

TENDER NO. DG.JAI-A2/2002/001

Study on
**The Feasibility of setting up resettlement schemes in EU
Member States or at EU Level, against the background
of the Common European Asylum system and the goal
of a Common Asylum Procedure**



Feasibility of Resettlement in the European Union

This study has been carried out by the Migration Policy Institute on behalf of the European Commission (Directorate General for Justice and Home Affairs). The opinions expressed by the authors do not necessarily reflect the position of the European Commission.

© **European Community, 2003**

Reproduction is authorised, except for commercial purposes, provided the source is acknowledged and the attached text accompanies any reproduction:

“This study has been carried out by the Migration Policy Institute on behalf of the European Commission (Directorate General for Justice and Home Affairs). The opinions expressed by the authors do not necessarily reflect the position of the European Commission.”

Joanne van Selm
Senior Policy Analyst, Migration Policy Institute

Tamara Woroby
Professor of Economics,
University of Maryland System (Towson University) and
Affiliate Professor of International Economics and Western Hemisphere Studies, Johns
Hopkins University (School of Advanced International Studies)
Consultant to the Migration Policy Institute

Erin Patrick
Associate Policy Analyst, Migration Policy Institute

Monica Matts
Research Assistant, Migration Policy Institute

Tamara Woroby had specific responsibility for Part 1, Section 5 on the economics of resettlement.

Feasibility of Resettlement in the European Union

Executive Summary

1. Background for the study

In its Communication of 22 November 2000 '*Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum*'¹ the Commission wrote: "Processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme are ways of offering rapid access to protection without refugees being at the mercy of illegal immigration or trafficking gangs or having to wait years for recognition of their status."

The Commission envisaged two –interlinked– feasibility studies, the present one and the study on the Feasibility of Processing Asylum Claims outside the European Union against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure².

This feasibility study on resettlement was called for by the Commission in summer 2002 with the aim of "identifying conditions for drawing up EC instruments which would include rules on resettlement in all Member States or at EU level". Such instruments must be compatible with the long term objectives of the Common European Asylum System (CEAS) and support efforts to improve the management of forced migration movements, facilitating legal access to international protection by those justifiably seeking such protection. The Commission clearly specified in calling for this study that while such identification of and selection of persons in need of protection for resettlement might provide a means for some people to avoid entering the territory of Member States irregularly, any resettlement scheme must be complementary to and not alternative to the processing of spontaneous asylum claims in EU Member States or at the borders. This echoes the commitment to asylum of paragraph 13 of the Tampere Conclusions.³

During the period in which research for this study has been conducted, the Commission adopted two more Communications in which resettlement is explicitly placed within the framework of 'managed and orderly arrival' of those in need for protection⁴.

¹ COM (2000) 755 final.

² See Gregor Noll, Jessica Fagerlund and Fabrice Liebaut, Final Report, 2002.

³ "The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement."

⁴ *Communication from the Commission to the Council and the European Parliament of 26 March 2003 on the common asylum policy and the Agenda for protection (Second Commission report on the implementation of Communication COM(2000)755 final of 22 November 2000)* (COM(2003)152 final). *Communication from the Commission to the Council and the European Parliament of 3 June 2003, Towards more accessible, equitable and managed asylum systems* (COM(2003) 315 final)

2. What is resettlement?

Resettlement is one of three “durable solutions” to protracted refugee situations (the others are return and local integration). It 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 with permanent residence status. Resettlement can be used in situations where refugees cannot return to their country of origin, nor can they receive effective protection or be integrated into the country of first asylum. As a protection policy, it cannot stand alone, but should be an integral part of a comprehensive protection package.

There are three traditional and equal goals of resettlement: protection, provision of durable solutions, and burden-sharing with host countries. Resettlement programmes may also reflect national priorities such as foreign policy or domestic ethnic politics. More recently the managed and orderly arrival of persons in need of international protection has been identified as a new function for resettlement, for instance by the UNHCR Working Group on Resettlement⁵, which has recently issued a document on the Strategic Use of Resettlement.

Both resettlement and asylum can offer humanitarian protection and may form complementary elements in an overall refugee protection framework. However, the starting points of the processes are different. Resettlement is a programme through which states decide *in advance* who they can help, and select individuals whose protection they can guarantee after arrival. Resettlement should offer a durable solution in protracted refugee situations and should be a tool for the managed arrival of refugees whose status is determined in advance of their travel. Domestic asylum systems, then, should be maintained for people who have sought and requested, by their own means, the protection of a (distant), safe and rights-respecting state. Countries with resettlement programmes still see asylum arrivals.

Once the difference between resettlement and asylum is clearly understood, it is important to examine how the two would fit together as part of a larger protection system within the EU. The report suggests the creation of a **Common European International Protection System (CEIPS)**, of which a potential European Resettlement Programme, Common Asylum System and Procedure and a programme for assistance in regions of origin would be distinct elements. Both the existing approach and a potential CEIPS are discussed more fully in Part 2, Section 2 of the full report.

Any resettlement process contains at minimum the following broad elements: general policy goals, levels setting, selection goals, selection criteria, selection methods, selection procedures, between selection and departure, arrival, first weeks/move on and integration/longer-term issues, all of which will be described in more detail shortly.

⁵ Comprises the UNHCR, resettlement states, emerging resettlement states, European Commission and IOM. It reports to the UNHCR Executive Committee in the framework of the implementation of the Agenda for Protection.

3. Who resettles?

Ten states have at some point been “traditional” resettlement countries: Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway, Sweden, Switzerland and the United States.

At the end of the 1990s, UNHCR announced eight newly emerging resettlement countries, not all of which developed full-fledged programmes: Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain.

In 2002, the UK Home Office announced its plan to establish a resettlement programme, meaning there are seven EU Member States with some form of resettlement experience or with a strong ambition to begin a programme. Other EU Member States resettle some refugees on an *ad hoc* basis at the specific request of UNHCR, as was most recently demonstrated with refugees from the wars in the Balkans. Each country’s resettlement programmes are described in detail in Part 1, Section 4 of the full report.

4. Main questions for EU policymakers

The crucial question this study addresses is under what conditions EU Member States may be prepared to actively engage in resettlement. First and foremost is the need for **political will** amongst all EU Member States. Before beginning any type of resettlement programme the EU must be fully aware of the necessary level of resource commitment and the need to bring in or create partners that would allow the programme to function optimally.

Traditionally the political will amongst EU Member States to engage in resettlement was related to **humanitarianism**. Following the Commission’s Communication of 3 June 2003, EU Member States might *also* find the political will to pursue resettlement as a way to provide for ‘**managed and orderly arrivals of persons in need of international protection**’. Yet, as this study shows, EU Member States should be aware that engaging in resettlement may have little or no impact on the number of spontaneous arrivals in the EU of persons in need of international protection unless careful attention is paid to selection criteria and numerical targets.

Once Member States have decided to engage in resettlement, several **basic policy questions** need to be answered when considering models for EU involvement in resettlement, including: why conduct a resettlement programme at all? Which actors should be involved in the resettlement process and why? How many refugees should be resettled – and where from? Looking beyond the basics, the Commission and Member States must address two additional fundamental issues: what lessons to be learned from the past and secondly, what role for UNHCR?

This study also puts forward the idea of an **additional EU financial instrument** which would support the efforts of Member States engaged in resettlement (the **European Refugee Resettlement Fund** (ERRF), see Part 2, Section 3) as a means of reinforcing the

Feasibility of Resettlement in the European Union

collective and co-operative notion underlying an EU programme. In deciding on the total number of refugees to be resettled in the EU, Member States would each contribute payment for a certain number of refugees to the ERRF. That contribution would be a commitment for the number of resettling refugees the Member State would admit, although in practice, states could take more or fewer refugees, provided the total number of resettlement arrivals in the EU met at least the target planned and financed. The ERRF would fund resettlement centrally, keeping it distinct from the regular EU budget and national welfare systems.

As a means of enhancing political will to engage in resettlement, one could consider **private sponsorship**, which involves the sponsorship of refugees by private organisations or groups. Sponsors agree to hold responsibility for the refugee's well being for one year after arrival, including financial and employment-seeking assistance, housing, language training and/or education and general "emotional support." Private sponsorship as used in Canada promotes community involvement in refugee programmes, provides resettled refugees a support structure and permits Canada to resettle thousands more refugees than might otherwise be possible.

A sponsorship programme however cannot be a substitute for state assistance to resettled refugees. Private sponsorship usually involves the admission of refugees with pre-identified links to Canada, especially family ties. Because sponsorship programmes focus on refugees with pre-existing ties to the destination country, governments are then free to use their own programmes for those refugees without such ties.

If the EU Member States decide to develop a common EU resettlement programme, the question of a proper **legal basis** arises. Whether a legal basis is necessary might depend on how resettlement is perceived. This study elaborates on the idea that resettlement can be thought of as an *administrative* measure, not requiring new laws. Since flexibility is key to implementation of efficient and responsive programmes, detailed descriptions in law are generally avoided by existing resettlement countries. However, *if* a legal basis were sought, it can be found within the Treaties and draft Convention for Europe.

5. General policy questions on the role of UNHCR in resettlement

If the EU Member States decide to develop a common EU resettlement programme, the role of the UNHCR should be carefully examined. According to UNHCR's Executive Committee, the "strategic" use of resettlement is the creation or use of resettlement programmes in such a way that maximum durable protection is provided for a maximum number of refugees, thereby benefiting refugees, hosting countries and the international protection regime in general.

UNHCR has posited **four main issues** as key to an expanded, more strategic future for refugee resettlement: needs driven planning, standard operating procedures (SOPs), the refugee definition and the role of integration potential in selection.

The **need for resettlement surpasses UNHCR's referral capacity**, an issue made clear in UNHCR's needs-driven assessment of the global resettlement need for 2004. The resources available represented about two thirds of the conservative estimate of needs. Shortfalls in UNHCR's capacity in proportion to projected need are found in all regions, but most especially in Africa.

If more countries were to begin resettlement programmes, there would be a strong need for some form of standard operating procedures (**SOPs**), both for refugee identification at the field level and in terms of policymaking. SOPs would streamline a multi-state process, making it more efficient.

This study concludes that resettlement would be most effective if open to *prima facie*, **Mandate refugees** (de facto also covering what is defined as subsidiary protection in the EU "Qualification Directive"), because resettlement fulfils immediate protection needs *and* the need for durable solutions on the part of both refugee and country of first asylum. Further, group determination rather than only individual status determination would benefit the effectiveness of resettlement and, for UNHCR, constitute a strategic use of resettlement. A broad refugee definition and/or expanded selection criteria may also be important during mass outflow, to quickly and effectively ease the burden of countries of first asylum.

A detailed definition of "**integration potential**" and a clear articulation of the conditions under which it would be reasonable to resettle someone *lacking* such integration potential (severe medical need, for example) can help in achieving the optimal benefit for the refugee in his or her new home.

UNHCR has noted many factors necessary to make resettlement work more efficiently and it is certainly the major political partner to any resettlement programme, in large part because such a programme must be anchored in the international protection system. However, UNHCR does not seem to have the capacity to fully implement its ambitions in this area. The obvious suggestion is that more resources would have to be put into the agency, particularly at the field level. UNHCR itself has also mentioned the need for a **stronger role for NGOs**, particularly in the referral and/or case preparation process, though it is not clear that European NGOs are yet ready for such a role.

The study also suggests that an *European Clearing System for Resettlement (ECSR)* could enhance the effectiveness of an EU resettlement programme. The ECSR would be an independent body, with a dedicated staff trained in EU legislation and policy as well as in practical resettlement and immigration issues across Member States, focussed on determining which EU MS should resettle a refugee. This would permit UNHCR to focus on its core mandate of refugee protection rather than determining where such protection should be offered.

6. Fraud

Any resettlement programme is open to potential fraud, especially in establishing family relations. There are many ways in which some of that potential could be avoided, such as insisting on full registration of all refugees as close as possible to the time at which they became refugees, not linking refugee registration to resettlement or other provisions, separating access to resettlement from family ties and creating clear guidelines on family composition and general procedure for all resettlement programmes.

Corruption of officials who can give entry to the programme(s) can only be avoided through the enforcement of strict punishments and through a system whereby one official alone does not guide a case from beginning to (near) end.

7. Models for EU involvement in resettlement

The study presents EU Member States with six models for possible EU involvement in resettlement. The models cover the range of options for the locus of decision-making and implementation for each element of a resettlement programme, addressing the basic question: **what would be the best level for developing EU involvement in resettlement (and the various elements of a resettlement programme)?**

The models range from a 'Status Quo' variant, maintaining the current practise whereby those Member States which wish to do so have their own resettlement programmes outside of any co-operation on refugee protection and asylum at the EU level, to the other extreme of a totally common programme for EU Member States, with common decisions on every element of resettlement. This range of models are set out in order for a full consideration to be made of the options available for developing a resettlement programme within the context of the European integration process (see Part 2).

8. Major elements of a resettlement programme and how they would be relevant to a potential EU programme

8.1 General Policy Goals: statement of principles on which resettlement is based.

A country's motives for beginning a resettlement programme are generally humanitarian: protection, durable solutions and/or solidarity with other states. An additional desired consequence could be the managed arrival of persons in need of protection. The general basis should be flexible, with a policy but not necessarily a legal framework for the relationship between the EU and UNHCR.

As such, a **Directive on resettlement** may be seen as the most appropriate legal instrument at the EU level for a decision on both principle and programmatic details, still permitting some flexibility for Member States. The need for legal agreements only arises *between* Member States, on how they run an EU programme. Resettlement countries rarely have formal agreements with either UNHCR or the countries from which resettled refugees are selected. Therefore, **Guidelines** on the relationship with UNHCR may also

be a sufficient EU approach – and would allow Member States with opt out/opt ins under the Protocols to the Treaty of Amsterdam to also participate in programmes on which there is political agreement.

8.2 Levels setting

Many issues arise in determining the size of a resettlement programme: should Member States identify a quota, ceiling or target for resettlement, should the number be for cases or individuals, and how should resettlement places be distributed? Should resettlement places be used for specific groups of people or individuals in categories related to region of origin, nature of protection need, level of assistance need, or country of first asylum?

Planning for total arrivals would be useful, particularly if the total number of arrivals might be high. Allowing flexibility in distribution of places would be advantageous.

IF Member States decide to have a common system of level setting for an EU programme, it is suggested that they establish a **collective target range** and a **bidding process** allowing them to determine their own target within the collective target.

8.3 Selection Goals: ultimate aims for the refugees in the destination society

The general goals for resettlement selection set the tone for the specific criteria and method that will be chosen. Narrow goals with strict limitations on criteria could be established, allowing states to be careful about whom they are selecting. However, the global refugee resettlement system would benefit little from an EU programme with narrow goals and there might not be a sufficient number of obvious candidates. Broader goals allow flexibility for efficient and effective programmes, though attention must be paid to ensure the resettlement programme maintains a strategic goal.

IF Member States determine that it would be most productive to have **common selection goals**, they would have three general options:

1. Narrow common goals leading to strict common criteria
2. Broad common goals leading to broad common criteria
3. Broad common goals leading to individual Member State criteria that could be either broad or narrow, as long as they met the EU-level specified goals.

8.4 Selection Criteria: characteristics sought in resettlement candidates

Selection criteria flow from selection goals and from which of the several possible refugee definitions is used. Using a combination of the definitions could permit inclusion of persons in need of a durable solution but whose immediate protection need may not be so urgent as to normally engage the Convention definition.

UNHCR has constructed a list of additional resettlement criteria, including vulnerability, age, medical needs, etc. Member States may choose to highlight, prioritise, or eliminate some criteria, and may decide whether or not to establish group-related criteria.

IF Member States decide to establish a common resettlement programme they could determine the criteria for resettlement at either EU or Member State level. If the programme were to have a high caseload potential, for example through group identification, creation of **access criteria** as an initial stage to the selection process could be useful. A mixed access programme would allow quick response to urgent cases.

8.5 Selection Methods

There are two general methods of selecting refugees for resettlement: **dossier-based** and **interview-based** (or a combination of the two). Dossier-based selection can be quick and relatively inexpensive, since no travel is involved in the selection process. However, no individual interview is conducted and selection officers do not develop personal knowledge of the situation in regions of origin, which can be useful both in making appropriate resettlement decisions and in ensuring that first-hand information is available to staff who see asylum seekers from the same regions.

Selection missions or having staff located in the regions allow interviews with candidates, providing caseworkers with first-hand knowledge of conditions in the region of origin. Individual interviews also give refugees the ability to make their own case for resettlement and allow the state to increase caseloads on the spot if necessary. However, security and financial concerns mean that such missions may only be possible in one or two locations and once or twice a year.

IF Member States decide on common selection goals they could *either* decide on a common selection methodology or decide to maintain separate selection methods according to individual Member State preferences. A general **recommendation is to focus on selection missions**, either with staff posted in the regions or with teams leaving from Member States, maintaining dossier-based decision-making only for urgent cases.

8.6 Selection Procedures

Two crucial issues when determining selection procedures are whether and how UNHCR and NGOs are involved, and how security and fraud screening are managed. All procedures must be clear and transparent.

IF Member States decide to conduct separate procedures, they may be governed by **elements of the EU “Asylum Procedures Directive”**. Regardless of the level at which selection procedures are conducted, Member States may decide to institute a system of case preparation by specifically-contracted bodies such as NGOs. Such a system could increase efficiency and accountability and would lessen the burden on UNHCR, freeing the agency to concentrate resources on determining refugee claims and resettlement need.

8.7 Between Selection and Departure

The time between selection and departure can be lengthy – anywhere from a few weeks to a few months. It is important to make productive use of this time, preparing refugees for their new life in a variety of ways.

In terms of subsidiarity, it would seem most efficient for the EU to conduct common health checks and provision of travel documentation. Orientation, however, is both language and culture-specific and carries into longer-term integration plans, and may be more effectively implemented at a Member State level.

8.8 Arrival

The two main issues associated with the arrival of refugees in their resettlement country are **basic immigration procedure** and **legal status on arrival**. Given the increasing use of common visas and harmonised border controls in the EU, it would make sense to conduct immigration procedures for resettled refugees in a similar way in each Member State under policy guidelines or firmer agreements.

The status of resettled refugees on arrival relates to entitlements within the country and to travel documents. Resettling refugees are likely to have met broad refugee criteria, but not necessarily to be Convention refugees. It is general practice in resettlement countries to issue Convention travel documents when no national passport is used.

Also important is by whom resettling refugees are met on arrival, and how they are transported to either temporary or permanent housing arrangements. In most resettlement countries, transportation to the resettlement country is arranged by IOM, and refugees are met at the airport by IOM or NGO staff.

8.9 First weeks and Move on

A resettled refugee's first weeks in the country can be defining in many ways. Some resettlement countries put all resettling refugees in collective temporary housing (reception centres) for a few weeks or months to facilitate orientation and the initial adjustment period. The length of stay in a reception centre is generally dictated by the practicalities of other parts of the state's refugee and social welfare systems. Other countries believe it less disrupting to move refugees directly into their "permanent" home, assigning NGO case managers to guide them through orientation and initial needs.

Both systems have pros and cons. Regardless of which is used and at which level it is implemented, it is important to establish **clear guidelines on reception conditions** and, where necessary, the move on process and time frame.

8.10 Integration/Longer-term issues

For a resettlement programme to be effective as both a protection tool and durable solution, resettled refugees should have a **long-term legal residence status on arrival**. Their integration trajectory should be based on the notion that they will be long-term, active members of society, the workforce and the cultural life of their new country. The developing EU acquis in this area and integration measures for successful asylum seekers can provide guidance.

Table of Contents

List of Abbreviations	xix
Acknowledgements	xxi
Preface	xix
Introduction	1
Layout of the Report	4
Part 1: Resettlement Today	7
1. How Resettlement has Developed and the Role of UNHCR	7
2. The Position of the European Commission: the start of discussion on resettlement in the European Union	26
Table: US Resettlement Programme Ceilings and Admissions and Asylum Applications, 1992-2001	30
Table: US Asylum Applications and Resettlement Arrivals: Top Ten countries of Origin, 2001	31
3. The Elements of a Resettlement Programme	33
Table: Resettlement quotas and arrivals	37
4. Country Reports:	38
• Sweden	38
Summary Table	42
• Finland	43
Summary Table	45
• Denmark	46
Summary Table	49
• The Netherlands	50
Summary Table	56
• Ireland	56
Summary Table	60
• UK	61
Summary Table	66
• Spain	66
Summary Table	68
• Norway	69
Summary Table	73
• Iceland	74
• New Zealand	74
• Australia	75
Summary Table	77

Feasibility of Resettlement in the European Union

•	Canada	78
	Summary Table	84
•	US	85
	Table: Ceilings, Admissions and Shortfalls, 1980-2002	87
	Summary Table	93
•	Latin America	93
•	African States	94
•	Other EU States	94
•	Switzerland	97
•	Some 'lessons' drawn from country reviews	98
5.	The Costing of Existing Refugee Resettlement Programmes	100
6.	Fraud	108
7.	The Legal Nature of Resettlement	110
8.	Conclusions to Part 1 and Background to Part 2	114
	Part 2: Resettlement Tomorrow?	137
1.	The Legal and Political Feasibility of Establishing an EU Resettlement Programme	137
2.	The Relation to the Common Asylum System and Goal of a Common Asylum Procedure	142
	Graphic: Common European Asylum System	148
	Graphic: Common European International Protection System	150
3.	Resettlement Programme Models: Subsidiarity	152
	Model One: Maintaining the Current System	155
	Model Two: Decision on the Principle of Resettlement	158
	Model Three: Common Decision to Resettle and How Many	160
	Model Four: Common Approach to Who and How Many	164
	European Clearing System for Resettlement	170
	Model Five: Common Pre-Arrival Programme	171
	Model Six: Totally Common Programme	176
4.	Financing Resettlement	180
	European Refugee Resettlement Fund	182
	Private Sponsorship Programmes	184
	Conclusions	187
	Bibliography	191

Appendices	199
People Interviewed	199
Overview Tables	209
Table 1 Policy Creation and selection issues	209
Table 2 Processing and Pre-Departure issues	212
Table 3 Post Arrival issues	214

Feasibility of Resettlement in the European Union

List of Abbreviations

BCIS	Bureau of Citizenship and Immigration Services (US)
CAL	Center for Applied Linguistics
CAT	Convention Against Torture
CEIPS	Common European International Protection System
CIC	Citizenship and Immigration Canada
COA	<i>Centraal Orgaan Opvang Asielzoekers</i> [Central Organization for the Reception of Asylum Seekers] (NL)
CPA	Comprehensive Plan of Action
DFA	Department of Foreign Affairs (Ireland)
DHS	Department of Homeland Security (US)
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs (Australia)
DISERO	Disembarkation Resettlement Offers
DMP	Designated Medical Practitioner
DRC	Danish Refugee Council
ECSR	European Clearing System for Resettlement
ERF	European Refugee Fund
ERRF	European Refugee Resettlement Fund
EC	European Commission
EU	European Union
FSU	Former Soviet Union
FY	Fiscal Year
GA	General Affairs
GAR	Government-assisted Refugees (Canada)
GDP	Gross Domestic Product
HEP	Humanitarian Evacuation Program
HIAS	Hebrew Immigration Aid Society
HPC	Humanitarian-protected Persons Abroad Class (Canada)
IMERSO	Institute for Migration and Social Services (Spain)
INA	Immigration and Nationality Act (US)
IND	<i>Immigratie en Naturalisatie Dienst</i> [Immigration and Naturalization Service] (NL) also Immigration and Nationality Directorate (UK)
INS	Immigration and Naturalization Service (US)
IOM	International Organization for Migration
IRC	International Rescue Committee also Icelandic Refugee Council
IRPA	Immigration and Refugee Protection Act (Canada)
JHA	Justice and Home Affairs
JAS	Joint Assistance Sponsorship (Canada)
LINC	Language Instruction for Newcomers to Canada
LPR	Legal Permanent Resident
MPI	Migration Policy Institute

Feasibility of Resettlement in the European Union

MS	Member State
NGO	Non-governmental organization
NSHF	Nordic Council for Refugee Affairs
OFPRA	<i>Office Français de protection des réfugiés et apatrides</i> (French Office for the Protection of Refugees and Stateless Persons)
OPE	Overseas Processing Entity
ORR	Office of Refugee Resettlement
PRM	Bureau of Population, Refugees and Migration (US)
PSP	Private Sponsorship Programme (Canada)
RIA	Reception and Integration Agency (Ireland)
RAP	Resettlement Assistance Program (Canada)
RASRO	Rescue at Sea Resettlement Offers
RAVU	Refugee Access Verification Unit (US)
RRF	Refugee Referral Form
SHP	Special Humanitarian Programme (Australia)
SOP	Standard Operating Procedures
TANF	Temporary Assistance for Needy Families
ToM	Ten or More Programme; Twenty or More Programme
UDI	<i>Utlendingsdirektoratet, Integreringsavdelingen</i> (Immigration Service, Norway)
UNHCR	United Nations High Commissioner for Refugees
WUS-C	World University Services-Canada

Acknowledgements

The authors of this report would like to thank a number of people whose efforts and assistance have greatly facilitated the research and writing of this document.

All of the people interviewed during the course of the research are mentioned in the Appendix. We thank each of them for their time and input to this study. Several of these people have also reviewed the country reports for factual accuracy, for which we also wish to acknowledge their assistance.

UNHCR Representatives and staff across Europe and North America have assisted us enormously, and been prepared for us to return to them frequently with questions. Many also assisted in organizing interviews with government and NGO officials in the state in which they work. Particular thanks are due to Jean-Francois Durieux and Susin Park (at the time both in the Western Europe Bureau at UNHCR Headquarters) and to Johannes van der Klaauw, the Senior Liaison Officer at UNHCR Regional Office Brussels.

Thomas Albrecht, Catherine Hamon and Peter Trotter all of UNHCR's Regional Office for West Africa in Accra, Ghana, assisted in every possible way to make a week's research in Ghana run smoothly, including the very much appreciated contribution of a car and driver. They all deserve very special thanks indeed.

Menno Verheij, Muriel Guin, Friso Roscam Abbing and Phil Douglas of the European Commission gave timely and useful comments and advice at every step in the drafting process.

Our colleagues Alex Aleinikoff, Doris Meissner, Kathleen Newland, Demetrios Papademetriou, Yasmin Santiago, Jennifer Schlecht and Fancy Sinantha at MPI, and former colleague, Monette Zard, have contributed in various substantive and administrative ways to the process of research and writing. Specific thanks are due to Fancy Sinantha for assistance with the graphics which appear in the text.

While acknowledging the contributions of all of these people, the authors take full responsibility for the contents of this report.

Feasibility of Resettlement in the European Union

Preface

In its 22 November 2000 Communication *Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum*⁶ the Commission suggested that processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme may be ways of offering rapid access to protection. The Commission therefore called for two feasibility studies, which are viewed as complementary to one another, and as offering insights to two elements in the search for strategies to manage and organise the arrival of more refugees in the European Union Member States. One, a **Study on the Feasibility of Processing Asylum Claims outside the EU against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure**, was completed in 2002.⁷

This second study, **On the Feasibility of setting up resettlement schemes in EU Member States or at EU Level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure** was called for by the Commission in summer 2002. It was launched by the Commission with the aim of “identifying conditions for drawing up EC instruments which would include rules on resettlement in all Member States or at EU level”. Such instruments must be compatible with the long term objectives of the Common European Asylum System and support efforts to improve the management of forced migration movements, facilitating legal access to international protection by those justifiably seeking such protection. The Commission clearly specified in calling for this study that while such identification of and selection of persons in need of protection for resettlement might provide a means for some people to avoid entering the territory of Member States irregularly, any resettlement scheme must be complementary to and not alternative to the processing of spontaneous asylum claims in EU Member States or at the borders. This echoes the commitment to asylum of paragraph 13 of the Tampere Conclusions.⁸

The Commission sought two parts to the study. The first part is to be a description of current resettlement schemes. This will deal with the scope of such schemes, the implementation of the schemes, and the apparent success or otherwise of the schemes. The Commission also asked for an assessment of the financial costs involved in running existing resettlement programmes.

⁶ COM (2000) 755 final.

⁷ See Gregor Noll, Jessica Fagerlund and Fabrice Liebaut. **Study on the Feasibility of Processing Asylum Claims outside the EU against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure: Final Report**, 2002.

⁸ “The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.” European Council. *Tampere European Council, Presidency Conclusions*, 15 and 16 October 1999.

Feasibility of Resettlement in the European Union

The second part of the study is to present future scenarios for resettlement. These scenarios, set out as six models, will be explanative of operational mechanisms for the programmes suggested, to analyse and describe the conditions for such resettlement programmes in terms of scope and impact. Two essential questions are to be asked in the second part: what is the optimal level of EU involvement in resettlement, if any (the *subsidiarity* principle) and how would resettlement coincide with the Common Asylum System and Common Procedure?

This report follows the two parts as requested by the European Commission. The research for this study has been conducted both through literature review and, primarily, through interviews with relevant actors in a number of Member States and other countries.

Interviews have been conducted in: Austria, Canada, Denmark, Finland, France, Germany, Ghana, Ireland, Italy, the Netherlands, Norway, Spain, Sweden, the UK and in the United States.

In all states, government officials, UNHCR representatives, NGO staff and academics were contacted and full, open interviews were conducted. Those interviews covered both parts of the study, with a discussion of preliminary versions of the models set out in Part Two. All participants in such interviews were assured of confidentiality with regard to the information they provided. The names of the people interviewed appear in an appendix to this study.

Introduction

Since the experience of the Humanitarian Evacuation Programme for Kosovars from Macedonia in 1999, the idea of somehow organising the movement of refugees in an orderly and state-managed way has held renewed vigour in the minds of European policy makers.⁹ Challenged by sections of their national media and public opinion to do something that indicates they have control over asylum and irregular arrivals (including human smuggling), politicians in several EU Member States have looked towards resettlement as at least part of the answer. In considering resettlement in this context, it becomes essential to begin by considering exactly what resettlement is, and establishing some usages of the term which do not relate to resettlement as traditionally understood, or as was intended by the crafters of the Terms of Reference for this study.¹⁰

Resettlement involves the selection and transfer of refugees from a state in which they have sought asylum or protection but where they either cannot achieve the protection they need or cannot be given a long-term solution to their inability to return to the country of origin, to a third state which has agreed to admit them with a long-term or permanent residence status. In some situations resettlement can take place from the country of origin (eg of internally displaced persons). Resettlement can also be a means of reuniting (extended) families.

This means that besides the spontaneous arrival of asylum seekers who *ask for* protection and refugee status *after* arrival, resettlement countries admit some refugees who have been *selected* in a country of initial protection or first asylum, and been granted status and the right to admission for long-term residence *prior* to arrival. These resettled refugees do not need to request asylum after arrival.

So, unlike asylum seekers, resettled refugees are selected and screened by the host country before arrival. The resettlement country arranges for and finances, in whole or part, the refugees' travel from the country of first asylum to the resettlement country, their reception, and programmes for their integration into the new community.

States have *legal* obligations toward asylum seekers who arrive on their soil, and the granting of status to a refugee who has sought asylum is the result of a legal procedure. The establishment and operation of a resettlement programme is voluntary, however, and primarily an *administrative* and programmatic operation. In most resettlement countries

⁹ See Joanne van Selm, ed. **Kosovo's Refugees in the European Union**, (London: Continuum, 2001); Two speeches by then UK Home Secretary, Jack Straw in Lisbon in June 2000 and *An Effective Protection Regime for the Twenty-first Century* Speech to the Institute for Public Policy Research, 6 February 2001. The later papers from the UK government: *A New Vision for Refugees: final report* of January 2003 and *New International Approaches to Asylum Processing and Protection* of March 2003 present another different view of managing arrivals through deterrence and diversion of asylum seekers to transit and regional processing zones.

¹⁰ Terms of Reference for the Study on the feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the common European asylum system and the goal of a common asylum procedure Contract No: DG.JAI-A2/2002/001.

Feasibility of Resettlement in the European Union

there is no legislation underpinning a resettlement programme: it is purely a *policy* matter.

