST/AI/371. As a general principle, suspension may take place if the continued presence of the concerned staff member might pose a danger to other staff members, to UNHCR or the United Nations, or if there is risk of evidence being destroyed or concealed. Suspension does not constitute a disciplinary measure, should normally not exceed three months and shall be with full pay unless, in exceptional circumstances, the Director, DHRM decides, upon the recommendation of the IG or the Responsible Officer, that suspension without pay is appropriate.

5.5.3. If the continued exercise by the staff member of his/her current functions jeopardises the interests or credibility of UNHCR, the IG or the Responsible Officer conducting the investigation may exceptionally recommend to the Director, DHRM that the staff member against whom the allegation of misconduct has been made be placed on Special Leave With Full Pay (SLWFP). The recommendation must set out the reasons for this request.

5.5.4. Wherever feasible the IGO will prioritise investigation of those complaints in which the alleged wrongdoer has been temporarily reassigned, placed on special leave or suspended.

5.6. Treatment of investigation findings

5.6.1. Reports of investigation findings should be prepared following guidelines available upon request from the IGO and submitted for review and approval to the IG. Where in his/her view an investigation has sufficiently determined that an allegation of misconduct is well founded the IG will transmit the Investigation Report^[6] to the Director, DHRM for further action. When appropriate and necessary the transmission memorandum from the IG may include:

Recommendations for the recovery of monies or other assets of the Office that were lost as a result of the misconduct;

Recommendations on measures to refer the case to competent national law enforcement authorities for prosecution if the investigation has uncovered evidence of criminal conduct or serious civil offence.

5.6.2. The Director, DHRM takes action on investigation reports sent to him/her by the IG in accordance with IOM 38 – FOM 36 of 30 May 2002 on “Disciplinary Proceedings and Measures.” If needed for the purposes of initiating or effectively pursuing disciplinary proceedings he/she may request the IGO and/or the Manager who conducted the investigation to provide additional information or clarifications on the findings contained in the report, including through further fact-finding, in the form of a supplementary report.

5.6.3. Where the IG, upon reviewing investigation findings, determines that the allegation of misconduct has not been sufficiently established, or that the facts alleged do not amount to misconduct, he/she may close the case. In these cases a clearance letter will be sent to the staff member who was the subject of the investigation. The latter has the right to have this letter placed in his/her personal file upon request to the Director, DHRM.

5.6.4. Cases in which the allegation of misconduct has not been sufficiently established but that have involved loss of UNHCR assets will be brought to the attention of the Controller so as to enable the latter to either write off the loss or seek reimbursement from the staff member concerned, in accordance with applicable procedures.

5.6.5. If investigation findings reveal weaknesses in administrative or operational policies, guidelines, procedures or practices, the IG may send to the High Commissioner/Senior Management a memorandum on management implications that need to be addressed. This may include recommendations that actions, or failures to take action that, while not amounting to misconduct, have damaged the Office’s credibility or image or caused financial or material losses to the Office are appropriately reflected in the Performance Appraisal Reports of the concerned staff member(s).

5.6.6. If investigations lead to findings or allegations of misconduct against personnel of governments, partner agencies or other UN entities, these may be communicated by the IG to the relevant employer for the latter’s appropriate action.

5.6.7. The IG keeps the High Commissioner informed of all investigation reports sent to the Director, DHRM as well as all other actions taken on investigation findings through periodic summary reports or, exceptionally, by case-specific communications, while preserving appropriate confidentiality.

6. *Ad hoc* inquiries

6.2. Whenever an attack on UNHCR staff, operations or premises causes fatalities, serious injuries or large-scale damage involving major financial or material losses to the Office, the IG will initiate an *ad hoc inquiry* on his own authority^[7]. Such an inquiry, which will be conducted by staff working under the direct supervision of the IG, will (1) establish the sequence of events leading to the fatalities, injuries or losses and the context in which those events unfolded; (2) ascertain and analyse actions and decisions taken within UNHCR prior, during and after those events; and (3) draw conclusions and make recommendations accordingly. Staff are expected to

co-operate pro-actively, promptly and fully with the IG for this purpose. The inquiry report will be submitted by the IG to the High Commissioner.

6.3. If so requested by the High Commissioner, the IG will also undertake *ad hoc inquiries* into other types of incidents if they pose a risk to the Office's mandated responsibilities, interests or operations.

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- 1. Report of the Secretary-General on "Renewing the United Nations: A Programme for Reform" (A/51/950)**
 - 2. The Executive Committee of the High Commissioner's Programme (EXCOM) endorsed at its 45th session the High Commissioner's proposal to establish an Inspection and Evaluation Service (IES). Following the restructuring of UNHCR Headquarters in the beginning of 1999, the IES became the Inspector's General Office (IGO) and the Evaluation and Policy Analysis Unit.**
 - 3. This includes staff members, consultants and other persons who have a contractual link to UNHCR or have signed an undertaking as personnel deployed to UNHCR under an agreement with a governmental or non-governmental organisation.**
 - 4. Notably, within this interpretative framework, misconduct is understood to include cases of gross negligence that have a direct impact on the well-being or security of persons of concern to UNHCR or on UNHCR staff or operations. The concept of gross negligence is found in the jurisprudence of the United Nations Administrative Tribunal (UNAT) which has held that "gross negligence involves an extreme and reckless failure to act as a reasonable person would with respect to a reasonably foreseeable risk" (UNAT Judgement No. 742). Gross negligence in respect of loss of UNHCR assets is defined in IOM/69/2002 –FOM/65/2002 [PDF] of 17 December 2002 on "The Asset Management Policy of UNHCR."**
 - 5. For the purposes of this IOM-FOM the term "deputy" applies to the officer who would assume charge of an office or unit in the absence of the Director/Representative/Chief of Mission, whether or not formally designated Deputy Director or Deputy Representative/Deputy Chief of Mission. Where there are two or more formally designated Deputies, all are covered under this provision.**
 - 6. This report constitutes the "preliminary investigation report" stipulated in ST/AI/371 of 2 August 1991.**
 - 7. Such incidents also trigger separate inquiries conducted by UNSECOORD for distinct purposes.**

TOP

UNHCR GUIDELINES
ON THE SHARING OF INFORMATION ON INDIVIDUAL CASES

"CONFIDENTIALITY GUIDELINES"

Introduction

1. In carrying out its mandate to provide international protection to refugees and other persons of concern and to seek permanent solutions to their problems, UNHCR collects and keeps diverse information on individual cases (ICs). UNHCR offices frequently receive requests from non-UNHCR parties for the sharing of such information. The present Guidelines deal with the terms under which UNHCR may share IC information with the IC or other requesting parties.

2. The Guidelines are divided into two parts. The first part outlines the scope of application of the Guidelines and the general principles governing the sharing of IC information. It also contains criteria and conditions in the form of a Checklist. The second part sets out in more detail the terms under which IC information may be shared with the IC, with lawyers or other persons representing the IC, and with other parties. These include governmental authorities whether in the country of origin,¹ in the country of asylum, in the country of resettlement, or in other countries, international organisations, international tribunals, non-governmental organisations (NGOs), and the media.

Part One: Scope of Application and General Principles

I. Scope of Application of the Guidelines

3. The Guidelines only apply to the sharing of IC information. Aggregated information and statistics are not subject to confidentiality guidelines. IC information is mainly contained in the respective IC file, but may also be found in other UNHCR records. As regards the content of IC information, it may relate to information provided by the IC or information generated or obtained by UNHCR:²

Information provided by the IC

- Name and address (or last place of residence) of the IC, family and close associates, date and place of birth, country of origin, ethnic origin, religion, educational qualifications, profession or vocation, medical or health status, identity or travel documents held;
- Information on the substance of refugee claims obtained through status determination interviews, letters or documents of the IC, including the reasons for departure from the country of origin, reasons for fearing persecution upon return to the country of origin, political opinions, affiliations and activities, membership of social groups, arrests or detentions, convictions for crimes, experience of violations of human rights, military service;

¹ These Guidelines replace IOM/FOM/12/90 on Confidentiality of Information concerning Individual Refugees or Asylum-seekers in Discussions with Countries of Origin of 12 February 1990.

² This list is not exhaustive. It merely illustrates the type of information UNHCR keeps on individuals.

- Transit details, including routes taken, countries traversed, and duration of stay *en route* to the country of asylum, types of transportation used, date and point of entry into the country of asylum, whether entry into the country of asylum was clandestine or authorised, experience of human rights violations in transit, details of travel from the point of entry into the asylum country to the place where asylum is requested;

Information Generated or Obtained by UNHCR

- Information relating to examination and assessment of the refugee claim, including opinions and instructions received from Headquarters or Branch Offices, correspondence with UNHCR Offices and external parties, assessments of the merits of the asylum claim, decisions on recognition of refugee status and processing of durable solutions;
- Information obtained in the course of providing protection, social and community services to the IC, medical and counselling records, records on the treatment and behaviour of the IC.

4. All UNHCR staff are under a duty to ensure the confidentiality of IC information. This rule applies to all international and national staff, including interpreters, social counsellors and medical personnel, as well as to staff of UNHCR's implementing partners.³ The issue of confidentiality should be highlighted in the training of local and international staff, government personnel, and NGO staff.

5. Confidentiality of IC information needs to be respected vis-à-vis third parties, as well as in relation to communications between UNHCR offices. Communications on ICs within UNHCR should be conducted safely. References to IC names should be avoided and a special file reference code be used instead.⁴ Also, special technological or logistical measures, such as sealed pouches or encryption systems, should be utilised, if necessary, in co-operation with security officers. Extra precautions are necessary when a UNHCR Office is possibly the target of electronic or other surveillance.

6. The question of collecting, processing and storing IC information is not addressed in these Guidelines since this is essentially a matter of UNHCR's Archives Access Policy.⁵ Suffice it to say that IC information, whether stored in physical or electronic form, should always be subject to restricted access. Locations where IC information is stored should never be left unsupervised during working hours. All IC files should be stored in a lockable room or storage equipment, to which only authorised UNHCR staff have access. IC files should be kept locked in the absence of authorised staff.⁶

7. Since the Guidelines cannot foresee each and every situation that may arise in the context of sharing IC information, UNHCR staff members should, where necessary, seek guidance from the Department of International Protection (DIP).

³ For Staff Members see also [IOM/12/98](#), [FOM/14/98](#) on Security of Information of 9 February 1998.

⁴ See in this respect [IOM/116/88 - FOM/108/88](#) on Communications on Sensitive Individual Cases of 9 November 1988.

⁵ See for Archives Access Policy: <http://www.unhcr.ch/archives/accesspolicy.pdf>, see also [FOM 68/99](#) on Recordkeeping of Monthly Account Files of 3 August 1999 and [FOM 67/2000](#) on Field Guides of 17 September 2000.

⁶ In this respect, see also UNHCR: Registration, A Practical Guide for Field Staff (1994), Part 2, paragraph 11.

II. *General Principles*

- Right to Privacy of the Individual.
- UNHCR's International Protection Mandate.
- Privileges and Immunities of the United Nations.
- Safety of UNHCR Personnel.

8. The terms under which UNHCR shares IC information are governed by a number of general principles and considerations, such as the right to privacy of the individual, UNHCR's international protection mandate, the United Nations' privileges and immunities, and the safety of UNHCR Personnel.

a) Right to Privacy of the Individual

9. International human rights law guarantees everyone the right to privacy and protects individuals from arbitrary or unlawful interference.⁷ In international law, the right to privacy is generally defined as everyone's right to know whether information concerning her/him is being processed, to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectification or erasures made in case of unlawful, unnecessary or inaccurate entries.⁸ Effective measures need to be taken to ensure that information concerning a person's private life does not reach the hands of third parties that might use such information for purposes incompatible with human rights law.⁹

10. For the purpose of UNHCR's practice, this means that the consent of the IC is in principle necessary before IC information can be shared with other parties. The IC should be given assurances that UNHCR will respect the confidentiality of IC information.¹⁰ In addition, IC information should be kept strictly confidential because of the potential risk to the IC or others.

b) UNHCR's International Protection Mandate

11. Under its international protection mandate, UNHCR co-operates with States in the performance of its functions, for instance, to ensure that States admit refugees to their territories, to improve their situation or to seek durable solutions.¹¹ Breaches of confidentiality may undermine UNHCR's credibility. At the same time, a special and privileged relationship exists between UNHCR and refugees, asylum-seekers, stateless persons, and others of concern. UNHCR bears a responsibility towards persons of its concern to ensure that the

⁷ See Article 12 of the Universal Declaration of Human Rights of 10 December 1948 and Article 17 (1) of the International Covenant on Civil and Political Rights of 16 December 1966 (ICCPR). See also Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 4 November 1950; Article 11 of the American Convention on Human Rights (ACHR) of 22 November 1969.

⁸ See paragraph 4 of the UN Guidelines concerning computerised personal data files, UN Doc. E/CN.4/1990/72 of 20 February 1990; see also Article 8 of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and Paragraph 13 (Individual Participation Principle) of the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data of 23 September 1980.

⁹ See Human Rights Committee, General Comment No. 16 on Article 17 of the ICCPR (32nd session, 1988), paragraph 10, HRI/GEN/1/Rev.1 at p. 23.

¹⁰ See, e.g., UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1992), paragraph 200; Interviewing Applicants for Refugee Status, UNHCR Training Module RLD 4 (1995), Chapter 7, p. 65; see also UNHCR Resettlement Handbook (revised 1998), Chapter 5.2.4.

¹¹ See General Assembly Resolution 428 (V) of 14 December 1950 and Annex, including the Statute of the Office of the United Nations High Commissioner for Refugees.

information provided will be used with utmost care and exclusively to further international protection.

c) Privileges and Immunities of the United Nations

12. It should be kept in mind that States must respect the inviolability of UNHCR's records and archives under the 1946 Convention on the Privileges and Immunities of the United Nations.¹² Any acts of search, requisition, confiscation, expropriation or other interference by national authorities, including the judiciary, are, for instance, prohibited under this Convention (Article 2).

d) Safety of UNHCR Personnel

13. Finally, the sharing of IC information may involve aspects of staff safety. It is not only UNHCR, which must pay full attention to the safety of its staff but States are also under an obligation to ensure its respect.¹³

Checklist

14. The following Checklist contains criteria for evaluating requests for the release of IC information by a non-UNHCR party, including the IC. The Checklist should be read along with the relevant section in Part Two of these Guidelines depending on the author of the request. The intention of the Checklist is to assist UNHCR staff in making an assessment as to whether, and to what extent, IC information may be released. First, it deals with the formal conditions of the request for information. Second, it sets out the evaluation criteria, and third, it outlines the disclosure conditions if IC information is to be released.

Formal Conditions

- The author of the request must be recognisable and authentic.
- The request must state its purpose.
- The request should be in writing.

Evaluation Criteria

- The IC's right to privacy must be respected.
- The request should conform to UNHCR's international protection mandate.
- The request must have a legitimate purpose.
- Staff safety considerations should be taken into account.

Disclosure Conditions

- Release only copies and only information necessary for the purpose of the request.
- Avoid unrestricted dissemination.
- Make a note for the file recording the reasons for the disclosure.

¹² Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946.

¹³ See Executive Committee Conclusion No. 83 (XLVIII) on Safety of UNHCR Staff and other Humanitarian Personnel and the Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly of the United Nations at its 48th plenary meeting by Resolution 49/59 on 9 December 1994 (entered into force on 15 January 1999).

Formal Conditions

- Author of the Request

15. The **author**, that is, the person or institution that makes the request, should be recognisable and authentic. Anonymous requests or requests under false names should not be processed.

- Reasons for the Request

16. The request should clearly state its purpose and explain why the author needs the IC information. The **reasons** are crucial since they indicate whether information can justifiably be released.

- Written Request

17. The request should in principle be **in writing**. The rationale for this lies in administrative and safety reasons. In exceptional circumstances, for example, if the IC is unable to make her or his request in writing, oral requests may be accepted. In this case, the request should be recorded in a note for the file.

Evaluation Criteria

- The IC's Right to Privacy

18. In line with the considerations outlined in relation to the **right to privacy**, UNHCR should in principle obtain the consent of the IC concerned prior to the release of information. Such consent should generally be given in writing and could be obtained in advance at the time of the refugee status determination or resettlement interview. In exceptional circumstances, the consent of the IC may be waived, for instance, where disclosure is in the interests of the IC but consent cannot be obtained in time or in case of overwhelming security considerations, transcending the individual interest. This is elaborated upon in more detail in the various sections of Part Two.

- UNHCR's International Protection Mandate

19. As regards **UNHCR's international protection mandate**, the assessment is largely one of the potential consequences for the IC, for UNHCR and in terms of setting precedents, which may have wider repercussions. The paramount consideration is the physical safety and protection of the IC as well as that of her or his family members or persons with whom s/he is associated. The disclosure of IC information would not be consistent with UNHCR's international protection mandate if this could jeopardise the safety of the IC or of others and lead to violations of their human rights. However, in certain cases the sharing of IC information may be useful or even necessary for the protection of an IC (for instance with the authorities of a country of asylum or a country of resettlement). In addition, the sharing of information should not compromise UNHCR's humanitarian and non-political character, or undermine the climate of trust and confidence which needs to exist between UNHCR, its implementing partners, refugees and States.¹⁴

¹⁴ This corresponds to the "Humanitarian Clause" in the UN Guidelines concerning computerised personal data, UN Doc. E/CN.4/1990/72, page 4, B.

- Legitimacy of the Request

20. A crucial question concerning the evaluation of the requests is its **legitimacy**. For the request to be legitimate, the author of the request must have a valid reason to obtain the information for a legitimate purpose. The assessment of the validity of the reason is explained in more detail in Part Two of these Guidelines.

- Staff Safety Considerations

21. UNHCR also needs to take into account staff safety consideration. IC information should not be shared if the disclosure might negatively impact on the safety of UNHCR staff or other humanitarian personnel.

Disclosure Conditions

- Disclosure of the Necessary Minimum

22. Once satisfied that the disclosure of IC information is appropriate, only the information **necessary** to meet the legitimate purpose of the request should be shared. As a rule, UNHCR offices should only share copies of documents – the original should remain in UNHCR's possession.

- No Unrestricted Dissemination

23. When disclosing IC information, UNHCR should take the necessary steps to **avoid unrestricted dissemination** of IC information. Disclosure of hardcopies instead of electronic data is therefore preferable. For electronic data, encryption, where available, should be used. It should also be assured that the author of the request commits, preferably in writing, to respect the confidentiality of IC information *vis-à-vis* other parties. Such specific assurances should be obtained in each individual case but could also generally be included in (sub-) agreements between UNHCR and host Governments or implementing partners.¹⁵

- Note for the File

24. In all cases of disclosed IC information, a **note** for the file should be made to keep a record. It should indicate the type of IC information released, to whom, and the reasons justifying the disclosure.

¹⁵ See the Governing Clauses for UNHCR Agreements, Clause 5.01 on Confidentiality (March 1998).

Part Two: Concrete Situations

25. The foregoing Checklist applies to all situations where a non-UNHCR party, including the IC, requests information. The following paragraphs describe a number of situations which have typically arisen in this context and illustrate how requests for IC information should be handled on the basis of the Checklist, depending on the author of the request.

1. Sharing of Information with the IC, her or his Relatives, Legal Representatives and other Individuals

The IC is in principle entitled to obtain information s/he has provided. The same applies to the duly authorised representative of the IC. Other individuals must have legitimate reasons. Staff safety considerations are often an important factor in this context.

a) IC

26. ICs are entitled to receive copies or originals of documents which they have provided or of which they are the source. Prior to the release of documents, the IC should be required to produce identification.

27. The IC's right to have access to her or his file is, however, limited when it concerns UNHCR generated information or other documentation of which the IC is not the source. In such cases, UNHCR needs to weigh its own interests (such as staff safety considerations or protection of UNHCR's sources of information) against the IC's legitimate interest, for instance, to know the reasons for any decision that affects her or him. A possible solution could be to share only abstract case summaries without mentioning the names of UNHCR staff members. In any case, UNHCR should not share interview records or credibility assessments as such. This does not preclude the reading back to the IC of the interview record taken directly from the IC's own statements during the status determination interview.

28. When releasing IC information to the IC concerned, UNHCR should also take into account how the release of this information may affect the effective performance of its functions. In particular circumstances, such as refugee status determination in large camps or settlements, in which released IC information may easily be disseminated without control or even be misused by other ICs, UNHCR may deny disclosure. The decision in each individual case depends on the particular situation and the reasons given by the IC as to why s/he needs the information (Checklist, paragraph 16). Also, if there are indications that the request is not made free from duress or may be used for manipulative purposes, UNHCR may reject the request.

b) Relatives

29. Family bond usually gives relatives a legitimate claim to know about the fate of an IC. In line with the Checklist, UNHCR staff should be satisfied with the identity of the relative requesting information as well as her or his legitimate purpose. Queries about the general well-being or the whereabouts of the IC do not justify releasing a whole IC file. Also, when assessing such requests, UNHCR staff members need to take particular care to adopt a gender- and age-sensitive approach. Details of the refugee story or medical information should be handled with utmost sensitivity. Particular circumstances, such as those existing in camp situations or the cultural background of the IC, may justify not sharing information even with close relatives.

c) Legal Representatives

30. Legal or other duly authorised representatives acting on behalf of an IC have in principle identical rights of access to IC information as the IC her or himself. Before sharing information with a person claiming to represent an IC, UNHCR should be satisfied with the submission of special powers in writing, for instance presentation of a power of attorney, authorising the legal representative to request information on behalf of the IC.

d) Other Individuals

31. Other individuals will normally not have a legitimate interest in having access to IC information. Only individuals acting clearly in the IC's interest are likely to produce reasons that could justify the release of some IC information. As a rule, UNHCR should not release IC information to another asylum-seeker or refugee.

II. Sharing of IC Information with Authorities in the Country of Origin

UNHCR should not share IC information with authorities in the country of origin. Exceptions to the general rule of non-disclosure are only possible in certain situations, for instance in the context of the voluntary repatriation of the IC concerned.

a) Principle

32. UNHCR should not share any IC information with the authorities of the country of origin. All categories of IC information should be kept strictly confidential. The potential risk to the safety of ICs and their families or associates is greatest where information relating to their identity or asylum claims is made available to the authorities in the country of origin. Even the mere fact that an IC has sought asylum elsewhere may have adverse consequences for the IC and/or her or his family and associates in the country of origin. Thus, UNHCR should not confirm to the authorities or other entities in the country of origin whether or not a particular individual is or has been in contact with a UNHCR office, regardless of whether the person concerned is an asylum-seeker, a refugee, a resettled refugee, or whether s/he has been rejected or excluded. The general rule of non-disclosure should in principle continue to be observed *vis-à-vis* the country of origin even if the situation in the country of origin has changed.

33. UNHCR should not communicate with entities within the country of origin, whether they are governmental or non-governmental, in order to verify or authenticate declarations or documents provided by the IC, since the risk of potential interception of mail, phone, fax or email messages is too high. Any necessary communication should always be couched in the most general and anonymous terms, and should never include names or data by which the IC or her or his family could be identified in the country of origin.¹⁶

¹⁶ See also the Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum of 1 July 1996 (paragraph 5.16).

b) Voluntary Repatriation

34. IC information will need to be shared with the authorities of the country of origin in the context of organised voluntary repatriation arrangements. However, prior to the release of such information, the IC should express her or his intention to return voluntarily by signing a Voluntary Repatriation Form (VRF), and consent to the release of the information after having been informed by UNHCR of all relevant facts.¹⁷ Only information necessary for the purpose of organised voluntary repatriation, for instance in order to obtain clearance for administrative formalities or in order to benefit from amnesty guarantees, should be released (Checklist, paragraph 22).

35. With regard to the special context of the participation of refugees in elections in the country of origin, UNHCR may be asked for IC information by the authorities of the country of origin or by relevant international organisations. While UNHCR should not obstruct the IC's right to vote, safety considerations prevail. In principle, IC information may therefore only be shared once the IC concerned has consented and/or if UNHCR is fully satisfied that the released information will not be abused. In addition, for the purpose of facilitating voter registration and election procedures there is no justification for releasing information regarding the IC's political affiliation or details relating to the refugee claim.

c) Other Exceptions

36. There may be exceptional situations where the IC consents to sharing certain data with the authorities of the country of origin, for instance in order to facilitate transfer of assets or to enable family reunification. In such instances, it must be established clearly that the sharing of information does not put at risk the IC, her or his family members or other individuals concerned, and that it is clearly in the interest of UNHCR, that is, it does not jeopardise staff safety or UNHCR's operations in the country of origin.¹⁸

d) Stateless Persons

37. In the case of non-refugee stateless persons, UNHCR can share relevant information with countries of supposed origin, or former residence, in order to facilitate a solution for the individuals concerned.¹⁹ The IC evidently needs to consent to the sharing of such data.

¹⁷ See UNHCR's Handbook Voluntary Repatriation: International Protection (1996), Chapter 4.3.

¹⁸ See in this context paragraph 8 (b) and (e) of the Statute of UNHCR.

¹⁹ See paragraph 7 of [IOM/FOM 12/90](#) of 12 February 1990.

III. Sharing of IC Information with Authorities of the Country of Asylum

IC information may be shared with the country of asylum for specific purposes which are in the protection interests of the IC, UNHCR or within the legitimate interests of the country.

38. Notwithstanding the IC's right to privacy, the country of asylum has a legitimate interest to obtain information about persons on its territory and UNHCR needs to co-operate with the country of asylum in the exercise of its functions. In this regard, the right to privacy is not absolute. It is therefore important to inform the IC at the outset that UNHCR may need to share IC information with the authorities of the country of asylum. Preferably, UNHCR should obtain written consent from the IC when the initial contact is made. There may, however, be exceptional circumstances where consent is not necessary. Two different situations can be distinguished in this regard.

a) Country of Asylum Pursuing Refugee Protection Interests

39. As already indicated earlier,²⁰ the sharing of IC information may be useful or even necessary for the purpose of international protection. UNHCR should, however, only release information that is necessary for the purpose of the request (Checklist, paragraph 22). There is no need to disclose the whole file, nor is it necessary to share notes or transcripts of IC interviews and assessments of refugee claims in their entirety. In cases where UNHCR has conducted refugee status determination or done so jointly with the authorities, edited summaries containing the grounds for recognition or rejection may be sufficient. The same considerations apply when providing information about asylum claims made by the IC in other countries.

40. When sharing information, UNHCR offices should take into account the possibility that the authorities of the country of asylum may share information with the country of origin or that IC information could reach the hands of agents of the country of origin. In such cases IC information, particularly that going beyond basic biodata and the IC's refugee status, may only be released on the strict understanding that confidentiality will be respected and IC information will not be used for purposes other than those for which it is shared (Checklist, paragraph 23). Such an understanding could be translated into a standard agreement between UNHCR and the country of asylum.

b) Country of Asylum Pursuing Other Interests

41. UNHCR recognises the legitimate interests of the country of asylum to obtain information for reasons of national security, public safety, public health,²¹ and the prevention and suppression of criminal offences.²² This does not, however, translate into the unrestricted sharing of IC information. In each situation, in deciding how much to release, UNHCR staff must balance carefully the purpose of the country's request with the protection interests of the IC as well as UNHCR's own interests. Where the country of asylum invokes national security considerations, this requires particular care, not least since this term lacks clear international definition and may involve sensitive and complex situations. Headquarters (Bureau and DIP) should be consulted in such instances.

²⁰ See Paragraph 19 of these Guidelines.

²¹ See in this context [IOM/70/88 - FOM/63/88](#) of 6 May 1988 on UNHCR's Policy and Guidelines regarding Refugee Protection and Assistance and Acquired Immune Deficiency Syndrome (AIDS), updated in [IOM/78/98 - FOM/84/98](#) of 1 December 1998 on UNHCR's Policy regarding Refugees and Acquired Immune Deficiency Syndrome (AIDS).

²² See, e.g., Article 9 of the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

42. Where the IC is subject to investigation for a crime s/he has allegedly committed in the country of asylum, UNHCR may be asked to co-operate. In principle, such co-operation is warranted where UNHCR is the sole source of crucial information, but should be extended carefully. UNHCR should not obstruct investigations by invoking confidentiality. In such a case, UNHCR should seek a clear statement from the authorities of the country of asylum as to why information held by UNHCR is needed and cannot be obtained from other sources. Moreover, agreement is necessary that the authorities use such information on a confidential basis. Finally, UNHCR representatives cannot be expected to appear before courts in order to provide testimony. Given the complexity of the issue, UNHCR offices should seek guidance from Headquarters (Bureau and DIP) before releasing information in such cases.

IV. Sharing of IC Information with Countries of Resettlement

IC information may be shared with countries of resettlement for specific purposes providing the IC has given her or his consent.

43. Resettlement processing requires the sharing of IC information with prospective countries of resettlement and in some cases with NGOs. At the outset of the resettlement process, the IC (principal applicant and, if applicable, spouse) must therefore give her or his consent to the release of the information by signing a declaration which is part of UNHCR's Resettlement Registration Form (RRF).²³ Types of IC information to be shared are indicated in the Resettlement Registration Form and the Medical Assessment Form (the standard Medical Assessment Form is reproduced in Annex 3 of the Resettlement Handbook). This routinely includes information relating to the IC's background and refugee claim. The information and the documentation included in the RRFs need to be comprehensive and provide a satisfactory level of information with regard to the IC's background, refugee claim, any elements bearing on exclusion, and resettlement needs. In addition, the IC should receive assurances that all recipients will strictly observe confidentiality.

44. As a general rule, no further documentation on the IC, other than the RRF and the Medical/Social Assessment Forms, needs to be shared with countries of resettlement. For instance, UNHCR's internal eligibility files should not be opened and/or copied to an external party. This includes interviewing notes as well as internal documentation. In specific circumstances, and upon a reasoned request by a resettlement country to which a submission is being made, UNHCR may share additional information contained in the IC's files. Relevant information may be extracted from the eligibility files and provided to the author of the request in the form of an *ad hoc* communication or briefing.

45. As a general policy and within its own capacity, UNHCR should endeavour to respond to the queries of resettlement countries on ICs, with a view to facilitating the resettlement processing of the refugees concerned. When a query originates from representatives of a country of resettlement while on an interview mission in the host country, such a request may be assessed directly by the respective offices in the field but DIP's Resettlement Section should be kept informed or, depending on the request, consulted before providing information from the IC's internal files. When queries are made directly to Headquarters, the Resettlement Section may respond directly to the author of the request or will forward the query to the office in the field for action, as appropriate.

²³ See [IOM/FOM 75/99](#) of 12 August 1999.

V. Sharing of IC Information with Other Countries

Requests for IC information by other countries are often problematic. Whether another country has a legitimate interest in requesting IC information requires careful scrutiny on the basis of the Checklist.

46. This section sets out various situations in which authorities of countries other than the country of origin, the country of asylum or the country of resettlement request the release of IC information. Some of them may resemble requests from countries of asylum or resettlement. For instance, officials and/or parliamentarians in prospective resettlement countries may ask for information. In such situations, UNHCR should co-operate if the request is clearly in the best interests of the IC. There may also be instances where officials of so-called “safe third countries” ask for IC information before readmitting asylum-seekers, in particular in the context of readmission agreements. In principle, UNHCR should refer such requests to the sending country. However, in the event that UNHCR facilitates readmission and if information is not available from the sending country, UNHCR would normally co-operate as it would with the authorities of a country of asylum under the conditions of the Checklist.

47. More problematic are situations where countries have expressed interest in IC information in the context of combating irregular movement if they fear that certain asylum-seekers may proceed from a third country (other than the country of origin) to their territories. Normally, this is not the sort of information UNHCR should share. However, exceptions could be made in instances where the movements have as their final destination the requesting country and where the persons concerned were rejected as refugees by UNHCR in a final decision in the third country. How much information – going beyond the name of the rejected asylum-seeker and the fact of rejection – that UNHCR might consider releasing will depend very much on the purposes of the request. Certainly, the detailed record of the status determination process should not be released. There may, though, be good and substantial reasons for giving as well some basic biodata, notably the claimed nationality of the IC. No information should however be released in this context except on the basis of a clear, written and acceptable understanding with the requesting country as to its intended use and the protection it will be accorded to ensure its confidentiality.

48. Other countries may seek IC information for the purposes of criminal investigation and prosecution if offenders or witnesses are suspected of being abroad. Despite the similarity with requests for criminal investigations from a country of asylum, UNHCR’s position vis-à-vis other countries cannot be equated to the relationship with a country of asylum. In such instances, UNHCR cannot be expected to co-operate with other countries in the same way as it does with the country of asylum and should as a normal operation not share IC information. The other country should first seek assistance from the country where the offender or witness is suspected of being present. In case of doubt, Headquarters (Bureau and DIP) should be consulted.

VI. Sharing of IC Information with International Organisations

IC information may be shared with other international organisations with which UNHCR co-operates for specific purposes and with the consent of the IC concerned.

49. UNHCR works closely with other international organisations whose humanitarian or human rights related mandates complement its own. These include UN organs, UN specialised agencies, Special Rapporteurs, Special Representatives and Representatives of the Secretary-General, Working Groups and the International Committee of the Red Cross. While the need for the IC's consent and UNHCR's mandate responsibility for refugee protection should remain the paramount consideration in assessing requests for IC information, the inter-agency context demands that due regard be paid to UNHCR's general interest in co-operating with other agencies in the broad interests of the international community.