Resettlement serves a number of political functions, and host countries have a variety of reasons for participating. A primary motivation is humanitarian concern for the displaced. States also view participation in resettlement as an element of burden sharing and as a tool to encourage countries of first asylum to maintain open borders for those fleeing conflict in neighbouring states. The establishment of a resettlement programme requires a financial and political investment from the outset, and considering the resources required, a larger programme is considered by many as expedient for economies of scale. However, existing resettlement programmes vary in size, and the focus is not primarily on the number of refugees admitted, but the granting of protection to those in need.

Resettlement can provide a complementary mechanism to asylum, as a way of identifying refugees in significant need of long-term and truly effective protection and bringing them to the destination state in an orderly and managed way, while other refugees self-identify themselves as being in need of protection in safe, perhaps distant, states, and seek asylum. Resettled refugees are often found to be more readily accepted by the general public than their spontaneously arriving peers, although the situations from which they flee may be no different. As such, resettled refugees can bring a positive connotation to the term 'refugee' which benefits asylum seeking refugees also.

Two things which resettlement is *not* need to be mentioned in the context of European political debates on refugee protection in recent years. It is not movement for *temporary protection* as occurred for the Kosovars, and as is set out in the Temporary Protection Directive.¹¹ It is also *not and never has been* essentially linked to constructs for directly supporting the protection of refugees in their regions of origin. European discussions of 'resettlement' in the context of the UK's proposals for "A New Vision for Refugees" in Spring 2003 may have given rise to a discussion which links resettlement and such 'protection in the region of origin'. However, this debate is new and no policy has been developed or put into practice that would link the two concepts. Nonetheless, resettlement, can be, and has often been, positively used to seek the granting of first asylum in countries in the region of origin of a refugee crisis, as part of a comprehensive protection package. To this extent, resettlement has been used as a measure that encourages states close to the country of origin to offer protection to more refugees close to home. This is the solidarity aspect of resettlement. However, resettlement has not yet been used as a measure to negatively seek to hold refugees within their regions of origins and prevent flows to developed countries, followed by a 'reward' of onward transfer should the crisis continue for several years.¹²

¹¹ *Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof*, Official Journal L 212, 7 August 2001, pp. 12-23.

¹² Some might suggest this has been the case in both the US uses of Guantanamo for Cubans and Haitians and in Australia's "Pacific Solution". However, the *resettlement* of those discovered to be genuine refugees has *not* been to the state applying this solution, except in the case of Haitians to the US. Cubans interdicted by the US and found to be refugees explicitly cannot be moved to the US after processing in Guantanamo.

Resettlement can, however, most certainly be an important element in a 'comprehensive approach' to refugee protection, and as such it is important to begin this investigation into the feasibility of establishing resettlement programmes in the European Union in the context of its links to the emerging Common Asylum System and Common Asylum Procedure. In fact, resettlement cannot work alone as a tool of protection or as a durable solution. The words 'comprehensive approach' and 'strategic use' are very often closely associated with any discussion of resettlement. Yet exactly how resettlement can operate in an *effective* comprehensive approach, or what its most sophisticated strategic use would be is not always clear. It is not the mandate of this study to place resettlement directly in that comprehensive or strategic context: nonetheless, references to resettlement's nature as a protection tool and a solution which must go hand in hand with other policies will be made. In Part Two, in particular, discussion of the links between any Resettlement Scheme and the emerging Common European Asylum System will make reference to the issue of a comprehensive EU approach to refugee protection.

While resettlement is one of the oldest *policies* in the field of refugee protection, it is not codified as a legal right for anyone. Individuals do, however, have a right to seek and enjoy asylum from persecution in countries other than their own. No state has a duty to resettle any refugee; unlike the duty states have to not return any individual seeking their protection who would be at risk in their country of origin or habitual residence.

In the absence of a duty to resettle, ten states have, over the last few decades, practiced a policy of resettlement. These are Australia, Canada, Denmark, Finland, the Netherlands, New Zealand, Norway, Sweden, Switzerland,¹³ and the United States. Four of these are European Union Member States.

At the end of the 1990s, the United Nations High Commissioner for Refugees (UNHCR) announced eight newly emerging resettlement countries. These are Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain.¹⁴ Here we find two further EU Member States.

In 2002, the UK Home Office announced its plan to establish a resettlement programme. There are therefore seven EU Member States with some form of resettlement programme or having established the firm ambition to carry out resettlement. In addition, however, several EU Member States do in fact resettle some refugees on an *ad hoc* basis at the specific request of UNHCR. These will often be people with an immediate need for protection who have a prior connection, often through a family member, to the state in question.

(Cubans processed in Havana under the *in country* processing by the US are **not** part of the US Resettlement Programme.) Those processed on Nauru and found to be refugees have not been resettled to Australia.

¹³ Switzerland has reduced its resettlement quota consistently, and by 2002 was no longer counted by UNHCR as a country of resettlement, but only as an *ad hoc* country which would take some resettlement cases on request.

¹⁴ Spain and Argentina were removed from UNHCR's resettlement country list in June 2003. Resettlement to Benin and Burkina Faso was suspended until evaluation has been carried out in August 2003.

Feasibility of Resettlement in the European Union

The EU Member States with resettlement programmes can see the managed arrival of up to 3,500 refugees in total in 2003. Any expansion of resettlement across the EU should certainly increase this total number of places available to such managed arrivals. What we cannot say with any certainty, however, is that conducting resettlement in and of itself will reduce the number of asylum seekers arriving. The impact resettlement can have on asylum seeker arrivals in the European Union will very much depend on the size and type(s) of resettlement programmes that are established, and whether or not they are established in the context of broader comprehensive approaches to both refugee protection and immigration in general. This issue is discussed throughout the rest of the report.

The programmes of the EU Member States that operate them will be reviewed below, as will those of the traditional resettlement countries. Further analysis of the *ad hoc* resettlement systems forms part of Part 1 of this report.

Layout of the report

Following this Introduction, Part 1 of the report is set out in eight sections. The intention is to take an ‘inverse pyramid’ approach to resettlement, starting from the general, and working gradually through details, to the specific question on subsidiarity and the feasibility of an EU resettlement programme set out in the title to this study.

Firstly, the notion of what constitutes resettlement today is explored more deeply, drawing on documents from UNHCR and the Executive Committee of the UNHCR, and identifying key questions in considering a central role for UNHCR in any EU resettlement programme.

Secondly, the current position of the European Commission on the development of resettlement programmes is considered. This is a position that emerged in 2000 and has developed in the period during which this research has been conducted.

Thirdly, the major elements in any resettlement programme are identified and explained. These elements are set out in order to explain the way in which the review of existing resettlement programmes is constructed in the main body of Part 1.

In this review the resettlement programmes of eleven countries are discussed: eight of the traditional countries of resettlement, including the four EU Member States in that category, plus Ireland, Spain and the UK. The other two traditional countries and additional emerging countries of resettlement, as well as *ad hoc* measures in other EU Member States are also considered more briefly. The major lines of differences and similarities in these programmes are then drawn together, with a focus on what appears to work as an approach to different elements of a resettlement programme and under what specific type of circumstances.

A subsequent section on the economics of resettlement elaborates upon the type of information necessary to understand how much resettlement in fact costs, and analyses the extent to which the costs of programmes in major resettlement countries can be assessed.

The issue of fraud has been high on the agenda of resettlement countries in recent years, and is of particular concern to some in the European Union in considering the establishment of a possible new resettlement programme. This issue is therefore dealt with in a separate section, with the information and reflections being drawn in large part from research in West Africa, although the issue and comments hold for all regions.

A further section on the legal issues related to resettlement forms the seventh section of Part 1.

Part 1 concludes with an assessment of resettlement as it is carried out in 2003. This assessment also forms a 'bridge' to Part 2 of the report by indicating some suggestions of how the EU Member States could think about the different elements of resettlement in the light of the cases reviewed, the information concerning UNHCR's position and that about the European Commission's starting points. These suggestions are intended to be of use to the reader in considering the six models, under the subsidiarity principle, set out in Part 2.

In Part 2 of the study, the potential legal basis for resettlement in the European Union is first discussed. A second section discusses the relationship between resettlement and asylum, and specifically the developing Common European Asylum System and the goal of a Common Asylum Procedure. Thirdly, six models for potential resettlement action in the EU are set out. These models cover the range of potential options for the locus of decision-making and implementation for each element of a resettlement programme. The models are:

1. Maintaining the Current System
2. A Decision in Principle to Resettle
3. A Common Decision to Resettle, and How Many
4. A Common approach to Who to Resettle and How Many
5. A Common Pre-Arrival Programme
6. A Totally Common Resettlement Programme

The advantages and disadvantages of each model are analysed, as are the potential responses and foreseeable difficulties. In addition, further ideas are elaborated for European institutional and funding settings for a resettlement programme, including an EU level Clearing System for Resettlement.

The models and the conclusions to Part 1 are brought together in the closing thoughts offered in the Conclusions to the report.

Feasibility of Resettlement in the European Union

Part One: Resettlement Today

1. How Resettlement has developed and the Role of UNHCR

In discussing resettlement it is vital to consider the place of this policy in the spectrum of measures advanced by the global refugee protection agency, UNHCR. The following discussion of how resettlement is seen within that organization forms not only an introduction to the subject, relevant to the country reviews set out later in Part 1 of this report, but also the backdrop to recommendations and suggestions in Part 2.

In a paper for the Global Consultations in 2001, UNHCR stated:¹⁵

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.

However, until recently, neither UNHCR nor states really considered refugee resettlement as fulfilling these tasks equally. Indeed, many states still seem to consider resettlement as *either* about protection *or* about solutions, and as only being explicitly about burden sharing in major crisis situations.

Resettlement following the Second World War was focused on a durable solution for the victims of that conflict, particularly from Germany. The numerically smaller exodus of Hungarians in 1956 saw resettlement used both as a politically motivated protection tool and as a measure for sharing the burden with Austria, the country to which the major exodus was directed, and which offered temporary refuge to many tens of thousands of refugees. The next major crisis in which resettlement became a paramount policy was that in Indochina. In the 1970s and 1980s resettlement was primarily a burden- or responsibility-sharing mechanism, through both the DISERO – Disembarkation Resettlement Offers – programme launched in 1979 (which allowed refugees to disembark in countries of first asylum until they were resettled) and the later RASRO (Rescue at Sea Resettlement Offers). Later still, under the 1989 Comprehensive Plan of Action (CPA), resettlement was one of the set of measures developed.

¹⁵ EC/GC/02/7 *Strengthening and expanding resettlement today: dilemmas, challenges and opportunities* for Global Consultations on International Protection 4th Meeting, Third Track. This language almost totally mirrors language from the June 20-21 2001 Annual Tripartite Consultations note *Background Note for the Agenda Item: The Use of Resettlement to Address Durable Solution Needs*.

Feasibility of Resettlement in the European Union

The Indo-Chinese caseload had a big impact on the development of resettlement, an impact that is perhaps only starting to unravel as we enter the 21st century. The outpouring of public sympathy in Canada, for example, provoked the establishment of private sponsorship there – a policy which appears to flourish and which will be discussed further below. For some states, including many EU Member States, the Comprehensive Plan of Action was the last time they systematically undertook resettlement. Since then, their quota numbers have either dropped or disappeared completely, with asylum becoming the only, or at least by far the major, way of receiving protection within their borders. As conflict ended, and the Comprehensive Plan of Action endured, residual resettlement seemed to be less and less about refugee protection. Numbers had to decline: a 1996 Standing Committee document from UNHCR notes that:¹⁶

Coinciding with the marked decline in the volume of resettlement requirements in South East Asia, there has been a relative increase in the identified needs from other regions, especially from the Middle East, Africa and the former Yugoslavia. In 1995, 30,000 refugees from more than 40 countries of first asylum were resettled under UNHCR auspices to a dozen principal resettlement countries.

Many more refugees were in fact resettled in 1995 but the major resettlement countries were not using UNHCR's services to identify refugees for resettlement as they had during the crisis. The legacy of that period has had on-going repercussions both in the way states view resettlement and in the way that UNHCR as a whole has dealt with and perceived resettlement. A 2001 background note for the Annual Tripartite Consultations sets out this point in writing, and the fact still often permeates discussions with UNHCR staff on this subject.¹⁷

...the long-term impact of the Southeast Asian resettlement programme on UNHCR has been significant and wide-ranging. Viewed as a life-saving exercise in the early days, the programme was soon characterized by many as an 'automatic resettlement machine'. This resulted in widespread disenchantment within the organisation with the concept of resettlement. At the same time, major resettlement countries began focussing their efforts on other refugees and refugee-like population, and not on cases identified by UNHCR.

The impact manifested itself not only in a progressive decline in resettlement offers, but also in the terminology used to describe resettlement as the 'least desirable' or a 'last resort' solution. After a number of initiatives taken in defence of resettlement through the course of the following years, the concept of resettlement as a 'tool of protection'

¹⁶ UNHCR, **Resettlement: an Instrument of Protection and a Durable Solution**, 28 May 1996, EC/46/SC/CRP.32 Standing Committee.

¹⁷ June 20-21 2001 Annual Tripartite Consultations note *Background Note for the Agenda Item: The Use of Resettlement to Address Durable Solution Needs*.

re-emerged in 1991. This new approach to resettlement policy was reaffirmed by the Executive Committee in subsequent years.¹⁸

The ‘widespread disenchantment’ referred to in the above quotation resulted from the fact that, in the eyes of many, the resettlement programmes from Indo-China became simply ‘automatic’ at some point. A 1994 evaluation of resettlement policy and practice also noted a ‘lack of consensus among staff over resettlement policy’.¹⁹ That evaluation noted that the Indo-Chinese dominated resettlement for fifteen years. However, ‘automatic resettlement’ had grown out of the original real resettlement need, and while many of those being resettled may well have been refugees, it was not clear to many observers either that resettlement was the optimal solution for each of those refugees, or that they were being resettled only as a result of humanitarian motives and principles. Rather utilitarian motives, including domestic and foreign policy aims and the need for economic immigration were perceived as driving forces behind continued resettlement in this particular case. The evaluation noted that “Until recently, it was possible, in certain countries, to partially satisfy high demands for immigration, by resettling significant numbers of refugees from conflicts which the governments had unsuccessfully supported.”²⁰ UNHCR, as will be explained below in discussing ‘integration potential’, has always taken the principled stance that resettlement is a *humanitarian* policy for refugee protection and not at all related, or to be related, to economic immigration.

The 1994 evaluation goes on to note that “Many of the mid-ranking and senior UNHCR staff who served in South East Asia now seriously question the appropriateness of resettlement as a durable solution for refugees.”²¹ The disenchantment with resettlement among those staff members had, by 1994, “impacted negatively on UNHCR’s capacity to effectively perform resettlement functions. It is, indeed, unfortunate, that at precisely the time that governments are looking to UNHCR to take a lead in determining who should be resettled, the organization finds itself poorly equipped to respond.”²²

A significant impediment to the consistent and effective implementation of UNHCR policy on resettlement is the high degree of divergence of views among UNHCR staff themselves. With few exceptions, UNHCR staff support the principle of resettlement as a tool of protection in the specific sense of legal protection. There is less consensus, however, with

¹⁸ Paragraphs 9 and 10. The text notes a citation from a 1985 Executive Committee documents on durable solutions which states “If voluntary repatriation is the happiest of durable solutions, resettlement in third countries may be termed in contrast the solution of last resort.” High Commissioner Sadako Ogata ‘clarified’ (some might say turned the sentiment on its head) in 1997 when she explained at the Annual Tripartite Consultations that being a solution of ‘last resort’ did not mean the ‘least valuable or needed’ but in fact the best or *only* alternative for many refugees.” While Mme Ogata’s successor, Ruud Lubbers, has promoted resettlement, discussions with UNHCR staff members reveal his realization only in 2003 that some of the personnel of his agency were, as a matter of personal principle, opposed to the widespread use of this policy instrument, as is explained in this section.

¹⁹ John Fredriksson and Christine Mougne. **Resettlement in the 1990s: a review of policy and practice** UNHCR EVAL/RES/14, 1994, p.18.

²⁰ **Ibid.**, p.2.

²¹ **Ibid.**, p.4

²² **Ibid.** p.4

Feasibility of Resettlement in the European Union

regard to the appropriateness and desirability of resettlement of individual vulnerable refugees in the context of humanitarian protection... Indeed, many staff question the concept of resettlement as a durable solution *per se* ...²³

The 1994 evaluation sets out many recommendations. The bulk of these have been acted upon. In recent years, UNHCR has worked to improve its role in selecting and processing refugees for resettlement, developing selection criteria, producing and distributing a handbook on resettlement to all offices, adding resettlement staff and creating two resettlement hubs in Africa (all of which are returned to in detail below). The 'hierarchy' of solutions with resettlement at the bottom has been abandoned, and UNHCR has worked with States to improve planning and coordination of resettlement opportunities. A commitment has been made to 'mainstream' resettlement into UNHCR's thinking about and planning for comprehensive solutions to protracted refugee situations. As discussed in greater detail below, resettlement is a central part of new initiatives such as the Agenda for Protection and Convention Plus. Certainly, UNHCR, and the Department of International Protection in particular, has made serious efforts to overcome, and reverse, the in-house reluctance to pursue resettlement. Staff in the Department of International Protection, to the highest levels, support resettlement, and clearly wish to make UNHCR an effective partner both politically and in implementation. However, interviews with UNHCR staff also indicated awareness that some of those people whose disenchantment with resettlement developed during the South East Asian experience of the 1970s, 1980s and early 1990s are now in senior positions in other parts of the agency, and their opposition and resistance sometimes remains a challenge. This gives rise to questions, in our analysis, as to the potential effectiveness of the agency as the sole implementing partner in any resettlement programme.

For the European Union Member States, the historical experience in Southeast Asia and the reservations about resettlement that it generated within UNHCR, as well as the recent determination to use resettlement more effectively, raises at least two questions when considering any kind of model for EU involvement in resettlement. The first is whether there are lessons to be learned from those whose experience with resettlement has generated reservations towards the policy as a whole. The second is, if the EU Member States nonetheless agree that resettlement is a protection tool that should be pursued in the interests of refugees and of states, what role UNHCR should play in the establishment of the EU common resettlement programme. In standard-setting and coordination, where UNHCR's expertise is clear, there is a central role to be played, including through consultation procedures as set out in Declaration 17 to the Treaty of Amsterdam. The most appropriate role for UNHCR in implementation, however, is open to debate and discussion. Perhaps, UNHCR should not be the only referral entity, or the only body preparing the dossiers of refugees prior to immigration service adjudication, for example. If UNHCR is considered to be an appropriate implementing partner further issues arise surrounding the negotiations with the UN agency concerning its role in an EU resettlement programme, including:

²³ *Ibid.*, p.18

- Policy questions for the European Union about resource commitments, including the question of how exactly UNHCR might give a practical input to roles such as referral (which has traditionally been its role in resettlement); and
- The potential need to bring in other partners or create new entities in order to allow the EU resettlement programme to function optimally.

These issues are returned to in Part 2 of this report. At this point, it can be concluded that UNHCR's political and principled participation in the discussions leading to the development of any EU resettlement programme is necessary for more than its symbolic value. Such involvement of UNHCR is also important because, as the agency mandated by states (including all EU Member States) to find durable solutions to global refugee protection needs, it can assist and advise the EU States in constructing a resettlement programme which best contributes to resolving those needs. However, as an operational and implementing partner, questions do need to be asked about the efficiency and practicality of a central and active role for UNHCR in every single resettlement case.

The evaluation cited above points to several other issues of interest and concern. These include:

- The fact that poor case identification by UNHCR has caused a backlash in resettlement countries;
- The need to accurately assess and appropriately tackle incidences of fraud and abuse;
- The need to clarify criteria and procedures;
- The need to rationalise UNHCR's operational response;
- The need to better assess global resettlement needs.

Since the mid-1990s, UNHCR has made several concrete steps to provide for better-coordinated resettlement programmes. In 1997 the first UNHCR Resettlement Handbook was published, and this has been updated regularly since. The Handbook is a useful information tool, although the interviews for this study have demonstrated that many resettlement countries are not convinced of the accuracy of the country chapters that they themselves submit. Annual Tripartite Consultations in a variety of formats attached to the Annual Working Group have taken place so that states do not only meet with each other and with UNHCR to discuss resettlement, but also with NGOs.²⁴ Some attempts at coordination and advancement have failed thus far: the Electronic Resettlement Information Submission System which was planned for 1999 is still not off the ground in 2003 as UNHCR's general IT based registration systems have not been fully developed. It is, however, important indeed that the Resettlement data system 'speak to' the general registration system so that full information is available on refugee cases. Similarly a 1999 proposal to coordinate selection mission schedules has not worked: some European states complain of perceived favouritism and competition in their mission timings as they see

²⁴ The UK and the European Commission both joined the Working Group in 2003, and UK NGOs attend Tripartite Consultations.

Feasibility of Resettlement in the European Union

UNHCR bend to major state's demands. UNHCR has also been plagued by the issue of fraud in resettlement, particularly in East and West Africa, and has responded with a new 'hub' system.

The hub system was established to "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."²⁵ Resettlement submissions to the programmes of the US, Canada and Australia are to be sent through the hubs to the respective administrating entities of those programmes, also based in the regions.²⁶ With the hubs in place in Nairobi, Kenya (serving East and southern Africa) and Accra, Ghana (serving West Africa), UNHCR referrals to the larger programmes are thus conducted 'on the spot' – the paperwork is not transmitted via Geneva. Submissions to all other programmes (ie the European programmes, New Zealand and Latin America) are to continue to go through the Resettlement Section at Headquarters in Geneva.²⁷ The Resettlement Section then decides which country should decide on a particular case and forwards it to that capital. This is the case even for the new UK programme, which has a Resettlement Officer located in the British High Commission in Accra.²⁸

In the West Africa hub there is particular concern about fraud, after a very difficult incident involving the former UNHCR representative based in Accra. A new team has spent the period since summer 2002 totally re-organising the UNHCR office in every imaginable way, and rebuilding the damaged relations with resettlement partners based in the Ghanaian capital. They have set in place the basis for wide-ranging standard operating procedures for every aspect of the resettlement programme, involving extensive checks and balances at each step in the process, and are undertaking a local registration programme. This latter is specifically **not** linked to resettlement or any other 'benefits' at the moment at which it is being undertaken, but will serve to give a well-documented basis to the refugee history and family composition which will be consulted at any future point when resettlement might become a possibility. All of the steps set in place in West Africa remained untested at the time of the research visit in summer 2003. However, if strictly implemented, they appeared likely to provide a strong basis to a programme which would see many opportunities for fraudulent behaviour by any actors severely limited (an additional section specifically on the issue of fraud, below, is in large part based on observations from organizations interviewed in West Africa).

New countries – more places

UNHCR set out to increase the number of countries conducting resettlement, and this encouragement of new programmes showed some success by 2000. At that point the

²⁵ UNHCR, **Memorandum: The Role of Regional Resettlement Hubs in the Management of Resettlement Activities in Africa** (2 December 2002) para 4 pp.1-2.

²⁶ Australia has no resettlement processing station as yet in Accra, so the submissions for Australia are to be sent to their mission covering West and Central Africa.

²⁷ **Memorandum**, p.4 para 12 c.

²⁸ This Resettlement Officer post was established in July 2003. Dossiers from West Africa destined for the UK will go from the Accra UNHCR regional office, to headquarters in Geneva, to the Home Office in London, and from there to the UK High Commission in Accra.

eight emerging countries of resettlement joined the Annual Tripartite Consultations. Their programmes were relatively small, but their involvement was important in the potential rejuvenation of this policy tool. Their motives for undertaking resettlement varied in detail, though all had a humanitarian underpinning. The impetus to engage more countries in the process remained, however, as the number of places offered annually does not meet any estimations of the number of people who might possibly need resettlement. In the meantime, it is not clear that UNHCR itself can really live up to the potential resettlement offers for allowing the agency to fulfil its mandate by finding appropriate protection for all the world's refugees.

UNHCR's activities in increasing the number of resettlement countries (and thereby places available) and in generally enhancing resettlement opportunities were supported by a Trust Fund established in 1997. This Trust Fund consisted of contributions from five resettlement countries, with Norway, Sweden and Denmark each converting resettlement places into finances for the fund:²⁹

- Sweden contributed \$970,149 in 1997 (conversion³⁰ of 50 resettlement places);
- Norway contributed \$448,276 in 1997 (conversion of 50 resettlement places); and
- Denmark contributed \$727,729 in 2000 (conversion of 50 resettlement places).
- Finland contributed \$200,545 in 1998; and
- The United States contributed \$2,775,500.

Neither the US nor the Finnish contributions involved the conversion of resettlement places.

The Fund was also used to support the 2001 International Conference on the Reception and Integration of Resettled Refugees in Norrköping, Sweden, and to finance the publication of the Resettlement Handbook.³¹ The US contribution also financed an improvement in computer facilities in UNHCR field offices for dossier purposes, and the deployment of NGO staff to field offices to enhance resettlement activities.

The primary aim of the Trust Fund was to diversify resettlement opportunities, through the involvement of new resettlement countries. Two additional aims were to find solutions for individual and small groups of refugees and to improve the implementation of resettlement activities. Part of the thinking was that resettlement opportunities (as distinct from asylum capacity) should be available in less-wealthy countries (eg Benin and Burkina Faso), both to the benefit of refugees who could be protected there, and to

²⁹ Danish Immigration Service. **Evaluation of UNHCR's Trust Fund for Enhancing Resettlement Activities** (undated mimeo with the authors of this report). The Evaluation relates only to the Nordic countries' contributions, and was conducted by a representative of the Danish Immigration Service.

³⁰ All converted places for all three countries were from previous years' unused quotas. It will be noted that the contributions vary for the same number of converted place, indicating, as will be explained in Section 5 below, that the costs of resettlement vary significantly from state to state.

³¹ UNHCR's response to the Evaluation gives clarification that the printing and updating of the Resettlement Handbook in 1998 was thanks to the US contribution to the Trust Fund.

Feasibility of Resettlement in the European Union

the countries themselves, which could become stronger actors in the refugee protection system. However, in December 1998, UNHCR pointed out that there were problems in the way in which the project for diversification of resettlement countries had been set up, including:³²

- The assumption that any number of countries would jump at the chance to become a resettlement country if only they were given the resources soon turned out to be unrealistic; and
- Upon closer assessment, it became rather clear that the number of potential new resettlement countries outside of Europe is very limited. The possibility of engaging a new resettlement programme could be precluded either because the legal framework for resettlement did not exist, or if it did, the countries already had a substantial refugee population.
- The availability of funds is a necessary, but not sufficient, condition for a successful implementation of new resettlement projects.
- Resettlement cannot be effectuated without the expressed agreement of the individual refugee. In the context of the pilot project for resettlement, there have been instances where refugees, expecting to be resettled in a principal resettlement country, have declined resettlement in one of the new countries.³³

By June 2003, Spain and Argentina had been removed from UNHCR's list of resettlement countries. New evaluations would be underway in the two African countries, Benin and Burkina Faso, and programmes were suspended.³⁴ The capacity enhancement activities financed by the Trust Fund has shown some success, however: Brazil and Chile both have gradually developing programmes.³⁵

In dealing with the other objectives of the Trust Fund, activities were undertaken with individual and some groups of refugees in Mozambique and Zimbabwe, as well as with people with high cost medical needs. Further activities included English Language Training Programmes in Rafha, Saudi Arabia (for a large group of refugees who needed

³² **Evaluation of UNHCR's Trust Fund for Enhancing Resettlement Activities**, pp.9-10.

³³ This point links to the discussion of models in Part 2.

³⁴ Another activity undertaken with Trust Fund support was the granting of small business loans for 13 out of 16 refugees resettled to South Africa after release from prison in Botswana, where these refugees from the Horn of Africa, Angola and Burundi had been sentenced to two years imprisonment for criticizing the conditions for refugees in Botswana and demanding resettlement to North America. Their release was conditional on third country resettlement being available, and South Africa responded positively to a request from UNHCR. Only four of the refugees succeeded in their business venture: two went bankrupt after misusing funds, according to the Evaluation of UNHCR's Trust Fund, and five immediately sold their stock and business interests and left South Africa. The Evaluation characterizes the venture as a "failed attempt to assisting the resettled refugees to attain self-sufficiency" (p.28). UNHCR's response to the Evaluation agrees that the refugees' behaviour was inappropriate but notes that no crime was committed (p.66).

³⁵ The additions of Ireland and the UK to the list of resettlement countries are not directly connected to the Trust Fund activities.

to be resettled, some of whom presented particularly difficult characteristics related to high integration expectations), the financing of consultants working with new resettlement countries and secondments from NGOs.

The Evaluation of the UNHCR Trust Fund also is quite critical of UNHCR's approach to (potential) new resettlement countries. It reveals the high expectations of the Nordic countries in undertaking this venture.³⁶ UNHCR's response hints at some underlying tensions between the organization and some states regarding the potential for expansion in resettlement and the way in which resources need to be targeted to make resettlement more effective and efficient.

Increasing efficiency?

Several documents from UNHCR show that it has an understanding of some of the factors necessary to make resettlement work more efficiently – for more refugees and for more states. However, it is not currently in a position to fulfil its own ambitions in this area, either because resources are too limited, or because of residual opposition from some non-resettlement-focused staff, and in spite of the strong commitment of many highly motivated resettlement-focussed staff. Among these measures are needs-driven planning³⁷ and developing Standard Operating Procedures on resettlement.³⁸ These, and two other issues are of particular relevance in considering the role of UNHCR in any emerging EU resettlement programme(s). The two additional issues are the definition used to include a refugee in resettlement and the role of integration in a resettlement programme.

UNHCR makes clear that resettlement, in order to fulfil its three equal functions of protection tool, durable solution and method for burden-sharing, needs to be open to *prima facie*, Mandate refugees and not just Convention refugees. This is important in considering the function of resettlement in securing a durable solution: a person may not at the moment in time at which he or she is considered for resettlement actually fulfil the Convention criteria when they are applied as strictly as is the case in western European asylum procedures. However, they may well be a refugee in the broader, Mandate sense, and most particularly, may not have found protection which can last through integration in a country of first asylum.

In the Resettlement Handbook, UNHCR sets out criteria according to which it believes resettlement may be determined to be the appropriate solution for particular refugees. These are:

- Legal and physical protection needs

³⁶ However, it is not clear from the Evaluation whether it speaks for all of the Nordic countries, just for Denmark or for Denmark and one or two others.

³⁷ EC/GC/01/4 *Protection of Refugees in Mass Influx Situations: Overall Protection Framework Global Consultations on International Protection*, 1st Meeting, Third Track

³⁸ EC/GC/02/7 *Strengthening and expanding resettlement today: dilemmas, challenges and opportunities for Global Consultations on International Protection* 4th Meeting, Third Track.

Feasibility of Resettlement in the European Union

- Survivors of Violence and Torture
- Medical needs
- Family reunification
- Children and adolescents
- Elderly refugees
- Refugees without local integration prospects

Some current resettlement countries apply all of these criteria, which is what is meant by states that indicate they resettle “according to UNHCR criteria”. Other states select some criteria from UNHCR’s list, limiting themselves according to capacity for integrating or accommodating some of those falling into the categories listed above who may have special needs. Still others, particularly countries with large resettlement programmes, develop their own additional criteria, which address issues related to the identification of broader groups from particular countries, for example.

All of the above mentioned UNHCR criteria are in addition to the broad refugee definition: they are a matter of selecting those who need resettlement from among millions of refugees. That refugee definition may remain a bigger sticking point than more selective criteria for some states. Further discussion emerges on this point below, but it is useful to note here that when considering mass outflow situations, there is also a need to adjust resettlement criteria especially so that resettlement countries are not rejecting so many cases on non-Convention grounds that first asylum countries become hostile to ‘*prima facie*’ refugees.³⁹ The authors of this feasibility study would suggest that in the EU context, while the EU Directive of Temporary Protection provides for a mechanism to deal with mass outflow situations, it can only be used where that outflow affects one or more of the Member States.⁴⁰ It is therefore not always a short-term alternative to resettlement, so the point about the refugee definition in resettlement and the impact of rejections on countries of first asylum remains worthy of consideration by the EU.