50. Different levels of co-operation may be distinguished. If the relationship between UNHCR and the requesting institution is, for instance, governed by a Memorandum of Understanding (MOU) or other agreement, such an agreement, along with these Guidelines, should form the framework within which decisions on the sharing of IC information are made.²⁴ If no formal terms exist, or if an existing agreement does not address confidentiality issues,²⁵ the request for IC information should be evaluated in the light of the Checklist.

51. In a number of cases, such as if the Office of the High Commissioner for Human Rights (OHCHR) or the ICRC seeks information to trace the whereabouts of family members of an IC, co-operation is not problematic.²⁶ However, even in such unproblematic cases, consent of the IC should be obtained beforehand, and a decision should be made as to what is necessary to meet the request in question.

VII. Sharing of IC Information with International Tribunals

Requests for confidential IC information from International Tribunals should be referred to DIP.

52. UNHCR is increasingly operating in contexts where serious human rights violations occur. This includes war crimes, crimes against humanity and other international crimes which fall under the jurisdiction of the existing *ad hoc* International Tribunals (ICTY, ICTR) or, once the Statute enters into force, of the International Criminal Court (ICC).

53. UNHCR has an interest in co-operating with the Tribunals and the yet to be established ICC, not least in regard to the application of the exclusion clauses (Article 1 F of the 1951 Convention). However, providing information in the course of criminal investigations and trials raises a number of serious concerns. For UNHCR, guaranteeing the security of operations, of refugees and of its staff are all of primary importance. Such concerns need to be taken into account when considering how to respond to information requests from the Tribunals.

²⁴ Examples in this respect are: Note on Cooperation between UNHCR and the United Nations Human Rights Field Operation in Rwanda of 29 September 1995; Memorandum of Understanding between the Southern African Development Community and UNHCR of 25 July 1996.

²⁵ See, e.g., the Memorandum of Understanding between UNHCR and the International Organisation for Migration of 15 May 1997, attached to IOM/39/97 – FOM/44/97 of 27 May 1997.

²⁶ See also UNHCR's Resettlement Handbook (1998), Chapter 5.8.2.

54. For these reasons, all requests for the sharing of IC information should be forwarded to DIP. With regard to all internal and confidential documents, an assessment involving offices in the field needs to be made as to whether the request can be acceded to without prejudice to the interests of the Organisation including any particular (security) interests of the specific operation.²⁷ In many instances, such an assessment requires a careful analysis of all the issues concerned, including a thorough knowledge of the rules of evidence and procedure of the Tribunals. In addition, any sharing of information needs to be in line with operational arrangements and procedures agreed upon at Headquarters level between UNHCR and ICTY/ICTR, in particular when involving the Office of the Prosecutor (OTP). Offices in the field may, however, share information not related to ICs, which are within the public domain, directly with the Tribunals. A separate instruction on relations with the Tribunals will shortly be forthcoming.

VIII. Sharing of IC Information with Non-Governmental Organisations (NGOs)

Information may be shared with NGOs which are working closely with UNHCR under certain conditions.

55. UNHCR maintains close working relations with NGOs, in particular with its implementing partners. Effective co-operation with NGOs frequently involves the exchange of IC information. However, requests by NGOs should be strictly assessed according to the criteria set out in the Checklist. In particular, UNHCR should share IC information only with the consent of the IC concerned. Moreover, the sharing of IC information in such instances should be done against the background of providing a service to the IC that is compatible with UNHCR's international protection mandate.

56. Generally, IC information should only be shared with an NGO if it has a humanitarian, durable solutions- or protection-related mandate. It is therefore important to assess the status, structure and function of the requesting NGO. This enables a targeted sharing of IC information with NGOs. For example, an NGO with a food distribution function should not necessarily need or receive information relating to refugee status determination.

57. Furthermore, it should be borne in mind that, depending on the country situation, information sharing with local NGOs or local staff of international NGOs may be problematic because their vulnerability may render them more exposed to pressure from state authorities, secret services or other interested third parties. As a possible preventive measure, all available technological means, such as encryption, should be used to avoid confidential IC information falling into the wrong hands. In particular, there should be no communication of case-specific information with NGOs in countries of origin, particularly not for the purpose of verifying claims made in the context of refugee status determination.

58. In case of long-term co-operation or for the purpose of implementing a specific project, the general terms of information sharing should be regulated in a standard agreement between UNHCR and the NGO. Such agreements should address *inter alia* the respect of confidentiality, the measures to be taken by the NGO in this respect and, if necessary, agreement on the full transfer of IC information to UNHCR, which should retain legal ownership of the information, upon completion of the project.

²⁷ An example of such considerations can be found in the "Guidelines concerning UNHCR's co-operation with the ICTY in the context of the Kosovo emergency operation" of 14 April 1999.

IX. Sharing of IC Information with the Media

UNHCR should in principle not share IC information with the media.

59. Media coverage of refugee problems is valuable and encouraged by UNHCR as an important means of informing the public and favourably influencing public opinion on refugee issues.²⁸ Press reporting on particular cases, through which the IC involved is easily identifiable, may potentially jeopardise the safety of the IC and her or his associates. In view of the unforeseeable risks surrounding publicity of ICs, UNHCR needs to take particular precautions when dealing with ICs in the media.²⁹ The overall purpose of using the media is to highlight situations, rather than to draw attention to ICs. When approached by the media to discuss a case, the policy is not to speak about ICs as such but to comment on the relevant situation or policy. This is particularly important when dealing with IC children and victims of sexual violence.

60. In situations where the media ask an IC for an interview, which will highlight her or his current situation, UNHCR staff should counsel the IC on the purpose of the interview, advising that s/he has the right to refuse it or remain anonymous.³⁰ Furthermore, UNHCR staff should encourage the media to respect the confidentiality of IC information already in their possession and not to reveal the IC's identity.³¹ The publication of case histories, photographs or films concerning an IC should not occur without the IC's explicit approval. This does not apply to media images of refugees *en masse*, which do not engender the same level of risk as those in which individual refugees can easily be identified.

PROTECTION POLICY AND LEGAL ADVICE SECTION
 DEPARTMENT OF INTERNATIONAL PROTECTION
 August 2001

²⁸ See Paragraph 2 of [IOM/FOM/92/99](#) on Contacts with the Media of 30 September 1999, and paragraph 1 of [IOM/120/89 - FOM/99/89](#) on the Promotion among the Media of the Confidentiality of Privileged Information concerning Individual Refugee Asylum-seekers of 24 October 1989.

²⁹ See also Paragraph 6 of [IOM/FOM/92/99](#) on Contacts with the Media of 30 September 1999.

³⁰ See UNHCR's Resettlement Handbook (1998), Chapter 10.3.

³¹ See Paragraph 4 of [IOM/120/89 - FOM/99/89](#) on the Promotion among the Media of the Confidentiality of Privileged Information concerning Individual Refugee Asylum-seekers of 24 October 1989.

United Nations High Commissioner for Refugees



Referral Form

Section 1: BIO-DATA

Name of Principal Applicant (PA):

Date of Birth:

Place of Birth:

Name of Spouse (if applicable):

Date of Birth:

Place of Birth:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Name of Dependant (if applicable):

Date of Birth:

Place of Birth:

Relationship to PA:

Section 2: Basis of referral

On what basis is this individual / family being referred for resettlement consideration? (Provide as many details as possible)

What priority would you assess to this referral? (Check one)

- Normal
- Urgent (To be assessed before all other cases)
- Emergency (There are pressing and immediate threats to the refugee's life)

Section 3: Certification

Name of referral source:

Title of referral source:

Contact details:

Date of referral:

Signature:

Please note:

This referral will be examined in light of the resettlement criteria and priorities established by resettlement countries and UNHCR, and may or may not be referred to a resettlement country for their consideration. You will be kept advised of any developments.

United Nations High Commissioner for Refugees



Resettlement Needs-Assessment Form

Referral information:

Type of referral (Internal / External / Unsolicited):

Name of referral source:

Date:

WRITTEN REFERRAL MUST BE ATTACHED TO THIS FORM

Priority of submission:

Normal
Unclear

Urgent

Emergency

Bio-Data

Name of PA:

Nationality:

DOB:

Ethnicity:

POB:

File #:

Family composition:

(For each dependent, state: Name, place/date of birth, sex and relation to PA)

Family links abroad (in country of origin and in third countries):

Country of Asylum Information

Remarks on Protection Environment and Vulnerability:

Special remarks:

Evaluation

Repatriation prospects:

Local integration prospects:

Resettlement needs assessment:

Submission category:

Further action:

Verification:

Registration details confirmed by:

Date:

Signature:

Refugee Status confirmed by:

Date:

Signature:

Certification and authorization:

Prepared by:

Authorized by:

Date:

Date:

Office:

Office:

Signature:

Signature:

United Nations High Commissioner for Refugees



SAMPLE TEXT:

**Rejection letter in response to
an unsolicited resettlement request**

Date:

Re: Resettlement request

CODE:

ATTN: [IC's name]

Reference is made to your letter(s) requesting resettlement. The details presented in your letter have been carefully considered against the priorities established by the Office of the United Nations High Commissioner for Refugees and resettlement countries.

UNHCR regrets to inform you that your case does not meet these priorities and cannot be considered for resettlement for the following reason(s):

- () You are not a refugee under the mandate of UNHCR.
- () You may explore a durable solution in your country of asylum.
- () You are not currently facing an individual protection problem.
- () You are not currently identified as a vulnerable refugee.
- () Other:

Your request letter has been added to your file.

Thank you for your cooperation.

With regards,

United Nations High Commissioner for Refugees



SAMPLE TEXT:

**Letter requesting additional information in response to
an unsolicited resettlement request**

Date:

Re: Resettlement request

CODE:

ATTN: [IC's name]

Reference is made to your letter(s) requesting resettlement. The details presented in your letter have been carefully considered against the priorities established by the Office of the United Nations High Commissioner for Refugees and resettlement countries.

UNHCR regrets to inform you that, based on the limited information contained in your letter, your case cannot be considered for resettlement at this time. Additional information, including why you left your home country, why you feel you cannot return and why you feel you cannot remain in your country of asylum, would enable UNHCR to come to a more considered decision on your resettlement request.

Your letter has, however, been added to your file.

Thank you for your cooperation.

With regards,

United Nations High Commissioner for Refugees



Interpreter's undertaking

I, the undersigned, have been engaged by UNHCR to serve as an interpreter.

In exercising my duties as an interpreter, I agree to abide by the following conditions:

I will not share the content or nature of any interview in which I assist with any individual, with the exception of the UNHCR representative conducting the interview.

I will not share the content or nature of any documents I handle within the UNHCR premises related to my duties as an interpreter with any individual.

I will not solicit any fee, either directly or indirectly, from refugees for whom I serve as an interpreter.

I will not provide advice or guidance to any refugees about the resettlement process, either during interviews or outside of my official functions.

I will uphold the highest standards of efficiency, competence and integrity in my work.

I understand that a breach of these conditions will result in my dismissal as an interpreter with UNHCR.

Name of interpreter:

Date:

Signature:

Name of witnessing UNHCR representative:

Date:

Signature:



UNHCR

STEP BY STEP USER GUIDE

UNHCR RESETTLEMENT REGISTRATION FORM (RRF)

TEMPLATE FOR MICROSOFT WORD 97

December 2001

**Resettlement Section
Department of International Protection**

UNHCR RESETTLEMENT REGISTRATION FORM (RRF)

TEMPLATE FOR MICROSOFT WORD 97

Introduction to the Step by Step User Guide

This “Step by Step User Guide” takes the user through all the steps needed for filling a UNHCR Resettlement Registration Form (RRF) and will at each step in the process give explanations to the fields in question. The structure follows the Sections of the RRF Template, distributed to all offices under Inter-Office Memorandum / Field Office Memorandum 75/99 dated 12 August 1999. This Guide should be read in conjunction with the Installation and Basic User Guide for the Template for Microsoft Word 97, distributed on 19 January 2000. All resettlement submissions need to be made by using this Template and no changes to the Template shall be made. At the end of this document there is an appendix for trouble-shooting, where frequently asked questions are answered.

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Case Data

Field Office Reference
Headquarters Reference
Number of Persons under this RRF

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM
(Version 9907RRFa - July 1999 - for up to 7 persons)

Field Office Reference:

Headquarters Reference:

Linked Case(s):

Number of Persons under this RRF:

Country of Refuge:

Date of Arrival of PRA:

Date of Recognition of PRA's Refugee Status:

Recognized by Country of Refuge on:

Recognized by UNHCR on:

Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)

Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)

Secondary Resettlement Criteria:


File number assigned to case at the initiating UNHCR field office.

This number will be assigned upon transmission of this form to the Resettlement Section at Headquarters if the Resettlement Section handles the submission. It should subsequently be used for all correspondence to identify the case.


Note: Field Office staff should notify the PRA of this number once assigned.

Total number of persons to be submitted under this RRF. If the case consists of more than 7 persons, use the RRF template 9907RRFb.dot, which is designed for larger families.

Linked Case(s)



UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM
(Version 9907RRFa - July 1999 - for up to 7 persons)



Field Office Reference: Headquarters Reference:
 Linked Case(s): Number of Persons under this RRF:
 Country of Refuge: Date of Arrival of PRA:
 Date of Recognition of PRA's Refugee Status
 Recognized by Country of Refuge on:
 Recognized by UNHCR on:
 Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)
 Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)
 Secondary Resettlement Criteria:

Reference number(s) of case(s) under separate RRF(s) which are linked to each other and should ideally be referred as a group to the same resettlement country. Current case should be linked to earlier filled cases.

Example: Current Case XXXX, including PRA, spouse and child
linked to
 Case YYYY, including PRA's brother-in-law, spouse and their child

Example: Current Case ZZZZ, including PRA, his spouse and two minor children
linked to
 Case KKKK, including PRA's adult son and spouse

Example:



RESETTLEMENT
(Version 9907RRFa)

Field Office Reference: **99Eth123**
 Linked Case(s): **99Eth124**

**Country of Refuge
Date of Arrival of PRA**

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM
(Version 9907RRFa - July 1999 - for up to 7 persons)

Field Office Reference: Headquarters Reference:

Linked Case(s): Number of Persons under this RRF:

Country of Refuge: Date of Arrival of PRA:

Date of Recognition of PRA's Refugee Status

Recognized by Country of Refuge on:

Recognized by UNHCR on:

Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)

Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)

Secondary Resettlement Criteria:

Country of Refuge is the country in which the Principal Applicant (PRA) currently stays.

PRA's previous stay in other countries of refuge should be reported in Section 15 (Additional Remarks).

This is the date when the Principal Applicant (PRA) arrived in the current country of refuge.

Note: In case the refugee has entered the country of refuge more than once before approaching UNHCR / requesting asylum, **the date of his/her first entry should be indicated here**. You should then explain and further elaborate in Section 15 (Additional Remarks).

Note: The following format should always be used:
DD/MMM/YYYY

Example: The 5 January 2000 is typed in this way:
05/Jan/2000

**Recognized by Country of Refuge on
Recognized by UNHCR on**

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM
(Version 9907RRFa - July 1999 - for up to 7 persons)

Field Office Reference: Headquarters Reference:
 Linked Case(s): Number of Persons under this RRF:
 Country of Refuge: Date of Arrival of PRA:
 Date of Recognition of PRA's Refugee Status
 Recognized by Country of Refuge on:
 Recognized by UNHCR on:

Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)

Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)

Secondary Resettlement Criteria:

This is the date when the Principal Applicant (PRA) was recognized as a refugee by country of refuge.

If the PRA was recognised as a refugee by a country of refuge different than his current country of refuge, you should indicate this in Section 15 (Additional Remarks).

Note: The following date format should always be used:
DD/MMM/YYYY.

Example: 5 January 2000 is typed in this way:
05/Jan/2000



Note: If the PRA has not been recognized because there is no government status determination you should type:
Not applicable. If the PRA has been rejected in the government procedure, type: **Not Recognized.**

Date when the Principal Applicant (PRA) was recognized as a refugee by UNHCR.

Note: The following date format should always be used:
DD/MMM/YYYY

Note: Before submitting a case for resettlement an individual status determination under UNHCR's expanded mandate is obligatory (See Resettlement Handbook, Chapter 3).

Priority of Submission

 UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR RESETTLEMENT REGISTRATION FORM <small>(Version 9907RRFa - July 1999 - for up to 7 persons)</small> 	
Field Office Reference: <input type="text"/>	Headquarters Reference: <input type="text"/>
Linked Case(s): <input type="text"/>	Number of Persons under this RRF: <input type="text"/>
Country of Refuge: <input type="text"/>	Date of Arrival of PRA: <input type="text"/>
	Date of Recognition of PRA's Refugee Status
	Recognized by Country of Refuge on: <input type="text"/>
	Recognized by UNHCR on: <input type="text"/>
	Priority of Submission: NORMAL <small>(see Resettlement Handbook, Chapter 5.12)</small>
	Primary Resettlement Criteria: LEGAL OR PHYSICAL PROTECTION NEEDS <small>(see Resettlement Handbook, Chapter 4)</small>
	Secondary Resettlement Criteria: <input type="text"/>

There are four different possibilities to describe the priority of the submission. All possibilities will appear in a drop down list by clicking the marked field once.

Please refer to the Resettlement Handbook, Chapter 5.12, for further guidance.

EMERGENCY: For cases which require immediate processing due to a security and/or medical threat faced by the refugee. Cases under this priority should be processed as quickly as possible, to ensure the removal of the refugee within a maximum of 5 days.

URGENT: Refugees who face conditions requiring their expeditious resettlement but within a less limited time-frame than indicated above, are categorized as urgent cases. These cases should be processed ahead of all routine cases.

NORMAL: Cases of this kind should be processed under normal routine procedures.

NOT YET DETERMINED: Cases where the priority is not yet decided.

Note: Emergency and Urgent cases require close and early follow-up with resettlement Governments. Field Offices may request Headquarters' support, if not already involved in the original submission.

Primary Resettlement Criteria
Secondary Resettlement Criteria

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM
(Version 9907RRFa - July 1999 - for up to 7 persons)

Field Office Reference: Headquarters Reference:
 Linked Case(s): Number of Persons under this RRF:
 Country of Refuge: Date of Arrival of PRA:
 Date of Recognition of PRA's Refugee Status
 Recognized by Country of Refuge on:
 Recognized by UNHCR on:

Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)

Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)

Secondary Resettlement Criteria:

UNHCR resettlement criteria under which the resettlement need for the actual case has been established. All the possible resettlement criteria will appear in a drop down menu by clicking the marked field once.

See Chapter 4 of the Resettlement Handbook for detailed explanations.

In many cases, not only one but several resettlement criteria may be applicable. By mentioning a secondary criteria particular needs of a case may be highlighted. It also helps to reinforce the resettlement submission by pointing out cumulative grounds.

Example: A refugee family is threatened by refoulement (Legal and Physical Protection Needs). The family is at the same time severely traumatized due to events during their prior persecution in their home country (Survivor of Violence and Torture) and they require appropriate treatment and services upon resettlement.

Section 1

Please note that the explanations given for **Section 1** of the RRF concerning the fields Names, Birth Data, Personal Data and Current Location will also be applicable for the similar fields in **Section 2** and **Section 3** of the RRF.

Section 1

Family Name
Given Names
Other Names
Maiden Name

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

Normally the family and the given name are obvious. In some cases and for some names it is different e.g.:

- **Arabic, Ethiopian, Somali:** for family name, first type "Fathers Name" and thereafter paternal "Grandfathers Name" (E.g. Mohamed AHMET ALI)
- **Indonesian or Myanmarese:** in some cases, no system of family surnames exists. The same name should then be repeated under "family name" and "given name" (E.g. Zaw Aye, Zaw Aye)

The maiden name is the name of the spouse before the marriage.

Note: For married women, under "family name", you should indicate the name that the refugee woman currently uses (either the name of her husband or her maiden name).

Other Names means in particular, **alias names** i.e.

- Names under which the refugee is also known, or
- Cover-names used by the refugee to escape from threatening situations.

Note: Where appropriate, please explain in more detail under Section 15 of the RRF (Additional remarks).

**Gender
Marital Status**

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

The gender of the PRA is chosen from the drop down menu that appears after having clicked the marked field once: Male, Female.

The marital status of the PRA is chosen from the drop down menu that appears after having clicked the marked field once : Single, Engaged, Married, Widowed, Separated, Divorced, Common-Law.

Note: Other family configurations (e.g. polygamous marriage) should be reported and explained in Section 12 (Refugee Claim) or Section 15 (Additional Remarks), as appropriate.

Note: Past marriages and/or divorces should also be indicated in Section 15, as appropriate.

Date of Birth Estimate

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)

DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

Note: The following date format should always be used:
DD/MMM/YYYY

If the exact date of birth is not known, then provide the closest estimate possible, and always use 01 for the "DAY" field.

Example: If the refugee is born in March 1961, type:
01/Mar/1961

If the month of birth is not known, but only the year, then always use 01 for the "DAY" field and Jan for the "MONTH" field.

Example: If the refugee is born in 1961, type:
01/Jan/1961

Note: If the date is an estimate only, type X in the box that is highlighted.

**Place of Birth
Country of Birth
Citizenship(s)**

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

Describe the location as specifically as possible (e.g. Village, District, Province, Region, Country)

Indicate the country in which the refugee was born. If the name of the country has changed, you should indicate the name of the country at the time of the refugee's birth.

Provide all currently held citizenships.

Note: If stateless, type "stateless" and thereafter, in brackets, the country of former habitual residence.

Example: Stateless (Iranian)

Ethnic Origin Religion

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

If ethnic origin can be described at different levels (e.g. Clan – Sub-clan – Family), provide a description as detailed as possible, starting with the more general level.

Example: Hawiye, Galjel Sub-Clan, Hossain (Somalia)

If religion can be specified at different levels, provide a description as detailed as possible, starting with the more general level.

Example: Muslim, Shia

**Name of Father
Name of Mother**

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

In the blank field the name of the father should be typed.

Note: Always use the format: "Given Names" "FAMILY NAME".

Example: The father's name is John Martin Smith
 Type: John Martin SMITH

Where applicable (e.g. Arabic or Ethiopian names), type: "Given Name" "FATHER'S NAME", paternal "GRANDFATHER'S name".

Example: Mohamed AHMET ALI.

The field marked "(Living)", next to where the name of the father has been typed, can be left as it is or changed according to the facts (Unknown, Deceased). This is done by clicking it once and then select the right option from the drop down menu.

The same as mentioned above is applicable for the name of the mother. The name which is currently used by the mother as a family name should be indicated (either the maiden name or the husband's family name).

Present Address of PRA Telephone

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name: Given Names:

Other Names: Maiden Name:

Gender: **Female** Marital Status: **Single**

Date of Birth: (tick box to indicate that date is an estimate only)
DAY MONTH YEAR

Place of Birth: Country of Birth:

Citizenship(s):
(if stateless, add country of former habitual residence)

Ethnic Origin: Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

Provide the contact address of the PRA in as much detail as possible. If PRA's family is living in a different place in the same country, please indicate this in Section 15 (Additional Remarks).

When noting the telephone number, make sure that the following format is used:
 "+" "Country Code" – "Area Code" – "Number"

Section 2

Please note that the explanations given for **Section 1** of the RRF concerning the fields Names, Birth Data, Personal Data and Current Location will also be applicable for the similar fields in **Section 2** and **Section 3** of the RRF.

Section 2

2. FAMILY MEMBERS / DEPENDANTS INCLUDED IN THIS SUBMISSION (Persons 02 - 07)

(If NOT currently living with Principal Applicant, explain under Section 15 Additional Remarks)

No: 02			
Family Name:	<input type="text"/>	Given Names:	<input type="text"/>
Other Names:	<input type="text"/>	Gender:	<input type="text"/> Living with PRA: <input type="text"/>
Date of Birth:	<input type="text"/> <input type="checkbox"/> (estimate)	Place of Birth:	<input type="text"/>
Country of Birth:	<input type="text"/>	Citizenship(s):	<input type="text"/>
Marital Status:	<input type="text"/>	Relationship to PRA:	<input type="text"/>
No: 03			
Family Name:	<input type="text"/>	Given Names:	<input type="text"/>
Other Names:	<input type="text"/>	Gender:	<input type="text"/> Living with PRA: <input type="text"/>
Date of Birth:	<input type="text"/> <input type="checkbox"/> (estimate)	Place of Birth:	<input type="text"/>
Country of Birth:	<input type="text"/>	Citizenship(s):	<input type="text"/>
Marital Status:	<input type="text"/>	Relationship to PRA:	<input type="text"/>

This section of the RRF should include persons who would resettle with the PRA. It should also include those who are temporarily absent.

Other family members who might follow at a later stage, e.g. for family reunification purposes, should be listed in section 3 of the RRF. This relates in particular to persons who are still in the country of origin.

Example 1: The spouse of the PRA is still living in the country of origin. The spouse cannot join the PRA at this stage, but they both would like to be reunited after the PRA has been resettled. The spouse should be listed in section 3 of the RRF.

Example 2: The spouse of the PRA is usually living with the PRA in the country of refuge. While the PRA has been put in a detention centre, the spouse lives in hiding with friends in the country of refuge. The spouse should be listed in section 2 of the RRF.

Example 3: Temporary absence of a family member for work purposes or treatment in a hospital in a different town. This person should be listed in section 2 of the RRF.

Living with PRA Relationship

2. FAMILY MEMBERS / DEPENDANTS INCLUDED IN THIS SUBMISSION (Persons 02 - 07)
(If NOT currently living with Principal Applicant, explain under Section 15 Additional Remarks)

No: 02						
Family Name:	<input type="text"/>	Given Names:	<input type="text"/>	Living with PRA:	<input type="text"/>	
Other Names:	<input type="text"/>	Gender:	<input type="text"/>			
Date of Birth:	<input type="text"/>	<input type="checkbox"/> (estimate)	Place of Birth:	<input type="text"/>		
Country of Birth:	<input type="text"/>		Citizenship(s):	<input type="text"/>		
Marital Status:	<input type="text"/>		Relationship to PRA:	<input type="text"/>		
No: 03						
Family Name:	<input type="text"/>	Given Names:	<input type="text"/>	Living with PRA:	<input type="text"/>	
Other Names:	<input type="text"/>	Gender:	<input type="text"/>			
Date of Birth:	<input type="text"/>	<input type="checkbox"/> (estimate)	Place of Birth:	<input type="text"/>		
Country of Birth:	<input type="text"/>		Citizenship(s):	<input type="text"/>		
Marital Status:	<input type="text"/>		Relationship to PRA:	<input type="text"/>		

Indicate whether the family member lives with the Principal Applicant by clicking the marked field once and then choose either YES or NO from the drop down menu.

Note: If the family member is NOT currently living with the PRA, and the option “NO” has been chosen, explain the circumstances and reasons under Additional Remarks in Section 15 of the RRF.

If the person concerned is NOT a member of the PRA’s nuclear family, explain why the family member/dependant is included in the submission under Additional Remarks in Section 15 of the RRF.

Note: Relationships should be clearly and faithfully established to ensure that all individuals who are legitimately part of a family structure, whether by blood or custom, are considered together for resettlement. This could be done by holding separate interviews with de facto family members in order to verify the information. Particular attention should be given to children who are not blood relatives of the PRA or spouse.

Section 3

Please note that the explanations given for **Section 1** of the RRF concerning the fields Names, Birth Data, Personal Data and Current Location will also be applicable for the similar fields in **Section 2** and **Section 3** of the RRF.

Section 3

3. ALL OTHER CLOSE RELATIVES OF PRA AND SPOUSE (I) in the country of origin, the country of refuge or any other country. Include at least all immediate biological and legal relatives, including step and half relationships. In particular, parents, spouses, children and siblings of each person listed in Section 2 should be mentioned.

a) Family Name: [] Given Names: []
 Other Names: [] Gender: [] Relationship: []
 Date of Birth: [] (estimate) Place of Birth: []
 Country of Birth: [] Citizenship(s): []
 Country of Stay: [] Since*: [] Legal Status: []
 Address and Telephone*: []

b) Family Name: [] Given Names: []
 Other Names: [] Gender: [] Relationship: []
 Date of Birth: [] (estimate) Place of Birth: []
 Country of Birth: [] Citizenship(s): []
 Country of Stay: [] Since: [] Legal Status: []
 Address and Telephone: []

As there is often lack of information about the different family links between the PRA and his/her family and relatives, this section is very important as this is often the only document establishing the links between the PRA and the rest of the family. All close relatives of the PRA and of the PRA's spouse should be included. Cousins, aunts, uncles, nephews, nieces should not be included unless they are living abroad or are de facto family members of the PRA.

Note: The information is often used for Family Reunification purposes. Incomplete data on family links may result in the inability of some family members to be reunited, at a later stage, in the country of resettlement.

Note: It is important to include the names of all close family relatives, even those who are missing or presumed dead. You can use the Field "Legal Status" to indicate that they are missing or presumed dead. You should then explain and elaborate in more detail in Section 15.

Example

Section 3 / Legal Status: Missing.

Section 15: PRA's brother has been missing since 1989 under unknown circumstances.

Where there are linked cases, take care to ensure that data regarding common family links are consistent. If there are discrepancies, please note the explanations provided in this regard by the PRA or his/her family.

Country of Stay Since

3. ALL OTHER CLOSE RELATIVES OF FRA AND SPOUSE (I) in the country of origin, the country of refuge or any other country. Include at least all immediate biological and legal relatives, including step and half relationships. In particular, parents, spouses, children and siblings of each person listed in Section 2 should be mentioned.

a) Family Name: Given Names:
 Other Names: Gender: Relationship:
 Date of Birth: (estimate) Place of Birth:
 Country of Birth: Citizenship(s):
 Country of Stay: Since*: Legal Status:
 Address and Telephone*:

b) Family Name: Given Names:
 Other Names: Gender: Relationship:
 Date of Birth: (estimate) Place of Birth:
 Country of Birth: Citizenship(s):
 Country of Stay: Since: Legal Status:
 Address and Telephone:

This field contains the information of the country in which the person is currently located.

Date of arrival in the current country of stay.
Use the format: DD/MMM/YYYY

Example: 13/Jan/1987

Note: This field may be left blank if the relative is in the country of origin.

Legal Status

3. ALL OTHER CLOSE RELATIVES OF PRA AND SPOUSE (I) in the country of origin, the country of refuge or any other country. Include at least all immediate biological and legal relatives, including step and half relationships. In particular, parents, spouses, children and siblings of each person listed in Section 2 should be mentioned.

a) Family Name: Given Names:
 Other Names: Gender: Relationship:
 Date of Birth: (estimate) Place of Birth:
 Country of Birth: Citizenship(s):
 Country of Stay: Since*: Legal Status:
 Address and Telephone*:

b) Family Name: Given Names:
 Other Names: Gender: Relationship:
 Date of Birth: (estimate) Place of Birth:
 Country of Birth: Citizenship(s):
 Country of Stay: Since: Legal Status:
 Address and Telephone:

Legal status of the person in the current country of stay.

Example 1: Person stays in the country of citizenship:
Write "citizen"

Example 2: Person has a legal status but is not yet a citizen:
Write "Permanent Resident"

Example 3: Person holds a work permit:
Write "Work Permit"

Example 4: Person has applied for asylum, but a decision has not yet been taken:
Write "asylum-seeker"

Example 5: Person has been granted refugee status under the 1951 Convention:
Write "refugee (51CSR)"

Example 6: Person has been granted Prima Facie Refugee Status:
Write "prima facie refugee"

Example 7: Persons has been granted a humanitarian residence permit:
Write "humanitarian permit"

Example 8: Person has no status in the country:
Write "no status"

Example 9: If the status is not known
Write: "unknown"

Section 4

Languages

4. <u>LANGUAGES</u> (list mother tongue first)									
No.*	LANGUAGE	UNDERSTAND		SPEAK		READ		WRITE	
		easily	not easily	easily	not easily	easily	not easily	easily	not easily

The number that the person is identified by in the RRF is marked here. You should use the same numerical sequence that you used in Section 2. In this field you can list more than one person from Section 1 and Section 2 of the RRF at the same time, e.g. by listing the sequence numbers divided by commas (Example: 1, 5, 7).

Example:

5. <u>LANGUAGES</u> (list Mother tongue first)			
No.*	LANGUAGE	UNDERSTAND	
		easily	not easily
1-3	Farsi	X	
1	Pashtoo	X	

Write the name of the language in question.

Mark the level to which the language is understood, spoken, read and written by typing an X.

Note: The refugee's knowledge of languages is usually self-declared. Where necessary and appropriate, you may wish to assess the extent to which a language is spoken and understood.

Section 5

Education

5. EDUCATION				
No.	TYPE OF EDUCATION	FROM	TO	SPECIFY (DIPLOMAS / CERTIFICATES)
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■

The number that the person in question is identified by in the RRF is marked here. Please use **the same numerical sequence** that you used in Section 2. Make sure that education of **school age children** is clearly indicated.

Type of education is typed here (lower grade first). If a person has more than one level of education , please make sure that they are all mentioned.

Example: Primary, secondary, university, vocational

Note: **Informal education should also be mentioned.**

Example: A child who received literacy classes by her/his elder brother, at home.

Example: An individual who received primary education through her/his political party

Duration of the education mentioned.

Note: Use the format “YYYY” in both the field “FROM” and in the field “TO”, covering the year the education was commenced and the year when the education was finalised.

Describe the type of Diploma or Certificate that the person in question has received after finishing the described education. If no diploma received, put “none”.