On several occasions during the Global Consultations process, a time in which the idea of wider European resettlement programmes was becoming more prevalent, UNHCR commented that the use of ‘integration potential’⁴¹ was to be discouraged and that whatever ‘integration potential’ might be, it should not be narrowly defined to make resettlement nothing but an immigration programme, and particularly not a programme which blocked access to asylum.⁴²

³⁹ EC/GC/01/4 *Protection of Refugees in Mass Influx Situations: Overall Protection Framework* Global Consultations on International Protection, 1st Meeting, Third Track

⁴⁰ **Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof**, OJ L 212 of 7.8.2001, p. 12-21

⁴¹ EC/GC/02/7 *Strengthening and expanding resettlement today: dilemmas, challenges and opportunities* for Global Consultations on International Protection 4th Meeting, Third Track.

⁴² EC/GC/01/7 19 February 2001, *Mechanisms of International Cooperation to share responsibilities and Burdens in Mass Influx Situations* for Global Consultations on International Protection, 1st Meeting, Third Track.

These four issues of needs driven planning, standard operating procedures, defining a refugee and considering the role of integration potential are key to the future of resettlement as a more expanded and expansive policy area than is currently the case. They are key issues for discussion not only concerning UNHCR's role, but also in general terms for considering the most appropriate way of developing new programmes.

Needs driven planning

The total number of refugees UNHCR indicates needs to be resettled in 2004 is 78,624, up from a 2003 needs assessment of 50,646.⁴³ This figure does not include any emergencies, new crises or refugees identified for resettlement outside of UNHCR's purview.⁴⁴ UNHCR says the number is non-exhaustive and non-definitive. The number for 2003 seemed to reflect field office's visions not so much of who needs resettlement but for how many refugees in need of resettlement the full documentation could be prepared given the extent of UNHCR's resources. For 2004, the Projected Resettlement Needs document also shows the projected capacity figures, which total 55,008. Shortfalls in capacity related to projected need are found in all regions, but most especially in Africa, where need is projected at 57,836, while capacity is suggested to permit the resettlement, after UNHCR referral, of only 38,071. Within Africa, particular divergence of needs and capacity is noted in the Democratic Republic of the Congo, Rwanda, Eritrea, Ethiopia, Gabon, Sierra Leone, Zambia and Zimbabwe.

The rough guide to RRF completion within UNHCR is that it should be possible to complete one or two full dossiers per day. However, interviews with current and former staff members of UNHCR indicated that it often takes up to two days to fully complete an RRF with sufficient argumentation to meet the requirements of states' immigration services which needed to base a resettlement decision on the information contained in the form. If the greatest time estimate is taken, that would mean that for 500 refugees per year from one location, UNHCR would need to use 1,000 working days or at least four full time staff members dedicated only to resettlement activities in order to meet the demands of states in terms of the information required to assess a case on referral. Another interviewee with long experience of resettlement within UNHCR also independently indicated that four full time staff members would be needed to operate a programme for 500 refugees. The number of cases UNHCR field offices indicate need resettlement will not receive the attention to detail in the preparation of their documentation which would fulfil the requirements of resettlement countries' systems: there are not 400 staff to work full time on resettlement, so the number is an over-estimation of the resources available, or presumes indeed that forms can be filled within a few hours (in which case it is not clear they would meet the high demands of resettlement

⁴³ UNHCR, Resettlement Section, Department of International Protection, *UNHCR's Projection of Resettlement Needs 2003* (March 2003) and *UNHCR Projected Global Resettlement Needs 2004* (Updated 18 June 2003).

⁴⁴ These refugees outside of UNHCR's purview would include the P2 and P3 cases described in the US country overview below, and the Privately Sponsored in Canada, also described below.

Feasibility of Resettlement in the European Union

countries). At the same time, the figures of 50,464 and 78,624 seem by all accounts to be a significant under-estimation of actual resettlement *need*.⁴⁵

If new resettlement countries were to offer the much higher number of places (in the hundreds of thousands as the High Commissioner Ruud Lubbers has suggested in press comments), the question is how could UNHCR cope? Some suggest that more resources would have to be put into the agency, particularly at the field (Refugee Referral Form completion) end of the process. European statements on resettlement, from every Member State that has raised the issue and from the European Commission, have always put UNHCR at the centre of any suggested resettlement programme, and implied a key selection – or at least refugee identification – role for the agency. UNHCR is generally a little more circumspect, or pragmatic, suggesting a role for NGOs, under UNHCR coordination and guidance and with UNHCR accountability, in the referral process should the European Union establish new quotas.

Standard Operating Procedures

In any case, some form of Standard Operating Procedures would indeed be necessary, both for the refugee identification end of the process and for the policymaking and discussion element in resettlement. Not only does the standard of Refugee Referral Form completion vary widely across the world, but the way in which UNHCR offices in EU Member States interact with government officials in either negotiating *ad hoc* resettlement cases, or in developing new programmes also varies widely. In some Member States, the Resettlement Section (based at UNHCR's Geneva headquarters) is the key, or even only, partner in discussing resettlement policy. All contact with the UNHCR representative in the Member State on this issue is avoided, or always subject to reporting and carbon copying to Headquarters. In other Member States, individual staff members in the office of the representative seem to conduct direct negotiations with the aim of creating a new programme or re-focusing an existing programme. There does not appear to be a clear line from UNHCR as to how such negotiations should be handled, but rather an *ad hoc* approach. As Member State authorities communicate with one another on these issues, it must be confusing to see UNHCR act in different ways, seemingly according to no fixed plan.

At field level, meanwhile, the West Africa hub has instituted a series of Standard Operating Procedures on Refugee Referral Form completion and processing. The procedures ensure that information about new file creation is properly noted, that the right combination of personnel (in a series from field level through national offices and

⁴⁵ While no needs assessment as such is carried out, the US Committee for Refugees-European Council on Refugees and Exiles report, **Responding to the Asylum and Access Challenge: An Agenda for Comprehensive Engagement in Protracted Refugee Situations** (2003), with four case studies indicates through figures of displacements in the Middle East and Somalia the fact that potential resettlement need is much higher than these UNHCR figures suggest. Looking at global resettlement needs in making suggestions for the 2004 resettlement programme and ceiling for the US, the Refugee Council of the USA indicates worldwide needs which would far exceed the 70,000 upper limit which could be anticipated for the US ceiling **US Refugee Admissions Program for Fiscal Year 2004: Recommendations of the Refugee Council USA**, May 2003.

the hub itself) see and verify each referral dossier and that each case is given full follow up. These Standard Operating Procedures (SOPs) are for West Africa only, and were just coming into effect at the time of the research visit in July 2003. Other sets of Standard Operating Procedures will be drawn up in other regions, especially where the hub system is also in place (ie East Africa). With different operating procedures in different regions, and a system of frequent staff rotation, individual UNHCR officers might come across several models during the course of their career. Yet, with differing circumstances in different parts of the world, it may be impossible for the agency to develop a single, straightforward system, beyond the basic guidance on completion of the Refugee Referral Form. [A step-by-step Refugee Referral Form completion guide was published in 2001, though part of the remaining need for SOPs is indeed the desire by resettlement countries to see more uniform RRF completion].

The development of standardised procedures for resettlement is naturally made more complicated for UNHCR, both globally and at the regional level, by the fact that resettlement countries all operate in different ways, having different expectations of UNHCR's referrals, as will be further illustrated in the country reports below, and again in Section 8 of Part 1. Resettlement countries have varying requirements, as a result of different agreements made over the lifetime of the UN agency, with regard to timing (eg a group numbering 100-300 from one location twice a year; or groups of 200 from four different locations on a quarterly basis; or individual referrals as they arise, etc.) and location or route of an actual referral (eg through HCR headquarters, or direct at field level, and more recently through the hubs). In other words, the need for Standard Operating Procedures might not be something on which UNHCR can act in isolation from the states that work on resettlement. However, for UNHCR to act in the same way with all resettlement countries might require alterations to resettlement countries' own procedures and systems, which those countries might not be prepared to make simply to make the referral system run more efficiently.

Mandate definition

The issue of the definition of a refugee for resettlement is certainly one on which much discussion will be needed in the EU context.⁴⁶ At present, the EU Member States with resettlement programmes show a greater tendency towards adhering to their strict interpretation of the Convention definition than those states with larger resettlement programmes (and generally proportionally smaller asylum seeker numbers) tend to do.⁴⁷

⁴⁶ Once the EU Member States have reached a conclusion on the Qualification Directive, there would be a basis on which to build a crossover to any new resettlement programme. Using the basic definitions from that Directive of both a refugee and a person in need of subsidiary protection, would allow for greater proximity to the UNHCR Mandate definition than use of the 1951 Convention as interpreted in the EU asylum context would permit. Further, the Member States should examine the areas in which any derivations from those definitions might be required in order to make a resettlement programme as effective and efficient as possible.

⁴⁷ Both Sweden and Finland do accept mandate refugees, although Sweden looks towards further assessment once in-country for the purposes of welfare provisions. This further assessment does not impact residence rights at all. Finland did consider granting only subsidiary status to all resettling refugees, but decided against introducing this measure in early 2003, although it might re-emerge as an issue later.

Feasibility of Resettlement in the European Union

The argument for maintaining the same levels of restriction in the resettlement refugee definition and the asylum process are generally based on the desire for non-discrimination between refugee-individuals regardless of their location at the moment of status determination. However, it could be argued that this is an issue on which divergence from the asylum system could and should take place, as a refugee *in need of resettlement* could face general danger, or not be facing persecution but all the same have no durable protection, or simply be one of too many people protected by a single developing country in need of international solidarity expressed through resettlement.

Integration potential

Finally, and also part of the shaping of any future European Union resettlement programme, is the question of integration potential. This is important on at least three counts:

1. The meaning of integration potential needs to be clearly defined. A weakly defined ‘integration potential’ could simply mean that there is no obvious reason for which it could be presumed a person would be totally unable to integrate in the resettlement country. That would be quite different from a strong definition focused on existing family ties; knowledge of the language of the country or indeed income-earning potential.
2. A moral as well as a practical and political decision would need to be taken. In weighing up the reasons for and against using some measure of ‘integration potential’ the perspective of the refugee should count as much as that of the state and host society. Under what conditions would it be reasonable to resettle someone who might never be able to integrate with the society around them?
3. Without looking at some general measure of ‘integration potential’ related to immigration profiles, once refugees have been selected for resettlement to ‘an EU Member State’ a determination might be made of the Member State in which they were most likely to be able to integrate successfully.

In April 2001 an International Conference of the Reception and Integration of Resettled Refugees was held in Norrköping, Sweden. Besides the resulting communication and interaction between resettlement countries, NGOs and UNHCR on this subject, a new handbook, **Refugee resettlement: an integration handbook to guide reception and integration** was developed and published in 2002.⁴⁸ The process was in part funded by private foundations and NGOs and in part by the resettlement Trust Fund described above. The Handbook sets out the planning goals and a framework for interactive and productive integration of resettled refugees, identifying key elements such as:

- Orientation for refugees and host communities;
- Language acquisition;
- Employment;
- Education;
- Housing; and
- Healthcare

⁴⁸ This Integration Handbook is distinct from and in addition to the Resettlement Handbook.

The conference and handbook can be seen as another step in the process of making resettlement work for all involved.

The Strategic Use of Resettlement

A further way in which resettlement is developing in 2003 is through UNHCR's on-going assessment in the Working Group of the Strategic Use of Resettlement. The Working Group, under Canadian chairmanship, has drafted a paper resulting from discussions that were inspired by the Global Consultations process. That paper considers the strategic use of resettlement to be:⁴⁹

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.

The focus of the paper is on the use of resettlement in a way that is *strategically* useful for maximum durable protection for the maximum number of refugees. However, one paragraph of the June 2003 Working Group paper suggests that offering resettlement may be used by western states to avoid irregular movements of asylum seekers:⁵⁰

The making available of resettlement opportunities in the first asylum country may assist in deterring further secondary movements by providing the prospect of a durable solution. In addition, entering into agreements with countries of first asylum for the provision of resettlement in conjunction with readmission would act as a significant deterrent to those who might consider irregular movement while at the same time acting to relieve the country of first asylum of some of the burden incurred...The use of resettlement in this manner would be strategic in that it would deter irregular movements, provide an orderly durable solution for other refugees as well as relieve some burden of the country of first asylum.

Although the Working Group's paper is explicit about the fact that resettlement is an *administrative* tool, while asylum is *guaranteed* by a set of rights and duties that cannot be ignored, the paragraph cited above has given rise to some concern. These concerns on the part of NGO's involved in the tri-partite process are set out in writing by the Canadian Council for Refugees in its **Working Paper on the Strategic Use of Resettlement** of June 2003. That paper states that "Resettlement ... is not an 'orderly' alternative to asylum." It goes on to cite the NGO paper to the Global Consultations which says that "resettlement should not be used as a fig leaf for policies of migration control to enable states to sidestep international legal obligations to people in need of

⁴⁹ Executive Committee of the High Commissioner's Programme, Standing Committee, *The Strategic use of Resettlement (A Discussion Paper Prepared by the Working Group on Resettlement)*, WGR/03/04/Rev3, 3 June 2003 paragraph 6, page 2.

⁵⁰ *Ibid.*, paragraph 26, page 7.

Feasibility of Resettlement in the European Union

protection by preventing them from setting foot on their territory”. The Canadian Council for Refugees is firm in stating: “It is important to reject firmly any use of resettlement as a means of undermining access to asylum.”⁵¹

In order for resettlement to be used in a more strategic way to guarantee a durable solution to the minority of refugees for whom neither return nor local integration in a country of first asylum becomes possible, more countries will need to undertake resettlement according to the Working Group.⁵² It makes some useful suggestions as to how the expansion in resettlement capacity could be managed to make it swiftly effective.⁵³

The expansion and diversification of countries having annual resettlement programmes could benefit from the provision of expertise and advice to emerging resettlement countries as they build their capacity to offer resettlement. UNHCR will need to play an important catalytic role in this regard in order to initially guide emerging resettlement states to potential sources of expertise. Twinning arrangements, secondment of staff, exchanges among NGOs and the development of best practices are examples of possible options to be considered. Consideration might also be given for the provision of international financial assistance to offset some of the initial resettlement arrival costs when resettlement is to a developing country. Such assistance could be provided bilaterally or multilaterally through the UNHCR.

The suggestion of ‘twinning arrangements’ could be effective between European Union Member States, to allow lessons learned from many years of experience to be conveyed, and for traditional resettlement countries to understand the difficulties which some Member States might face in establishing new programmes. Such an approach might be especially effective in the post-enlargement Union where one Member State with resettlement experience could partner a new Member State and an long-standing EU Member without significant recent resettlement experience.

The Working Group further suggests multi-year resettlement quotas, permitting advance planning both by national authorities and by UNHCR recognizing that this could bring financial planning difficulties for some states. It also recommends a comprehensive strategy, with resettlement being complementary to the asylum systems in countries of first asylum (though for this study it is interesting to note that no complementarity between the resettlement policy and asylum system of a single resettling state is mentioned). Finally, the strategic use of resettlement policies would involve judicious use of group determination rather than only individual status determination according to the

⁵¹ Canadian Council for Refugees, *Working Paper on the Strategic Use of Resettlement* June 2003 pp. 4-5.

⁵² This finding seems to imply that the Executive Committee does not agree with the UNHCR needs assessment for 2003, but thinks that there are more than 54,000 refugees currently in need of resettlement, since the 2003 assessment (the latest available when this 3 June draft of the Working Group paper was distributed) roughly equalled the number of places which states had anyway made available – so needing more countries implies a need for more places.

⁵³ *Op.cit.*, paragraph 31, page 8.

Working Group. This last point is perhaps the most controversial among states either involved in resettlement or thinking about joining the resettlement countries. In particular, group determination, like the use of the Mandate definition as mentioned above, would involve a distinction between the asylum refugee status determination systems of most EU Member States and a resettlement refugee selection system.

Strategy for more effective use of resettlement is also a key theme in UNHCR's **Agenda for Protection**, which grew out of the Global Consultations process. This Agenda is, according to the High Commissioner, Ruud Lubbers' *Foreword* to its publication, part of the Convention Plus effort to build on the 1951 Convention.

The third goal enumerated in the Agenda for Protection is "Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees". The list of efforts needed to reach this goal includes a more effective use of resettlement as a tool of burden-sharing, including the search for more flexible resettlement criteria, among which *prima facie* recognition of refugees in mass displacement situations is mentioned. In addition, the desire to enhance capacities through increased partnerships with NGOs and other relevant partners is noted.⁵⁴

While Goal 3 of the **Agenda for Protection** addresses the burden-sharing aspect of resettlement, Goal 5, "Redoubling the search for durable solutions," reflects on the nature of resettlement as both a tool for protection and a durable solution. Point 1⁵⁵ includes the fact that the Working Group on Resettlement is "to explore how strengthening the capacity in host countries affects the pursuit of other available durable solutions, as well as a more strategic use of resettlement, including within regions affected by refugee movements." Point 5 on the "Expansion of resettlement opportunities" explains that UNHCR is to work to enhance protection through an expansion of the number of countries engaged in resettlement, as well as through more strategic use of resettlement for the benefit of as many refugees as possible, taking into account the resource implications thereof. Non-resettlement states are asked to consider making places available; states, UNHCR and NGOs are to develop capacity-building programmes; and states that offer resettlement opportunities are asked to consider increasing quotas, diversifying groups and adding more flexible resettlement criteria (which in turn links back to Goal 3 on burden-sharing). Further, states are encouraged to put in place more vigorous integration programmes for resettled refugees so that refugees with durable residence status enjoy fully all their rights and entitlements. Point 6,⁵⁶ meanwhile requests that states and UNHCR work together with NGOs to streamline processing requirements: a stronger focus on protection needs; the exploration by states and UNHCR of the establishment of a central, biometric registration system to support identification processes once resettlement becomes necessary or possible; the examination by states and UNHCR of registration data to anticipate resettlement needs; more focus brought to

⁵⁴ Point 6 "Resettlement used more effectively as a tool of burden-sharing" under Goal 3. This point reflects the one made in the Global Consultations paper *Protection of Refugees in Mass Influx Situations: Overall Protection Framework* referred to above.

⁵⁵ "Realization of comprehensive durable solutions strategies, especially for protracted refugee situations".

⁵⁶ "More efficient use of resettlement both as a protection tool and as a durable solution"

Feasibility of Resettlement in the European Union

gender related protection needs; and a commitment by UNHCR to improved anti-fraud methods and mechanisms. Finally, the need for increased resources is noted.

The **Agenda for Protection** shows the situation, in 2002, of thinking on resettlement, evolving from previous UNHCR positions as described above. It also displays the gradual shift towards stronger consideration of resettlement as a protection tool and as a durable solution within the agency, as well as among many existing resettlement countries and states, including many in the EU, which have begun to look more closely at resettlement since 1999.

In seeking to build on the **Agenda for Protection**, the High Commissioner called for the development of special agreements to complement the Convention, for which he coined the term “Convention Plus”. An arena called the Forum was established for the discussion of particular subjects of interest. The Forum’s first meeting on 27 June 2003 saw attention focused on resettlement. At this first meeting, the Canadian delegation put forward a discussion paper on “Resettlement and Convention Plus Initiatives”,⁵⁷ suggesting that resettlement, in the context of an approach to all durable solutions, could be an ideal area for partnership agreements between states, UNHCR and NGOs. Drawing largely on its own resettlement programme for context (see description below), the Canadian delegation suggested that it could, together with UNHCR lead further discussions beyond this initial meeting. The Canadian document also drew attention to important points which are key to contemporary discussion of resettlement, also for the European Union, including:⁵⁸

- Solutions are only durable when they result in a refugee having secure legal status in the country providing the durable solution.
- As an administrative decision, resettlement can be a timely and cost efficient durable solution.
- The inclusion of protection-based criteria that go beyond the 1951 Convention would help to make resettlement a more flexible tool.

Summary

The long history of resettlement, spanning the full period of existence of UNHCR, has not left the agency in an ideal position to lead any drive to greater use of this tool which, although only necessary for a minority of refugees worldwide, could assist in ensuring enduring protection for a majority when used in conjunction with other policy approaches. As an agency, UNHCR has reflected the will of the international community and most major resettlement countries, and in the post-Comprehensive Plan of Action decade did not stand with any unity or force behind resettlement. This lack of coherence in understanding and appreciation of the policy was demonstrated in the discussions of a

⁵⁷ Canada, *Resettlement and Convention Plus Initiatives: How can resettlement be used in the context of possible ‘Convention Plus’ agreements and what elements related to resettlement might be considered for inclusion in possible ‘Convention Plus’ agreements?*, High Commissioner’s Forum, FORUM/2003/02 18 June 2003.

⁵⁸ *Ibid.*, p. 6.

hierarchy of durable solutions and in the absence of both standard operating procedures and sufficient resources for either resettlement or genuine needs assessment. Attempts are being made by UNHCR and by governments to resolve this situation, and the emergence of European Union policy on resettlement and significant resettlement by EU Member States could serve to further advance these positive changes. However, statements by European Commission and Member State officials which place UNHCR in a central position in any future programme should be carefully assessed: they may show a lack of realistic information about perceptions of, and capacity to implement, resettlement programmes within UNHCR. They may also result in expectations that cannot be met, even with a significant input of resources. UNHCR is certainly the major political partner to any resettlement programme, in large part because such a programme must be anchored in the international protection system. However, its implementing role may need to be limited to important core activities (such as establishing standards for criteria and procedures by which resettlement cases are selected and processed) and kept within realistic boundaries, dependent on the extent of any new resettlement opportunities made available. The EU Member States, if they decide to embark on a significant resettlement scheme, should certainly invest in a thorough evaluation of the various possible implementing partners.

UNHCR's role in various existing resettlement programmes will emerge in the case studies below. Further discussion of the role of UNHCR in any EU resettlement programme appears in Part 2 of this report.

2. The Position of the European Commission: the start of discussion on resettlement in the European Union

In its June 3, 2003 Communication *Towards more accessible, equitable and managed asylum systems*, the European Commission sets out ten basic premises which should underpin new approaches to the International Protection Regime, and thereby the European Asylum System and approach to refugee protection. These include the premise that:⁵⁹

Any new approach to improve the management of asylum in the context of an enlarged Europe should build upon the policy objectives identified in the March 2003 Asylum Communication: **improvement of the quality of decisions** (“frontloading”) in the European Union, **consolidation of protection capacities in the region of origin**, and **treatment of protection requests as close as possible to needs**, which presupposes regulating access to the Union by establishing protected entry schemes and resettlement programmes.

This premise brings together the subject of this study and of the previous study on the feasibility of processing asylum claims outside the EU.⁶⁰

The Commission’s Communications of November 2000,⁶¹ March 2003⁶² and June 2003⁶³ all refer to both protected entry procedures and resettlement. It is important to note that the European Commission has made reference for three years already to resettlement as an area which should be investigated as one offering potential both to EU Member States in dealing with refugee protection, and to UNHCR and refugees themselves, in the search for protection and durable solutions.

It must be noted, however, in preparation for the discussion in Part 2, that the Commission has often referred to resettlement (and protected entry procedures) as being part of ‘managing *asylum* systems’. In its Communications, the Commission describes resettlement as a process of managed arrivals. The terminology used to describe

⁵⁹ Commission of the European Communities, *Communication from the Commission to the Council*, 3 June 2003, COM(2003) 315 final, premise 6, p.12. This Communication was written in response to the proposals tabled by the UK government, commonly known as the ‘UK Vision’. Those papers were tabled in spring 2003, almost one year after the publication of the terms of reference for this study. While discussion of the proposals has arisen in the course of this research, the Terms of Reference have been adhered to, and the UK paper as such is not discussed in this report.

⁶⁰ Noll *et al* **op.cit.**

⁶¹ Communication from the Commission to the Council and the European Parliament *Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum* COM/2000/0755 final, 22 November 2000.

⁶² Communication from the Commission to the Council and the European Parliament *On the common asylum policy and the Agenda for protection (Second Commission report on the implementation of Communication COM(2000)755 final of 22 November 2000)*, COM(2003)152 final, 26 March 2003.

⁶³ **op.cit.**

resettlement has developed over time. As resettlement is a relatively unknown area in the European Union, the initial terminology seems to have been closely associated with the much better known area of asylum. Occasionally, this use of the terminology of asylum to refer to resettlement can lead to confusion. For example, some documents, including the one cited below, seem to imply that resettlement countries select people to be transported to their countries, and then enter asylum procedures. This would be inaccurate. It is important to move beyond this confusion if the full benefits of resettlement programmes are to be reaped for all concerned.

An *asylum procedure* is a domestic legal procedure, involving many rights and obligations, and importantly involving the duty on states not to *refouler* a person to any place in which they would be in danger. A resettlement selection procedure, however, is conducted while the individual is outside the resettlement country: so *non-refoulement* is not an issue vis à vis the resettlement country (although it may be an issue in the resettlement selection if the country of first asylum would be threatening *refoulement*).

Further, a resettlement selection decision is in itself administrative in nature: the decision is discretionary. The procedure is different from that for in-country asylum cases: even in the Netherlands where in principle the same rules are adhered to, there is, for example, no interview with the candidate – making the resettlement procedure different from that for asylum. In addition, for all countries with resettlement programmes at present there is no avenue for any form of appeal of a resettlement decision in any individual case, other than on some occasions an administrative review, often by the same immigration officer who made the initial decision. While the resettlement decision is administrative in nature (as explained more fully in section 7 below), it does of course have legal implications, in that once status is granted there are legal rights and obligations pertaining to that status. However, there are no cases where a previous rejection for resettlement can exclude someone from asylum procedures, should they arrive spontaneously in the country that had rejected them for resettlement, for example. It is also theoretically possible that someone who has applied for asylum, eg in Sweden, been rejected and returned to a country of first asylum and then applies for resettlement to Sweden could be accepted under the resettlement criteria which differ in their provisions and in the procedures, from the asylum system.⁶⁴

Once a resettlement selection procedure has been conducted and a person has been admitted to a resettlement country, their legal residence is assured. Only Sweden carries out a confirmation of refugee status domestically, primarily for eligibility to certain rights and entitlements. For some countries eg the Netherlands precisely the same regulations are used for assessing asylum cases and assessing resettlement dossiers. However, for many others countries, different regulations apply to asylum and to resettlement respectively as in-country and external methods of determining the status of refugees who will be granted protection. The US, for example, has quite different sets of regulations for the two very distinct procedures of asylum adjudication and resettlement selection. Therefore, in its November 2000 Communication the Commission's portrayal of the US

⁶⁴ Swedish officials pointed out the theoretical possibility of this happening, however they stressed that they are not aware that it ever has happened.

system was not entirely accurate, and could give rise to misunderstandings, given the meaning now attached to the term ‘asylum procedure’.

2.3.2 Requests for asylum made outside the European Union and resettlement

Processing the request for protection in the region of origin and facilitating the arrival of refugees on the territory of the Member States by a resettlement scheme are ways of offering rapid access to protection without refugees being at the mercy of illegal immigration or trafficking gangs or having to wait years for recognition of their status.

Only four Union Member States currently operate resettlement schemes, in conjunction with the HCR. The USA has a typical two-tier asylum procedure: one for spontaneous arrivals and one, very different, based on a resettlement scheme, based on tight internal coordination between the various public authorities involved and cooperation with NGOs and the HCR.⁶⁵ This option, as the Commission sees it, must be complementary and without prejudice to proper treatment of individual requests expressed by spontaneous arrivals.

The examination of these options in the context of a common asylum procedure requires prior consideration of a number of questions: role of the authorities in the Member States, diplomatic missions in regions of origin, Community institutions and the HCR, resultant costs and investments, conditions for examination of requests, choice of regions or countries of origin, scope in terms of protection (confined to refugees within the meaning of the Geneva Convention or extension to persons needing another form of international protection), quotas and distribution over the Member States, relationship with requests made in the context of the resettlement programme and spontaneous requests made in a Member State of the European Union, etc.

The US resettlement programme is **not** part of a ‘two-tier *asylum* procedure’: a very different procedure is carried out for the selection of resettling refugees than that undergone by asylum seekers who arrive in the territory of the United States and later lodge an asylum claim. What may be at issue here is a matter of comprehension of the term ‘asylum’. One benefit of focusing on resettlement and its prospects in the EU Member States may be to clarify terminology, avoid confusion, and understand refugee protection broadly, maintaining *asylum* as an important matter of domestic jurisdiction (or potentially EU jurisdiction over time, under the developing Common European Asylum System and Common Asylum Procedures).

Both the US and Canada have clearly distinct systems of asylum and of resettlement, while both are elements in their approaches to refugee protection. They have two entry

⁶⁵ Emphasis added.

systems for people who may meet the definitional criteria of a 'refugee'. There is a resettlement system for managed, orderly arrivals of refugees who are selected during selection procedures and according to defined criteria, and there is a body of asylum law and regulations which allow these countries to assess the asylum application of people who arrive in their territory and request protection.

In the above citation, the Commission poses the question of the relationship between selection under the resettlement programme (if one should be developed) and spontaneous requests made in a Member State of the EU. This issue is often (mis-) understood to be about the relationship between the managed arrivals under a resettlement programme and the arrivals of asylum seekers. The evidence of the country reports below suggests that, while resettlement is certainly part of managing **refugee protection**, it has no direct connection in any current resettlement country to the asylum system of that country, except perhaps in the Netherlands, where definitions and administrations are shared for the small quota and the broader asylum system. Indeed, in some countries the distinction is made very sharply eg in Ireland, asylum can only be granted to a person who applied in the Irish territory, while the government can organise the selection and movement of 'programme refugees', identified outside Ireland. The existence of a resettlement programme does not seem to have played any demonstrable role in allowing any state to **manage asylum** (ie in managing the entry of people seeking to apply for asylum). Rather, it certainly allows for (more) managed arrivals of people in need of international protection in those states with resettlement programmes.

With the largest resettlement programme worldwide, the US might be seen as an example for how a resettlement programme and an asylum system could interact with regard to the numbers of arrivals, which is often seen as a key issue across Europe.

In terms of total numbers of arrivals, the US asylum system saw more arrivals than its resettlement programme in the years 1993 to 1997. The reduction that started in 1996 is attributed by US academics and policy makers to the introduction in the 1995 Asylum Reform, which included two important new approaches to asylum. The first of these was the de-linking of the asylum application and a work permit. Whereas every asylum applicant was permitted to work prior to the 1995 Reform, following the enactment of new legislation, a work permit was only granted once status was achieved or after 180 days, if no final decision on the asylum claim had been taken by the administration in that time. This meant people ceased to apply for asylum in order to get a work permit, as it was believed that many had done prior to the reforms. The second change was to introduce faster, more efficient and fair procedures, dealing first with new cases and only later with the backlog, and seeking to make a final decision on every case within six months. Substantial additional resources were granted to the Immigration and Naturalization Service to increase staff numbers, and new regulations altered the way in which decisions were taken.⁶⁶ The drop in asylum applications is generally attributed to these reforms, and has no connection to the US Resettlement Programme.

⁶⁶ This included alterations to the first decisions and appeals systems, and a two-type application approach for positive applications and negative applications (the latter being, for example, asylum applications made

Feasibility of Resettlement in the European Union

US Resettlement Programme Ceilings and Admissions,⁶⁷ and Asylum applications in the United States 1992-2001⁶⁸

Fiscal Year	Ceiling	Refugee admissions	Asylum applications
1992	142,000	132,173	103,964
1993	132,000	119,482	143,118
1994	121,000	112,682	144,577
1995	112,000	99,490	148,695
1996	90,000	75,693	107,130
1997	78,000	70,085	52,217
1998	83,000	76,554	35,038
1999	91,000	85,006	32,711
2000	90,000 ⁶⁹	72,515	40,867
2001	80,000	68,426	59,432

Further, the US clearly makes no attempt to target those countries from which most asylum applicants arrive in setting out its selection criteria under the priority system, which is described in the country report below. As can be seen in the following table, there is little overlap between the countries of origin of high numbers of asylum applicants and the countries of origin of the resettled refugees selected under the resettlement programme. Nor does the fact of there being a resettlement programme appear to draw asylum applicants from particular countries. It is impossible to say whether there would be more asylum applicants from those countries that are the focus of the US resettlement programme if that programme did not exist.

Geography, in fact, seems the most obvious explanation for the asylum applicant numbers, and foreign policy seems to be one of the most obvious explanations for targeting in resettlement selection (although humanitarian principles figure most prominently). The only countries of origin that overlap between the top ten countries of origin of asylum applicants and the top countries of origin for the resettlement programme in FY 2001 are Somalia and Armenia (part of the former Soviet Union statistics for the resettlement programme). It should be noted that the US resettlement programme includes specified ceilings for regions of origin, as will be described in the country report below.

in order to avoid deportation). More information on the reforms, including several references, can be found at <http://www.bcis.gov/graphics/aboutus/history/jan95.htm>.

⁶⁷ US Department of State, Bureau of Population, Refugees and Migration.

⁶⁸ UNHCR Population Data Unit.

⁶⁹ Due to a funding shortfall, the Bureau for Population, Refugees and Migration reduced the FY 2000 unallocated reserve from 6,000 to 1,000 making the 'unofficial' ceiling 85,000.

United States Asylum applications⁷⁰ and Resettlement arrivals⁷¹: top ten countries of origin for each – FY 2001.

Rank	Asylum applicant arrivals: country of origin	Number of asylum applications	Resettlement arrivals country of origin	Resettlement arrivals
1	Mexico	8,747	Former Soviet Union ⁷²	14,888
2	China	8,008	Bosnia	14,594
3	Colombia	7,144	Iran	6,582
4	Haiti	4,938	Sudan	5,958
5	Armenia	2,147	Somalia	4,939
6	India	1,894	Liberia	3,415
7	Somalia	1,805	Vietnam	3,109
8	Indonesia	1,617	Afghanistan	2,964
9	Ethiopia	1,467	Cuba ⁷³	2,944
10	Albania	1,425	Iraq	2,473
	Total	59,432	Total	68,426

There appears to be no obvious connection between the resettlement programme and asylum application numbers in the US. The US has never sought to make such a connection either. However, there are definitely other implications of the fact of doing resettlement on the US asylum system, including the generally positive connotations of the word ‘refugee’ associated with resettlement, which spill over into popular perception of asylum applicants and those determined to be refugees following an asylum procedure in the US. In addition, a wide-range of actors from the civil society sector is closely engaged in the resettlement programme – and engagement which can be planned and managed, and which brings in support to asylum seekers also. This is not to imply that all is rosy, but to indicate that there are areas in which the existence of a resettlement programme can have definite positive impacts on asylum systems.

The Commission’s description of resettlement in its March 2003 Communication suggests that “serious thought be given to possibilities offered by processing asylum applications outside the European Union and resettlement as instruments to complement a fair and efficient territorial asylum system in compliance with international obligations and with respect for dialogue and partnership with third countries.”

This statement is closer to a portrayal of how resettlement is broadly used in those Member States with resettlement programmes, as well as in the programmes of other states, and shows the progression in thinking over time when compared with the November 2000 Communication. We would suggest that the way to bring greatest clarity

⁷⁰ UNHCR Population Data Unit

⁷¹ US Department of State, Bureau of Population, Refugees and Migration.

⁷² Includes nationals of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

⁷³ Under orderly departure programme run in-country.

Feasibility of Resettlement in the European Union

is to understand that **resettlement complements a fair and efficient territorial asylum system. However, it is not part of the asylum system: rather both asylum and resettlement are part of a protection system.**

Perhaps the most important distinction between ‘protected entry procedures’, studied in the first feasibility study requested by the European Commission and the majority of ‘resettlement’ situations lies precisely in the fact that resettlement does not require admission to an asylum procedure, whereas ‘protected entry’ generally indicates organized arrival, with a visa and other legal documentation, and access to an asylum procedure *after* arrival in a Member State. In other words, under protected entry schemes, the person seeking refuge will enter an embassy to request permission to travel to an EU Member State in order to seek asylum. In resettlement, a refugee will be selected by the Member State, and travel to that Member State with the knowledge that admission **as a refugee with no need to enter any asylum procedure** will be guaranteed. What is more, through resettlement, whole groups could be identified and processed for organised movement to durable protection, should states decide that is the most appropriate way of using this policy tool.

The Commission sets out a path in its June 2003 Communication, which coincides with the approach taken to this study. That path is the methodological identification of the elements of a resettlement programme in order to establish a framework within which Member States can determine the best locus for decision-making and implementation according to the principle of subsidiarity. This framework, set out in the following section, is the basis of analysis of individual countries’ resettlement programmes in Part 1, Section 4, in the Conclusions to Part 1 in Section 8 and in Part 2 of this report, where the possibility for resettlement programmes in the EU are assessed in relation to the subsidiarity principle.

The Commission’s Communication of June 2003 also sets out linkages in a comprehensive approach between resettlement, protected entry procedures and increased capacity for the granting of effective protection in the region of origin. Resettlement, as a tool of solidarity and burden sharing, has often been linked to promises for onward movement for all or the majority of refugees in return for initial protection in the region. The Indo-Chinese found short-term protection in Thailand, Malaysia and other countries in the region precisely because such promises were made by western states. New resettlement programmes established by the EU or its Member States can again increase and support first asylum opportunities in regions of origin. Resettlement is clearly not a policy approach that can stand alone: a comprehensive approach is required of which resettlement would be one element, whether it is a comprehensive approach to durable solutions or an approach to refugee protection more broadly.⁷⁴ How resettlement fits in the broadest of comprehensive approaches is not the subject of the study. However, because the focus of this study *is* on the relationship between resettlement and the Common European Asylum System, attention is paid to a comprehensive approach to refugee protection within the European Union.

⁷⁴ Further on a Comprehensive Approach to refugee protection for the European Union see van Selm-Thorburn, Joanne. **Refugee Protection in Europe: Lessons of the Yugoslav Crisis**, 1998.

3. *The Elements of a Resettlement Programme*

Any resettlement programme contains a series of steps or essential elements. The best way to conceptualise these elements is to look from the overview of the programme outwards to the chronology of contacts that the refugee will have with the process. In this way, one starts from the general development of basic policy decisions that will impact resettlement: why conduct a resettlement programme at all? Which actors to involve in the resettlement process and why? How many refugees to resettle – and where from? Moving from that general overview point, one can look at the issues regarding the selection of refugees: the criteria to be used; the methods employed for selection and the precise nature of the selection procedures themselves. Although as an observer one can easily imagine a leap from selection to the actual transfer to the resettlement country, the time between selection and departure can be lengthy – a few weeks to a few months, except for emergency case – and it is best to conceive of ways in which that time can be used for good preparation, both of the documentation required for resettlement and of the individual in terms of some basic language acquisition and preliminary knowledge about the country and conditions which he or she will soon encounter.

Travel and actual arrival can be daunting parts of the process for refugees, and form the first actual acquaintance with a new home – and thus become embroiled in the transition from expectations to reality. The first weeks in the country can be defining in many ways, and treated either as a transition period or as a simply decisive ‘plunge’ into a new life. How the authorities deal with those first weeks will determine whether or not there is any ‘move on’ period, into longer-term integration perspectives.

In summary the resettlement process contains the following broad elements:

1. General policy development
2. Levels setting
3. Selection goals
4. Selection criteria
5. Selection methods
6. Selection procedures
7. Between selection and departure
8. Arrival
9. First weeks
10. Move on
11. Integration issues

These elements will be used to organize the rest of this report. The country cases will each be set out according to this scheme, and Part 2 of the report will include six models, which are all based on this progression of elements. Some description of what is implied in each element is important at this stage.

General Policy Development: every policy has a purpose and an essential outline from which the details flow. In this context, general policy development is taken to mean the

Feasibility of Resettlement in the European Union

statement of principles on which resettlement is based. Those principles will both form a basis to all other elements of the programme and be defined by them.

Levels setting: deciding how many refugees to resettle is in many ways about defining the nature of the programme as well as the image of the resettlement country in the global refugee protection system. There is no guide to employ in determining how many refugees would be a ‘good’ number for any given state. The way in which the numbers are used can be as important in determining the nature of the programme as the actual quantity. Are the places used for specific groups of people or types of individuals falling into categories related to their region of origin; the nature of their protection need; their country of first asylum; the level of their assistance need (which may or may not be related to the refugee protection need) etc.? Another way in which the ‘use’ of the numbers is defining of the programme is in their description as a ‘quota’, a ‘target’ or a ‘ceiling’. All three are currently used:

- A *quota* is a fixed number to be filled.⁷⁵ The European states with resettlement programmes generally use ‘quota’ – the exception being those countries with an established *ad hoc* programme to which no specific numbers are applied.
- A *target* is a figure that can be met, exceeded or just missed, but the aim is to be close to that number. Canada has a target for its resettlement programmes.
- A *ceiling* is an upper limit, which there is no urgent impetus to meet, but which indicates the extent to which the country is prepared to go. The US operates a ceiling.⁷⁶

In general, the numbers are set annually, and any places not filled are simply ‘lost’. The exceptions to this are found in the Netherlands and Norway, which have three-year programme quotas. In some states, a roll-over of unfilled places can take place. Some states count the number of people selected in a year, regardless of the precise moment of

⁷⁵ Though there are rarely penalties imposed for not reaching a quota, those states which use quota systems are under strong pressure to come as close as possible to meeting that quota, and generally succeed in doing so.

⁷⁶ As an upper limit rather than a quota which is necessary to fill, it is notable that the US has only once actually reached its ceiling since this approach to levels setting was adopted in 1980. (Prior to that there was no pre-set level, but rather an *ad hoc* approach to numbers). Since 1991, the US has in fact missed its ceiling by between 6,000 and 43,000 persons every year, with a cumulative shortfall of 168,008 people on a total figure of 1,220,000 places which have been available under ceilings from 1991 to 2002 inclusive. No hard and fast explanation can be given as to why the ceiling is not reached. Some suggest it is a result of the increased diversity of the programme since 1990, although that does not explain why the only year in which the ceiling was every attained was 1989. Another explanation might be that the ceiling was instituted as a mechanism, rather than a quota, because the US wanted to make the point that the global situation might in fact not require a particular level of resettlement even if that was foreseen in a quota. As such, a ceiling, as an upper limit, left a shortfall open as a reasonable response. Nonetheless, academics, NGOs, US Senators and others have all pointed out that much more resettlement than the US ceiling numbers has in fact been needed each year since 1980 – it simply has not happened. It should be noted that the US does not have a *floor* to its programme. One novel way in which a ceiling might work well would be to introduce a floor, so that effectively there would be a target band – a minimum and a maximum number of cases to be resettled over a given period, as is suggested in the ‘target’ setting for the EU later in this report.

their travel, others count people who arrive during a given year. For this reason, the statistics used in this report are not in fact totally comparable, and wherever possible, annotations are made to explain differences.

Selection goals: are linked to the programme goals and to the ultimate aims for the refugees in the destination society.

Selection criteria: define those characteristics that are sought in refugees to be resettled under a particular programme. Immigration services and other actors in the selection process use these criteria. The fact that every state has different, and often changing, criteria makes it rather difficult for an agency such as UNHCR to play a role which every state sees as efficient. How can a field resettlement officer maintain eleven programme's selection criteria in mind when completing forms which could ultimately go to any resettlement country. How can headquarters keep those criteria separate and not be drawn to thinking first either of the state they know best, or the state that takes most refugees or has the broadest – or most unique – criteria?

Selection methods: refer to the way in which a state carries out selection. In general there are two methods: with interview or without. In the latter case, resettlement decisions are made on the basis of forms alone – hence the great importance of well-completed Resettlement Registration Forms.

Selection procedures: a method is a theoretical way of carrying out selection – in practice the procedures can differ greatly even if the broad method is one of paper-based decisions or interview-based decisions. Especially since 11 September 2001⁷⁷ these procedures generally include some measure of security checks, and may also be impacted by concerns for the security of travelling decision-makers. In addition, as many difficult cases of fraud have emerged, particularly in issues concerning family relationships, but also in the whole process of access to the resettlement system, procedures aim to involve some anti-fraud measures.

Between Selection and Departure: While emergency cases may have a decision taken and actually be transported to the resettlement country in a twenty-four hour period, for the majority of refugees there can be months or even years between selection and departure. That time can be used productively, with orientation programmes, language training, completion of all relevant documentation, and measures to ensure that families are not being separated. If the time is not usefully filled – or indeed in some cases even if it is – this can also be a difficult time for the individual, who is marked out as 'chosen' while others will remain behind.

Arrival: Resettling refugees' transportation is most often organised by IOM, with costs covered either by the resettling state's government or through loans to the refugees. On arrival in the destination country, refugees can be met by any one of a variety of actors,

⁷⁷ The term 9-11 is more commonly used to refer to the events of 11 September 2001 as it encapsulates both the date and the emergency number used in the US and Canada which is 911 (equivalent to 110 in continental Europe and 999 in the UK).

Feasibility of Resettlement in the European Union

and the choices made for that key moment in the refugees' experience can impact the way in which they become involved in their new society. The status with which a resettling refugee arrives in the resettlement country is important both for their embarkation on an integration path, and for the procedures for their entry to the country. In all cases at present, resettling refugees arrive with a status – most frequently that is a long-term or permanent residence status, based on admission as a refugee.

First weeks: In their first weeks in a destination country, resettled refugees might be housed in a collective reception centre, taken in by family members already in the country or placed immediately in housing in which they are expected to remain for their first months or years in the country at least.

Move on: The transitional period between getting to a destination country and really starting to belong is, in some cases, formalised by the move from a collective reception centre to independent accommodations. States choose different time periods for this transition – or may not choose, but find that the practicalities of other parts of their refugee and social welfare systems dictate times to them. In some cases there is no 'move on', most particularly where the first housing a refugee has access to is expected to be their longer-term abode. In some countries, loans may be made to assist refugees in establishing their new lives.

Integration: The term integration is contested, but as used here it signifies the process through which refugees settle into their new society over the longer-term.⁷⁸ Many things in that process cannot be planned – but some goals or wishes on the part of the government of the resettlement country may be expressed in earlier parts of the process by, for example, adding selection criteria designed to ensure the arrival of refugees who are most likely to adapt to their new surroundings.

⁷⁸ The term 'integration' is often confused by reference rather to assimilation or acculturation, or by discussion about multi-culturalism. Integration can, according to Penninx and Vermeulen, be "an umbrella concept" and a term which "covers a wide area". It is used in different ways, with definitions varying "in the degree of pluralism implied." Generally, the intention in the use of the term 'integration' is to indicate a "greater degree of tolerance and respect for ethno-cultural differences." Nonetheless, it can be (and often is) misunderstood to be more assimilationist. While Penninx and Vermeulen note that the term is used in different ways in different countries (including in different Member States of the EU) they also comment that there appears to be little disagreement about the goal of integration in the socio-economic sphere being to allow for 'access and equity', although there is little agreement about the goal of integration in the socio-cultural sphere – or about how the two spheres (socio-economic and socio-cultural) inter-relate. See Hans Vermeulen and Rinus Penninx (eds.) **Immigrant Integration: the Dutch case** (Amsterdam: Het Spinhuis, 2000) *Introduction* pp.2-5.

Resettlement quotas⁷⁹ and arrivals

	<i>Quota 2001</i>	<i>Arrivals 2001</i>	<i>Quota 2002</i>	<i>Quota 2003</i>
<i>Argentina</i>	Ad hoc		Ad hoc	Removed
<i>Australia</i>	4,000	6,345 ⁸⁰	4,000	4,000
<i>Brazil</i>	100	0	100	100
<i>Burkina Faso</i>	100	73		-
<i>Canada</i> ⁸¹	7,300 (GAR); 2,900-4,200 (PSP) ⁸²	7,316 (GAR); 3,560 (PSP)	7,500 (GAR); 2,900-4,200 (PSP)	7,700 (GAR)
<i>Chile</i>	60	9	60	60
<i>Denmark</i>	517	1,034	500	500
<i>Finland</i>	750	746	750	750
<i>Iceland</i>	20-30	23	20-30	20-30
<i>Ireland</i>	10 cases	54	10 cases	10 cases
<i>The Netherlands</i>	500	282	500	500
<i>Norway</i>	1,500	1,797	1,630	1,145
<i>New Zealand</i>	750	473 ⁸³	750	750
<i>Spain</i>	Ad hoc		Ad hoc	Removed
<i>Sweden</i>	1,375	1,719	770 (plus 230 selected in 2001)	1,000

⁷⁹ For Canada these are targets, and for the US, ceilings – and not quotas. As noted above, the distinction is that a quota should be filled; a target is flexible, and a ceiling is an upper limit, which, in the case of the US, is rarely met.

⁸⁰ Australia's Department for Immigration indicates that 7,992 people were resettled in 2000-2001 and 8,458 people in 2001-2002.

⁸¹ Citizenship and Immigration Canada indicates a total target of 11,300 for 2001 and 11,926 for 2002, with 12,268 total arrivals in 2001.

⁸² GAR indicates 'Government Assisted Refugees' and PSP indicates 'Private Sponsorship Programme.' Both categories are explained below.

⁸³ New Zealand's Immigration Service states that 672 quota applicants were accepted in 2000-2001.

Feasibility of Resettlement in the European Union

<i>Switzerland</i>	100	5	183	Removed
<i>United Kingdom</i>	310 (Mandate and ToMs ⁸⁴)	204	310 (Mandate and ToMs)	500 (plus 300 Mandate and ToMs) ⁸⁵
<i>United States</i>	70,000	68,400 ⁸⁶	70,000 ⁸⁷	70,000 ⁸⁸

Sources, UNHCR *Easy Guide to Refugee Resettlement Programmes: Information as of 15 June 2002*, UNHCR, *Easy Guide to Resettlement Programmes: Information as of 15 June 2003* and UNHCR *Global Resettlement Trends, 1st and 2nd Quarter 2002* (15 October 2002) except where noted.

⁸⁴ ToMs indicates the ‘Ten or More’ medical needs programme. Other countries include a ‘Twenty or More’ programme of a similar nature within their total quota.

⁸⁵ In 2002 the new UK resettlement programme was announced with a quota of 500 for 2003.

⁸⁶ US Committee for Refugees, **World Refugee Survey 2003**. In 2002 the programme arrivals shrank to 27,100.

⁸⁷ In 2002, 20,000 places remained unallocated, reserved for contingencies, meaning the ‘informal’ ceiling was 50,000.

⁸⁸ Ceiling – figure from UNHCR, *Easy Guide to Resettlement Programmes: Information as of 15 June 2003*. The US resettlement programme for 2003-2004, and Presidential Determination of numbers had not been announced at that point.

4. Country Reports

In this section, eleven countries' resettlement programmes will be fully set out according to the scheme of programme elements described above. We start out with the EU Member States which have resettlement programmes. These are set out in order of size, starting from the largest programme by quota number (Sweden). These seven reports are followed by four reports on other countries with large resettlement programmes, ending with the United States, which has the largest programme. Briefer overviews will be given of New Zealand's programme and those of the emerging countries of resettlement in Africa, Latin America and Iceland, as well as of the *ad hoc* programmes in other EU Member States. A summary table follows each of the longer reports.

4.1 Sweden⁸⁹

Goals and policy creation

The goal of the Swedish resettlement system is to transfer persons seeking refuge or others in particularly vulnerable situations to Sweden.

The Swedish government, after approval by parliament, sets out guidelines on which the resettlement quota [that is, an annual number of resettlement places which must be filled] is based each year. The government holds regular consultations with other Nordic governments within the framework of the Nordic Council for Refugee Affairs (NSHF).

Levels-setting

The government (after approval by parliament) budgets a fixed sum (averaging 136,600SEK or approximately 15,000 Euro per person) for the resettlement of (in the last several fiscal years) 1,840 refugees. Some of the funds, however, may be diverted to other refugee and resettlement-related projects, which means that the total number of people actually resettled may be lower – in 2002, for instance, 1,000 refugees were resettled, with the corresponding funding for the remaining 840 resettlement slots being used for other projects.⁹⁰ There is no rollover of unfilled places into the following year, though Sweden generally comes to within 50 or 100 places of its quota each year.

Municipalities and provinces agree each year on where the final destinations of the incoming refugees will be.

⁸⁹ Research visit conducted in April 2003.

⁹⁰ One example of this is the "Colombia Project" under which the Swedish government, initially through the Migration Board, contributed to a programme for giving Colombian activists a 'rest' period for approximately one year in Chile. This project did not involve the formal granting of protection by Chile, nor did it involve any guarantees of onward movement to Sweden if it should transpire that the Colombian in question might be unable (eg due to reasons of fear of persecution by any actor in that country) to return. At the time of this research, the project was set to change, and so is not described further in this report.

Feasibility of Resettlement in the European Union

Selection goals

The over-riding selection goal is the humanitarian transfer of refugees and particularly vulnerable individuals to Sweden. As such, the goal is to select people at risk and in need of the type of protection which Sweden is capable of offering.

Selection criteria

Sweden does not set clear priorities for resettlement selection, though in practice priority is given to candidates with close family already residing in Sweden. Rather, the Swedish Migration Board follows very closely the categories developed by UNHCR, which are:

- People with legal and physical protection needs,
- Survivors of violence and torture,
- People with medical needs,
- Women at risk,
- Family reunification,
- Children and adolescents,
- Elderly refugees and
- Refugees without local integration prospects.

However, though the guidelines offer indications of selection criteria beyond merely a close following of UNHCR's categories, in practice the criteria are relatively vague and are often subject to interpretation on a case-by-case basis.

Sweden's Aliens Act⁹¹ uses a refugee definition which is identical to that of the 1951 Convention including the 1967 Protocol, including additional categories of: 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 persecution due to gender-related reasons or on grounds of homosexuality.⁹² Guidelines developed in 2001 also allow for selection from the following categories:

- Unaccompanied women without male protectors who find themselves alone in such an environment that it is unthinkable or in any case very difficult to live alone;
- Persons who have stayed in the country of refuge for a significant amount of time and if there is a strong link to Sweden or strong humanitarian reasons;
- Medical cases where there is no opportunity for care in the country of refuge;
- Minor children without custodians, if there are relatives in Sweden who are willing to receive the child or if this otherwise corresponds with the best interests of the child;
- Humanitarian reasons where continued presence in the country of refuge would contravene requirements for humanity.

⁹¹ 1989, Article 529.

⁹² UNHCR, **Resettlement Handbook**, 2002. SWE/2-3.

There have also been exceptional cases of persons falling under one or more of the categories listed above but who have not yet crossed the border of their country of nationality.

Selection method

Sweden uses both a dossier-based decision process (for approximately 75% of its quota over the last decade) and selection missions (for approximately 25% of its quota, though that percentage has been increasing in recent years).

Selection procedure

Selection missions tend to consist of five or six staff, as well as security personnel, from the Swedish Migration Board spending up to two weeks in a given refugee camp. The team works with UNHCR and NGOs to interview a significant number of candidates (recent missions interviewed more than one hundred refugees). Selection missions in regions of origin are meant to give decision makers a stronger basis on which to understand and process the information presented in UNHCR Refugee Referral Forms.

Dossier decision-making involves submission of a dossier of evidence by UNHCR to the Swedish Migration Board, after relevant interviews and assessment of resettlement need have already been conducted by UNHCR itself. Such cases are based on UNHCR's general Refugee Referral Form.

Between selection and departure

There is no mandatory medical check conducted before a refugee departs for Sweden. There are two types of orientation programmes, a short (roughly two hours) programme and a longer, more intensive version called the 'Sweden Programme,' which can last for four to five weeks. The latter programme has very rarely been carried out because it is very resource-intensive.

Transportation of refugees to Sweden is conducted by IOM, which is generally given large discounts on airline tickets for the refugees. IOM is also generally responsible for ensuring that refugees have all the proper documentation, make their connecting flights and for follow-on to their final destinations. The cost of travel is paid to IOM by the Swedish government.

Arrival and first weeks

Refugees resettled in Sweden do not automatically have refugee status upon arrival. Rather, they are given a permanent residence permit (on application), and have the opportunity to apply for recognition as a refugee in Sweden *after* arrival. Official refugee status is therefore not simply granted because someone has been selected under the quota system, but requires in-country confirmation. Access to some forms of assistance is easier

Feasibility of Resettlement in the European Union

once refugee status as such has been granted. However, achieving refugee status after arrival is not essential to the right to residency granted through selection for resettlement.

Refugees are met at the airport by the Refugee Officer of the municipality in which they will reside. The officer is responsible for guiding refugees through their first months in Sweden. Each municipality that has agreed to accept resettled refugees is given a state grant of 154,000SEK (approximately 17,000 Euro) for each adult refugee resettled in that municipality; 94,500SEK (just over 10,000 Euro) per child. This grant is intended to cover standard social assistance benefits, housing, education, child care, language training, administrative costs, etc. Additional funds can be made available for refugees requiring special assistance, such as those with disabilities.

Adult refugees are also permitted to take out a small establishment loan for purchase of furniture and other basics shortly after arrival. The repayment terms vary, and interest is charged by the government on the loan after two years.

Move-on

As refugees are sent immediately to their final destination in Sweden, there is no “move-on” period.

Integration issues

Municipalities are required to develop an individual “integration plan” for each refugee they resettle. The plans are developed in consultation with the refugees themselves and local employment offices. The plans are intended to smooth the refugee’s transition into everyday life in Sweden. Income support, language training and job search assistance as provided by the municipal governments for up to two years.

- *Employment*: Sweden allows municipalities the option of paying initial support through a separate programme, allowing for participation in language and vocational training and job-seeking activities, rather than through the common unemployment programme as has been the case previously. Special programmes for resettled refugees last for up to two years after arrival, after which time if they still need social support, they are moved onto the state support rosters. The Swedish government has been putting increasing emphasis in recent years on equipping newly resettled refugees to enter the labour market quickly – even in absence of solid language skills – in the hope that any type of employment may be better for longer-term integration and upward employment mobility than two or three years out of the workforce working on perfection of language skills and other preparation.⁹³
- *Housing*: housing for resettled refugees is determined before their arrival in Sweden. The cost of housing is supported by the government for up to two years.

⁹³ National Integration Board (Sweden). **Bounds of Security**, 2001. pp.143-144.

- *Health care*: the Refugee Officer of the municipality in which the refugee lives is responsible for assisting with initial appointments and registration for public health insurance systems.
- *Education*: language training is integrated into the refugees' integration plans (discussed above), and generally combines class-based language training with relevant part-time employment. Language instruction is free and social support payments are available to enable participation.⁹⁴
- *“Social” integration*: Sweden promotes social integration by supporting refugees' community efforts, including employing them in reception activities and establishing an 'old refugee' mentor system for newly-arrived refugees.⁹⁵

Summary

<i>Quota 2003</i>	1,000 with no rollover for unfilled places
<i>Arrivals 2002</i>	1,000
<i>Policy makers</i>	Foreign Ministry; Parliament; National Government
<i>Selection criteria</i>	Refugee protection need; UNHCR categories; family ties to Sweden
<i>Selection method</i>	Dossiers (about 75%) and selection missions (about 25%, although the number of refugee selected through missions has been increasing in recent years)
<i>Selection procedures</i>	Interviews by the Migration Board and Integration Board on selection missions, or dossier based.
<i>Medical checks</i>	No
<i>Security checks</i>	Security checks are conducted on applicants before selection missions
<i>Orientation programme</i>	Short version or longer, and rarely conducted “Sweden Programme”
<i>Transportation</i>	IOM-organized/government-funded
<i>Reception</i>	Met by a Refugee Officer from the municipality
<i>Legal status on arrival</i>	Granted a residence permit; may apply for refugee status after arrival – but does not need to.
<i>Integration</i>	Municipal governments, with federal funding, provide language training, job search assistance and income support for two years; the municipality and the local employment office develops 'integration plans' with each resettled refugee.

⁹⁴ UNHCR. **Refugee Resettlement: An International Handbook to Guide Reception and Integration**, 2002. p. 127.

⁹⁵ National Integration Board (Sweden). **Op. cit.**, p.145.

4.2 Finland⁹⁶

General Goals and Policy Creation

Finland views resettlement as a tool of international protection for individual refugees, with special attention paid “to the resettlement needs of families with children, the chronically ill and disabled, as well as single parents and single women”⁹⁷. The Finnish resettlement programme aims to establish viable refugee communities at the local level. As such, the government’s annual quota places are generally used for a limited number of refugee groups. In recent years, Finland has resettled Afghan, Iraqi, Iranian and Sudanese refugees and has rarely opened quota places for members of new populations.

Levels Setting

Since 1979, Finland has set an annual quota for refugee admissions. Based on consultations with UNHCR and considering the capacity of local authorities, the Ministry of Labour presents its yearly quota recommendations. The quota is contained in the State budget and approved by the Parliament. The quota was set at 700 places for the year 2000; 750 resettlement places were available in 2001 and 2002. For 2002, the quota was allocated amongst four refugee groups, with 165 places for Afghan refugees from Iran, 280 places for Iranian refugees (180 from Turkey and 100 from Iraq), 100 places for Iraqi refugees from Turkey, and 130 places for Sudanese refugees from Egypt. Seventy-five places were left unassigned for emergency and urgent cases.

The quota for 2003, of 750 places as in the two previous years, also included placements for Afghan, Iraqi, Iranian and Sudanese refugees, with 10 percent of slots left open for emergency cases. Decisions concerning the origin of resettlement applicants are based on information contained in UNHCR’s global needs assessment. Family reunification cases (where the family travels later and is not part of the initial selection procedures) are not counted towards the quota.

Selection Goals

A major goal in selecting refugees is the development of communities within Finland, leading to a focus on particular ethnic groups, nationalities or refugee situations over several years.

Selection Criteria

Finland formally requires that refugees applying for resettlement meet the specifications of the 1951 Convention definition. In practice, however, the country accepts refugees who do not meet Convention’s criteria. Finland’s primary goal in resettlement is individual protection for refugees, and the shortage of legal criteria for resettlement candidates allows for flexibility in the selection process. A refugee’s capacity for

⁹⁶ Research visit conducted in May 2003

⁹⁷ UNHCR. **Resettlement Handbook**, 2002. p. FIN/3.

successful integration is considered among other factors, but humanitarian concerns are most strongly stressed. As such, Finland accepts large families and refugees with disabilities and medical problems for resettlement.

Selection Method

The vast majority of refugees resettled in Finland are referred by UNHCR. A limited number of cases are accepted through dossier submission, while the remaining quota refugees are selected during interview missions, conducted once each year in each location (so four or five selection missions per year in total). Representatives of the Directorate of Immigration and the Ministry of Labour are responsible for selection decisions.

Selection Procedure

UNHCR's RRFs are received by the Ministry of Labour, forwarded to the Directorate of Immigration and screened by the Security police. The Ministry of Labour and Directorate of Immigration review the information received from UNHCR and select the refugees they are interested in interviewing during the selection mission. The authorities are generally able to provide a selection decision within two months of the mission.⁹⁸

Between Selection and Departure

The Ministry of Labour, UNHCR and IOM coordinate the refugee's travel to Finland, with expenses paid by the Finnish government. A finalized travel schedule is forwarded to the Finnish Red Cross, which coordinates reception services.

Since 2001, IOM has been contracted to organize three-day cultural orientation programmes prior to departure. Basic information regarding Finnish history, geography, language, religion, housing, social services and employment is given, through videos, brochures and other material. Further formal orientation generally occurs after arrival in Finland.

Arrival

The Red Cross informs the municipalities and border guards and greets incoming arrivals at Helsinki airport. The newcomers have their photographs and fingerprints taken by border guards and are directed on to their final destination.

Upon arrival, resettled refugees are granted a residence permit and status under the 1951 Convention. Refugees may apply for citizenship after five years.

⁹⁸ UNHCR. **Resettlement Handbook**, January 2002.

Feasibility of Resettlement in the European Union

Move-on

In consultation with local authorities, the Ministry of Labour determines the ultimate destination of resettled refugees within Finland. The country has witnessed significant secondary migration movement among refugees, with many newcomers eventually making their way to Helsinki and other urban areas.