Section 6

Employment

6. EMPLOYMENT				
No.	NAME AND LOCATION OF EMPLOYER	TYPE OF OCCUPATION	FROM	TO

The number that the person is identified by in the RRF is marked here. Please use the same numerical sequence that you used in Section 2.

Type the name of the company at which the person has been employed, the name of the person for whom the person has worked or if the person was self-employed. Also type the city and the country in which the employment took place.

Example: Company/person, City, Country.

Note: If the person involved has had several jobs, please make sure that the entire employment history is mentioned.

Specify the type of occupation held. In case of individuals not formally employed, indicate particular skills or other activities.

Example: No.2, spouse: handicraft, carpet -weaving, cooking for large groups.

Indicate the duration of the employment.

Note: Use the format “YYYY” in both the field “FROM” and in the field “TO”, covering the year when the employment started and the year in which the employment ended.

Section 7

**Travel
Identity Documents
Documentary Evidence of Refugee Status**

7. TRAVEL / IDENTITY DOCUMENTS: DOCUMENTARY EVIDENCE OF REFUGEE STATUS					
No.	TYPE OF DOCUMENT	NUMBER	ISSUING AUTHORITY	VALID (format: DD/MMM/YYYY)	
				FROM	TO

The number by which the person is identified in the RRF is repeated here. Please keep the same numerical sequence that you used in Section 2.

The type of the documentation should be typed here. Type of document can be: Passport, Visa, Residence Permit, Citizenship paper, Driving Licence or similar documents that bear a picture and signature of the person in question. Do not record membership cards in political organizations.

The official number of the documentation and the name of the authority issuing the documentation are typed in here.

The validity of the document mentioned is mandatory for the file.

Note: Always use the format: DD/MMM/YYYY in both the field "FROM" and in the field "TO".

Section 8

Countries of Transit

8. COUNTRIES OF TRANSIT (in which the Principal Applicant has transited, stayed or resided since leaving country of origin)			
PERIOD		COUNTRY	TRAVEL DOCUMENT USED /
FROM	TO		TYPE OF RESIDENCE PERMIT / REMARKS

The period in which the PRA was in transit is typed here.

Note: Use the format DD/MMM/YYYY in both the field "FROM" and in the field "TO".

Name of the countries through which the PRA has transited, stayed or resided since leaving the country of origin. List each country of transit separately. The PRA's current country of refuge should also be included in this Section.

Example: Ethiopia

Describe the travel documents used by the PRA or the type of residence permit used. Documents could be Passport, Visa, etc.

If the passport used by the PRA was forged or belonged to someone else, please make sure it is indicated in this Section.

Section 9

Medical Status

9. **MEDICAL STATUS** (for family members NOT in apparent good health - provide details in Section 14)
 Provide any medical reports, X-rays, etc. by fastest means - If no reports available, explain in Section 14

No.	MEDICAL STATUS	REFERENCE number and date of dispatch, for <u>medical</u> records sent separately
■	■	■
■	■	■
■	■	■
■	■	■
■	■	■
■	■	■
■	■	■

The number that the person is identified by in the RRF is marked here. Please use the same numerical sequence that you used in Section 2.

Write the medical status of the person in question and attach **a medical report**, as appropriate. Also indicate in this Section whether the person carries any physical or mental handicaps. Further details can also be provided under Section 14 of the RRF (Special Needs).

Example: *“The person has been diagnosed with a heart dysfunction. Medical report is attached”*

Example: *“The person suffers from high-blood pressure/ from diabetes / from arms/legs/back problems”*

If the person does not seem to be in good health, a medical examination should be arranged.

If the medical reports or other important information regarding the medical status of the person in question are sent separately, please mention the date of dispatch of these documents.

Section 10

In Case of Pregnancy

10. IN CASE OF PREGNANCY		
No.	EXPECTED DATE OF DELIVERY	IF PROBLEMS, PLEASE SPECIFY
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

The number that the person is identified by in the RRF should be marked here. Please use the same numerical sequence that you used in Section 2.

The expected date of delivery is noted here.

If there are problems connected to the pregnancy or to the delivery they should be specified here. Please also indicate problems related to previous pregnancies, e.g. miscarriages.

Please also make sure that medical files, if existing, are attached.

Section 11

**Detention
Imprisonment**

11. DETENTION / IMPRISONMENT				
No.	PERIOD		LOCATION	DETAILS / REASONS - in particular: mention torture and serious violence
	FROM	TO		
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■
■	■	■	■	■

The number that the person in question is identified with in the RRF is marked here. Please use the same numerical sequence that was used in Section 2.

The duration of the detention or imprisonment of the person is typed here. Please also indicate short detention periods (e.g. half-day).

Note: Always use the format DD/MMM/YYYY in both the field "FROM" and the field "TO".

Mention here where the person was detained or kept in prison.

Note: You should mention detention in the country of origin, in transit countries and/or in the country of refuge.

Describe the reasons for the detention or the imprisonment. Specify if the person has suffered torture or/and serious violence. Define the treatment and the circumstances of detention.

Please elaborate upon this in **Section 12** (Refugee Claim), or **Section 14** (Special Needs), as appropriate.

Section 12

Refugee Claim

12. REFUGEE CLAIM (including: events and reasons leading to the granting of refugee status / reasons for a continued need for international protection - see *Resettlement Handbook*, Chapter 3 and *Handbook on Procedures and Criteria for Determining Refugee Status*)
 (proceed to next Section by pressing the "right arrow" cursor)

The refugee claim will need to be filled in as accurately as possible, explaining, in a clear and concise manner, why the persons involved were recognized as refugees and why they need international protection.

If a positive Refugee Status Determination has already been done, you should refer to the existing RSD report. However, please do not attach the RSD report. You should rather summarise it and include the relevant information in this Section as appropriate.

Notes:

- **Prima facie refugee status is not sufficient** for the purposes of resettlement. An individual refugee status determination should be carried out for each refugee to determine their continued need for international protection.
- Recognition of the individual as a "**mandate refugee**" is the pre-condition for the case to be referred for resettlement. To facilitate acceptances by the resettlement countries, however, you should make sure that the appropriate link is established with one of the five grounds of the 1951 Convention. Refugees recognised under regional instruments should, ideally, also demonstrate a link with the 1951 Convention.

Example: *"Mr.XY has been recognised as a refugee under the UNHCR mandate. He has demonstrated a well-founded fear of persecution based on his ethnicity and his religion. He also qualifies under the refugee definition of the 1951 Convention".*

- Please use **clear, plain and affirmative language** in your assessment. Avoid UNHCR internal acronyms.
- The format is a normal WORD document, and it can be extended to more than one page, if needed. This section, however, should ideally not exceed 3 pages.

Continues→

Section 12

Refugee Claim (cont'd)

- Please consider the following **check-list** when filling in the refugee claim:

- RELEVANT FACTS**
- CREDIBILITY ASSESSMENT**
- ASSESSMENT OF THE CASE or LEGAL ANALYSIS**

Inclusion Clauses

Well-founded fear

- Subjective element (HB para 41-41-45)
 - Fear in mind of claimant
 - Assessment of personality
 - Personal and family background
 - Fear is forward-looking
- Objective element
 - Fear in the context of relevant background in country of origin (HB para 42)
 - Likelihood of persecution (HB para 42)
 - State protection (HB 100-106)
 - Country of origin information (HB para 42, 43)
 - Internal flight alternative (HB para 91)

Persecution

- Refer to international human rights instruments and standards (HB 51-52)
- Prosecution versus persecution (HB para 56-60)
- Gender-related persecution
- Desertion, draft evasion, conscientious objection (HB para 167-174)
- Agents of persecution (HB para 65)

Grounds for persecution (clearly indicate if one or more)

- Race (HB para 68-70)
- Religion (HB para 71-73)
- Nationality (HB para 74-76)
- Membership of a particular social group (HB para 77-79)
- Political opinion (HB para 80-86)
- Cumulative grounds (specify)

Outside the country of nationality

- Nationality, Statelessness (HB para 97-107)

Exclusion clauses

(HB para 140-163)

- Article 1F 1951 Convention - Persons considered not to be deserving of international protection.**

• **Acts constituting excludable crimes**

- Crime against peace, war crime, crime against humanity
- Serious non-political crime prior to admission to the country of asylum
- Acts contrary to the purposes and principles of the UN

• **Excludability cannot be simply presumed**

- Individual liability
- Personal involvement / Degree of association/complicity
- Intention / Moral choice

• **Possible defences to Exclusion**

- Coercion/Duress
- Necessity

CONCLUSION / RECOGNITION OF REFUGEE STATUS

- Under UNHCR mandate
- Under the 1951 Convention

Section 13

Need for Resettlement

13. **NEED FOR RESETTLEMENT** (see *Resettlement Handbook*, Chapter 4; also mention assessment of prospects for voluntary repatriation and local integration)
(proceed to next Section by pressing the "right arrow" cursor)

Describe as accurately as possible why the persons in question need resettlement, and why this is deemed the most appropriate durable solution.

Notes:

- Please refer to the primary and secondary criteria indicated on the cover page of the RRF and ensure that their actual application is in compliance with the **Resettlement Handbook, Chapter 4 and Chapter 5**.
- You should elaborate on the refugee's specific situation in the country of refuge and include information on the refugee's medical status and special needs, if applicable.
- Please indicate what measures have been taken to explore voluntary repatriation and local integration possibilities before taking the decision to resettle the refugee.
- You should include information on the overall situation prevailing in that country. If appropriate, you may wish to accompany the RRF with an *ad hoc* "**briefing note**" illustrating in greater detail the situation in the country of refuge and the relevant circumstances affecting refugees.
- The format of this section is a normal WORD document, and it can be extended to more than one page if needed.

Continues →

Section 13**Need for Resettlement (cont'd)**

Please consider the following check-list when filling in this section:

- SITUATION OF PRA IN THE COUNTRY OF REFUGE**
 - Security situation**
 - Risk of refoulement/Expulsion
 - Threat of arbitrary arrest
 - Threat to human rights/physical safety
 - Legal status**
 - Residence permit
 - "Toleration" permit
 - Illegal
 - Living conditions**
 - Collective centre/private accommodation
 - Detention
 - Transit Centre/Airport
- PROSPECTS FOR VOLUNTARY REPATRIATION**
 - Return in safety and dignity
- GENERAL SITUATION IN THE COUNTRY OF REFUGE**
 - Signatory of the 1951 Convention
 - Legal regime for refugees
 - Political situation affecting prevailing legal regime
- PROSPECTS FOR LOCAL INTEGRATION**
 - Quality of asylum
 - Self-sufficiency
 - Human and civil rights
- REASONS WHY RESETTLEMENT IS REQUIRED**
 - Providing international protection
 - Durable solution
 - Special Needs
- PRIORITIZATION**
 - Normal
 - Urgent
 - Emergency

Section 14

Special Needs Assessment

14. **SPECIAL NEEDS ASSESSMENT** (see *Resettlement Handbook*, Chapter 5)
 (proceed to next Section by pressing the "right arrow" cursor)

Indicate if any of the persons included in the RRF has any special needs that should be taken care of.

This information is needed to assist the resettlement country in the selection process as well as in the post-arrival service delivery.

Note: A duly completed Special Needs section of the RRF is compulsory for:

- Survivors of violence and torture
- Medically-at-risk/disabled refugees
- Women-at-risk
- Unaccompanied and separated minors
- Elderly refugees
- Other cases deemed to have special needs or to be at-risk

Example: "No.2, Spouse, is handicapped and needs a wheelchair. Please refer to the attached medical report".

Example: "PRA occasionally suffers from epilepsy as a result of the torture he endured while in detention. He cannot be left alone and needs close and qualified surveillance".

Example: "PRA is deemed to be a Woman-at-Risk. As a result of her past experience of sexual violence she has been self-isolating from the community for a protracted period of time. She needs assistance to re-integrate herself in a new community and to re-acquire her sociability. A female support-group would be advisable, as she demonstrates an aggressive attitude towards men".

Section 15

Additional Remarks

15. **ADDITIONAL REMARKS** (e.g. particular family relationships, residence of family members in locations different from PRA, changes in marital status including dates and supporting documentation available and any other information for resettlement authorities).
 (proceed to next Section by pressing the "right arrow" cursor)

Note here any specific remark that you deem necessary to ensure a smooth processing of the case. In particular, indicate here if the persons in question have any family relationships in locations different from PRA. Also indicate any changes in the biodata. Attach as much supporting documentation as possible for these changes.

The format is a normal WORD document, and it can be extended to more than one page if needed.

Example: *"The PRA has communicated to the Office that he has recently divorced his wife. This Office will provide a divorce certificate as soon as the refugee obtains it from the local authorities".*

Example: *"No.3, PRA's adult son, included in section 2 of the RRF, is currently detained in the local detention centre for a minor criminal charge. PRA has asked this Office to keep his resettlement application on hold until his son will be released (i.e. in three months time)".*

Example: *"PRA's minor brother was left in the country of origin in the temporary care of their grand father. PRA has indicated that, given the strong emotional dependency of the child upon him, he would like his brother to be reunited with him as soon as possible, once resettled. PRA can provide an informal document confirming that his parents had entrusted the child to his care before they disappeared".*

Note: please also add in this Section the name and the signature of the interpreter(s) who have assisted during the interview, as appropriate.

Example: Interpreter(s): Sara Hossein
 Signature: XXX

Section 16

Declaration

16. DECLARATION

I/We, the undersigned, authorize UNHCR to share all information and any documents pertaining to me/us and my/our family/dependants in the context of a resettlement submission with officials of Governments other than my/our own. At the same time, UNHCR is authorized to receive any information relating to a resettlement submission on my/our behalf from such Governments. This includes, in particular, my/our agreement that reasons for a decision relating to a resettlement submission are shared with UNHCR.

Place and Date _____ Signature of Principal Applicant and certification of correctness of all information provided by the applicants (signed copy to be retained at initiating UNHCR Office)

Place and Date _____ Signature of spouse and certification of correctness of all information provided by the applicants (signed copy to be retained at initiating UNHCR Office)

The declaration is an essential tool for the refugee to guarantee that the information contained in the RRF is **complete, correct and faithfully reported**. By signing the declaration, the refugee also acknowledges and agrees to UNHCR using the information to pursue the case with Governments.

Before signing the declaration, the refugee should be made aware of the fact that providing incorrect or incomplete information would negatively affect his case. You should always ask the refugee whether he/she has anything to add. **Please make sure that the refugee fully understands the implications of this declaration.**

Signatures of both the Principal Applicant and the spouse and the date and place where the signatures were given are **mandatory**.

Note: A signed copy of the RRF will have to be retained by the initiating UNHCR office. This is done to cover the situation where later proof of information given is needed. For the dates always use the format: DD/MMM/YYYY.

The diagram shows a section of the RRF form with several fields highlighted by red circles and connected by red lines. The fields are:

- Place and Date:** A line with a grey box above it, circled in red. A mouse cursor is pointing at it.
- Signature of UNHCR interviewer:** A line with a grey box above it, circled in red.
- Name and Title of interviewer:** Two lines, "Name:" and "Title:", each with a grey box, circled in red.
- Person to be contacted for any possible clarification or further information (if not same as interviewer):** A text label above two lines, "Name:" and "Title:", each with a grey box, circled in red.

The name, title and signature of the UNHCR employee who completed the RRF are indicated here. The UNHCR employee is responsible for verifying and assessing, to the best of his/her ability, the information provided by the refugee. By signing the form, therefore, the UNHCR employee assumes accountability for the RRF.

Note: Name, Title and Signature of the employee who has filled the RRF are **mandatory**. The name and title should be typed in, in order to appear on the electronic copies of the RRF. The place and date where the RRF is signed should also be indicated.

Note: A signed copy of the RRF must be retained at the initiating UNHCR office.

Please provide here the name and title of a person who can be contacted if further clarification or more information about the case is needed, at a later stage.

Please also add in **Section 15 (Additional Remarks)** the name and the signature of the interpreter(s) who have assisted during the refugee's interview, as appropriate.