Integration Issues

The Ministry of Labour, through contracts with municipal authorities, has primary responsibility for the integration of resettled refugees. The Ministry of Labour, through its fifteen regional offices, provides the municipalities with compensation to fund integration activities for three years, based on the number of refugees resettled there. The Red Cross, and in some municipalities, other NGOs, are often informally involved in the integration process by providing language tutors and other activities.

Upon arrival in their final destination, refugees contact the local employment office. An integration plan is developed for refugees of working age, which generally includes language training, classes on Finnish culture, and employment assistance. Refugees who are not of working age receive assistance through immigration or social service offices, and are included in their parents' integration plan. People who might not be expected to work (the disabled, elderly, or women whose long-term intention is to be housewives) also have an integration plan set out. Such plans include not only employment prospects, but also engagement in various clubs or hobbies to facilitate contact with existing local residents.

- *Language Training:* The local employment office and municipal authorities, through contractors, fund language classes for resettled refugees.
- *Housing:* Municipal authorities generally have permanent accommodations arranged for newcomers before their arrival.
- *Financial Assistance:* While searching for employment, resettled refugees receive the same living allowance (about 340 Euro per month) as Finnish job-seekers. Most refugees do not find a job until after they have completed their integration plan, which often takes three years. Studies have noted the difficulties that newcomers face in finding employment in Finland.⁹⁹

Summary

<i>Quota 2003</i>	750 (family reunification does not count toward quota)
<i>Arrivals 2002</i>	700
<i>Policy makers</i>	Labour Ministry; Justice Ministry
<i>Selection criteria</i>	Refugee protection need; establishment of local refugee communities
<i>Selection method</i>	The vast majority are selected during one of four or five

⁹⁹ See Kathleen Valtonen, *The Integration of Refugees in Finland in the 1990s*, Helsinki: Ministry of Labour, Finland, 1999.

	selection missions conducted each year; occasionally a dossier-based case is accepted
<i>Selection procedures</i>	Referrals received from UNHCR headquarters; Directorate of Immigration and Ministry of Labour conduct interviews
<i>Medical checks</i>	Not required
<i>Security checks</i>	Security Police review and comment on files submitted by UNHCR; photographs and fingerprints taken upon arrival in Helsinki
<i>Orientation Programme</i>	IOM is contracted to provide orientation materials (brochures, videos), prepared by the Ministry of Labour, pre-departure; formal orientation conducted after arrival
<i>Transportation</i>	IOM organized/government funded
<i>Reception</i>	Met by representatives of the Finnish Red Cross in Helsinki
<i>Legal status on arrival</i>	Residence permit and refugee status
<i>Integration</i>	The Ministry of Labour, through its regional offices, provides municipalities with funding, based on the number of refugees resettled there. Refugees develop an integration plan with the local employment office. Integration activities are available for three years after arrival.

4.3 Denmark

General Goals and Policy

The feature that sets the Danish refugee resettlement system apart in Europe, is the federal government's close cooperation with the Danish Refugee Council (DRC), a non-governmental organization, as well as with municipal authorities. The Danish Refugee Council has, historically and traditionally, played a significant role in refugee resettlement in Denmark. The organization is actively involved in the selection process and in asylum adjudication. Although in the past this NGO connection also extended to the integration process, the federal government changed that system in 1999 so that municipal governments now have responsibility for the integration of resettled refugees. Resettled refugees are dispersed across the country, with the distribution amongst municipalities decided upon early in the year. Although the Immigration Service is the authority responsible for dispersal decisions, municipal authorities have the opportunity to negotiate regarding the number and geographical origin of the refugees they resettle.

Levels Setting

Denmark's view of refugee resettlement is that it is primarily an instrument of protection for individual refugees. Each January, the Danish Quota Committee, comprised of representatives of the Danish Immigration Service, the Ministry of Foreign Affairs, the Danish Refugee Council, and the Danish municipalities meets to determine the allocation

Feasibility of Resettlement in the European Union

of quota placements within Denmark and the destination of annual selection missions. Since 1989, the quota has been set at five hundred places per year. The quota is separated into some five geographical categories, an emergency category, which generally consists of fifty places, and the Twenty-or-More programme for medical cases.¹⁰⁰ Family reunification cases are generally considered to fall outside of the quota and in other specialized programmes. Denmark resettled 490 refugees in 2002 and 531 in 2001.¹⁰¹

Selection goals

Denmark's selection goals are very broad, with a focus on people who have a prior connection to Denmark.

Selection Criteria

Although there are few specified criteria for resettlement in Denmark, applicants must meet the conditions of the 1951 Convention definition. Denmark also prefers that applicants' connection to Denmark be stronger than their link to any other resettlement country. In practice, however, the country often resettles refugees with no connection to Denmark.

Selection Method

UNHCR's Resettlement Section must submit all potential resettlement cases for Denmark. Generally, the Danish Immigration Service and Danish Refugee Council receive resettlement referrals by fax or email from UNHCR. The Danish Refugee Council evaluates the case, verifying the data contained in the Refugee Referral Form and analysing it in reference to available country information. Simultaneously, the Immigration Service carries out its own evaluation. Any questions from both the government authorities and the NGO on the application are referred to UNHCR, with all parties being copied on the communication. Most refugees selected for resettlement are offered placements during annual selection missions, although an increasing number are being chosen through dossier submissions, which Denmark accepts from UNHCR headquarters at any point in the year. For both types, a completed Refugee Referral Form and country report constitute the essential documentation.

Selection Procedures

The destination of the two annual selection missions are decided at the Quota Committee meeting, in consultation with UNHCR, at the beginning of each year. Refugee Referral Forms are forwarded to the Danish Immigration Service from UNHCR headquarters several weeks prior to a selection mission, as described above, and the Police and Military Intelligence Services conduct a security screening of all applicants before the mission. Teams, composed of representatives of the Immigration Service and Danish Refugee Council, interview refugees during the missions, and, as often as possible,

¹⁰⁰ UNHCR. **Resettlement Handbook**, January 2002.

¹⁰¹ Danish Immigration Service. **Statistical Overview 2002**, March 2003.

provide decisions immediately following the interview.¹⁰² Generally, about 200 refugees are selected for resettlement during each mission. In recent years, teams have conducted selection missions in Iran, Eritrea, Ethiopia, Turkey, Malaysia and Thailand.

When dossiers are submitted for cases outside the interview mission, they are classified within one of the quota categories (regional, medical etc). The case is reviewed by the Danish Refugee Council, which submits its recommendation to the Immigration Service. In most cases, the Immigration Service accepts the Danish Refugee Council's recommendations and informs the relevant Danish embassy upon a positive decision. According to officials involved in the process, the Immigration Service denies about five percent of the cases put forward by the Danish Refugee Council. Recently, Denmark has become particularly concerned with ensuring that refugees selected for resettlement are not in violation of Article 1F of the 1951 Refugee Convention, and since 11 September 2001, Danish authorities also require that dossier-based applicants undergo security screenings prior to resettlement. Generally, between ten and twenty percent of applicants, in particular those connected with military groups or from certain countries of concern, are subject to security screenings by the Police and Military Intelligence Services, which have fourteen days to submit their conclusions.

Between Selection and Departure

Health screenings are conducted for all refugees selected for resettlement to Denmark, although the results of screenings do not affect their placement. The Danish Refugee Council, in cooperation with IOM, prepares selected refugees' travel arrangements. The Danish government covers all travel expenses.

Representatives of the Danish Refugee Council and the Immigration Service conduct a brief orientation during the selection missions. Danish representatives discuss resettled refugees' rights and obligations, and provide a general introduction to Danish society.

Arrival

Representatives of the Danish Refugee Council meet refugees at the airport upon arrival in Denmark. Resettled refugees are granted status under the 1951 Convention upon arrival. After seven years, the refugee may obtain a permanent residence permit. Until that time, their status is temporary and may be withdrawn under the cessation clauses or extended if the newcomer fails to meet the requirements of the integration programme. The refugee may be permitted to apply for citizenship after some eight years in the country.

Move-on

Decisions concerning the resettled refugee's final destination within Denmark are dependent on the annual municipal quotas and the personal situation of the refugee. Attempts are made to locate the refugee in proximity to other immigrants from the same

¹⁰² UNHCR. **Resettlement Handbook**, January 2002.

Feasibility of Resettlement in the European Union

country. For three years after their arrival, resettled refugees are not permitted to move from the city to which they have been assigned.

Local municipalities, with funding provided by the Ministry of Integration, provide refugees with a three-year integration programme that begins immediately upon their reception. An individual action plan is developed for each refugee, based on his/her particular skills and abilities. The integration programme must include language classes, a course on Danish society and culture, and, if necessary, job training. Should the refugee fail to attend classes or adhere to the integration program, his or her access to financial assistance and, eventually, citizenship status, may be affected.

Integration issues

The Danish Integration Ministry, through municipal governments, is responsible for refugees' integration. The Danish Refugee Council also sponsors volunteer programs across the country, designed to promote integration and understanding.

- *Language Training*: In accordance with the integration program developed with the local municipality, the refugee attends language classes, available locally for no charge.
- *Health Care*: Resettled refugees have the same access to the national health system as Danish citizens, which allow them free medical and hospital treatment.¹⁰³
- *Employment*: Refugees are granted a working permit upon arrival. For those whose introduction plan includes vocational training, at least thirty hours per week must be provided.
- *Financial Assistance*: Refugees unable to find employment are provided with public relief, at a rate of up to eighty percent of that available for Danish residents.

Summary

<i>Quota 2003</i>	500 (family reunification does not count toward quota)
<i>Arrivals 2002</i>	490
<i>Policy makers</i>	Immigration Service
<i>Selection criteria</i>	Refugee protection need; connections to Denmark
<i>Selection method</i>	The majority are chosen during the two selection missions conducted each year, although an increasing number are selected from dossier submissions, which are accepted throughout the year.
<i>Selection procedures</i>	Referrals are submitted from UNHCR headquarters several weeks before the selection missions. The Immigration Service and Danish Refugee Council (DRC) conduct interviews, generally providing a decision immediately

¹⁰³ UNHCR. **Resettlement Handbook**, January 2002. p. DEN/9.

	thereafter. Dossiers are also reviewed by both the Immigration Service and DRC.
<i>Medical checks</i>	Yes, but the outcome will not affect the decision to resettle
<i>Security checks</i>	All dossier-based cases undergo a security screening. Between ten and twenty percent of other cases (particularly those with ties to military groups) are screened by the Police and Military Intelligence Services.
<i>Orientation programme</i>	Some information is provided during the selection mission.
<i>Transportation</i>	IOM – government funded
<i>Reception</i>	Met by representatives of the DRC
<i>Legal status on arrival</i>	Refugee status
<i>Integration</i>	Through municipal governments, the Integration Ministry is responsible for providing refugees with language training, job search assistance and other integration-related activities.

4.4 The Netherlands¹⁰⁴

Goals and policy creation

Until the mid-1980s, the vast majority of refugee arrivals in the Netherlands arrived under the resettlement programme. As asylum numbers rose, the Netherlands maintained its quota programme for people known as ‘invited refugees’. The programme has undergone many changes, though the essence of it remains assistance to UNHCR in providing a durable solution to refugees with a protection need. In principle, the only difference between refugees arriving as asylum seekers and those arriving as ‘invitees’ under the quota programme is intended to be the means of entry to the Netherlands. For 2003-05 there are plans to reach a new agreement on the programme, including extending the sub-quota presently intended only for twenty or more (TOMs) to include groups such as victims of torture and women at risk. The major sticking point in reaching agreement at the time of the research appeared to be the need for integration criteria in the resettlement programme, in respect of the major issue which integration has become. If integration criteria were to be included, then they would not apply to the twenty or more cases, which are expected to make up 100 of the 500 people each year (the twenty with medical or other special need and a potential average of four accompanying family members).

Levels-setting

The government of the Netherlands has set an annual quota of 500 refugees, including 20 medical cases for many years now. In 1999, a decision was made to plan three years in advance, with 500 places per year through 2001. The quota has, however, not been met

¹⁰⁴ Primary research visit conducted in June 2003.

Feasibility of Resettlement in the European Union

and the slots have therefore been “rolled over” into the next year’s quota, during this three-year period. The places remaining at the end of 2001 were used as an *ad hoc* quota for 2002, as no new quota was set.¹⁰⁵ In autumn 2003, Parliamentary debate on a new resettlement programme with the same type of quota level as in the past is expected.

Selection goals

The Netherlands’ selection goals are broad, and in essence are to support UNHCR in providing humanitarian protection for vulnerable refugees. However, a further goal is to ensure that selection for resettlement does not give any grounds to claims of discrimination on the part of asylum seekers who are going through procedures in the Netherlands, meaning that selection criteria for resettlement become quite narrowly focused on the nature of the claim to refugee status.

Selection criteria

Resettlement candidates must meet one the series of definitions set forth in the Dutch Aliens Act, interpreted in the same way as they are for asylum seekers. This means they must be a refugee according to the 1951 Convention, or fall within the realms of protection granted for humanitarian reasons, primarily those set out in the European Convention on Human Rights. According to the Resettlement Handbook country chapter, refugees to be resettled to the Netherlands must also be considered “reasonably capable” of integrating into Dutch society (that is, they must have completed at least secondary education; other capability factors include command of English, work experience, initiative and resourcefulness). However, that Handbook text, published in 2002, was out of date, as it referred to the period in which the Netherlands still conducted selection missions. After all, such criteria cannot be confirmed without a face-to-face interview. In a response to questions from Parliament, the new Minister, Rita Verdonk, stated on 10 June 2003, that the integration criteria described in the Handbook are not part of the criteria used for selection, and do not form part of the reason for which more than 50 percent of the referrals from UNHCR have been rejected in recent years.¹⁰⁶

¹⁰⁵ Although immigration, asylum and integration were key issues in the May 2002 electoral campaign, the relatively small resettlement programme was not a priority for the CDA-LPF-VVD cabinet which ruled until late 2002. As a result of the February 2003 elections a CDA-VVD-D66 cabinet took office in May 2003, with issues related to ‘protection in the region’ high on its agenda. It remains to be seen whether resettlement will achieve any renewed interest.

¹⁰⁶ Response by Minister Verdonk (Foreigners Affairs and Integration) received by the Parliament on 10 June 2003, to questions posed by Member of Parliament K.G. de Vries (Labour Party) on 7 April 2003, *Tweede Kamer, vergaderjaar 2002-2003, Aanhangsel* p.2921 (Second Chamber, meeting year 2002-2003, Annex). Translation of text and title Joanne van Selm. The Minister’s response did not contest the figure of a higher than 50 percent rejection rate for referrals from UNHCR. That rejection rate is, according to various interviewees, so high because the Immigration Service (IND) views many of the dossiers received from UNHCR to be either incomplete or poorly completed, not to give enough precise and relevant details about the refugee claim, or not to involve people who would be adjudicated to be refugees under the Dutch Aliens Act.

Refugees with medical needs and women at risk are resettled through the “Twenty or More” programme, though restrictions are placed on medical cases. These restrictions include:

- That treatment not be available in the country or region of refuge,
- That the refugee falls into a UNHCR-defined “medical category,”
- That care in the Netherlands can result in substantial improvement of the medical condition; and
- That there is a “reasonable expectation” that the refugee will be able to “function satisfactorily in a psycho-social sense”¹⁰⁷ after treatment in the Netherlands.

Special consideration is also given to persons who have been persecuted for their political activities as well as to victims of torture.

Selection method

All resettlement decisions are made on the basis of UNHCR dossiers (described below). Case assessment and final selection (based on the dossier) are completed by the Dutch Immigration and Naturalization Service (IND) in the Netherlands. No interviews are conducted by Dutch officials in determining status and admissibility for resettlement, although they are for asylum seekers. The methodology is based on the desire to provide non-discriminating treatment to all refugees, whether they arrive spontaneously or through resettlement. However, this dossier-only selection method appears to in fact bring discrimination into the proceedings, by not affording resettlement candidates the opportunity to sit opposite a Dutch immigration official and explain their case. The IND is entirely dependent on the quality of information provided on the UNHCR Resettlement Registration Form, and the rejection rate is high. Immigration and Naturalization Service staff hope to begin ‘work visits’ to the resettlement section in Geneva in order to provide more detailed information of Dutch requirements, and, according to officials, to seek additional files which may be (more or less) ‘hanging around’. The two major problems with dossier-only selection noted by Dutch resettlement officials are 1). not enough dossiers are submitted by UNHCR due mostly to understaffing and 2). dossiers are often of poor quality, leaving out necessary information or submitted while still incomplete.

Dutch officials suggest that they fear that lawyers acting on behalf of asylum seekers in the Netherlands might file cases for discriminatory practice if the government were to accept referred refugees who are in need of a durable solution to their protection need, but are not in a situation at that moment in time which can be described as one meeting the criteria of the Dutch Aliens Law.¹⁰⁸ UNHCR does refer people for resettlement whose immediate protection needs might be being met, but for whom the existing form of protection does not provide a durable solution (eg people in a refugee settlement, who are safe, but who are not permitted to integrate in the local economy or society and who cannot return to their country of origin). No other country’s officials make any reference

¹⁰⁷ UNHCR. **Resettlement Handbook**, January 2002. p. NET/3.

¹⁰⁸ To the best of the knowledge of the authors of this report, no such cases have been brought elsewhere, and none has been brought in the Netherlands.

Feasibility of Resettlement in the European Union

to concerns about discrimination in the process of selection refugees for resettlement compared to the process of considering an asylum application.

Selection procedure

Dossier decision-making involves submission of a dossier of evidence by UNHCR to the Dutch Immigration and Naturalization Service, in consultation with the Ministry of Foreign Affairs. Relevant interviews and assessment of resettlement need have, according to the Dutch authorities, already been conducted by UNHCR. However, UNHCR staff in the field are not aware that the case is directed to the Netherlands, in many cases, and so the ‘interview’ may be premised on the notion that an immigration official may be meeting the refugee in the field to conduct actual selection. This arises because the decision to send the file to the Netherlands, rather than for example Sweden or Norway, is made in the Resettlement Section at UNHCR Headquarters in Geneva. Only if the candidate has family members in the Netherlands can the UNHCR resettlement officer in the field be reasonably sure that the forms will be sent there – but even then it is not clear that that officer would be fully aware of the fact that the Netherlands does not conduct any selection missions, or that the Dutch Immigration Service will be judging the dossier as if it was an in-country asylum application.

Between selection and departure

There is no mandatory health screening of refugees before arrival in the Netherlands, nor is there any pre-departure orientation, other than the provision of a ‘Frequently Asked Question’ sheet from Dutch embassies.

Transportation of refugees to the Netherlands is conducted by IOM, which is generally given large discounts on airline tickets for the refugees. IOM is also generally responsible for ensuring that refugees have all the proper documentation, make their connecting flights and for follow-on to their final destinations. The cost of travel is paid to IOM by the Central body for the Reception of Asylum Seekers, using funds from the Ministry of Foreign Affairs.

Arrival and first weeks

Upon arrival, refugees are instructed to complete forms which – after a few days of processing – will give them a temporary residence permit. This status is renewable for up to three years, after which it is made permanent. This is the same situation as for asylum seekers who are recognized as refugees. The difference, however, is that the Justice Ministry Circular has made known in a Circular, that the status of an invited refugee will not be withdrawn after three years even if the situation in the country of origin has changed – so the extension into a permanent status will, in effect, be automatic.¹⁰⁹ The

¹⁰⁹ Vreemdelingen Circulaire C6, 31.2.2. On paper, this conversion from the three years of annually renewable status for a definite period into a status for indefinite duration is not automatic for people who went through the asylum procedures and were recognized under the definitions in the 2000 Aliens Law. However, in practice, those people with status are highly unlikely to be removed even if the situation in

only reason for which the status of an invited refugee might be withdrawn is if fraud in the application is discovered, or if the individual proves to be a threat to public order or excludable under article 1F of the 1951 Convention.

Refugees are met at the airport by IOM staff, and are taken by taxi to the refugee and asylum seekers centre (both “invited” and spontaneous refugees are housed in the same temporary facilities).¹¹⁰ If the refugee has family members present, the family is reunited by IOM upon arrival. Occasionally the family member already present in the Netherlands may not be able to provide housing for the reunited relatives, in which case the new arrivals are housed in a temporary centre.

Children are always kept with their parents. If the child is meant to live with another family member, that person is screened first by the organisation that is the child’s legal guardian upon arrival. Should considerable doubts be raised as to the capacity of a receiving family member to care for the child, the child will be housed in a special children’s unit.

In the first few days after arrival invited refugees are given a basic food package and some post-arrival orientation about such issues as public transportation work.¹¹¹ There is no practical orientation (such as a trip to the supermarket). Occasionally there are “mentors” identified within the centre for newly-arrived refugees, though this practice is not systematic. While in the Centre, the invited refugees receive a weekly allowance establish in the Asylum Seekers Provisions Regulations. If the refugee finds work (for which there is no assistance provided) then he or she must contribute to the costs of accommodation in the centre.

Move-on

After arrival in the refugee and asylum seekers centre, resettled refugees are put on a waiting list from which municipalities will offer housing when they have space. The government has set a target of between three and six months’ stay in the reception centre, though in practice this may be longer. Often delays in move-on to permanent housing are

their country of origin actually changes. The distinction made on paper in the Justice Ministry Circular is not seen as ‘discriminatory’ by officials, because the actual impact is no different from the practice for asylum seekers whose claims were accepted.

¹¹⁰ ‘Invited refugees’ were previously received in separate accommodation, recognizing what some called their ‘category-based difference’ from asylum seekers. That separate accommodation was closed when the subsidy for it ended in 1999. In a parliamentary debate on 3 February 2000, the then secretary of state (junior minister) for immigration and asylum policy, Job Cohen, stated that the type of accommodation and others in that accommodation was not important, but that the ‘invited refugees’ must move quickly through the system into their own housing – and he said they should be in their own housing in the regular Dutch community within three months. In 2003, many ‘invited refugees’ had been in asylum seeker reception centers for more than eighteen months, as they came on the same lists for housing as those recognized after an asylum procedure, and must wait their turn for scarce housing to be made available by municipal authorities. **Debat naar aanleiding van een algemeen overleg op 27 januari 2000 over het asielbeleid**, Handelingen 1999-2000, nr. 45, Tweede Kamer, pag. 3398-3404

¹¹¹ The presentation of the food package marks another difference with asylum seekers, who do not receive such a gift either on arrival in the centre at the moment of attaining status.

Feasibility of Resettlement in the European Union

a result of need for medical treatment, a wish on the part of refugees to wait in the reception centre for the arrival of family members, or a need for handicap-friendly housing. Both the housing shortage in the Netherlands and the reluctance of some municipalities to accept refugees into their community are also responsible for long delays.

Integration issues

In the later days and weeks ‘trajectory supervisors’ will assist in making plans for what refugees can and will do in the coming months and years, aimed at their learning the language, finding housing and preparing to find employment. In the longer-term, once invited refugees have left the reception centre, they need to register with their city council. Within six weeks of registration they receive a letter informing them whether or not they must follow an integration programme. This consists of: Dutch as a second language, social and vocational orientations and social guidance. The course can last for up to 22 months, and the local council can impose unspecified sanctions if a person does not attend.¹¹² If a refugee has found work, the course will be adapted to accommodate their schedule.

- *Employment*: Access to job-finding programmes for all residents of the Netherlands is available once the refugee is living in his or her own accommodation, but there is no specific, targeted assistance for refugees.
- *Financial Assistance*: Welfare benefits are available after leaving the reception centre. The provision of such income support benefits entails preparedness to actively search for work.
- *Education*: While in the Centre, Dutch lessons and classes on Dutch Social Customs and Practices may be provided by volunteer teachers. Children have access to special schools attached to the main asylum seekers’ centres, and later to regular Dutch schools. An address is provided via which the individual refugee can enquire whether they qualify for any type of scholarship for University or professional education.
- *Health Care*: There is a special section of the Community Healthcare Service which deals with the healthcare needs of resettled refugees from the moment of their arrival in the reception centre. Nurses employed by the service perform both physical and mental health checks on all arriving refugees.

Resettled refugees are permitted to apply for the entry of their family members to the Netherlands within three months of their own arrival, with no restrictions (a difference with asylum seekers). If they apply after the three month period, the usual criteria (the need to earn 130% of the minimum wage and to be over 21 years of age) apply.

¹¹² Detailed in the booklet *COA-Informatiemap, Uitgenodigde Vluchtelingen* (COA – Information folder, Invited Refugees) January 2002.

Summary

<i>Quotas 2003</i>	500
<i>Arrivals 2002</i>	147 ¹¹³
<i>Policy makers</i>	Justice Ministry; Ministry of Foreign Affairs
<i>Selection criteria</i>	Dutch Aliens Act definitions—same criteria as asylum seekers
<i>Selection method</i>	All resettlement candidates are selected from dossier submissions from UNHCR headquarters.
<i>Selection procedures</i>	The Dutch Immigration and Naturalization Service reviews the dossiers and makes selections based on information collected by UNHCR. Dutch officials do not conduct interviews with resettlement applicants.
<i>Medical checks</i>	Not required
<i>Security checks</i>	Yes
<i>Orientation programme</i>	No pre-departure orientation is conducted.
<i>Transportation</i>	IOM – government funded
<i>Reception</i>	IOM representatives meet resettled refugees at the airport. They stay temporarily at an Asylum Seekers Centre or with family members.
<i>Legal status on arrival</i>	Upon arrival, resettled refugees complete paperwork making them eligible for temporary residence permit, which is renewable for three years.
<i>Integration</i>	Trajectory supervisors assist refugees in planning their integration.

4.5 Ireland¹¹⁴

General Goals and Policy

In 1999, Ireland established a formal refugee resettlement agreement with UNHCR and set a quota of ten cases for that year. Prior to that time, Ireland had accepted *ad hoc* submissions from UNHCR, but the authorities desired a more formal, structured programme. As Ireland accepts a quota of cases, ten cases could mean that some fifty to sixty ‘programme’ refugees arrive annually. In fact, Irish officials indicate they seek larger families and not individuals. Since the first refugees began arriving in June 2000, Ireland has agreed to accept over one hundred refugees of Rwandan, Afghan, Somali, Congolese, Sudanese, and Iranian nationality.¹¹⁵

¹¹³ Figure provided by IOM.

¹¹⁴ Research visit to Ireland conducted on 25 June 2003. On that day, the Parliament was discussing a new asylum law, including a provision on resettlement. This was signed by the President on 15 July, and will enter into force later in 2003. The changed provision is described below.

¹¹⁵ UNHCR. Discussion Note, *Emerging Resettlement Countries of Europe (Ireland, Iceland, Spain)*, June 2001. Ireland became a ‘full’ (and no longer ‘emerging’) resettlement country in early 2003.

Feasibility of Resettlement in the European Union

The Irish authorities describe their programme as a modest one, which is in its infancy, and likely to develop. The political discussion in Ireland seems to suggest an increase in programme size may be likely in the near future, although that discussion seems to be linked to discussion on the numbers of asylum seekers. Furthermore the resources are lacking to really expand the programme. Irish law stipulates that an *asylum* decision can only be made within the country, but a refugee recognized outside of an asylum process elsewhere can be permitted entry. This means Ireland cannot give humanitarian entry visas for asylum, but can resettle refugees.

The Irish Department of Foreign Affairs has a Memorandum of Understanding with UNHCR covering the programme. The new Aliens Act of 2003 is set to include a sentence giving a statutory footing to the fact that resettlement may happen. Prior to that the decision to resettle in principle has been a cabinet level policy decision. The law of 1996 described a 'Programme Refugee' as:

a person to whom leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons has been given by the Government and whose name is entered in a register established and maintained by the Minister for Foreign Affairs, whether or not such person is a refugee within the meaning of the definition of "refugee" in section 2.¹¹⁶

The new law of 2003, signed in by the President on 15 July includes a new section:

(7)¹¹⁷(a) The Minister may, after consultation¹¹⁷ with the Minister for Foreign Affairs, enter into agreements with the High Commissioner for the reception and resettlement in the State of refugees.

One difficulty with the Irish programme, in the eyes of some, is that the programme refugees do not receive a Convention Travel Document. Instead, they receive an Aliens Passport, which, as a 'soft cover' document, is not accepted by the authorities of several other countries, including EU partners, meaning the refugees have difficulty in travelling outside of Ireland even for short periods.

There has also been concern about the slowness of the process. For example, in June 2002 the authorities asked for the 2003 caseload. Submissions were only received from UNHCR in February 2003, and while these should be evaluated within four weeks, the Irish authorities had many questions on all of the dossiers, so by June 2003 the decisions still had not been taken.

Levels Setting

The Irish quota has been established at ten cases, and maintained that level since its inception. By looking at cases rather than individuals, the Irish programme could in fact

¹¹⁶ Section 24 (1)

¹¹⁷ Subsection inserted 26/2003 s. 7(m).

take anywhere from ten to over a hundred refugees per year, dependent on family sizes. The possibility of increasing the caseload seems to be quite open to discussion, although no decisions have been reached.

Selection Goals

Ireland does not posit selection goals, leaving the programme open for UNHCR to fill, with the exception of some practical assessments of the country being unable, currently, to accommodate certain types of refugees (see below).

Selection Criteria

All candidates for resettlement to Ireland are referred by UNHCR. The Human Rights Division of the Department of Foreign Affairs, which is responsible for the selection process, considers the individual's protection needs and integration prospects in the country of asylum. At present, Ireland does not accept urgent or emergency submissions, or unaccompanied minors, although the capability to handle these cases may be developed with time.¹¹⁸ Ireland is particularly concerned that people who have an on-going involvement in an armed struggle should not be accepted for resettlement.

Selection Method

Cases are selected from dossiers submitted by UNHCR. Some seventeen dossiers will be submitted, from which ten are selected annually. The dossiers arrive in Ireland from the Geneva based Resettlement Section of UNHCR, and go first to UNHCR Dublin. The agency's office in Ireland looks for any discrepancies in the dossiers, and seeks fuller information. In this way, the dossiers are more complete, and have been reviewed in the light of Irish policy, prior to submission to the Irish administration. Nonetheless, some concerns remain about the perceived uneven quality of the RRFs, a phenomenon seen in all resettlement countries.

Within the Irish administration, the Department of Foreign Affairs examines the cases. The Justice ministry carries out a security clearance, and the Department of Health examines the case for any special needs.

One reason for the dossier-based decision-making in Ireland is that the country has relatively few embassies worldwide, and so locally based staff, or support to selection mission staff, would be minimal.

Selection Procedures

UNHCR's Resettlement Section in Geneva forwards dossiers to the UNHCR office in Ireland. Files are reviewed by authorities at the relevant regional desks of the Department of Foreign Affairs and by the Immigration and Asylum Division of the Department of Justice, and the Department of Health. Careful attention is paid to security issues,

¹¹⁸ UNHCR. **Resettlement Handbook**, January 2002.

Feasibility of Resettlement in the European Union

including the application of the exclusion criteria. Unfortunately, a lot of the cases submitted have involved ex-combatants, giving rise to some concerns in the Irish administration. A prioritisation between the cases is made, in terms of which case is most needy; most vulnerable, and would most benefit from resettlement in Ireland. The Department of Justice checks names against the Interpol lists. The Department of Health examines the capability to deal with any medical needs (which Ireland can and does deal with eg a recent case of someone with both TB and malaria).

Between Departure and Arrival

The Reception and Integration Agency works with both the Department of Foreign Affairs and IOM collaborate to organise arrival. IOM makes travel arrangements (with payment from the DFA budget).

There is no pre-departure orientation programme, and officials suggest this means many arrivals are misinformed on what they should expect in Ireland.

Arrival

Programme refugees are granted permanent residence status upon arrival in Ireland.

A representative of the Reception and Integration Agency, which is part of the Justice Department, but was previously in the development cooperation division of the Department of Foreign Affairs, meets refugees at the airport.

First weeks

Newcomers reside in temporary accommodation in Dublin until arrangements are made with the local authorities for long-term housing. During this time, the government provides programme refugees with clothing and food. In the past this initial shelter was provided in Bed and Breakfast establishments, but the Reception and Integration Agency has recently taken over a centre with six 2-3 bedroom apartments. Programme refugees remain in this accommodation for three to six months.

The Resettlement Officer accompanies the programme refugee on the first visit to the benefits office, and provides general early support in the aim of not adding to the stress of the whole experience for the refugees.

Move on

Prior to the arrival of the programme refugees, the Reception and Integration Agency staff will visit the location in which they are intended to be housed. They explain to the local community (eg in the Post Office where refugees will draw their social welfare benefits) and any grass roots NGOs that the programme refugees are coming, the distinction between these programme refugees and asylum seekers, in terms of status and expectations.

Feasibility of Resettlement in the European Union

Integration Issues

The Reception and Integration Agency is responsible for programme refugees' reception and integration. A resettlement officer, who assists the programme refugees in accessing available services, is assigned to each case. All programme refugees follow an eighteen-month reception and integration programme. The first several months of the programme include cultural orientation and the arrangement of appropriate services by members of the Resettlement Team. During the last stages of the programme, resettlement officers encourage independence and remain available for consultation.

- *Financial Assistance*: Programme refugees have the same access to welfare assistance and rent supplements, as do Irish nationals, except that they do not receive rental supplements while in the initial accommodation in Dublin.
- *Language Training*: Programme refugees may attend government-funded language training, provided by the Refugee Language Support Unit.¹¹⁹ Programme refugees receive twenty-hours per week language training for a minimum of one year. This language training is based in Dublin (where all but two of the programme refugee families have been sheltered up to summer 2003).
- *Employment*: Programme refugees are permitted to work upon arrival. The state employment and training agency has a unit dedicated to refugees, which can provide appropriate vocational counselling.
- *Health Care*: Like Irish citizens, refugees are entitled to free basic health and dental care and medication.
- *Education*: Children enter the regular primary and secondary schools. There is additional support to primary schools if there are more than three non-Irish children in the school, in the form of additional teachers; and additional teaching hours for secondary schools. An evaluation of the first year's arrivals reportedly shows that after two years in the country almost all are in education or vocational training. This is not the case for the second year's group.

NGOs are not formally involved in the programme, but do make contact with programme refugees at the grass roots level.

Summary

<i>Quotas 2003</i>	20
<i>Arrivals 2002</i>	23
<i>Policy makers</i>	Department of Foreign Affairs; Department of Justice
<i>Selection criteria</i>	Refugee protection need and integration prospects in country of asylum; no involvement in ongoing armed struggles
<i>Selection method</i>	Only dossiers
<i>Selection procedure</i>	All resettlement candidates are selected from dossier submissions from UNHCR's Dublin office.
<i>Medical checks</i>	Yes, but the outcome will not affect the decision to resettle

¹¹⁹ UNHCR. Discussion Note *Emerging Resettlement Countries of Europe (Ireland, Iceland, Spain)*, June 2001.

<i>Security checks</i>	The Department of Justice conducts security checks on resettlement candidates.
<i>Orientation programme</i>	No pre-departure orientation is conducted.
<i>Transportation</i>	IOM – government funded
<i>Reception</i>	Programme refugees are met at the airport by representatives of the Reception and Integration Agency (RIA) and are temporarily accommodated in Dublin.
<i>Legal status on arrival</i>	Permanent residence status is granted, but resettled refugees do not receive Convention Travel documents.
<i>Integration</i>	The RIA is responsible for the integration of programme refugees. A refugee officer is assigned to each newcomer. Refugees follow an 18-month integration plan, which includes cultural orientation and language training.

4.6 United Kingdom¹²⁰

In the February 2002 White Paper *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* the Home Secretary announced plans for the UK to set up a resettlement programme.¹²¹ This new scheme, with a quota of 500 places, will initially operate in addition to the UK's existing Mandate Scheme, which allows 300 refugees per year with a prior personal connection to the UK to enter the country in a resettlement-like way. The programme is also in addition to the Ten or More medical resettlement scheme. West Africa has been selected as the region from which all of the first year cases will be sought. The financial operation of the new programme began in April 2003, and the one-year pilot will run until the end of March 2004. Dossiers for the first cases were received in June 2003, and the first selection mission took place in Sierra Leone, in July 2003. Arrival of the first resettled refugees is anticipated in October 2003.

General Goals and Policy Creation

The UK's initial objectives in providing resettlement and establishing its new programme are to:

- Provide a sustainable and long-term solution to those refugees whose lives, liberty, or other fundamental human rights are at risk where they are living;
- Remove from those most vulnerable refugees a perceived need to seek the services of a human smuggler if they were want to reach the UK; and
- Contribute to solving any regional need for asylum.

¹²⁰ Information for this section comes, among other sources, from the International Asylum Policy Unit's paper **Background Paper on UK Quota Resettlement Programme** drafted for the Home Office Research and Statistics Directorate seminar on Resettlement held in London on 6 February 2003. A research visit, supplementing this source of information, was conducted in June 2003.

¹²¹ Home Office. **Secure Borders, Safe Haven: Integration with Diversity in Modern Britain**, 2001. Presented to Parliament on 22 February 2002. p.52.

Feasibility of Resettlement in the European Union

The UK already operates two informal resettlement schemes: the Mandate Refugee scheme, and the Ten or More plan. However, resettlement under these programmes is limited: for the Mandate Refugee scheme applicants must have close ties in the UK (eg a family member or having themselves previously spent some time in the UK); and for the Ten or More plan, applicants must show that they require medical attention that is not available where they are living. In addition, ten-or-more cases must be individuals and not families.

Levels setting

The programme is brand new and was announced with a 500 place quota, with several indications that the intention is for this to grow as the programme develops. The 500 places when added to the existing Mandate scheme mean at least 800 places for one year. Due to funding regulations in the UK there can be no roll over from one year to the next of unused places, or multi-year planning.

Selection goals

The Home Office's first concern has been to establish managerial arrangements, so that good operating procedures are in place for all partners before the first cases are received. In addition, in consultation with UNHCR, the Home Office has set out criteria for resettlement to the UK. Both the criteria and the practical constraints will be reviewed as necessary. Existing management consideration include:

- The type of accommodation available in the UK;
- The availability of specialist medical treatment;
- The readiness of UK processes, and support, for refugees who require a higher level of support;
- The priorities of the programme regarding the most effective use of resources;
- The need to have a target for particularly vulnerable groups, such as women at risk.

Selection criteria

Refugee status is an absolute requirement. The UK will accept candidates under all of UNHCR's resettlement criteria except unaccompanied minors and emergency cases. The other criteria are in essence negative. If an applicant is considered by both UNHCR and the UK Home Office to be a refugee, and if there are open places on the programme for that year, then the principle applicant and their immediate family members will be resettled if:

- They co-operate with UK, UNHCR, IOM and especially with the UKs Interviewing Officer, and do not attempt to fraudulently manipulate the process;

- Are fit and well enough to travel, and would not pose a health risk to UK citizens should they be resettled there;
- They would not pose a potential threat to public safety. This would mean both that they were not known to be suffering from a psychiatric illness that would make them likely to cause people harm; nor would they have failed security checks designed to identify whether the applicant, or their dependants:
 - have committed a crime, which, had it been committed in the UK, would be likely to lead to the cessation of their refugee status (under Part 4, clause 72 of the Nationality Immigration and Asylum Act 2002);
 - fall under exclusion provisions of Humanitarian Protection provisions; or
 - are not of good character
- They do not have an active application lodged for the mandate scheme or ten or more plan; and
- They are committed to working in the UK to support their family.

Further, there are examples of existing Immigration and Nationality Directorate policies that **might** have a read-across to resettlement including:

- Family reunification (on which policy decisions are pending);
- The existence of routes for resettlement for those with close ties, etc;
- Revocation of leave to remain in cases of serious criminal behaviour by refugees, including such behaviour prior to arrival in the UK;
- Arrangements for the sponsorship of elderly relatives, but without the usual maintenance requirements; or
- Access to medical treatment.

In addition, until a policy review is finalised, candidates for resettlement with HIV/AIDS; TB and multi-drug resistant TB; Hepatitis B and Hepatitis C will not be accepted.

Selection methods

The immediate goal of the fledgling UK resettlement programme is to establish resettlement officers in West Africa and to use the hub in Accra. These officers will interview applicants, but the actual decision on each case will be taken in London. The officers will also be responsible for ensuring that the caseload meets the requirements to fill the quota, through close cooperation with UNHCR in the field.

Selection procedures

For the new quota programme, interviews will be held. The exact procedures and relations to UNHCR are yet to be seen. Applications from resettlement candidates under the existing Mandate Refugee scheme are referred to the UK by UNHCR. They are received by the British Red Cross, which contacts the applicant's family, and conducts an

Feasibility of Resettlement in the European Union

initial sifting of cases, prior to their consideration by the Immigration and Nationality Directorate. In recent years some 95 percent of cases have been accepted.

Between selection and departure

The Home Office envisages the provision of some form of cultural orientation/information to brief applicants on what to expect of resettlement to the UK, and, announced in late summer 2003 that a contract for this work awarded to the International Rescue Committee. In addition, health screening, vaccinations and tests for communicable diseases are to be conducted. Where such diseases are found, the individuals are to be treated prior to departure. It has not yet been decided which organization will conduct either the health screening or the travel arrangements. The Home Office will cover all of these costs.

Arrival

For successful applicants to the Mandate programme, the British Red Cross arranges travel to the UK through IOM. On arrival, their families meet the applicant's reception and integration needs.

Under the new quota, the Home Office expects to contract one or more NGOs to meet and welcome on arrival and assist them through formalities. Arriving resettled refugees are likely to spend their first 48 hours in the UK close to their arrival airport to relax and have their immediate needs met, including an initial medical assessment, some cultural orientation and information about the dispersal location to which they will relocate after the 48 hour period. It is also possible that the UK may opt for a reception centre model, meaning a longer stay in early accommodation, and no 48 hour rest period, as described here – or that there could be a dual-track model involving both arrival methods.

Where the arriving person is coming to the UK to join family, there is the hope that this arrival process could involve them.

First weeks

The Home Office expects that in the resettled person's first few weeks or months in the UK, they may need to receive:

- Necessary paperwork and documentation such as a National Insurance Number, etc.
- Financial support (this will depend on benefit entitlements and how we link into benefit system)
- Interpreting and translation services
- Induction / familiarisation information (how to contact the police, doctor, school, responsibilities as a citizen, using sterling, accessing social support, etc)
- Counselling / health treatment if needed

- Support and assistance in choosing where to live / registering children in education / accessing medical services
- Basic skills/literacy/language lessons and support
- Skills audit / employment advice/ re-accreditation

The type of reception accommodation opted for will depend on the throughput of arrivals, and also on the accommodation that is available. Possible models include providing a reception centre, self-contained accommodation with common services, other accommodation that is removed from the site of support services, or the immediate entry into longer-term housing.

Move on

It is not yet known how long resettled refugees will remain in reception accommodation, or what the arrangements will be for move-on into permanent housing. It may be that no move on as such is necessary, if people go into their longer-term accommodation after a 48-hour rest period close to the arrival airport. There is a desire to limit the number of times the refugees need to move before settling permanently.

Integration issues

The Home Office believes that refugees who are resettled to the UK are likely to need some additional, or different, services or information to those people who have claimed asylum in the UK. Resettled refugees will not, for example, have been through the process of induction, or provided with financial support or accommodation. They may have arrived with few or no possessions, or without suitable clothing for UK weather, and some may have been traumatised by the circumstances necessitating their resettlement. In addition, they will not have had the exposure to westernised living which asylum seekers have had, either after arrival, or during lengthy journeys to the UK.

Location of settlement areas

Evaluations of previous resettlement programmes have pointed to the need to support integration of resettled refugees in determining the location of permanent accommodation by taking into account:

- Availability of work (ideally at varying levels);
- Housing availability (for reception and in the longer term);
- Ratio of refugees to resident population;
- Presence of refugee support networks;
- Established ethnic minority communities;
- Preference of refugee;
- Prevalence of racially motivated violence;
- Local authority participation; and
- 'Local knowledge' issues.

Summary

<i>Quota 2003</i>	500 (with an additional 300 places under the Mandate Scheme), with no roll-over for unused places
<i>Arrivals 2002</i>	155 (under the Mandate scheme)
<i>Policy makers</i>	Home Office
<i>Selection criteria</i>	Refugee protection need; cooperation with resettlement authorities; do not pose threat to public health or safety; do not have an application pending for the Mandate programme
<i>Selection method</i>	Submissions will be made from West African hubs through UNHCR headquarters to the Home Office. Interviews with applicants will be conducted.
<i>Selection procedures</i>	Refugee officers will conduct interviews. The Immigration Service will render final selection decisions.
<i>Medical checks</i>	Yes, but the outcome will not affect the decision to resettle
<i>Security checks</i>	Yes
<i>Orientation programme</i>	An information programme is planned.
<i>Transportation</i>	IOM – government funded
<i>Reception</i>	Likely to be met by representatives of contracted NGOs and have a two-day rest period in the vicinity of the airport
<i>Legal status on arrival</i>	Permanent immigration status
<i>Integration</i>	To be determined.

4.7 Spain¹²²

General Goals and Policy Creation

At the political level, the desire to have a resettlement component to Spanish policy in the longer-term appears to have been driven by the notion that immigration can be managed. A very high proportion of asylum claims in Spain have been rejected in recent years, so there is also a perception of resettlement as a way to bring ‘real’ refugees to Europe. However, Spain has not established a quota, nor has the government really established it as a country of resettlement. In 1999 and 2000, Spain did respond positively to UNHCR’s requests for resettlement. The last resettlement cases were 17 Afghans from Uzbekistan in 2000. In summer 2003, Spain was removed from the UNHCR emerging countries of resettlement list, as so few people had been resettled, and because the Spanish authorities wished to focus more closely on dealing with irregular immigration before taking on protection issues. There is not even a chapter in the UNHCR Resettlement Handbook on the Spanish ‘programme’, because there are no details to be shared. UNHCR consistently seeks to raise the resettlement issue with the Spanish government during high level meetings, however this approach has proved unsuccessful. While responsibility for the

¹²² Research visit conducted in March 2003

emergency arrivals used to be spread across government departments, it currently lies only with the Interior Ministry. UNHCR does acknowledge in its 15 June 2003 update on resettlement programmes that Spain does accept some emergency cases for resettlement on an *ad hoc* basis.

Spain conducts two other programmes which are not resettlement, but considered by officials as linked to the basic concept. These are:

- A programme with UNHCR for Cubans, in which freedom for high profile political prisoners is negotiated with Cuban authorities. One condition for their freedom is that they leave Cuba. About 400 people are estimated by officials interviewed for this study to have entered Spain under this programme over a ten-year period.
- A temporary evacuation programme for Colombians, managed by the Spanish embassy in Bogotá, for people with a fear of persecution who do not want to find refugee status, but need ‘a break’. These people enter Spain to remain for a short time, and are reported to generally return to Colombia.¹²³

Levels setting

There is no level setting process, as resettlement is expected to be used only for emergency situations. However, there is not really ideological opposition to the idea of a quota. Spanish NGOs advocate the establishment of a quota, and UNHCR has also been encouraging the government to establish a quota – to no avail as yet.

Selection goals

There are no defined selection goals, but only an *ad hoc* acceptance of cases in urgent need of resettlement.

Selection criteria

A resettled refugee must meet Spain’s interpretation of the Convention definition, and be considered someone who could be protected in Spain. This latter appears to be a question of Spanish capacity to protect specific individuals and not linked to specified integration potential.

Selection methods

Referral goes either through UNHCR headquarters in Geneva or through the Madrid office. The government might also describe people seeking protection through Spanish embassies overseas as being ‘resettled’ although this is not, officials acknowledge, resettlement as such.¹²⁴ An interview may be conducted at the embassy.

¹²³ There are similarities between this and Sweden’s Colombia Programme, although the Swedish programme focuses on protection in Latin America.

¹²⁴ This is in fact a form of ‘Protected Entry Procedures’: see Noll *et al op.cit.*.

Feasibility of Resettlement in the European Union

Selection procedures

Urgent transfer to Spain can be authorised under the Law on Asylum. Referrals are considered by the authorities in Spain: in assessing the dossier, officials look into the question of whether Spain has the capacity to protect the specific individual. Officials in Madrid supply questions to embassy staff for use in the interview. In some urgent individual cases a two-step procedure might be used on admissibility, prior to transportation, and then on the actual refugee claim after arrival.

Between selection and departure

No medical checks were carried out prior to departure for those few people resettled – if they were done at all, it was after arrival in Spain. There was also no orientation. Prior to September 2001, few states carried out background checks on resettling refugees – and Spain has not carried out any resettlement since 2000.

Arrival

Resettled refugees were met by the Spanish Red Cross, and provided by that organization with any immediate transportation, interpreters or medical assistance required. The refugees had Convention status on arrival.

First weeks

The refugees are placed in reception centres for their first six-months, where they receive meals, pocket money, clothes and medical assistance. Cultural orientation briefings are provided to facilitate integration. Self-sufficiency is expected within six months to one year.

Move on

After six months in the reception facilities, refugees receive a limited allowance for rental housing.

Integration issues

The Institute for Migration and Social Services (IMERSO – part of the Ministry of Labour and Social Affairs) is responsible for social welfare for refugees. IMERSO funds and establishes annual programmes in agreement with service providing NGOs.

Summary

<i>Quota 2003</i>	-
<i>Arrivals 2002</i>	0
<i>Policy makers</i>	Interior Ministry

<i>Selection criteria</i>	Ad hoc
<i>Selection method</i>	Ad hoc
<i>Selection procedures</i>	Ad hoc
<i>Medical checks</i>	Yes – after arrival in Spain
<i>Security checks</i>	No (as of the last resettlement case in 2000)
<i>Orientation programme</i>	No pre-departure orientation is conducted.
<i>Transportation</i>	Ad hoc
<i>Reception</i>	Refugees are met by representatives of the Spanish Red Cross at the airport.
<i>Legal status on arrival</i>	Refugee status
<i>Integration</i>	Refugees spend six months at reception centres, where they are provided with financial assistance and cultural orientation.

4.8 Norway¹²⁵

The Norwegian refugee resettlement policy puts the individual as the centre point. In an organizational shake up in spring 2002, the Immigration Service moved selection of resettled refugees from its Legal Department to its Integration Department. This does not mean there is a new focus on the integration capacity of refugees, rather it was noted in national research that municipalities were finding it increasingly difficult to integrate resettled refugees in comparison to those who had been through the asylum system and other immigrants. Asylum seekers go through a reception centre system that is not used for the resettled, and the decision was taken that this change was not necessarily the key. Rather, having selection teams which focus not only on whether someone meets legal requirements but also on factors such as family size, and whether at least one family member seems, during the selection interview, to have the ability to adapt to the new circumstances and assist other family members. This new focus for the Integration Department came after five years of the Legal Department conducting selection, which was preceded by nine years of joint authority for the two departments. This internal organizational issue is of note for the European Union in considering which officials would carry out any selection process.

General Policy creation

Norwegian resettlement policy falls under the mandate of the Ministry for Local Government and Regional Development, which also includes the Immigration Service. The most notable shift in policy emphasis in recent years is away from a reputation for seeking primarily candidates with significant medical needs and other vulnerable groups

¹²⁵ Research visit conducted in April 2003.

Feasibility of Resettlement in the European Union

to a broader programme covering all refugees in need of protection through resettlement. The current programme seeks to be able to integrate those refugees who are selected.

Levels setting

In 1997, the Norwegian government increased its resettlement quota to 1,500 refugees per year. Prior to that the annual quota had been 1,000. In 2003, the new government cut this quota by half to 750. The cut was made in part for budgetary reasons and in part was linked to a rise in asylum seeker numbers and the fact that municipalities were unwilling to settle significant numbers of resettled refugees while also dealing with large numbers of asylum seekers, especially as the resettled are given priority for housing above those who have been processed through the asylum system. The quota has in recent years been set for a three-year period. In 2003, 1,145 people were expected to be accepted, 395 of them being the rolled-over remains of the previous two years. This rollover only occurs within the three-year period (ie it cannot roll into the new year one). 2003 is the last year in a three-year cycle.

For 2003, the total of 1,145 refugees are to be separated into the following specified quotas:¹²⁶

- 450 from Africa
- 100 from South East Asia (specified to focus on refugees from Myanmar and Aceh, Indonesia, mainly via Thailand and Malaysia)
- 245 from the Middles East
- 80 on an emergency basis
- 200 unallocated places
- 20 on the Twenty-or-More Programmes
- 50 places for which the finances would be made available for alternative resettlement activities.

The Ministry of Local Government and Regional Development sets the quota, which is confirmed by Parliament. The quota number is then allocated to regions of the world, in consultation with UNHCR and the Ministry of Foreign Affairs, with some places left unallocated for use where necessary. For 2004-2006 inclusive the quota is expected to be a total of 2250, ie 750 per year. Parliament forwards the quota numbers to the Immigration Service, UDI (*Utlendingsdirektoratet, Integreringsavdelingen*) in January each year.

Selection Goals

Ideally the Norwegian authorities select people who had a chance of making a better life while achieving protection in Norway. However, this does not translate into defined selection criteria.

¹²⁶ Letter from UDI to UNHCR, *Norwegian Resettlement Quota for 2003*, 28 January 2003.

Selection Criteria

Refugee status is the only pre-determined criteria. In general, the Norwegian authorities accept UNHCR's decision that a person is a refugee, but some officials are disappointed when they see included among the cases many people who would never have been granted refugee status under Norwegian asylum procedures. Others acknowledge that this is part of resettlement, and that the absence of a durable solution is as important a criteria as immediate protection need.

Contrary to popular (and UNHCR) belief, the Norwegian programme is *not* intended to prioritise medical cases. Norway takes part in the 20-or-more programme, meaning that it can accept 20 or more cases defined as medical cases through the year. The Norwegian authorities are working hard to convey the message to UNHCR through a variety of means that it is not appropriate for UNHCR to 'reserve' the Norwegian quota for medical cases. They also recognise the difficulties at field level, and try to carry out missions to locations from which selection will take place in advance even of the submission of Refugee Referral Forms, so that field-level UNHCR Resettlement or Protection Officers will have a clearer idea of who really are suitable candidates in the eyes of the Norwegian decision-makers. These criteria are not written or formalised, but are conveyed in conversation by Immigration Service officials.

In 2003, for the first time, Parliament expressed in its missive to the Immigration Service the sense that integration potential was an important factor to be borne in mind in selecting refugees for resettlement, although the criteria related to integration have not been specified. The essence of the integration factor for Norway is expressed in looking at whether or not Norway would be the right country for the particular refugee (ie focusing on the individual). Whether this is how the policy developments will work in practice is as yet unclear. In any case, interlocutors stress that integration is not about economic potential. If potentially difficult-to-integrate families are to be selected, there is often some consultation with the municipality which would receive them.

Selection Methods

About half of resettled refugees going to Norway are selected through interviews on missions. Dossiers are received via UNHCR headquarters prior to the mission's departure. The Norwegian authorities see missions as being both useful and necessary in order to confirm UNHCR refugee determination. However, one important focus of selection missions is on integration aspects, especially as there is the view that many Refugee Referral Forms are poorly completed by field officers, making it difficult for the municipalities to prepare for resettlement. Further, the missions are seen as essential in the effort to ensure that the quota is filled, as they put pressure on UNHCR to send candidates to Norway. An additional benefit to the missions, recently seen as very important, is to raise the Norwegian profile with UNHCR field officers so that they will think of referring non-connected cases to Norway, and know the criteria Norway has related to integration potential.

Feasibility of Resettlement in the European Union

The other half of the quota is based on dossier referrals, done mostly by UNHCR officials having been briefed on how the criteria may work. Upon request, Norway also informs UNHCR of the reasons why cases are rejected. This may help UNHCR in the process of identifying cases for Norway.

The Norwegian authorities experimented with a visa officer based in Ankara to process an increased number of cases from Iraq and elsewhere in the region. The experiment has, however, failed, both because Norway stopped taking Iraqi refugees during the foreplay to the war with Iraq and because the number of referrals by UNHCR was too low even before that. Fewer than half of the anticipated number of cases has gone through Ankara, meaning in fact selection missions would be cheaper. The experiment started in 2002, and will end during 2003.

One concern expressed by some Norwegian interviewees is the perception that UNHCR has come under US pressure to put the maximum number of cases aside for the US authorities to examine, and to delay selection missions from other countries until a US circuit ride has been completed. This 'competition' has become particularly strong in West Africa and Tanzania. It is not clear that the US actually has brought such pressure to bear, though the domestic US pressure to increase the numbers again after 11 September 2001 could explain it.

Selection Procedures

UDI's Integration Department conducts individual interviews. The Ministry for Local Government and Regional Development does not engage with individual cases, but the mandate of the Immigration Service on a particular mission is shaped in understanding with the ministry.

Between Selection and Departure

An orientation programme conducted collaboratively by the Immigration Service and IOM is in effect from 2003. It also covers orientation to the municipalities about the arriving refugee groups. IOM carries out health checks on refugees prior to departure.

Arrival

On arrival, resettled refugees have permission to reside in Norway for one year, which is renewed annually for up to three years, after which they are granted permanent residence. The objective is that accepted refugees should be settled within Norway no later than six months from the date they were accepted. Transportation to Norway is arranged by IOM. The refugees are housed immediately in their longer-term house or flat, rather than transiting through reception centre facilities.

First days

During the first days after arrival municipal officers brief refugees on their rights and obligations. They are also given practical orientation and go through obligatory health check.

Move on

Refugees attend an introduction programme during their first months in the country, but there is no physical transition stage in the sense of moving from one form of accommodation to another.

Integration issues

The Ministry of Local Government and Regional Development creates integration policy, though it is generally implemented at the municipal level. In summer 2003 Norway is embarking on new Introduction Programmes, including language, work training and Norwegian ‘civics’ classes. A ‘salary’ of income benefits is to be linked to this programme, which people must follow for two years, full-time, or until such a point as they have found employment.

The Norwegian Red Cross runs some programmes to find ‘guides’ or ‘mentors’ for newcomers, and there is a government initiative to encourage the churches in Norway to become engaged in other ways than the offering of church asylum.

Attempts have been made to keep ethnic communities geographically close to one another, such as locating many Burmese in the south of the country.

Summary

<i>Quota 2003</i>	1,145 (unused places are rolled over on a three-year cycle)
<i>Arrivals 2002</i>	1,270
<i>Policy makers</i>	Ministry of Local Government and Regional Development; Immigration Service
<i>Selection criteria</i>	Refugee protection need; integration potential, except for Twenty or More and Women at Risk candidates
<i>Selection method</i>	About half are selected during interview missions and half are from dossier submissions from UNHCR headquarters
<i>Selection procedures</i>	The Integration Department (Immigration Service) conducts interviews during missions and makes selection decisions on dossier submissions.
<i>Medical checks</i>	Not required, but IOM conducts a health check.
<i>Security checks</i>	Yes – files for applicants from certain nationalities are forwarded by UDI to the police; the police may conduct a security check on these applicants
<i>Orientation</i>	The Immigration Service and IOM, beginning in 2003,

Feasibility of Resettlement in the European Union

<i>programme</i>	conduct a pre-departure orientation session. Municipalities are provided with information on the incoming groups.
<i>Transportation</i>	IOM – government funded
<i>Reception</i>	Met by representatives of municipality; Norwegian People's Aid (NGO) also involved
<i>Legal status on arrival</i>	One year residence permit, renewable for three years, after which permanent residence status is granted
<i>Integration</i>	The Ministry of Local Government and Regional Development, beginning in 2003, will implement a new Introduction Programme to be carried out in the municipalities. Refugees are required to attend language, civics, and job training classes for two years, or until they have found employment. Newcomers receive a "salary" for following the programme.

4.9 Iceland

Iceland established a resettlement quota in 1996. Most refugees in the earliest years were from the Balkans, with 75 arriving in 1999, 24 in 2000 and 23 in 2001. Eligible refugees are those recognised under UNHCR's mandate who fall into one of four categories:

- Legal or physical protection needs
- Victims of violence of torture
- Women at Risk
- No integration prospects in the first country of asylum.

The Ministry of Social Affairs plays a strong role in deciding on the allocation of the quota. Delegations from the Icelandic Refugee Council (IRC), which has representatives from several ministries and NGOs, conduct selection. Travel is arranged by IOM and paid for by the government. Resettled refugees have refugee status and an 'open' residence and work permit on arrival. They can apply for citizenship after five years in Iceland. Language training is provided during the first year of residence, and from the moment of arrival orientation is provided to the Icelandic community about the newcomers and the situations they came from. Refugees are provided with housing and all social services that Icelandic citizens enjoy for their first year in the country, in addition to free health and dental care in the first six months. Support families are an important part of the integration programme, which is coordinated in large part by the Icelandic Red Cross.

4.10 New Zealand

New Zealand established a formal quota for resettled refugees in 1987, although it had been receiving refugees for resettlement since the end of the Second World War. The size and composition of the quota is set annually by the Minister of Immigration, after consultation with the Minister of Foreign Affairs and Trade, relevant government

departments, UNHCR and other stakeholders. The quota has been 750 for several years now, and has some regional and other priorities splitting it into subcategories. There are two categories of 75 refugees each for Women-at-Risk and Medical cases, and 600 places for UNHCR priorities, half of which are for family reunification. Emergency submissions may be decided on a dossier-only basis; all other submissions are interviewed during selection missions. Refugees must be determined to match the definition in the 1951 Convention and be otherwise admissible under New Zealand law, as well as falling within the pre-determined global and regional categories. New Zealand does require its own immigration form to be completed as well as the Refugee Referral Form. The government of New Zealand pays for travel. Refugees spend their first six weeks in a reception centre for 150 people in Auckland. A six week post-arrival orientation course is provided. On leaving the centre, refugees have access to the same services as are available to citizens of New Zealand. Support and assistance is provided by a government funded NGO settlement agency.

4.11 Australia

General Goals and Policy

Australia's Humanitarian Programme consists of two components—an offshore resettlement programme and onshore protection programme for those who have already arrived in the country. The resettlement programme has two categories. The Refugee category is designated for applicants subject to persecution in their home country, including women-at-risk. Most applicants in this category are referred by UNHCR. Second, the Special Humanitarian Programme (SHP) is for applicants outside their country of origin, who are subject to discrimination in their home country. Their application for entry must be supported by an Australian citizen, permanent resident or organization.¹²⁷

Levels Setting

Since 1997, the number of places under the Humanitarian Programme has been set at 12,000 per year. In 2002-2003, 4000 slots were available under the Refugee category and 7000 places were tentatively designated for Special Humanitarian Programme applicants. However, places may be shifted between the off-shore and on-shore components, according to circumstances. Unused places can be carried over into the next year's programme.

In its yearly decision on the size and regional focus of the Humanitarian Programme, the Australian government considers a number of factors, including UNHCR's global needs assessment and Australia's resettlement capacity. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) also solicits the views of Australian

¹²⁷ Department of Immigration & Multicultural & Indigenous Affairs. *Australia's Refugee and Humanitarian Program* at <http://www.immi.gov.au/facts/60refugee.htm>

Feasibility of Resettlement in the European Union

individuals and organizations through community consultations. For 2002-2003, the government has focused on the Middle East, Southwest Asia, and Africa.

Selection Criteria

In addition to meeting the criteria described above for the Refugee category, DIMIA officials must also be convinced that there are no other durable solutions available to the applicant and that resettlement in the country is in the refugee and Australia's best interest.¹²⁸

Selection Method

Applications for resettlement must be lodged at an Australian embassy or trade mission or be referred by UNHCR. Australia does not accept dossier-based submissions. Those applying for the Special Humanitarian Programme are required to include a proposal from the sponsoring individual or group.

Selection Procedures

DIMIA officials at overseas missions conduct processing of application. Applications are considered individually and selection officials may request an interview.

Between Selection and Departure

All resettlement applicants must undergo health screenings and meet health criteria. Applicants with medical conditions which may pose a public health risk, such as tuberculosis, will generally not be granted visas.

Australia funds the travel expenses of Refugee applicants, as long as their current holdings do not reach a certain threshold. Sponsors of Special Humanitarian Programme visa-holders are expected to pay for their travel to Australia.

Arrival, first weeks and move on

Upon arrival, members of the Refugee and Special Humanitarian Programme classes are granted permanent residence status.