Section 17

Attachments

17. **ATTACHMENTS** (please specify any attachments; if not sent as an attachment under the same e-mail message: provide reference number and date of dispatch)

a)

b)

c)

d)

e)

f)

g)

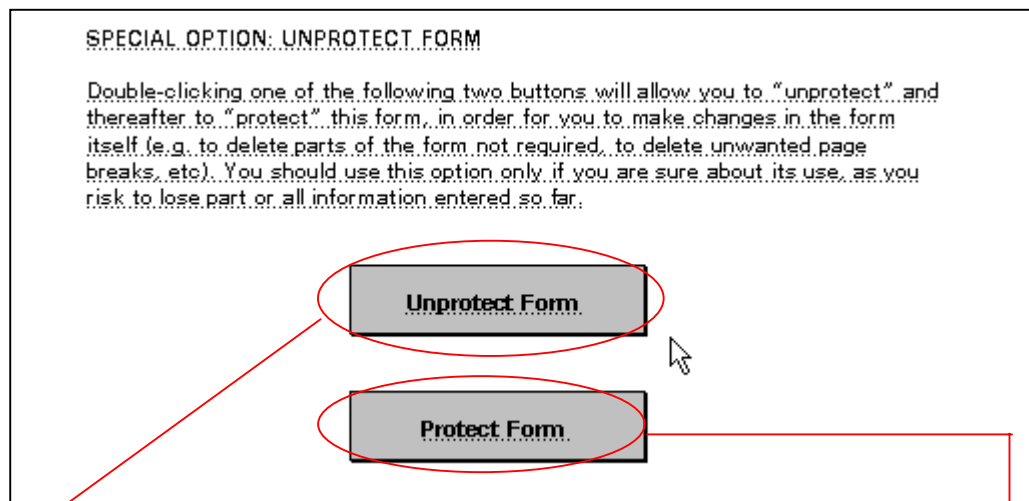
Ensure that the attachments are marked carefully in this section, to make the retrieval as easy as possible.

List the reference numbers and the date of dispatch if the attachments have been sent separately from the e-mail to which the RRF template is attached.

When they are sent separately, each of the attachments should carry the file number, the name of the refugee, as well as the country of refuge.

Section 18

Special Option Unprotect Form



This form is protected in a way that only allows users to fill in the fields marked throughout the RRF.

Make sure that you only use the option "Unprotect Form" if it is necessary to change parts of the form itself. Normally this is not necessary. Use of the option can result in losing part of information entered previously.

Note: The standard format of the RRF should be maintained. In case any of the sections/pages of the RRF is not needed for your current case, you should leave the Section/page blank. Please do not remove any page or Section from the RRF.

If the option "Unprotect Form" has been used, make sure that the form is again protected to avoid unanticipated deletion of information entered.

Note: Each copy of the initiated RRF should be kept in the refugee's file. If any sections of the RRF are changed or revised (e.g. because incorrect, following a rejection and/or upon re-interview of the refugee), the incorrect/incomplete RRF should be conserved in the file and the new RRF added therein. Reasons for the change in the RRF should also be written in the file.

Trouble-Shooting

Frequently asked questions:

Q. *When the PRA has arrived at X date and his family joins him later, at Y date, should we put X date on the date of arrival and / or specify somewhere that the family has arrived later?*

A. The X date should be put. The fact that the family arrived later should be reflected in the narrative or otherwise reflected in Section 15 (Additional Remarks). (Please refer to page 8 of this Guide).

Q. *On the front page of the RRF, under “PRA Recognition of Refugee Status”, there is a question regarding the date on which the PRA was recognised by the Country of Refuge. In our country, people are not “recognised” as such by the authorities. They are only tolerated and periodically given a stay permit. Should we answer NO to that question?*

A. This is not a YES/NO question. The date of recognition should be entered. If the refugee has not been recognised by the country of refuge, you should type “not recognised” or “not applicable”, as appropriate. (Please refer to page 9 of this Guide).

Q. *With regard to the refugee’s ID card, should it be recorded what happened to the ID if the refugee does not have one? What about if there are copies of IDs available. Do they need to be attached to the submission?*

A. If the refugee has no ID, mark “none” in Section 7. You can explain what happened to her/his documentation in the narrative, if relevant. Copies of any documentation should be kept in the refugee’s file. You should not attach them to the RRF, unless specifically required. (Please refer to page 27 of this Guide).

Q. *With regard to Section 1, Date of Birth: there are many applicants who have no idea of their own age. Sometimes, they say “between 35 and 50”. Shall we leave the box blank?*

A. Do not leave the box blank. This would mean that the question has just been overlooked. You should either report what the refugee said (between 35 and 50), put a question mark (?) or write “does not know”. (Please refer to page 14 of this Guide).

Q. *Section 3 of the RRF includes immediate biological and legal relatives including step- and half-relatives (eg. half-siblings). In particular, spouses, parents, children and siblings of each person listed in Section 2. Should uncles, aunts, cousins also be included in this Section?*

A. Normally, only first degree relatives should be included (i.e. parents, step-parents, siblings, half-siblings, children, including adopted children). You should also include aunts, uncles, cousins when they are living abroad and/or when they are de facto members of the family.
(Please refer to page 21 of this Guide).

Q. *Education. Is this only to be filled for the PRA?*

A. Education should be filled for each person listed under Section 2. This information is particularly important for children of school age, as they will need to be enrolled in schools in the country of resettlement. This information can also help the resettlement countries to place the families where specific work may be available.
(Please refer to page 25 of this Guide).

Q. *If a child is not the biological child of the PRA and yet has always been taken care of by the PRA and spouse (foster child), can we include the child in Section 2 of the RRF?*

A. You can include the child in the RRF, under Section 2. However, you should document in the narrative or in Section 15 that: i) the child has no family members left either in the country of refuge or in the country of origin; ii) if the child has some family members left, you should establish that the child is “dependent” upon the PRA and that it is in his/her best interest to be resettled with PRA.; iii) in this latter case, you should make sure to note the name of the child’s natural parents/family members and their location; iv) where a foster agreement exists, make sure that a copy is kept in the file and attached to the RRF.

In these cases, a formal determination of the best interest of the child is mandatory. Please refer to the Resettlement Handbook, Chapters 4.7 and 5.8 for further guidance.
(Please refer to page 20 of this Guide).

Q. *We have submitted a RRF including PRA, spouse and their child in Section 2, and PRA's twenty-year-old sister in Section 3. After PRA was accepted for resettlement, PRA's sister crossed the border and approached us requesting to be submitted for resettlement together with her brother. Can we include her at this stage?*

A. The sister should be submitted as a separate but linked case. However, you should explore and document the nature of the dependency of the sister upon her brother (PRA) and explain the circumstances why the sister has joined PRA only at a later stage. E.g.: would the sister be left alone in the country of origin? Did she live in the same household as her brother, in the country of origin? Is she financially or emotionally dependent upon her brother? Does she have a claim on her own or was she granted derivative refugee status? (Please refer to page 7 and 20 of this Guide).

Q. *The PRA is divorced and has remarried. He retained the guardianship of his minor child from his first marriage. His new spouse is a widow and has a child on her own. We included the two children (half-siblings) in the same RRF. What are the requirements in terms of documentation?*

A. PRA's natural child should be marked as "son" or "daughter" in the box "Relationship to PRA" Section 2. The child of his current spouse should be marked as "step-son" in the same box. Detailed explanation should be provided in Section 15 (Additional Remarks) including: date of PRA's divorce, name and current location of previous wife, divorce certificate or any document certifying PRA's separation should be added, as well as documents concerning the custody of the child from the first marriage; background of PRA's current spouse, name of her late husband and date of the death. Other children born from her marriage with her late husband should be reported in Section 3 as "step-son/daughter". (Please refer to page 20, 21 and 37 of this Guide).

Q. *PRA has two wives and four children. Can we include them all in the same RRF? Will resettlement countries consider a polygamous marriage? How should the refugee be counseled?*

A. The large majority of resettlement countries do not legally recognise polygamous marriages. Very limited possibilities to resettle refugees with polygamous marriages exist, e.g. in Benin. You should record and document in the RRF that PRA has a polygamous relationship (in Section 15) and explore the nature of the relationship (legal marriage or informal/de facto). Before submitting the case for resettlement, you should i) consider the nature of the refugee's resettlement need (protection-related, durable solution), ii) consult with Headquarters on the opportunity to submit the case for resettlement, iii) counsel the refugee in an open and transparent manner. Given the fact that UNHCR policy supports family unity, you should NOT advise the refugee to choose one of his wives to be resettled with him, but rather discourage him from doing so. If the refugee spontaneously divorces one of his wives for the purpose of being resettled, you should ensure that he fully understands all the implications of his decision. Also make sure that children born from both relationships are carefully indicated. Use Section 15 (Additional Remarks) to report this information, as appropriate.
(Please refer to pages 13, 20 and 37 of this Guide).

Q. *PRA has a spouse and 7 children. The eldest child did not show up on the interviewing date since he reportedly works in another village. Should we proceed with the interview or re-schedule it when the child will also be present?*

A. As a general rule, unless the case has urgent needs, you should postpone the resettlement interview until the entire family can be seen. This is important to verify the family structure and to establish, in a faithful manner, the relationships among family members.
(Please refer to page 20).

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**SELECTED PROVISIONS FROM UNIVERSAL INSTRUMENTS
RELATED TO FAMILY, FAMILY REUNIFICATION AND
FAMILY MEMBERS' STATUS**

BINDING INSTRUMENTS

CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951

• **ARTICLE 12: PERSONAL STATUS**

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognised by the law of that State had not become a refugee.

GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIANS
PERSONS IN TIME OF WAR OF 12 AUGUST 1949

• **ARTICLE 26:**

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 21 AUGUST
1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL
ARMED CONFLICTS.

• **ARTICLE 74: REUNION OF DISPERSED FAMILIES**

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organisations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

**Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the
Protection of Victims of Non-international Armed Conflicts (Protocol II)**

• **ARTICLE 4: FUNDAMENTAL GUARANTEES**

(...) **3.** Children shall be provided with the care and aid they require, and in particular;

(...) **(b)** All appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

Non-binding Instruments

FINAL ACT OF THE 1951 UNITED NATIONS CONFERENCE OF
PLENIPOTENTIARIES
ON THE STATUS OF REFUGEES AND STATELESS PERSONS

B. PRINCIPLE OF THE UNITY OF THE FAMILY

The Conference,

Considering that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and

Noting with satisfaction that, according to the official commentary of the ad hoc Committee on Statelessness and Related Problems (E/1618, p.40), the rights granted to a refugee are extended to members of his family,

Recommends Governments to take the necessary measures for the protection of the refugee's family, especially with a view to:

1. Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country.
2. The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

CONCLUSIONS ON THE INTERNATIONAL PROTECTION OF REFUGEES
ADOPTED BY THE EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S
PROGRAMME

- **EXCOM Conclusion No. 1 (XXVI): Establishment of the Sub-committee and General**

The Executive Committee,

(...) (f) *Emphasised* that, in keeping with the fundamental principles of family unity, members of refugee families should be given every opportunity to be reunited by being allowed to leave their country of origin;

- **EXCOM Conclusion No. 7 (XXVIII): Expulsion**

The Executive Committee,

(...) (b) *Recognised* that a measure of expulsion may have very serious consequences for a refugee and his immediate family members residing with him;

- **EXCOM Conclusion No. 9 (VIII): Family reunion**

(a) *Reiterated* the fundamental importance of the principle of family reunion;

(b) *Reaffirmed* the co-ordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and non-governmental organisations;

(c) *Noted* with satisfaction that some measure of progress has been achieved in regard to the reunion of separated refugee families through the efforts currently undertaken by UNHCR;

- **EXCOM Conclusion No. 15 (XXX): Refugees without an asylum country**

The Executive Committee,

(...) (e) In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and the minor or dependent children of any person to whom temporary refuge or durable asylum has been granted.

- **EXCOM Conclusion No. 22 (XXX11): Protection of asylum seekers in situations of large-scale influx**

II. Measures of protection

B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

(...) **2.** It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(h) family unity should be respected;

(i) all possible assistance should be given for the tracing of relatives;

- **EXCOM Conclusion No. 24 (XXX11): Family reunification**

The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

- 1.** In application of the Principle of the unity of the family and for obvious humanitarian reasons, every effort should be made to ensure the reunification of separated refugee families.
- 2.** For this purpose it is desirable that countries of asylum and countries of origin support the efforts of the High Commissioner to ensure that the reunification of separated refugee families takes place with the least Possible delay.
- 3.** The generally positive trends in regard to the reunification of separated refugee families are greatly to be welcomed but a number of outstanding problems still need to be resolved.
- 4.** Given the recognized right of everyone to leave any country including his own, countries of origin should facilitate family reunification by granting exit permission to family members of refugees to enable them to join the refugee abroad.
- 5.** It is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.
- 6.** When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not *per se* be considered as an impediment.

7.

8. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors.

Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption -- involving a severance of links with the natural family -- is decided upon.

8. In order to promote the rapid integration of refugee families in the country of settlement, joining close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.

9. In appropriate cases family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.

• **EXCOM Conclusion No. 47 (XXXVIII): Refugee children**

The Executive Committee,

(...) (d) *Stressed* that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

(...) (h) *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

• **EXCOM Conclusion No. 74 (XLV): General**

The Executive Committee,

(...) (gg) *Urges* UNHCR, in co-operation with Governments, other United Nations and international and non-governmental organisations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion.

CONVENTION ON THE RIGHTS OF THE CHILD OF 20 NOVEMBER 1989

- **ARTICLE 3:**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

- **Article 5:**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

- **Article 7:**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in the field, in particular where the child would otherwise be stateless.

- **Article 8:**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.

2. Where a child is legally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

- **Article 9:**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedure, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents, or of the child, that State Party shall, upon request, provide the parents, the child, or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family, unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such request shall of itself entail no adverse consequences for the person(s) concerned.

- **Article 10:**

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents.

Towards that end and in accordance with the obligation of State Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health, or morals or the rights and freedoms of others and are consistent with the other rights recognised in the present Convention.

Article 16:

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

• **Article 18:**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

• **Article 20:**

1. A child temporarily or permanently deprived of his or her family environment, r in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or, if necessary, placement in suitable institutions for the care of children.

When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

- **Article 22:**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Inter-Office Memorandum No 67/2003
Field-Office Memorandum No 67/2003

To/à: **All Representatives and Chargés de Mission in the Field,
All Directors and Deputy Directors of Bureaux and Divisions
All Chiefs of Sections and Heads of Units/Services at Headquarters
All Heads of Desks and Desk Officers
All Protection and Resettlement Officers at Headquarters and in
the Field**

From/de: **Erika Feller, Director, Department of International Protection**

Ref. / réf.: **ADM-01-01**

Date/date: **16 October 2003**

Subject/objet: Methodology for the Resettlement of Groups

1. Consistent with the High Commissioner's objective to enhance the use of resettlement as a protection tool and a durable solution, I am pleased to forward to you the attached [methodology for the profiling of refugee groups for resettlement](#). This document has been prepared by the Resettlement Section with in-puts from protection and resettlement staff in the Bureaux and a number of field locations.
2. The aim of the methodology is to enhance and systematize the identification of refugee populations for whom resettlement may be an appropriate durable solution and establish a common basis for decision making on proposals received for the resettlement of groups. I am aware that despite resource constraints, field offices in a number of locations have already made significant progress in the identification of refugee groups for resettlement. It is hoped that the attached document will further facilitate the work of UNHCR offices in the resettlement of groups.
3. The Group Methodology will also be an important aid in our discussions and negotiations with resettlement countries in establishing more predictable and efficient frameworks for group submissions and processing.
4. It should be viewed as a first effort to develop a practical tool in this area. The methodology will be further refined on the basis of experience accrued in the field in its implementation and additional comments from field offices.

TOP

UNHCR Methodology for Group Resettlement

The overall objective of the new methodology for group resettlement is to provide UNHCR offices with a framework for the identification of refugee groups that could be submitted for consideration to resettlement countries. While partners would be involved during the different stages of the actual resettlement processing, UNHCR would provide leadership and coordination during the entire process of the resettlement of a group.

1. Introduction

In keeping with the goals of the Agenda for Protection, UNHCR has been expanding its efforts to create more resettlement opportunities for refugees. Improvements in this regard have included:

Better management of its resettlement activities;

A more comprehensive approach to the use of resettlement as a durable solution;

Enhanced partnerships in resettlement processing;

Planning for the use of resettlement in a more strategic manner to maximize the benefits offered by this solution to individuals other than those who are resettled.

As part of these efforts, UNHCR has designed an approach for the identification and profiling of groups for resettlement. The approach is built around the collation of certain types of information and a methodology for its assessment and submission to potential resettlement countries. You will find attached the requisite documents in this regard [Word]. The Resettlement Section has incorporated inputs from UNHCR field offices, members of the Resettlement Working Group at Headquarters and resettlement countries.

The resettlement of groups is generally considered for larger numbers of refugees and contemplates direct processing by a resettlement country **without individual submissions of Resettlement Registration Forms (RRFs) from UNHCR**. Group resettlement allows for an increase in the number of beneficiaries but through a simplified and accelerated process. Group resettlement should be understood as an **additional** tool for UNHCR Field Offices in the implementation of a comprehensive protection strategy with respect to durable solutions. Implementation of the new group methodology does not replace the responsibility and accountability of every UNHCR Branch Office for the identification and processing of individual resettlement cases based on established resettlement criteria and procedures.