With the Initial Information and Orientation Assistance programme, DIMIA, through contracted service providers, receives refugees upon arrival at the airport.

Integration Issues

Through the Integrated Humanitarian Settlement Strategy, DIMIA is responsible for refugees' reception and integration. Contracted providers and volunteers carry out most of the integration programs and offer support on several fronts.

¹²⁸ See UNHCR. **Resettlement Handbook**, January 2002.

- *Language Training*: Government-funded language training is available to resettled refugees. Eligible applicants must register within three months after arrival and begin classes within the year.
- *Housing*: Resettled refugees are provided with Accommodation Support, which includes temporary subsidized housing, assistance in locating long-term accommodations, and the provision of basic household goods.

Summary

<i>Quota 2003</i>	4,000 with roll-over for unused places
<i>Arrivals 2002</i>	4,200
<i>Policy makers</i>	Department of Immigration & Multicultural & Indigenous Affairs (DIMIA)
<i>Selection criteria</i>	Refugee protection need; the Special Humanitarian Programme (SHP) sponsored by Australian citizens or groups, for applicants outside their country of origin facing discrimination
<i>Selection method</i>	UNHCR referrals; or applications for resettlement may be lodged at Australian embassies or trade missions. DIMIA officials may request an interview
<i>Selection procedures</i>	Refugees may be referred by UNHCR or may submit an application at an embassy. SHP applicants must provide a proposal from their sponsoring group. Applications are processed by DIMIA officials at overseas missions
<i>Medical checks</i>	Yes – those with medical conditions that pose a public health risk may be denied a visa
<i>Security checks</i>	Applicants may be subject to “character checks”
<i>Orientation programme</i>	No pre-departure orientation. An Initial Information and Orientation Assistance programme is conducted by contracted NGOs after arrival
<i>Transportation</i>	IOM – government funded except for those with assets over a certain threshold; sponsors of SHP applicants pay for their travel
<i>Reception</i>	Contracted service providers meet refugees at the airport
<i>Legal status on arrival</i>	Permanent residence status
<i>Integration</i>	Through DIMIA’s Integrated Humanitarian Settlement Strategy, refugees are provided with language training (classes must be started within one year after arrival), temporary subsidized housing, and basic household goods by contracted service providers and volunteers

4.12 Canada¹²⁹

Goals and policy creation

Canada's refugee resettlement programme is governed by four key principles: protection, family reunification, rapid processing and close relationships with partners, including through the Private Sponsorship Programme.

Canada's three resettlement schemes are defined by the sponsor of the arriving refugee:

- **Government Assistance Programme:** Government-assisted refugees (GARs) are supported by the Resettlement Assistance Programme (RAP) at approximately the equivalent of provincial social assistance levels for up to their first year in the country, before moving to the provincial welfare benefit register if they are not yet employed. The criteria for their selection include Convention refugee status and self-sufficiency expectation.
- The **Private Sponsorship Programme** refers to refugees sponsored by non-governmental bodies such as churches, or by a "group of five" sponsors. Sponsors commit to receiving the refugees and providing them with lodging, care, settlement assistance and support during their first year (or in exceptional cases up to 36 months if agreed by the sponsor) in Canada. The benchmark level of support under private sponsorship is equivalent to social assistance rates. Many privately sponsored refugees are family members of refugees already in Canada and are not subject to the "self-sufficiency" requirement of Government-assisted Refugees.
- The **Joint Assistance Sponsorship (JAS)** is a programme under which refugees with special needs are supported for an extended period (normally 24 months) and provided with assistance above that provided through either the government assistance or private sponsorship programmes. Under the JAS programme, the government provides income support and private sponsors ensure that the resettled refugee receives all necessary resettlement services.

Levels-setting

Canada uses a target figure for resettlement, not a quota or ceiling. This means there is a goal of the number of refugees to be resettled annually – a number which is sometimes not met in full but at other times, depending on circumstances, may be exceeded. Canada does not have specific regional targets. The setting of annual targets is determined after consultations with UNHCR, international visa offices, provinces and territories, NGOs and international organizations. Levels are announced each November in Parliament by the minister of Citizenship and Immigration Canada (CIC) as part of the overall Immigration Plan for the year ahead.

For 2002 the target included for 7,500 GARs and between 2,900 and 4,200 privately sponsored refugees. There is no target for JAS as it is used as an exceptional programme.

¹²⁹ Research visit in November 2002, and follow up discussions between March and July 2003.

Selection goals

For many years economic self-sufficiency within one year was a goal of Canadian resettlement selection. However, this was changed to self-sufficiency within three to five years in the 2002 Immigration and Refugee Protection Act. At the same time, a new, stronger focus on vulnerable groups was introduced. This brings a more clearly humanitarian character to the selection of ‘free’ refugees under the Government Assisted Programme, and the unidentified cases who might be privately sponsored or fall under the Joint Assistance Sponsorship programme.

Selection criteria

Canada has two “classes” of refugees:

Convention Refugees Abroad class: persons who meet the refugee definition as contained in the 1951 Convention.

Humanitarian-protected Persons Abroad classes (HPC) – that is, those persons who may not meet the refugee definition as contained in the Convention but who meet the eligibility criteria for one of the following classes:

- **Country of Asylum class:** persons who have been and continue to be seriously and personally affected by civil war, armed conflict or massive violations of human rights and for whom there is no possibility of a durable solution (within a reasonable period of time) other than resettlement in Canada. Most persons selected through the asylum country class are referred by UNHCR (the process is described below).
- **Source Country class:** involves people who are citizens of, residing in and resettled directly from a country of origin designated by Citizenship and Immigration Canada as a source country. The class is applicable only for persons from Colombia, Guatemala, El Salvador, Democratic Republic of the Congo, Sierra Leone and Sudan.

In 2002, Canada created a “Vulnerable Cases” category which covers many of the categories outlined by UNHCR in its Resettlement Handbook (such as women at risk). The Canadian system also permits emergency resettlement decisions to be made under the “Urgent Protection Programme,” through which resettlement decisions can be made and the person en route to Canada within 72 hours.

Candidates for resettlement in all classes except the Urgent Protection and Vulnerable Cases categories must also show an “ability to establish” within three to five years after resettlement. “Ability to establish” is determined by visa officers and is generally based on factors such as knowledge of or ability to learn English or French, education level, work experience and qualifications, presence of a support network in Canada and personal characteristics such as “resourcefulness.”

Feasibility of Resettlement in the European Union

Family reunification cases, another of UNHCR's categories of refugees who are the most likely candidates for resettlement as a durable solution, are most often filled in Canada through its Private Sponsorship Programme.

Occasionally, an officer at a visa post might identify a person who would most benefit from private sponsorship and perhaps not even be admitted under the Government Assisted Programme. A single woman, who has been ill and is in need of medical treatment, and has several children might, for example, not be readily admissible as a Government Assisted Refugee, but need private sponsorship assistance. Such assistance could be the sole form of support, or the Joint Assistance Sponsorship category could be employed. In such cases, the visa officer might make direct contact with major sponsorship groups (eg Churches) to identify an appropriate and willing sponsor.

Selection method

According to the 2002 *Immigration and Refugee Protection Act (IRPA)*, all refugee applications must be accompanied by a referral from UNHCR, a referral organization, or a private sponsor. Only in source countries are individuals permitted to apply directly to a visa office without a referral. Candidates for resettlement are interviewed by the visa officer, either on a mission within a region (eg the visa officers based in Accra will travel to interview referred refugees within West Africa) or at the embassy.

Selection procedure

Canada's Refugee and Humanitarian Resettlement Programme operates internationally, in cities where visa officials are present to undertake processing.

The first step in the selection process is the submission of a completed application, called IMM0008. Once the visa officer has reviewed the application, a face-to-face interview is arranged to determine whether or not the applicant meets Canadian eligibility criteria. At the interview, the visa officer will also assess admissibility and focus on security.

Between selection and departure

Medical checks are required of all applicants before they can depart in order to determine settlement needs upon arrival in Canada. After a positive selection decision, the applicants are provided with medical forms and instructions directing them to a Designated Medical Practitioner (DMP) as well as instructions for making travel arrangements.

The Canadian government has contracted with IOM to conduct pre-departure "Canadian Orientation Abroad" sessions for accepted refugees before departure. However, these are not yet conducted in all locations from which refugees are resettled to Canada.

Transportation of refugees to Canada is generally conducted by IOM, which is generally given large discounts on airline tickets for refugees. IOM is responsible for ensuring that refugees have the proper documentation and make their connecting flights, etc. The cost of travel is paid up front by IOM (or often the sponsor in the case of privately-sponsored refugees) in the form of an interest-free loan which the refugees are responsible for paying back, usually within three years. The terms of the loan (payment amounts, ability to defer, etc.) are generally very flexible.

At this point refugees receive a Permanent Resident Visa confirming their status as “landed immigrants.” They are eligible to apply for Canadian citizenship after three years.

Feasibility of Resettlement in the European Union

Arrival and first weeks

The system for geographical dispersal of Government-assisted Refugees and Joint Assistance Sponsorship refugees is called “destining,” which denotes the process of sending a refugee to a location within Canada where community resources and services are thought by the government to best support their resettlement and integration needs, while at the same time not overburdening Canada’s main cities. For destining purposes, Canada is organized into five regions: the Atlantic, Québec, Ontario, the Prairies/Northwest Territories and British Columbia/Yukon territory. Priorities for determining where to place refugees include: if the refugee has relatives in Canada; French and non-English speakers are generally destined to Québec; and the rest are dispersed across the country.

Government-assisted and Joint Assistance refugees cases typically stay in temporary reception facilities for a short period of time (generally a few weeks) after arrival. It is through the reception centre (run by NGOs such as the Catholic Immigration Centre in Ottawa) that refugees receive immediate community orientation, register for their Social Insurance Number, learn local transportation systems and deal with other immediate needs.

Privately sponsored refugees are met at the airport by their sponsors.

Move-on and integration issues

- *Employment:* an important question in the Canadian context has been whether or not privately-sponsored refugees fare better in terms of employment than their government-sponsored counterparts. Studies¹³⁰ have noted that privately-sponsored refugees consistently tend to earn more than Government-assisted Refugees one year after arrival.¹³¹ Reasons suggested for the difference include the fact that private sponsors may help individual refugees in their care to find a job (the income from which relieves the burden on the sponsor), the fact that government-sponsored refugees are encouraged to learn the language before seeking employment, and the notion that it is not in the refugees’ interest to say they are working immediately since admitting that they are employed would cause them to lose benefits. On average, it took refugees 16-20 weeks to locate their first job, with privately sponsored refugees locating employment four weeks before their government-sponsored counterparts.¹³² Another study has shown that by the end of their first year

¹³⁰ See, for example, Citizenship and Immigration Canada, Research Unit, **The Changing Labour Market Prospects of Refugees in Canada**, March 1998; Canada Employment and Immigration Commission, **Longitudinal Survey of Indochinese Refugees of Labour Force Participation Rate and Unemployment Rate by Sponsorship Mode & Selected Characteristics**, 1981.

¹³¹ In 1994 the difference was approximately CAD5000 per year.

¹³² T.J. Samuel. *Economic Adaptation of Indochinese Refugees in Canada*, in Kwok B. Chan and Doreen Marie Indra (eds.) **Uprooting, Loss and Adaptation: The Resettlement of Indochinese Refugees in Canada**, 1987.

of settlement, all privately sponsored refugees were self-sufficient, compared with three-quarters of government-sponsored.¹³³

A report on the Joint Assistance Sponsorship programme written by two Centres at York University in Toronto¹³⁴ noted that fewer than half of sponsored refugees had found employment, with sponsors utilizing a variety of methods, including networking and contacting government agencies to aid in the job search. 70% percent of sponsors reported that employment services for refugees did not exist in their community, and when they did exist, over half did not use them.

The Catholic Immigration Centre (CIC) in Ottawa is part of a *Work Skills* employment service for immigrants including refugees, which organises job markets, interview preparation, résumé writing and other employment-oriented assistance.

- *Housing*: Private sponsors are responsible for providing housing for their refugees for the duration of their sponsorship. Government-assisted Refugees are directed to reception houses where they receive help in securing their own accommodations. Government-assisted and Joint Assistance refugees also receive a rental subsidy equivalent to the mounts provided under the corresponding provincial social service programmes during their first year in Canada. It should be noted, however, that the subsidy is generally not sufficient to cover the full price of rent, particularly in urban areas. Thus refugees are often forced to use money intended for other items to cover the rental shortfall until they find employment.
- *Health care*: NGOs working directly with the resettled refugees assist in making initial appointments and with the processes of registration for healthcare and the public insurance system. Refugees receive care under the Interim Federal Health Plan until they qualify for provincial benefits.
- *Education*: A major issue for resettled refugees is the extent to which any prior education, work experience and/or accreditation will be recognized in Canada. Recognition of such credentials is currently an area of debate. The federal government funds a programme called Language Instruction for Newcomers to Canada (LINC), which is used by both resettled refugees and immigrants in general. Though the federal government is responsible for setting the broad curriculum goals and guidelines as well as for monitoring the programme, LINC is delivered by approximately 80 different service providers throughout Canada and is available on line.¹³⁵

¹³³ Yuen-Fong Woon. *The Mode of Refugee Sponsorship and the Socio-Economic Adaptation of Vietnamese in Victoria: A Three Year Perspective*, in Kwok B. Chan and Doreen Marie Indra (eds.), *Ibid.*

¹³⁴ Centre for Refugee Studies and Joint Centre for Excellence for Research on Immigration and Settlement. **A report on the Experiences of Sponsors of Kosovar Refugees in Ontario**, 2001, accessed at www.settlement.org/downloads/Kosovar_Report.pdf (21 Nov. 2002). This report was funded by Citizenship and Immigration Canada.

¹³⁵ UNHCR, **Refugee Resettlement: An International Handbook to Guide Reception and Integration**, 2002. pp.130-131.

Feasibility of Resettlement in the European Union

- *“Social” integration:* In the Woon study noted above, one-third of privately-sponsored refugees felt adjusted to Canadian life, whereas more Government-assisted Refugees felt adjusted to life in Canada. In the longer term, privately sponsored refugees had a greater tendency to socialize with Canadians, and most believed that they had been treated well in Victoria, even though “most of the privately-sponsored refugees, during their first year in Victoria, had experienced some feelings of degradation, dependency and uncertainty, as well as suspicion and resentment towards their sponsors”.¹³⁶ More than half of the Government-assisted Refugees saw Canadians as “unsympathetic and prejudiced.” HOST and buddy programmes offer a ‘friendship’ scheme of information and cultural exchange between the host community and the newly arrived refugees.

It should be noted that Canada experiences a relatively high amount of secondary migration in the months and years after initial resettlement. Such migration is generally from the smaller, more remote cities into which many newly-arrived refugees are “destined” to Canada’s main cities such as Toronto and Vancouver, where many refugees may have family or other social connections that may not have been made known to authorities before arrival in Canada. Attempts have been made by the government (though programmes such as the HOST and buddy programmes, for example) to discourage such migration. However, as the Canadian constitution allows for complete freedom of movement and residence, refugees are free to move should they decide to do so.

Summary

<i>Quota 2003</i>	10,600-11,900 (target of 7,700 Government Assisted (GAR) and between 2,900-4,200 Privately Sponsored refugees) for 2002-2003
<i>Arrivals 2002</i>	10,385 (7,340 GAR; 3,045 Privately Sponsored)
<i>Policy makers</i>	Citizenship and Immigration Canada (CIC)
<i>Selection criteria</i>	Convention Refugees Abroad class – those who meet the 1951 Convention definition Humanitarian-protected Persons Abroad Class – includes: Country of Asylum Class – those who have been personally and seriously affected by civil war or armed conflict Source Country Class – those who would meet the Convention definition but are still in their country of citizenship (applies only to a small number of named countries)
<i>Selection method</i>	All resettlement applicants must be referred by UNHCR (generally through regional hubs), a private sponsor, or referral organization. Source Country class candidates,

¹³⁶ Woon, p.143, *op. cit.*

	however, may apply at a Canadian visa post.
<i>Selection procedures</i>	Visa officers review the candidates' resettlement application and arrange a face-to-face interview either during a mission or at the embassy. The officer considers the applicant's admissibility and potential security issues.
<i>Medical checks</i>	Yes, but the outcome will not affect the decision to resettle
<i>Security checks</i>	Yes – not visible to the refugee
<i>Orientation programme</i>	IOM is contracted to conduct a pre-departure orientation
<i>Transportation</i>	IOM with transportation loan, to be repaid by refugees, administered by CIC
<i>Reception</i>	GARs are met by representatives of CIC at the first port of entry and by contracted NGOs at their final destination. Privately sponsored refugees are met by their sponsors.
<i>Legal status on arrival</i>	Landed immigrant (permanent residence) status
<i>Integration</i>	GARs generally stay in reception houses for several weeks after arrival, where they receive further orientation and assistance in locating permanent accommodations. They also receive language training and job placement assistance, the duration of which varies by province. Sponsors of privately sponsored refugees are responsible for integration activities.

4.13 The United States¹³⁷

General policy creation

Often thought of as focusing on foreign policy goals, the US government in fact profiles its resettlement programme as primarily humanitarian in character. Those eligible for resettlement must be Convention refugees, unless they fall into specific exceptional categories, and they must be "of special humanitarian concern" to the United States. As the largest resettlement programme worldwide, the US programme has also developed the most sophisticated, and complex, set of operating systems, with a wide range of actors being involved in the programme. The involvement of voluntary agencies, mutual assistance associations (largely based in ethnic communities), churches and governmental agencies makes for a broad range of vocal contributing interests. Those interests play a role not only in resettlement practice, but also in resettlement policymaking, including the selection of countries of origin or first asylum from which large refugee groups will be selected. As such, the US programme demonstrates a combination of humanitarian, foreign policy and domestic political goals. Since 11 September 2001, resettlement has become an issue of much concern and debate in the US, as many interest groups oppose the cuts in the programme made *de facto* by its new administration from the Department

¹³⁷ Continuous process of meetings and interviews from November 2002 to July 2003.

Feasibility of Resettlement in the European Union

of Homeland Security, in a climate which combines worries about who exactly newcomers are with concerns about the safety of US citizens and government employees overseas. It is a programme that is likely to see many changes in the coming years.

Levels-setting

In the US system, an annual ceiling [which is defined as an upper limit to the total number of resettlement places – a maximum, not a minimum] is set in a Presidential determination, based on an annual report prepared by the State Department, in consultation with the Immigration Service and with the Office for Refugee Resettlement (ORR).¹³⁸ The method of setting a ceiling was introduced in 1980. Prior to that time, there was a more numerically *ad hoc* resettlement programme. The level of the ceiling has altered over time, and it has only once been met (and was in fact exceeded on that occasion).

The ceiling for each fiscal year is further split into ceilings for each of five regions (Africa, East Asia, Europe, Near East/South Asia and Latin America/Caribbean). Diversity has really only entered the US resettlement programme in the 1990s. Prior to that, the programme focused primarily on East Asia and on the Soviet Union. From 1975 to 2000, 2,325,058 refugees were resettled to the United States. 1,264,530 of these were from East Asia and 554,916 were from the Soviet Union.

As ceilings rather than quotas (which *must* be filled in entirety) or targets (where there is pressure to meet the totals and in fact the target may even be exceeded), the actual resettlement figures most often fall short of the ceiling set. Selection of refugees from specific regions and countries is a focus of the State Department's annual report.¹³⁹ In FY 2003 the ceiling was 70,000:

- 20,000 for Africa;
- 4,000 for East Asia;
- 16,500 for Europe;
- 7,000 for Near East/South Asia;
- 2,500 for Latin America/Caribbean; and
- 20,000 in an “unallocated reserve.”¹⁴⁰

As has been mentioned above, the US has only once exceeded its ceiling – in 1989 – and had otherwise always seen a shortfall.

¹³⁸ ORR is part of the Department of Health and Human Services and deals with the government funding of programmes for resettled refugees and some other refugee arrivals once they are in the United States.

¹³⁹ US Departments of State, Justice, and Health & Human Services (released by Dept. of State Bureau of Population, Refugees and Migration). **Proposed Refugee Admissions for FY 2003: Report to the Congress**, September 2002, accessed at www.state.gov/prm

¹⁴⁰ **Ibid.** The unallocated reserve is to be used if/where the need for additional numbers develops and only upon notification to the Congress. It is rare to have such a large number of spaces designated as unallocated reserve and is considered symptomatic of the downsizing of the US refugee resettlement programme since the September 11th attacks.

U.S. Resettlement Ceilings, Admissions and Shortfalls, 1980-2002¹⁴¹

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Ceiling	231,700	217,000	140,000	90,000	72,000	70,000	67,000	70,000	87,500	94,000
Total Admitted	207,116	159,252	94,355	61,681	71,113	68,045	62,440	64,831	76,471	105,688
Shortfall	24,584	57,748	45,645	28,319	887	1,955	4,560	5,169	11,029	+11,688

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Ceiling	125,000	131,000	142,000	132,000	121,000	112,000	90,000	78,000	83,000	91,000
Total Admitted	122,326	112,811	132,173	119,482	112,682	99,490	75,693	70,085	76,554	85,006
Shortfall	2,674	18,189	9,827	12,518	8,318	12,510	14,307	7,915	6,446	5,994

	2000	2001	2002
Ceiling	90,000	80,000	70,000
Total Admitted	72,515	68,426	27,075
Shortfall	17,485	11,574	42,925

The US chooses all resettlement candidates through what it calls a “priority system.” The priority categories, overall ceiling and regional ceilings are re-set each fiscal year: the priority categories by the State Department; the ceilings by a Presidential Determination issued after consultations with Congress.

Selection criteria

The priority system currently (FY 2003) in use in the US for selecting candidates for resettlement is as follows¹⁴²:

- **P1:** compelling protection cases, or refugees for whom no other durable solutions exist and who are referred by UNHCR or, theoretically, a US embassy, although this channel is very rarely used. (The US aims to accept more than 50 percent of the cases referred by UNHCR. In 2002 it accepted 55 percent of the referrals.)
- **P2:** groups of special humanitarian concern to the US identified by the State Department. P2 status currently applies only to in-country Cubans,

¹⁴¹ Source: Immigration and Refugee Services of America, Refugee Reports 16 December 1988; Refugee Reports December 2002

¹⁴² US Departments of State, Justice, and Health & Human Services (released by Dept. of State Bureau of Population, Refugees and Migration), **op cit.** There are two other priority categories – P4 and P5 – for wider family members but these are not currently in use.

Feasibility of Resettlement in the European Union

Vietnamese and Lautenberg Amendment¹⁴³ candidates in the Former Soviet Union (FSU) as well as Somali Bantus in Kenya, Baku Armenians in Russia and Iranian religious minorities (primarily in Austria during the selection procedures), though discussions to increase the number of P2 populations (to include African long-stayers in Russia, mixed marriage Burundians in Tanzania, Congolese in Angola and Kuname Eritreans in Walanibhy camp in Ethiopia) are continuing.

- **P3:** refugee spouses, unmarried children and parents of US citizens and of persons lawfully admitted to the US as refugees, asylees, conditional residents, parolees and permanent resident aliens. The only nationalities eligible for P3 status in FY03 are Burundians, Congolese (both Democratic Republic of Congo and Brazzaville) and Sudanese.

The majority of refugees resettled in the US arrive through the P-2 category. There are attempts on the part of the US government to increase the number of P1s, and P3s have been steadily declining in recent years.

In addition to falling under one of the three categories listed above and being within the total and regional annual ceilings, candidates for resettlement in the US must meet the refugee definition in the US Immigration and Nationality Act (which is essentially the definition contained in the 1951 Refugee Convention, as amended by the 1967 Protocol,¹⁴⁴ as well as certain persons – specified by the US president – still residing in their country of nationality or habitual residence and those fearing or having suffered coercive population control measures). Further, candidates are examined according to:

- The current refugee situation in the region
- The level of religious freedom in the region
- Prospects for voluntary repatriation or local integration (the other two “durable solutions” advocated by UNHCR)
- Prospects for third-country resettlement outside the region

The processing of eligible candidates is constrained by logistics or possible security threats that may interfere with stages in the resettlement process which require the presence of US government personnel.

In summer 2003, the US is preparing to undertake processing of a new group which is a departure from both the US programme to date, as well as for UNHCR. The group are refugees in Côte d'Ivoire, referred *en masse* by UNHCR, and are being termed a “P1-Group”. Normally, under the P1 category of the US programme, UNHCR would refer only individuals. On this occasion, UNHCR has not completed Resettlement Registration Forms for all individual refugees. Instead, they have referred the group, and the Overseas Processing Entity in West Africa (Church World Service) is carrying out the case

¹⁴³ The Lautenberg Amendment states that, in their application for resettlement to the US, residents of the Baltic states and Former Soviet Union who are members of particular categories (Jews, Evangelicals, and certain members of the Ukrainian Catholic or Ukrainian Orthodox churches) and have family members in the US need only show a “credible basis of concern” that they would face persecution.

¹⁴⁴ The US is a signatory to the 1967 Protocol, but not to the 1951 Convention.

preparation work for each individual, as would be the case for a regular, designated P-2 group.

Selection method

Officials of the Department of Homeland Security's Bureau for Citizenship and Immigration (BCIS – formerly part of the INS) conduct in-person interviews of all resettlement candidates. These interviews are conducted on a 'circuit ride' basis (discussed below).

Selection procedure

The US has for several years used a system of "circuit rides" as the main method of selecting refugees for resettlement. Circuit rides are missions conducted on a periodic basis by Immigration and Naturalization Service (now BCIS) staff already based in a particular region to nearby countries from which refugees could potentially be resettled. The circuit ride system is in transition. There was a perceived need in the US for an institutionalised body of expertise on resettlement, which is expected to make processing more efficient and consistent (following the experience of the creation of an Asylum Corps). The timing of this transition has been impacted in part by the post-September 11th security climate (as a result of increased concern about attacks on Americans abroad, and the need for consistent and thorough processing) and the US has announced the creation of a "Refugee Corps"¹⁴⁵ within the Bureau of Citizenship and Immigration Services. The Refugee Corps will, according to initial announcements, consist primarily of a Washington, DC-based staff dedicated solely to resettlement duties, conducting missions of several weeks in duration to small groups of countries from which the staff would carry out resettlement determination procedures. In the switch to the Department of Homeland Security from the Justice Department, the development of the Refugee Corps was delayed but is expected to be running by 2005.

UNHCR referrals are used by the US in a very limited fashion. In fact, referral only gives the refugee what has been called a "ticket to the window:" that is, it allows the individual to have a full case assessment done by US authorities.

In preparing the case for BCIS interview, a voluntary agency or IOM (performing the contracted duty of Overseas Processing Entity) assists the refugee in the completion of all necessary documentation. The staff involved prepares the paperwork and discusses the case with the refugee. They may advise the candidates on any aspects of the case which make it appear unlikely to succeed; however, the Overseas Processing Entity does not have the mandate either to judge the case or to coach the candidates in preparation for their interview.

¹⁴⁵ See **Interpreter Releases** article *INS Commissioner Directs Creation of New Refugee Corps*, 9 December 2002. By August 2003, there was no further information on what this new Corps might become, and it had certainly not become a reality. The Refugee Council USA laments this fact in its **US Refugee Admissions Program for Fiscal Year 2004** report, **op.cit.**, p.6.

Feasibility of Resettlement in the European Union

Between selection and departure

The US conducts medical checks prior to departure for communicable diseases that may require care or quarantine before arrival in the US. Most such checks are carried out by IOM, and only occasionally result in a bar to entry. Further health checks are carried out on arrival in the US in order to begin treatments that may be necessary as soon as possible.

The US also conducts pre-departure orientations. Materials for these programmes, including a video and books about life in the US, in several languages, were developed by the Center for Applied Linguistics (CAL), under contract to the State Department.¹⁴⁶ The materials are used for in-person orientations conducted by US-trained local staff of voluntary agencies or IOM in the country from which the resettlement is taking place (eg in West Africa, Church World Service conducts orientation sessions using the CAL materials as a basis to active learning classes). CAL also produces books and videos to orient local US-based resettlement staff about the new refugee group with which they will soon be working.

Transportation of refugees to the US is arranged by IOM, which is given large discounts on airline tickets for the refugees. IOM is also generally responsible for ensuring that refugees have all the proper documentation, make their connecting flights and for follow-on to their final destinations. The cost of travel is paid up front by IOM, from a State Department-provided budget. However, it is in the form of an interest-free loan which refugees are required to pay back within three years. The various voluntary agencies responsible for “settling” refugees in the US are charged with collecting the loan repayments, and receive 25 percent of the loan as a fee for this service.

Arrival and first weeks

Once the refugees have arrived at their final destination, they are met either by family members where they exist (generally the case for P3s) or by voluntary agency staff for the others. The voluntary agencies are responsible for providing services – including community orientation, food and clothing for 30 days, applications for medical insurance and social security numbers, housing and furnishings, language classes, job-finding skills, etc. – for the refugees during their first months in the US. The voluntary agencies also provide refugees with cash assistance for the initial transition period (between four and eight months) and are responsible for case management for 90-180 days after arrival.

Upon arrival, resettled refugees have refugee status, which is converted to permanent resident status after one year. They are eligible to apply for citizenship after five years in the US.

¹⁴⁶ Copies of these materials are on file with the researchers. It is interesting to note that the orientation video, which is divided into some five ‘chapters’ dealing with documentation, transportation, employment, housing and education is constructed to manage expectations by, for example, frequently noting the high importance placed in the US generally on work and self-sufficiency.

Move-on and integration issues

There is not a separate or formal period of 'move on' because refugees are in their longer-term housing from the moment of arrival and thus do not have a symbolic moment for moving on into a longer-term perspective.

- *Employment*: reports¹⁴⁷ have shown that most refugees resettled in the US have a strong desire to begin work quickly. This is in part due to the emphasis placed on employment and self-sufficiency by the orientations and the work of the voluntary agencies, but is also in large part due to the fact that refugees only receive cash assistance for up to eight months.
- *Housing*: voluntary agencies assist refugees in finding rental accommodation upon arrival in the US. The refugees are responsible for paying for such accommodation on their own after the initial period of cash assistance has ended.
- *Health care*: voluntary agencies are responsible for ensuring that refugees have registered properly for public health care system, etc., as well as for assisting with initial appointments.
- *Education*: a major issue for resettled refugee is the extent to which any prior education, work experience and/or accreditation will be recognized in the US. Recognition of such credentials is currently an area of debate. The focus of language acquisition in the US is that of "learning through doing:" language classes are often scheduled around work hours, with the idea that language skills can best be picked up through on the job training.
- *"Social" integration*: a report¹⁴⁸ has found that refugees who have lived in the US for a longer period of time show a higher level of American acculturation. Social networks increased, and included more Americans, with longer residency in the US, though reported levels of satisfaction with relationships with Americans was substantially lower than in relationships with those from the same socio-ethnic background. The study also found that those who held high-status jobs, were married, and/or very satisfied with the assistance provide by the voluntary agencies were more acculturated to American life, though women were found to be more at risk than men for alienation and psychological symptoms. Those who held a high-status job in their native country but were unable to do so in the US were more at risk for psychological distress.

¹⁴⁷ See, for example, Sargent, Paul, C. F. Hohm, R. Moser, *A Qualitative Comparison of the Effectiveness of Private and Public Refugee Resettlement Programs: The San Diego Case. Sociological Perspectives*, 1999; Sargent, et al., *A Quantitative Comparison of the Effectiveness of Public and Private Refugee Resettlement Programs: An Evaluation of the San Diego Wilson Fish Demonstration Project. Sociological Perspectives*, 1999; Dina Birman and Edison Trickett, *Psychological and Work-Related Adaptation of Soviet Jewish Refugees in Maryland*, 2001, accessed at: <http://www.dhr.sailorsit.net/mona/pdf/project2.pdf>; Bronwyn Lance Chester, *How Refugees Join the American Mainstream: A Look at Resettlement in Two Communities*, September 2001, accessed at: <http://www.lexingtoninstitute.org/immigration/refugees.htm>; John F. Else, Carmel Clay-Thompson, *Refugee Microenterprise Development: Achievements and Lessons Learned.*, April 1998.