The group resettlement methodology presumes the existence of a country-specific comprehensive protection strategy, reflected in the Country Operations Plan (COP) and the Annual Protection Report (APR), which serve as the frame for all protection and durable solutions activities, including resettlement. Implemented as part of a protection strategy, the group methodology can assist UNHCR in resolving refugee situations consistent with the goal to use resettlement in a strategic manner.

2. Group Parameters

The following parameters are a guide to identifying potential refugee populations, in protracted and other situations, for group resettlement consideration:

Members of a group should ideally, but not necessarily, have the same nationality, a shared refugee claim and need for resettlement;

The group of refugees should share some common characteristics, e.g., gender, age, political, ethnic or religious background, vulnerability, or any other characteristic which might distinguish them easily from other groups present in the country or region;

A group must be clearly delineated and finite, so as to avoid infinite replenishment of the caseload and increased possibilities for fraud;

The location(s) of the group should be known and established;

Ideally, members of the group should already possess some form of identification (e.g. UNHCR/government attestations, photo ID cards, ration cards, travel documents), which would facilitate both identification and registration as well as determination of the length of time they have spent in the country of asylum.

3. Methodology: Basic Elements, Materials And Protocols

The methodology is implemented through a series of steps, which may vary depending on how quickly a decision can be reached with respect to resettling a particular caseload, or the complexities of issues involved.

Step 1: Identification and Profile

A Group Profile & Proposal Document will be completed by the Branch Office concerned and be evaluated by the Bureau concerned and the Resettlement Section. The Resettlement Section will provide a substantive and consolidated response within 2-3 weeks of a Group Profile & Proposal document being received from a Branch Office (see Annex 1 of the Group Profile Document). Branch Offices will be able to request the assistance of the Resettlement Section and/or the Regional Resettlement Hubs, where these exist, to complete this document.

If there is a lack of consensus regarding a particular proposal, or particularly sensitive issues need resolution, materials will be prepared by the Resettlement Section to facilitate discussion and decision making by the Director of the relevant Bureau and the Director of DIP (see Annex 1a of the Group Profile Document).

Step 2: Submission to Resettlement Countries

On the basis of the Group Profile and Proposal document, the Resettlement Section in coordination with the Branch Office, will discuss the proposal with either one or more resettlement countries. In most instances the final Profile and Proposal document, or a synthesis of it, will be sufficient for a submission; in some cases supplementary information may be necessary.

Step 3: Group Processing Plan

Following a clear indication of interest in processing a particular group by a resettlement country, **a Group Resettlement Plan of Action** will be prepared by the Branch Office on the basis of consultations with the Bureau, Resettlement Section, Regional Resettlement Hubs, resettlement countries and local partners (implementing partners, IOM, OPE/JVA etc.). The Plan of Action should include processing modalities, alternative forms, roles and responsibilities, timelines, resource needs, problem resolution mechanisms and the basic assumptions upon which processing will proceed.

United Nations High Commissioner for Refugees



Resettlement Needs-Assessment Form

Referral information:

Type of referral (Internal / External / Unsolicited):

Name of referral source:

Date:

WRITTEN REFERRAL MUST BE ATTACHED TO THIS FORM

Priority of submission:

Normal
Unclear

Urgent

Emergency

Bio-Data

Name of PA:

Nationality:

DOB:

Ethnicity:

POB:

File #:

Family composition:

(For each dependent, state: Name, place/date of birth, sex and relation to PA)

Family links abroad (in country of origin and in third countries):

Country of Asylum Information

Remarks on Protection Environment and Vulnerability:

Special remarks:

Evaluation

Repatriation prospects:

Local integration prospects:

Resettlement needs assessment:

Submission category:

Further action:

Verification:

Registration details confirmed by:

Date:

Signature:

Refugee Status confirmed by:

Date:

Signature:

Certification and authorization:

Prepared by:

Authorized by:

Date:

Date:

Office:

Office:

Signature:

Signature:

United Nations High Commissioner for Refugees



Profile of Population in Need of Resettlement

Description of Population in Need of Resettlement:

Approximate size of population:

Location of population:

Has the population been registered? (If so, are registration details current?)

Has individual refugee status determination been conducted for the group?

Submission criteria:

Submission priority (Normal / Urgent):

Profile of common refugee claim:

Repatriation prospects in the short to medium term:

Current vulnerability in country of asylum:

Local integration prospects:

Assessment of resettlement need:

Prepared by:

Date:

Office:

Signature:

Authorized by:

Date:

Office:

Signature:



UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - UNHCR
RESETTLEMENT REGISTRATION FORM

(Version 9907RRFa - July 1999 - for up to 7 persons)



Field Office Reference:

Headquarters Reference:

Linked Case(s):

Number of Persons under this RRF:

Country of Refuge:

Date of Arrival of PRA:

Date of Recognition of PRA's Refugee Status

Recognized by Country of Refuge on:

Recognized by UNHCR on:

Priority of Submission: **NORMAL**
(see Resettlement Handbook, Chapter 5.12)

Primary Resettlement Criteria: **LEGAL OR PHYSICAL PROTECTION NEEDS**
(see Resettlement Handbook, Chapter 4)

Secondary Resettlement Criteria:

1. PRINCIPAL APPLICANT (PRA) / HEAD OF FAMILY

Family Name:

Given Names:

Other Names:

Maiden Name:

Gender: **Female**

Marital Status: **Single**

Date of Birth:

(tick box to indicate that date is an estimate only)

DAY MONTH YEAR

Place of Birth:

Country of Birth:

Citizenship(s):

(if stateless, add country of former habitual residence)

Ethnic Origin:

Religion:

Name of Father: **(Living)**

Name of Mother: **(Living)**

Present Address of PRA:

Telephone:

**2. FAMILY MEMBERS / DEPENDANTS INCLUDED IN THIS SUBMISSION (Persons 02 - 07)**

(If NOT currently living with Principal Applicant, explain under Section 15 Additional Remarks)

No: 02

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:

No: 03

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:

No: 04

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:

No: 05

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:

No: 06

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:

No: 07

Family Name: Given Names:
Other Names: Gender: Living with PRA:
Date of Birth: (estimate) Place of Birth:
Country of Birth: Citizenship(s):
Marital Status: Relationship to PRA:



3. ALL OTHER CLOSE RELATIVES OF PRA AND SPOUSE (!) in the country of origin, the country of refuge or any other country. Include at least all immediate biological and legal relatives, including step and half relationships. In particular, parents, spouses, children and siblings of each person listed in Section 2 should be mentioned.

a) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since*: _____ Legal Status: _____
 Address and Telephone# : _____

b) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

c) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

d) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

e) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

* If NOT the home country
 # If family link in a potential resettlement country



- f) Family Name: _____ Given Names: _____
Other Names: _____ Gender: _____ Relationship: _____
Date of Birth: (estimate) Place of Birth: _____
Country of Birth: _____ Citizenship(s): _____
Country of Stay: _____ Since: _____ Legal Status: _____
Address and Telephone: _____
- g) Family Name: _____ Given Names: _____
Other Names: _____ Gender: _____ Relationship: _____
Date of Birth: (estimate) Place of Birth: _____
Country of Birth: _____ Citizenship(s): _____
Country of Stay: _____ Since: _____ Legal Status: _____
Address and Telephone: _____
- h) Family Name: _____ Given Names: _____
Other Names: _____ Gender: _____ Relationship: _____
Date of Birth: (estimate) Place of Birth: _____
Country of Birth: _____ Citizenship(s): _____
Country of Stay: _____ Since: _____ Legal Status: _____
Address and Telephone: _____
- i) Family Name: _____ Given Names: _____
Other Names: _____ Gender: _____ Relationship: _____
Date of Birth: (estimate) Place of Birth: _____
Country of Birth: _____ Citizenship(s): _____
Country of Stay: _____ Since: _____ Legal Status: _____
Address and Telephone: _____
- j) Family Name: _____ Given Names: _____
Other Names: _____ Gender: _____ Relationship: _____
Date of Birth: (estimate) Place of Birth: _____
Country of Birth: _____ Citizenship(s): _____
Country of Stay: _____ Since: _____ Legal Status: _____
Address and Telephone: _____



k) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

l) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

m) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

n) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

o) Family Name: _____ Given Names: _____
 Other Names: _____ Gender: _____ Relationship: _____
 Date of Birth: _____ (estimate) Place of Birth: _____
 Country of Birth: _____ Citizenship(s): _____
 Country of Stay: _____ Since: _____ Legal Status: _____
 Address and Telephone: _____

In case of more relatives please provide information in Section 15 and tick this box to advise the reader of this reference:

**5. EDUCATION**

No.	TYPE OF EDUCATION	FROM	TO	SPECIFY (DIPLOMAS / CERTIFICATES)

Should more space be required, please provide information in Section 15 and tick this box to advise the reader of this reference:

6. EMPLOYMENT

No.	NAME AND LOCATION OF EMPLOYER	TYPE OF OCCUPATION	FROM	TO

Should more space be required, please provide information in Section 15 and tick this box to advise the reader of this reference:



7. TRAVEL / IDENTITY DOCUMENTS; DOCUMENTARY EVIDENCE OF REFUGEE STATUS

No.	TYPE OF DOCUMENT	NUMBER	ISSUING AUTHORITY	VALID (format: DD/MMM/YYYY)	
				FROM	TO

In case of more documents, please provide information in Section 15 and tick this box to advise the reader of this reference:

8. COUNTRIES OF TRANSIT (in which the Principal Applicant has transited, stayed or resided since leaving country of origin)

PERIOD		COUNTRY	TRAVEL DOCUMENT USED / TYPE OF RESIDENCE PERMIT / REMARKS
FROM	TO		

In case of more countries of transit please provide information in Section 15 and tick this box to advise the reader of this reference:



9. MEDICAL STATUS (for family members NOT in apparent good health - provide details in Section 14)

Provide any medical reports, X-rays, etc. by fastest means - If no reports available, explain in Section 14

No.	MEDICAL STATUS	REFERENCE number and date of dispatch, for medical records sent separately

10. IN CASE OF PREGNANCY

No.	EXPECTED DATE OF DELIVERY	IF PROBLEMS, PLEASE SPECIFY

11. DETENTION / IMPRISONMENT

No.	PERIOD		LOCATION	DETAILS / REASONS - in particular: mention torture and serious violence
	FROM	TO		



12. **REFUGEE CLAIM** (including: events and reasons leading to the granting of refugee status / reasons for a continued need for international protection - see *Resettlement Handbook*, Chapter 3 and *Handbook on Procedures and Criteria for Determining Refugee Status*)



13. **NEED FOR RESETTLEMENT** (see *Resettlement Handbook*, Chapter 4; also mention assessment of prospects for voluntary repatriation and local integration)



14. SPECIAL NEEDS ASSESSMENT (see *Resettlement Handbook*, Chapter 5)



15. **ADDITIONAL REMARKS** (e.g. particular family relationships, residence of family members in locations different from PRA, changes in marital status including dates and supporting documentation available and any other information for resettlement authorities).



16. DECLARATION

I/We, the undersigned, authorize UNHCR to share all information and any documents pertaining to me/us and my/our family/dependents in the context of a resettlement submission with officials of Governments other than my/our own. At the same time, UNHCR is authorized to receive any information relating to a resettlement submission on my/our behalf from such Governments. This includes, in particular, my/our agreement that reasons for a decision relating to a resettlement submission are shared with UNHCR.

I/We understand that resettlement involves my/our transfer, with my/our immediate family/dependents, from the country where I/we are currently located to a State which has agreed to admit me/us.

I/We understand that UNHCR does not have the authority to resettle me/us and my/our family/dependents. I/We understand that the decision to resettle me/us and my/our family/dependents is the exclusive authority of a resettlement country. I/We therefore recognize that signing this form does not guarantee the resettlement of me/us and my/our family/dependents.

I/we certify the correctness of the information contained in this form and understand that my/our case may be rejected and/or closed if this information is later discovered to be false.

Place and Date	Signature of Principal Applicant
----------------	----------------------------------

Place and Date	Signature of spouse
----------------	---------------------

Place and Date	Signature of UNHCR Officer
	Name: Title:

Place and Date	Signature of Interpreter
	Name: Language used:

Person to be contacted for any possible clarification or further information (if not same as interviewer):

Name:
Title:



17. **ATTACHMENTS** (please specify any attachments; if not sent as an attachment under the same e-mail message: provide reference number and date of dispatch)

a)

b)

c)

d)

e)

f)

g)



UNHCR MEDICAL ASSESSMENT FORM



CONFIDENTIAL

To be completed for refugees recommended for medical evacuation or resettlement..
To be completed by the examining physician and/or UN Doctor.

DATE OF EXAMINATION

1. NAME
Date of Birth _____ Sex
Nationality
CAMP _____ UNHCR REG No.
CURRENT ADDRESS

PHOTOGRAPH
of patient
(optional for MEDEVAC)

2. MEDICAL HISTORY

3. MEDICAL EXAMINATION

3.1 EXAMINATION FINDINGS

3.2 DIAGNOSIS

4. PERTINENT RESULTS OF INVESTIGATIONS / EVALUATIONS

(i.e. if any blood or urine analysis, ECG, EEG, X-rays, scanner, etc.; attach copies of pertinent results when available)

5. DETAILED RECOMMENDED TREATMENT / MANAGEMENT / FOLLOW-UP PLAN

5.1 Please specify which treatments are recommended for the patient and whether they are available in the country of asylum

5.2 Please specify which post-treatment and rehabilitation are required and whether they are available or not in country of asylum

6. SEVERITY OF CONDITION / RATE OF CHANGE / PROGNOSIS

(i.e. deterioration / improvement, including anticipated rate of change, life expectancy)

EXPECTED CHANGES IN HEALTH STATUS / PROGNOSIS

6.1 IF remains in present environment; what are risks / disadvantages?

6.2 IF treated elsewhere; what are the expected benefits?

7. CAPABILITY TO CARRY OUT ACTIVITIES OF DAILY LIVING INDEPENDENTLY

7.1 In present environment

7.2 After appropriate treatment in another country

8. RECOMMENDED TIME FRAME FOR REQUIRED TREATMENT

E = Emergency (immediate)
P = Priority (As soon as possible)
N = Normal (Please specify: weeks/months _____)

9. OTHER COMMENTS

(You may use as many additional sheets as necessary)

10. TRAVEL - WOULD THE PATIENT NEED

(Tick where appropriate)

Professional Medical Escort

Accompanying Family member(s) If YES, please specify name

Wheelchair Stretcher

Medical apparatus on board If YES, please specify

11. SIGNATURE

PATIENT * _____ Signature _____ Date _____

** I hereby declare that the information concerning my personal history provided to the medical personnel in completion of this form is correct and complete in all details; and I have no objection whatsoever to the information and photographs contained in this dossier being used by UNHCR for the purpose of determining and providing the appropriate assistance under the UNHCR criteria. I understand that completion of this form **does not** in itself imply that I shall be resettled or evacuated.*

12. RECOMMENDATIONS

12.1 Local Treatment

Please specify:

12.2 Medical Evacuation

Please specify:

i.e. patient treated abroad and then return to country of asylum

12.3 Resettlement

Please specify:

i.e. patient is sent for treatment and stay in third country

13. SIGNATURES

DOCUMENTING PERSONNEL

NAME **

SIGNATURE

HOSPITAL, CLINIC
AGENCY, OTHER

DATE

*** I (We) hereby certify that the information concerning the medical condition of the above patient and the clinical findings at the time of medical examination is correct and complete in all details to the best of my (our) knowledge; and I (we) acknowledge that the information contained herein this dossier will be used solely to assist UNHCR to determine the appropriate and provide the necessary assistance to the patient under the UNHCR criteria..*

14. COMMENTS BY MEDICAL PERSONNEL AT UNHCR Headquarters



UNHCR
Social Assessment Form

(To be completed for all at-risk and vulnerable cases)

- 1 Name
- 2 Date of Birth _____ Place of Birth
- 3 Brief history describing hardships or trauma experienced:
 - a) in country of origin:

 - b) during flight:

 - c) in country of asylum:
- 4 Family Situation:
 - a) Name family members/relatives who are part of same household.

 - b) Describe the role of family in supporting the refugee:
 - i) in country of origin:
 - ii) during flight:
 - iii) in country of asylum:
- 5 Simple Description of the refugee as he appears.
(describe what you see; highlight the positive, not just the negative. Avoid labels.)
- 6 Whether medical attention is being received or required?
Note All medically-at-risk cases require an up-dated medical report

- 7 Living conditions in place of residence. Please specify whether
Private

Camp
- 8 Income/employment situation and prospects of all family members
- 9 Daily Activities - How the refugee and his family occupy themselves daily?
- 10 Assistance received: from Government / UNHCR / other
- 11 Prospects for self-reliance
- 12 Efforts made to promote local integration or voluntary repatriation
- 13 Reasons why resettlement is considered the most appropriate solution

14 DATE _____ SIGNATURE
TITLE

ANNEX

3

RESETTLEMENT STATISTICS

Resettlement Statistics Report (RSR) <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
General	
Purpose and scope	The Resettlement Statistics Report (RSR) replaces the Quarterly Resettlement Statistics forms (STAT.2, December 1995) as contained in Chapter 4, Appendix 2 of the UNHCR Manual. The RSR should be submitted for all asylum countries where UNHCR is involved with/facilitates resettlement departures ("under UNHCR auspices", "UNHCR-assisted"). Resettlement is generally available to recognized Mandate refugees only, although, in exceptional cases, other persons of concern to UNHCR may be processed for resettlement. The RSR covers cases (persons) processed on the basis of established resettlement criteria, including <u>family reunification</u> (Resettlement Handbook, Chapter 4). Resettlement submissions following the 'group methodology' (IOM/FOM/67/2003 refers) <u>should also be included in the RSR. For the purpose of completing the form, all members of the group should be considered as individual cases.</u>
Procedures for reporting and submission	The RSR is a quarterly report, covering the periods 01 Jan. - 31 Mar.; 01 Apr. - 30 Jun.; 01 Jul. - 30 Sep. and 01 Oct. - 31 Dec.. It should thus be submitted <u>four</u> times a year. <u>All four quarters should be submitted in the same form with data from one reporting quarter following the data from the previous quarter in chronological order.</u> The distinction between the quarters is made in the second column of the data entry form. The reporting deadline is <u>two weeks following the end of the reporting period.</u> The current file name (RURRESYX.XLS) should be adapted by field offices to reflect the country of asylum and reporting year. E.g. UNHCR BO Nairobi should change the filename to KENRES04.XLS for reporting the four quarters pertaining to 2004. The file should be submitted by e-mail to HQRS00@UNHCR.CH (Resettlement Section, attn. Snr. Resettlement Officer covering the region) and HQCS00@UNHCR.CH (Population Data Unit/PGDS).
Workbook content	The Excel workbook RURRESYX.XLS contains the following worksheets: 'Explanatory notes' contains the guidelines for completion and submission; 'Country codes' provides the standard UNHCR country codes; 'Other codes' contains other standard codes for use in the Data entry form and 'Data entry form' which contains the data entry form. 'Pivot' contains a Pivot table to assist offices in compiling and analyzing the data.
Data entry form	
General	The sheet Data entry form consists of three different parts. Part I is the header of the form (line 1-8). Part II is the "criterion range" providing subtotals (line 10-13). Part III is the actual data entry part (line 16 onwards). The data elements in the data entry form are described below under "Description of fields". The current format is set up to contain data up to line 4999. If more lines are needed, Hqs. should be contacted for certain modifications to the form.
Part I	Part I of the form is the header (Country, Year, Period, Focal point, UNHCR project symbol, To be submitted/resubmitted).
Part II	Part II is the "criterion range" which provides subtotals for the data contained in the statistical database (Part III). The only part which may be modified are the first six columns (cell A13 to F13 indicated in black). Do NOT change any other cell on line 13 as these are all formulas. By typing in one or more criteria in A13 to F13, the "criterion range" will automatically calculate the totals for the specified criteria in the statistical database. E.g. by typing 'USA' in cell D13, the "criterion range" will show the totals for the USA for all columns of the database. By adding '1' in column B13, the totals for the USA in Quarter 1 will be calculated. By typing USA in D13, SOM in cell C13 and '1' in B13, the formulas will provide the totals in the database for the USA in Quarter 1 for all Somalis. <u>The "criterion range" will be particularly useful in verifying the accuracy of the statistics entered into the database.</u>
Part III: electronic form	Part III consists of the electronic data entry form. In the first six columns (CODES) all combinations of asylum country, reporting period, country of origin, country of resettlement, submission priority and primary resettlement criterion are entered which occurred (submitted/decided/departed) during the reporting period. <u>Each combination of these codes should be reported only once during each quarter.</u> It is probably the most efficient to order all possible combinations, first by period, then by Origin for that period, then by country of destination for that Origin, etc. In the second part (SUBMISSIONS), the statistics should be reported pertaining to the submission process (pending begin, submitted, etc.) for each combination of codes listed under CODES. In the third section (DEPARTURES), the statistics should be reported pertaining to the departure process (Accepted not yet departed, departures, etc.) for each combination of codes listed under CODES. To print a copy of the form, hit the print button when in sheet RSR.

Resettlement Statistics Report (RSR) <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
Calculated fields	Not all columns of Part III need to be filled out manually: a number of them contain a formula and are thus calculated automatically. These cells should thus not be touched. It concerns the following fields: 'Pend. end (C/P)'; 'Total M+F (P)'; 'NYD end'. The calculated fields are indicated in red .
Autofilters	There are small triangles on the Codes columns (line 18). These so-called "Autofilters" allow users to select certain lines ("records") once the data have been entered. By clicking on the Autofilter a code can be selected by which the data lines will be filtered. A combination of Autofilters may also be used. E.g. to select only the lines pertaining to Women-at-Risk, click on the Autofilter for CRI and select AWR. On the screen, only the lines pertaining to AWR will be shown. Click on the Autofilter and select All to "un-do" the Autofilter and to show all lines in the data entry form. Autofilters are particularly useful to print reports for a particular code or combination of codes.
Report printing using criterion range and Autofilters	When printing a report using Autofilter, it is recommended to enter the chosen selection criteria in the criterion range (Part II) of the Data entry form so that together with the selected lines from the database, the totals for that selection are provided.
Detailed description of fields	
Header	The requested information should be provided.
Country	Country of first asylum (departure)
Year	Reporting year
Focal point	Person responsible for submitting statistics
Project symbol	UNHCR FMIS budget code for resettlement activities
Important note	<i>Cases which are administratively referred to another office (Headquarters, a resettlement 'hub') should <u>only</u> be reported by the office in the country of first asylum. This office should correspond with Headquarters ('hub') concerning the status of these referred cases to ensure that up-to-date information regarding their submission/departure is being reported as part of the RSR. In the DES column (see below), the country of resettlement should be reported, NOT the country where the case was administratively referred to. The DES column should be filled out based on confirmation from Headquarters (the 'hub') that the case has been submitted to a particular resettlement country. If the case has not yet been submitted (or if no information is available on its submission), the case should reported in the box To be submitted/to be resubmitted only, not in the main table.</i>
Self-referred cases	Self-referred cases' are refugees who have applied for resettlement to a resettlement country outside UNHCR's auspices, either directly or through another agency. These cases should not be included under Submissions in the RSR as UNHCR is not involved in the submission process. However, when UNHCR becomes involved at a later stage with self-referred cases by assisting with travel documents, security or exit clearance, etc., these cases should be reported under Departures, in view of UNHCR's involvement in the departure process. To ensure that self-referred cases are properly distinguished from UNHCR processed cases, a separate line should be created for these cases even if the Codes (ASY, QUA, ORI, DES, PRI, CRI) are exactly the same, and related entries should be made only under Departures. To ensure that the column "NYD end" does not show negative values, it is recommended to copy the value of the column "Total M+F (P)" into the column "NYD begin".
To be submitted / to be resubmitted	The number of cases (persons) identified for resettlement who are awaiting to be submitted to a resettlement country at the end of the reporting period, including those whose files (RRF for instance) have not yet been completed. Resubmitted cases are those which have been rejected by a resettlement country and which are awaiting resubmission to another resettlement country. These fields allow offices to report the backlog in resettlement submissions, including any gaps between cases identified for resettlement and actual submissions. Cases referred to Hqs. (or hub) which have not yet been submitted to a resettlement country should also be counted here.
C/P	No. of cases; No. of persons
Codes	Ensure that all columns are filled for all lines entered into the database. Do not leave any cells blank. Also, do not use any other codes than those provided in the sheet Country codes or Other codes.

Resettlement Statistics Report (RSR) <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
ASY	Record the official UNHCR country code of the country of first asylum (sheet Country codes)
QUA	Reporting period during the year. Enter '1' for first quarter, '2' for second quarter, etc. As stated above, all quarters of one year should be reported in one single form. Do not leave any lines empty between the quarters.
ORI	Country of origin (use standard UNHCR country codes, see sheet Country codes)
DES	Country of destination/resettlement (use standard UNHCR country codes, see sheet Country codes).
PRI	Priority of submission: EME=Emergency; URG=Urgent; NRM=Normal
CRI	Primary resettlement criterion: AWR=Women-at-Risk; CHL=Children and adolescents; FAM=Family reunification; LPN=Legal and Physical Protection Needs; MED=Medical needs; OLD=Older refugees; RLI=Refugees without Local Integration Prospects; SVT=Survivors of Violence and Torture. Record one criterion only.
Submissions	
Pend. begin	Number of cases (persons) which were submitted to resettlement countries for which governments had not yet determined whether they were accepted or rejected for resettlement at the beginning of the reporting period. This should equal the number of cases pending at the end of the previous period. Cases (persons) may be pending from the previous reporting period or from any period before.
Submitted	Number of new cases (persons) submitted to resettlement countries during the reporting period.
Resubmitted	Number of cases (persons) resubmitted to resettlement countries during the reporting period (generally following a rejection).
Accepted	Number of cases (persons) accepted by resettlement countries during the reporting period
Rejected	Number of cases (persons) rejected by resettlement countries during the reporting period
Other (+/-)	Difference between the number of cases (persons) pending decision at the beginning of the period and at the end of the period, which is not explained by new submissions, resubmissions, acceptances or rejections. Examples are "disappearances", withdrawals, deaths, births and any other changes in family (case) composition.
Pending end	(Calculated field) Number of cases (persons) which were submitted during the reporting period or before, but which had not yet been decided at the end of the reporting period. Pending end-period equals pending begin period plus (re-) submissions minus accepted, rejected and Other). This figure should be carried over to the pending begin period field for the next reporting period.
Departures	
NYD begin	Number of persons accepted for resettlement, but who had not yet departed at the beginning of the reporting period. This should equal the number of accepted persons pending departure at the end of the previous reporting period.
Female	The number of departed females during the reporting period by age group. Note that '0-4' includes all children under the age of five. Similarly, '5-17' includes children from the age of 5 to below 18, etc.
Male	The number of departed males during the reporting period by age group. Note that '0-4' includes all children under the age of five. Similarly, '5-17' includes children from the age of 5 to below 18, etc.
Total M+F, Cases	Total number of cases who departed during the period. (This field should be entered manually.)
Total M+F, Persons	(Calculated field) Total number of persons who departed during the period.
Other (+/-)	Difference between the number of persons pending departure at the beginning and at the end of the period, which is not explained by departures. Examples are "disappearances", withdrawals, deaths, births and any other changes in family (case) composition.

Resettlement Statistics Report (RSR) <i>Guidelines for completion, analysis and submission (version 3.0)</i>	
NYD end	<i>(Calculated field) Number of persons which had been accepted for resettlement during this or a previous reporting period, but who had not yet departed at the end of the reporting period. The number of persons pending departure end period equals the number of persons pending departure at the beginning of the period plus the number of persons whose submission was accepted during the period minus the number of persons who departed during the period and plus/minus Other in-/decreases. This should equal the number of persons pending departure at the beginning of the next period.</i>

Country codes (fields ASY and ORI)					
afg	Afghanistan	gfr	Germany	nor	Norway
alb	Albania	gha	Ghana	nru	Nauru
alg	Algeria	gib	Gibraltar	nzl	New Zealand
and	Andorra	gnb	Guinea-Bissau	omn	Oman
ang	Angola	gre	Greece	pak	Pakistan
ant	Antigua and Barbuda	grm	Grenada	pan	Panama
are	Egypt	gua	Guatemala	par	Paraguay
arg	Argentina	gui	Guinea	per	Peru
arm	Armenia	guy	Guyana	phi	Philippines
aul	Australia	hai	Haiti	plw	Palau
aus	Austria	hkg	Hong Kong SAR, China	png	Papua New Guinea
aze	Azerbaijan	hon	Honduras	pol	Poland
bah	Bahrain	hrv	Croatia	por	Portugal
bar	Barbados	hun	Hungary	pue	Puerto Rico
bdi	Burundi	ice	Iceland	qat	Qatar
bel	Belgium	ico	Côte d'Ivoire	rom	Romania
ben	Benin	ind	India	rsa	South Africa
ber	Bermuda	ins	Indonesia	rus	Russian Federation
bgd	Bangladesh	ire	Ireland	rwa	Rwanda
bhs	Bahamas	irn	Islamic Rep. of Iran	sal	El Salvador
bhu	Bhutan	irq	Iraq	sau	Saudi Arabia
bkf	Burkina Faso	isr	Israel	sen	Senegal
blr	Belarus	ita	Italy	sey	Seychelles
bol	Bolivia	jam	Jamaica	sik	Sikkim
bot	Botswana	jor	Jordan	sin	Singapore
bra	Brazil	jpn	Japan	sle	Sierra Leone
bru	Brunei Darussalam	kaz	Kazakhstan	sma	San Marino
bsn	Bosnia and Herzegovina	ken	Kenya	sol	Solomon Islands
bul	Bulgaria	kgz	Kyrgyzstan	som	Somalia
bze	Belize	kir	Kiribati	spa	Spain
cam	Cambodia	kor	Rep. of Korea	srv	Viet Nam
can	Canada	krm	Dem. People's Rep. of Korea	stk	Saint Kitts and Nevis
car	Central African Rep.	kuw	Kuwait	stp	Sao Tome and Principe
cay	Cayman Islands	lao	Lao People's Dem. Rep.	sud	Sudan
chd	Chad	lbr	Liberia	sur	Suriname
chi	China	lby	Libyan Arab Jamahiriya	svk	Slovakia
chl	Chile	lca	Saint Lucia	svn	Slovenia
cmr	Cameroon	leb	Lebanon	swa	Swaziland
cob	Congo	les	Lesotho	swe	Sweden
cod	Dem. Rep. of the Congo	lie	Liechtenstein	swi	Switzerland
coi	Comoros	lka	Sri Lanka	syr	Syrian Arab Rep.
cok	Cook Islands	ltu	Lithuania	tan	United Rep. of Tanzania
col	Colombia	lux	Luxembourg	tci	Turks and Caicos Islands
cos	Costa Rica	lva	Latvia	tha	Thailand
cub	Cuba	mac	Macao SAR, China	tjk	Tajikistan
cvi	Cape Verde	mad	Madagascar	tkm	Turkmenistan
cyp	Cyprus	mar	Martinique	tmp	East Timor
cze	Czech Rep.	mau	Mauritania	tog	Togo
den	Denmark	mcd	FYR Macedonia	ton	Tonga
djb	Djibouti	mco	Monaco	trt	Trinidad and Tobago
dma	Dominica	mda	Rep. of Moldova	tun	Tunisia
dom	Dominican Rep.	mdv	Maldives	tur	Turkey
ecu	Ecuador	mex	Mexico	tuv	Tuvalu
egu	Equatorial Guinea	mhl	Marshall Islands	uae	United Arab Emirates
ert	Eritrea	mli	Mali	uga	Uganda
est	Estonia	mls	Malaysia	ukr	Ukraine
eth	Ethiopia	mlw	Malawi	uru	Uruguay
fgu	French Guiana	mng	Mongolia	usa	United States
fij	Fiji	mor	Morocco	uzb	Uzbekistan
fin	Finland	moz	Mozambique	van	Vanuatu
fnc	New Caledonia	mta	Malta	vat	Holy See (the)
fpo	French Polynesia	mts	Mauritius	vct	Saint Vincent and the Grenadines
fra	France	mya	Myanmar	ven	Venezuela
fro	Faeroe Islands	nam	Namibia	wes	Samoa
fsm	Micronesia (Federated States of)	nep	Nepal	wir	Western Irian
gab	Gabon	net	Netherlands	wsh	Western Sahara
gam	Gambia	ngr	Niger	yem	Yemen
gaz	Occupied Palestinian Territory	nic	Nicaragua	yug	Yugoslavia, FR
gbr	United Kingdom	nig	Nigeria	zam	Zambia
geo	Georgia	niu	Niue	zim	Zimbabwe
sta	Stateless	var	Various/unknown	tib	Tibetans

Other codes	
Quarter (field: QUA)	
1	1 January to 31 March
2	1 April to 30 June
3	1 July to 30 September
4	1 October to 31 December
Priority (field: PRI)*	
EME	Emergency
URG	Urgent
NRM	Normal
Criterion (field: CRI)*	
AWR	Women-at-Risk
CHL	Children and adolescents
FAM	Family Reunification
LPN	Legal and Physical Protection Needs
MED	Medical needs
OLD	Older (elderly) refugees
RLI	Refugees without Local Integration Prospects
SVT	Survivor of Violence and Torture
*Important note:	
In practice, the following combinations of Priority and Criterion are possible:	
EME	LPN; MED
URG	AWR; CHL; LPN; MED; OLD; SVT
NRM	AWR; CHL; FAM; LPN; MED; OLD; RLI; SVT