¹⁴⁸ Birman and Trickett, *Ibid.*.

Feasibility of Resettlement in the European Union

The Refugee Act of 1980, and the 1982 and 1986 Refugee Assistance amendments stress the achievement of employment and economic self-sufficiency by refugees as soon as possible after their arrival in the US. The Office of Refugee Resettlement has conducted surveys of refugees since 1980, collecting information on education; English language training, job training and labour force participation among a nationwide sample of refugees. In 2000, the survey found that refugees found employment at a *higher* rate than the general population of the US. For refugees who had arrived in 2000, there was, during their first year in the country, an employment rate of 63.8% (68.6% for males and 58.4% for females: those considered in the count are over the age of 16) For refugees who had arrived in 1997, the employment rate in 2000 was 72%. Overall labour force participation, adding job-seekers to those people with jobs, was 67.5% for refugees who had arrived in 2000, and 71.5% for refugees who had arrived in 1997. The unemployment rate for refugees who had been in the country for a year or less was therefore just 5.4%.¹⁴⁹

A primary reason for which the employment rate is so high among resettled refugees is that there is a very limited welfare safety net on which they can rely, unless they are seriously ill or classed among the categories for which special welfare assistance is available, such as needy families. Cash assistance made available through government grants distributed by voluntary agencies provides income for refugees for between four and eight months. After that, they are very much on their own. However, voluntary agencies run many programmes, training sessions, and self-employment initiatives to very actively support refugees in finding gainful employment. Nonetheless, refugees are among the major users of welfare: refugees account for eight percent of the immigrant-headed households in the US, but for 21 percent of immigrant welfare use in 1997. In 1994, 33.3 percent of refugees were welfare recipients in the US: by 1997, after welfare reform which imposed new restrictions on immigrants' access to public benefits, their level of welfare use was down to 24.5 percent of all refugees.¹⁵⁰

Refugees are made aware of the fact that they must work in the United States from the start of their orientation sessions after selection but prior to their departure to the United States. However, they are not selected on the basis of any criteria assessing their ability to achieve economic self-sufficiency.

¹⁴⁹ Office of Refugee Resettlement **Annual Report to Congress** (2000)
http://www.acf.hhs.gov/programs/orr/policy/arc_00.htm

¹⁵⁰ Fix, Michael and Jeffrey S. Passel, *Trends in Noncitizen' and Citizens' Use of Public Benefits Following Welfare Reform: 1994-1997* Urban Institute, (March 1999)

Summary

<i>Quota 2003</i>	70,000 (ceiling), with no roll-over of unused places
<i>Arrivals 2002</i>	26,787 ¹⁵¹
<i>Policy makers</i>	State Department; Department of Homeland Security; Presidential determination
<i>Selection criteria</i>	Priority system: P1–protection concerns, referred by UNHCR P2 – groups of special humanitarian concern to the US (eg in-country Cubans, Somali Bantus in Kenya) P3 – family reunification for particular, named groups
<i>Selection method</i>	UNHCR referrals from regional hubs Overseas Processing Entities prepare cases All candidates are interviewed by Immigration and Naturalization Service (INS) officials.
<i>Selection procedures</i>	Most resettlement candidates are selected during ‘circuit rides,’ interview missions conducted by INS officials.
<i>Medical checks</i>	Yes, but the outcome will not affect the decision to resettle
<i>Security checks</i>	Yes – not visible to the refugee
<i>Orientation programme</i>	Pre-departure orientation is conducted by IOM or US-trained, local NGOs
<i>Transportation</i>	IOM with interest-free transportation loan to be paid back by the refugee via NGOs within three years
<i>Reception</i>	Refugees are met by family members or representatives of voluntary agencies
<i>Legal status on arrival</i>	Refugee status, converted to permanent residence status after one year
<i>Integration</i>	Voluntary agencies provide refugees with community orientation, job placement assistance, language classes, and housing in the first months after their arrival. Refugees are also provided with financial assistance for four to eight months.

4.14 Latin America

Brazil, Argentina and Chile established resettlement programmes at the end of the 1990s. All have developing asylum systems, and their resettlement programmes are emerging alongside these systems. None have resettled large numbers of refugees, but all are taking a gradual approach.

Brazil received 23 Afghans in 2002. In 1999, Chile received 26 Bosnian and Croatian Serbs from a refugee camp outside Belgrade, with support from the Trust Fund for

¹⁵¹ This low number of arrivals was exceptional, and can largely be attributed to the various effects of the events of 11 September 2001.

Feasibility of Resettlement in the European Union

Resettlement established by the Nordic countries.¹⁵² Chile received its first women-at-risk cases in 2002, after approval in 2001, and in April 2002 it accepted 12 persons during a selection mission to Baku (Azerbaijan) and Islamabad. These refugees arrived in March 2003. Chile also receives Colombians for temporary protection under the Swedish 'Colombia Project', although these individuals do not come into direct contact with Chilean authorities.¹⁵³

Both Brazil and Chile use local, privately-funded NGOs for integration services.

By summer 2003, Argentina had been removed from the UNHCR guide to resettlement programmes. All three countries benefited from the presence of a UNHCR consultant for their programmes between 2000 and 2002.

4.15 African states

Benin and Burkina Faso established programmes in 1998 for approximately 100 refugees per year, following UNHCR criteria for resettlement. These programmes were financially supported by the UNHCR Resettlement Fund. Submissions to both programmes were suspended in 2003, pending an August 2003 evaluation mission. No quota as such were set for 2002 or 2003.¹⁵⁴

4.16 Other EU states without existing resettlement programmes

Germany¹⁵⁵ – The establishment of a 500-place resettlement programme per year was agreed upon in 2002 in the coalition agreement between the Social Democratic Party and the Greens for forming the Federal Government (Bundesregierung). The programme should be developed and implemented by the Ministry of the Interior, in cooperation with UNHCR. While the government and its administration had not gone far in elaborating thinking on this possibility at the time of interviews in early 2003, the non-governmental community's lobbying was for a programme which would essentially fill the gaps left by the very strict German rules on family reunification.

In Germany's current legislation there are grounds for letting foreigners into the country if it is:

- in the interest of international law;
- in humanitarian interests;
- in Germany's political interest

¹⁵² See discussion of the Trust Fund above.

¹⁵³ See Sweden report at Section 4.1 above.

¹⁵⁴ It should be recognized that, while few have formal resettlement programs, African states are host to millions of refugees each year.

¹⁵⁵ Research visit conducted in March 2003.

This can be applied only to individuals and remains quite exceptional (on average far fewer than 100 persons per year). For one thing there is a difficulty with the Länder – the Federal government invites people or admits them, but then the Länder are responsible for them, and resistant to accept the financial burden.

While a quota resettlement system might be seen in Germany as potentially facilitating protection of human rights of persons at risk of persecution staying in a third country, there are two major concerns in entering this discussion. One is that the adoption of the new migration and refugee law is still pending, and the second is that the asylum system should not be brought into question by the establishment of other (exclusive) means for refugees to gain protection in EU Member States.¹⁵⁶

France¹⁵⁷ grants two types of discretionary visas to a small number of refugees. One is a visa for ‘transfer of protection’ which is *ad hoc* and of which, according to those interviewed, at least 20-30 visas might be granted on average per year – recently mostly to Africans. The visa for asylum, meanwhile, is issued before the person arrives in France (which bears similarities to the construct of resettlement being ‘administrative’). Recipients do not have to request asylum once they are in France, but have the right to stay and work for a period. Additionally, in 2002 the Ministry of Foreign Affairs announced a grant of several hundred new “visas au titre de l’asile” of various forms annually (including student visas, short stay, long stay, etc.), which do not require the granting of refugee status.

France has previously undertaken some quota resettlement, most significantly of approximately 95,000 Indo-Chinese refugees between 1975 and 1985, as well as of Chileans in the 1970s. France has also undertaken some small-scale resettlement on an *ad hoc* basis, including Kurds in the early 1990s and “welcome” programmes for Bosnian refugees (mostly medical cases) as well as Kosovars. Throughout this period, France has also granted a limited number of resettlement places to refugees with serious medical concerns. On-going *ad hoc* resettlement continues, as UNHCR submits resettlement files: in exceptional circumstances the Paris office of UNHCR submits these directly to the Ministry of Foreign Affairs rather than via headquarters (another example of the absence of Standard Operating Procedures within UNHCR, as described in Section 1 above). A ‘strict mandate’ definition is used, and there must be proof that housing is available for the refugee (except in urgent or humanitarian cases). Most often, the French authorities seek family links and language ability. Actual refugee status is determined by the French Office for the Protection of Refugees and Stateless Persons (OFPRA, Office Français de protection des réfugiés et apatrides) once the person has arrived in France.

¹⁵⁶ Germany does, like many Member States, have other means of entry for people who do not seek asylum as such, but whose longer term safety and protection may be guaranteed by Germany, including programmes for Jewish ‘refugees’ from the former Soviet Union and for ethnic Germans. While many in Europe would not call these programmes resettlement, they might be seen as similar to some of the US resettlement intake, for example.

¹⁵⁷ Research visit conducted in March 2003.

Feasibility of Resettlement in the European Union

While there would be no need to alter French laws to accommodate resettlement, many suggest that a legal change would be better than a simple regulation.

A key concern for France at the moment is the large number of spontaneous arrivals, which is one reason for a certain amount of hesitation on the part of many officials and commentators to accept the idea of a resettlement quota. Another reason for this hesitation seems to be a principled sense that a quota cannot apply to people in this manner. French officials also see a strong need to await the full integration of the European Asylum System before moving to an EU-level resettlement programme.

Italy¹⁵⁸ conducted a resettlement programme for both Chileans and the Indo-Chinese in the 1970s. There is no resettlement of any sort to Italy at present. There have been suggestions that part of Italy's emerging economic immigration quotas could be assigned to a resettlement element.

Italy, in principle, would need to change its laws to accommodate any resettlement programme because it has no visa categories for refugee entry.¹⁵⁹ Nevertheless, an important view from the Italian administration is that, without a change of the present Italian migration law, it would still be possible for the annual inter-ministerial decree fixing the quotas of legal *economic* migrants to be admitted in Italy to include a quota of persons to be admitted "for humanitarian reasons" (which would include persons in need of international protection).

Austria¹⁶⁰ has conducted a form of protected entry procedure both at the border and via its embassies abroad through which people requesting asylum are granted legal leave to enter Austria after a preliminary decision from the Federal Asylum agency, conducted within five days of their request being lodged, and granting admissibility only (ie to be followed by a full in-country procedure). No assistance for travel has been offered to the individuals involved. This form of entry procedure will, however, come to an end with the application of a new law in 2004. The process is being ended due to its resource intensiveness and, where the process at the borders is concerned, due to the fact that Austria is surrounded by 'safe third countries'.

Austria is the locus for part of the US resettlement programme, with the Hebrew Immigrant Aid Society (HIAS) acting as Overseas Processing Entity in Vienna for specific groups, including Iranian and Armenian Christians. The Austrian government tends to view this process positively, so long as it does not lead to a pull-effect, which in fact it has done on occasion for Iranian Christians in particular. Any individuals admitted to Austria for processing on the US programme are not permitted to work or go to school in Austria, and have no real status in the country. If their resettlement to the US is not granted, they may apply for asylum in Austria, with no prejudicial effect arising from the fact of having been denied resettlement in the US selection procedure. The Department of

¹⁵⁸ Research visit conducted in March 2003.

¹⁵⁹ Many of the countries with resettlement programmes do not, in fact, use a 'refugee entry visa' for the administration of the selected refugees' arrival, but grant an immigration status in advance of arrival.

¹⁶⁰ Research visit conducted in July 2003.

Homeland Security adjudicators reject approximately twenty percent of the resettlement candidates whose paperwork is prepared by HIAS. Some of these people do return to their country of origin, some apply for asylum in Austria, others 'disappear'. The adjudication is carried out by Department of Homeland Security officers stationed in Vienna. The same officer handles any request for reconsideration of a rejected case.

Belgium, like many EU Member States, had quotas for Indo-Chinese boat people, many of whom were selected for their resettlement from Hong Kong. This is one form of resettlement, though not necessarily called that, which has existed in Belgium in the last two decades. Between 1980 and 1995, 402 refugees from Vietnam; 37 from Cambodia and 17 from Laos arrived under this programme.

A second form of resettlement was that for Chileans, who were granted an entry permit with authorization for provisional residence in the country, largely as a result of the personal involvement and commitment of Belgium's ambassador to Chile in the 1970s. Between 1988 and 1994, 69 Chileans arrived with a humanitarian permission to reside in the country.

Others have arrived by two other means: receiving a temporary residence permit on humanitarian grounds from Belgium's embassies around the world and arriving under an *ad hoc* system of the occasional granting of requests from UNHCR. The latter is very rare. Various entry systems have all been more or less closed since the arrivals of significant numbers of asylum seekers, especially from the Balkans, in the period since 1993. The most recent arrivals were an Albanian, an Iraqi and two Rwandans in 2001.

The Office of the Commissioner General for Refugees and Stateless persons has said that it is in principle in favour of a resettlement programme for Belgium, perhaps in the order of other EU Member State's new programmes (ie up to 500 places). However, this does not equate to a high-level Belgian decision to even investigate resettlement.

NGOs, in particular church-based NGOs, played an important role in the reception and integration of past refugees arriving under the four different modes of resettlement-like entry. The refugees from Chile and from Belgium's past colonies in particular were assisted by these organizations: sometimes by existing organizations and sometimes by purposely-created new bodies.

4.17 Switzerland

Switzerland froze its resettlement programme in 2002. In that year just 15 refugees from the Middle East were admitted under what had previously been a broad programme. There is no longer a chapter on Switzerland in the UNHCR Resettlement Handbook.

4.18 Some ‘lessons’ drawn from the Country Reviews

All of the programmes described above have one common feature: they are all unique. Among the 19 programmes described and the five countries whose approach to the potential emergence of resettlement in the EU is explained, there are some overlapping features, but no identical programmes. There are interesting approaches, however, and a combination of the above programmes might produce an interesting model for a more standardised programme.

Three states (US, Denmark and Iceland) see NGO involvement in the selection process, and one (Canada) is beginning such a process. Two states (Norway and the Netherlands) have multi-year quotas, with roll-overs possible within a three-year period, and one (Australia) has an open roll-over procedure. While most resettlement countries employ a quota, the US has an upper limit, which it has only met once since the ceiling started to be used in 1980,¹⁶¹ and Canada uses a target, allowing for a (small) shortfall, or excess of arrivals. The target approach seems to lead to most widespread perception of the programme being successful in terms of numbers and results in less anxiety about filling places by the end of the year.

One state, Sweden, links a specific amount of resources to each refugee entering the country, rather than making a standard budget available.¹⁶²

The majority of states conduct interviews: only the Netherlands, which is having difficulties filling its quota, does not. Many states, including the UK’s new programme, see strong benefits in providing orientation prior to arrival; importantly some seek to provide such orientation after arrival, especially on very practical details. Some provide this orientation as a government or NGO service, others match refugees to mentor or ‘friend’ families. Iceland provides orientation to the host community, recognising their need to know who has come to live among them.

Most states grant permanent residence and some recognition of the status of ‘refugee’ to people who are being resettled. However, for some countries, the actual status of refugee under the 1951 Convention can only be granted once the refugee is in the country: thus Sweden allows applications for refugee status after arrival as confirmation of the refugee status recognition. For Ireland, asylum can only be decided upon inside the territory of Ireland: so ‘programme refugees’ are admitted as refugees, but not with the same status as someone who has been through the asylum procedure.

Several countries find integration ‘potential’ to be important – though none has a real measure for it. Finland seeks ‘community building’ by focusing on limited national groups; Norway seeks to locate substantial groups of people of one ethnicity close together after arrival, and has its immigration branch (which is concerned with integration rather than with law) conduct selection. Canada focuses on the goal of self-sufficiency for those people without specific special needs. Several states seek prior

¹⁶¹ In 1989, the US exceeded its ceiling, in all other years there has been a shortfall of at least 2,000.

¹⁶² See the important discussion on the costing of a refugee resettlement programme below.

forms of attachment to the country to which the refugee will be resettled. Sometimes those attachments are for individuals only. For the US P2 category, there is also the question of lobbying by domestic groups on behalf of whole groups to which they have an attachment. Many states use resettlement almost as an extended form of family reunification, though many keep categories apart for new cases. This is particularly clear in the Canadian programme, where the privately sponsored may be family members of people already in Canada, but the Government Assisted are more likely to have no attachment in Canadian society.

The Canadian system of (Federal) Government Assistance and Private sponsorship (see box below) also provides a means for separating finances, answering concerns such as those described in the German case, where financing for refugees may be a regionalised matter, though their admission remains a national concern. However, for some states such as Finland, private sponsorship would face barriers. A government report in Finland determined that removing responsibility for financing refugee programmes from the municipalities would force those local authorities into a position of illegality as they are required by law to provide services to all residents of the country.

The financing of resettlement is a very complex issue, with more features unique to each individual state. Because the same elements are involved in each programme, however, the same questions can be posed to all in trying to assess the costs of resettlement.

Building on this summary, and the following sections, conclusions are drawn by the researchers about the advantages and disadvantages of various ways of conducting resettlement in the final section of Part I.

5. The Costing of Existing Refugee Resettlement Programmes

This section of the report discusses issues involved in the *costing* of refugee resettlement programmes. One conclusion is that calculating a per-refugee cost of resettlement, so as to allow for cross-country comparisons of existing resettlement programmes, is a difficult undertaking. This is because the governments of resettlement countries, while having in place well-structured programmes, focus on the humanitarian aspects rather than the economic efficiency of such programmes, and thus do not compile the necessary disaggregated cost data. Further, given there are various levels of government and non-governmental groups involved, tracking and accounting for all the costs is extremely difficult. Few resettlement countries have attempted even partial estimates of the per-capita cost of resettlement, or specifically addressed the question of whether these programmes are cost-efficient.

If one could ideally calculate a complete per-refugee cost of resettlement, one would more than likely find that resettlement programmes are expensive. However, these programmes are driven by non-economic factors (humanitarian and political), and therefore examining resettlement by seeking a specific economic “*bottom-line*” may not be appropriate. This is similar to seeking a value for human life, and although economists have certainly made such attempts, one invariably begins to question the practical relevance of this sort of estimate.

The analysis that follows examines the above arguments in greater depth by:

1. Identifying the data that one would ideally wish to obtain in order to cost refugee resettlement.
2. Explaining the difficulties encountered.
3. Presenting a selection of existing – albeit incomplete and notional -- cost estimates.
4. Discussing the relevance and appropriateness of such numbers.

The Economic Data Required for a Per-Refugee Cost Estimate of Resettlement

In order to cost refugee resettlement programmes fully, one must be able to access specific line items in public budgets so that the following could be obtained for *each* country of resettlement.

1. Cost of selection and pre-screening – after identifying the specific government players in selection and pre-screening, one would need to identify costs incurred by UNHCR and IOM and subtract from these the portion that came from a specific country’s contribution to these organizations so as to prevent double counting. One would like to be able to separate out administrative costs so as to assess how any variation in resettlement costs across countries might be the result of different civil servant salaries and benefits (or *per diems* allotted to contractors). It would be necessary also to be assured that the

figures included only expenses made for refugees being resettled. For example, adjudication costs may include hearings for refugees being resettled as well as for asylum seekers. Further, the rate of acceptances of cases presented to a country for consideration would be a useful figure to have, so as to again adjust for any variation in cross-country comparisons.

2. Cost of processing and transportation – one would want to have medical costs, additional security costs, and actual transportation costs separated out. If transportation is in the form of a loan, the rate of repayment would need to be taken into account and netted from this figure.
3. Cost of integration and adjustment - one would wish to see a disaggregation of this component so that housing, medical benefits, education, and other forms of social assistance could be separated out and compared across countries, as these costs would no doubt reflect the differing welfare values of each country. At this juncture, regional and municipal budgets would need to be examined, and one would hope for some harmonization of categories between these budgets and that of the national budget. The same would apply at the point where private sponsorship and/or volunteer agencies became involved.
4. Consideration of annual variations – for any given country, it would be necessary to calculate the cost components delineated above for more than one year, so as to establish the extent to which there was consistency over time. Specifically, if there were significant annual variations in the costs of the individual components of a resettlement program or the number of refugees admitted, the cost per-refugee calculation in any one year might not reflect general trends. If such variations were observed, one could then use an average over several years so as to obtain a more appropriate cost estimate.
5. Time horizon and long-term public finance effects – it would be important to establish that there was consistency in time horizons. For example, assessing the first year of resettlement might be a useful starting point. However, if one wanted to assess the full cost of refugee resettlement programmes, it would be useful to track refugees over a longer time horizon, to see the degree to which the initial public expenditures are offset by public revenue benefits, i.e. income taxes, sales taxes and property taxes paid by the refugees as integration into the economy occurs.

Difficulties in Estimating the Per-Refugee Cost of Resettlement

Early in the preparation of this report, as various government and non-government officials were contacted and public budgets accessed, it became increasingly clear that the above- ideal data requirements would remain that, an ideal. In reality, serious data limitations preclude a full estimation of existing refugee resettlement costs, and thus a

Feasibility of Resettlement in the European Union

meaningful cross-country comparison. The major problems encountered are explained below.

1. Too many players – Successful resettlement requires that national governments work not only with regional and local governments, but also with private individuals and volunteer agencies. Thus, costing a resettlement programme requires that one obtain estimates of expenses incurred at all levels. The very fact that so many players are involved makes this an enormous undertaking. As one US government official put it, “if you had a staff of 6 and two years to devote to nothing but this, *maybe* you might be able to get an estimate of this cost.” The Canadian government had recently taken steps to begin such costing, but the project was tabled because it was concluded, “the cost of costing the programme was too great.” In the Canadian case, it has been decided to cost only specific sections of the resettlement programme in several intervals, but work on this has not yet begun. A few other resettlement countries have also attempted to cost specific sections of a programme (see below), but it appears that no country has undertaken a full and detailed costing.
2. Data not available or not disaggregated – Even if one were able to obtain a notional estimate of the national government’s expenses, in many instances one could go no further because regional and local levels of government, the primary source of most social assistance, do not have the necessary information. For example, in Finland, the municipalities compile data on income transfers and social services, and while age, gender and other characteristics of a recipient are recorded, the ethnic origin or nationality of a recipient is not. Another problem is that data on refugees often does not distinguish between refugees being resettled and asylum seekers. (For example, see an Australian study on long-term public finance effects referred to below.)
3. Costs expended not always in financial terms - An additional problem in fully costing refugee resettlement is encountered when focusing on the role of private individuals and non-governmental/volunteer entities. Specifically, significant amounts of volunteer aid are provided to refugees through gifts in kind and volunteer hours, making it difficult to obtain a value for this.
4. Too many fixed costs – The calculation of a per-refugee resettlement cost in any single country may vary significantly from year to year, because the administrative structures are to a certain extent fixed costs, and thus once in place may not be that impacted by the number of refugees processed. The number of refugees accepted, on the other hand, being subject to discretionary decision, is not guaranteed to be a stable one from year to year.

No where is this more obvious than in the US where, due to increased security concerns, refugee admissions have fallen from an average number of about

60,000 in 1999 - 2001 to no more than 28,000 in 2002 and 2003 (projected). Despite this significant drop in admissions, the funding allotted by the US government for resettlement has remained remarkably stable. In this instance, a calculation of resettlement cost on a per-refugee basis results in as much as a two-fold increase from one year to the next (see below for specific values), leading one wondering how to interpret such a cost estimate.

5. Highly politicised system – In existing resettlement programmes, the number of refugee admissions is determined by the central government, but refugees settle in specific municipalities. This fact means that the population and public officials in the receiving geographical area need to be willing players in the process of resettlement if resettlement is to be successful. There is thus the political reality that sometimes these localities need to be “bought into” the process. The extent to which various financial allotments will encourage them to come on board is not always explicit, constant nor can it be easily forecast, because it will be influenced by a multitude of political and subjective factors. (The number of refugees already in the area, the political mood of the local public, the types of refugees arriving, etc.)

If data on public expenditures is used to calculate the cost of resettlement, this political cost, which may vary significantly, will be included in the per-refugee cost estimate, making the overall cost figure vary as well. To continue using the US case by way of illustration, two such items that more obviously include this political component are presented. The Office of Refugee Resettlement (ORR) of the Department of Health and Human Services has a line item for TAG – Targeted Assistance, which is for “financial assistance to localities impacted by refugee arrivals.” Another line item in the ORR budget is the one for Director’s Discretion. It includes “additional funds that may be allocated for welfare expenses, health care, local staff and community organizations.” The size of these line items is not set by a specific formula, varies from year to year, and -- as was pointed out by one U.S. government official -- “no doubt includes the cost of ‘buying in’ localities”.

When taking such political factors into consideration, it becomes difficult to interpret the meaning of a per-refugee cost estimate or to make any sort of clear cross-country comparison of costs expended, since the political costs cannot be easily extracted or measured. The more highly politicized is the issue of refugee resettlement, the greater may be the political cost component.

For this reason and others, an examination of the relevance and appropriateness of seeking the per-refugee cost of resettlement. A selection of existing per-refugee resettlement cost estimates, however, is first presented.

Selective Existing Refugee Resettlement Cost Estimates

As has been seen from the discussion above, estimating the full cost of refugee resettlement is a difficult, if not impossible, undertaking for many reasons. Officials in resettlement countries have nevertheless made some attempts to cost sections of their programs. A selective presentation of existing estimates, or lack thereof, for five resettlement countries follows. The countries are Australia, Canada, Denmark, Finland, and the USA. The main purpose is to illustrate that cost estimates are incomplete and notional, and that cross-country comparisons are difficult to make.

Australia - The Australian Government, in 2001, commissioned a study to examine the impact on the Commonwealth Budget of admitting different categories of immigrants.¹⁶³ This study included a “humanitarian” category, but it is important to note that unfortunately refugees and asylum seekers are *both* in this category. Thus, it is impossible to separate out only resettled refugees. The study also excluded the costs incurred by regional and local governments, thus being limited to costs incurred at the national level. It found that the net cost of humanitarian immigrants (calculating public expenditures at the national level as well as public revenues obtained) is \$9,700 (Australian dollars) per refugee.

The study is noteworthy in that it is one of few attempts to project, on the basis of individual economic characteristics derived from tax data, the net public finance effects 10 years into the future. It argues that by Year 2 the net cost to the national coffers falls to \$5,600 per refugee and then remains at about \$4,000 per-refugee for each of the remaining 8 years projected. The fact that the public finance effects for humanitarian (refugee) immigrants remain as a negative outlay for at least 10 years after arrival (while all other categories of immigrants are either initially positive or become so within 2 – 3 years) underlines the point that was made in Section I above, that an ideal cost estimate should be calculated over a longer time horizon than one year if one is to get a sense of the *full* cost of refugee resettlement.

Canada - The Canadian government is presently considering costing specific sections of Canada’s Refugee Programme, but work on this has not yet begun. A very notional cost for Canada’s Refugee Programme for 2001 has been calculated by the Canadian government to be \$79 million (Canadian dollars). This however is an incomplete number as it excludes many of the salary costs, overseas costs, loan program costs, as well as regional and municipal costs. It is not possible to distinguish between amounts spent on asylum seekers (which in 2001 were almost twice as many in number as resettled refugees), government assisted refugees (which were 7,332 in number), or privately sponsored refugees (which were 3,572 in number). Estimating a per-refugee resettlement cost based on the above would be misleading, and is thus impossible to do.

Denmark - The Danish government, like many others, has not attempted to calculate the cost of its resettlement programme. During the Trust Fund Initiative in 1998, however,

¹⁶³ **Impact of Migrants on the Commonwealth Budget, 2000-01 Update**, prepared by Access Economics for the Department of Immigration and Multicultural Affairs, Canberra, January 2001.

Denmark converted 50 resettlement slots into funding for the initiative at a total cost of \$727,729 (USD). Assuming that this per unit cost would be representative of resettling a larger number of refugees, the implied cost of refugee resettlement in Denmark is \$14,500.00 USD.

Finland – Finnish government officials reported that Finland “does not have any statistics which would unequivocally tell how much” the resettlement costs of a certain person or group of persons would be. However, in a report to the Finnish Parliament in 1997, per-refugee costs, which have not been revised since, for the first year after resettlement were estimated to be 7575 EUR for adults, 6,111 EUR for school-aged children, and 11,765 EUR for children under 7 years of age. This estimate does include compensation to municipalities, costs for integration allowances, interpretation services, and “other initial costs” of resettlement. Estimates were also made for the second and third year after resettlement, and it was found that the average number dropped from 7575 EUR to 5437 EUR in the second year and 3973 EUR in the third year. It is worthwhile to note that when converting currencies, these numbers are not that different from the Australian numbers.

Sweden - data on resettlement costs in Sweden also appears limited. The Swedish government allots a fixed sum, averaging 136,600 SEK or approximately 15,000 Euro per refugee specifically for the resettlement of refugees. While this number per capita varies for adults and children, the 15,000 Euro figure is the average per refugee.

United States -- a notional and partial per-refugee cost estimate can be calculated based on the amount of funding allotted to the key departments of the US Government at the federal level (Department of Justice, Department of State and Department of Health and Human Services) that are involved in refugee resettlement. As noted earlier, the total number of refugees resettled dropped sharply in 2002 while federal funding did not. Therefore to avoid a misrepresentative estimate of the per-refugee cost of resettlement, it is more appropriate to attempt a calculation for 2001. In 2001, about \$560 million (USD) was spent to settle some 60,000 refugees. This number does not include social assistance costs (specifically Transitional Assistance for Needy Families -TANF, Medicaid or Social Security Insurance) and is calculated to be approximately \$9,300.00 per refugee.

In addition, in 2002, when immigration services were being restructured to become part of the newly formed Department of Homeland Security, the Immigration and Naturalization Service (under the Department of Justice) calculated that the cost of adjudicating cases that had been presented for resettlement consideration was about \$250.00 per refugee. It is interesting to note that this figure was calculated for the purposes of working out the budget allotments to immigration within the newly formed department, and not because government authorities were seeking out the cost of resettlement. This once again underlines that in the United States, as in most other resettlement countries, the cost of resettlement is not a primary focus.

The above estimates have been presented to underline the fact that countries do not normally compile, nor have available, a per-refugee cost of resettlement. Some countries

Feasibility of Resettlement in the European Union

have gone farther than others in attempting to cost their programs. If one were to draw inferences on the basis of this limited evidence for purposes of making a cross-country comparison of existing resettlement programs, one could conclude that a resettlement program, will, at the very *minimum*, cost \$ 7,000.00 per refugee. The following paragraphs, however, question the implications of putting forth such a conclusion.

The Relevance and Appropriateness of Seeking the Per-Refugee Cost of Resettlement

Several government and non-government officials contacted in the preparation of this report expressed an interest in knowing the full cost of their resettlement programmes. Others also noted that politicians and policy-makers in their respective countries have, from time to time, asked about the per-refugee cost of resettlement. At the same time, there appeared to be an overwhelming reluctance on the part of those involved in resettlement to see a single number calculated, because of the political misinterpretations that this might lead to. This reluctance varied from a concern that such a number would be “too simplistic” to the notion that “it would not be fair to refugees”.

Imagine for a moment that one were able to obtain a per-refugee cost of resettlement, say for the sake of argument \$10,000.00 per person. What exactly would it mean? Would it necessarily mean that new programs of resettlement would incur this same level of expense, even though, as has been seen, the costs involved include subjective and varying social values and reflect to a significant degree the size and efficiency of individual countries' bureaucracies? Further, there might be the interpretation, on the part of the media and the public, that the refugee was receiving this amount of funding, when in fact this is the farthest thing from the truth. The reality, as has been discussed above, is that refugee resettlement includes significant political drivers, and any cost calculated reflects to a greater extent the cost of jobs created to run resettlement programs (not all of which may be necessary) as well as the cost of “buying in” the domestic political support for humanitarian actions.

Summary and Conclusions on Costing Refugee Resettlement

Obtaining a specific per-refugee cost of existing resettlement programmes, so as to make comparisons across countries, is at present not possible. Partial estimates that are available are notional and incomplete.

While it would no doubt be interesting to know the cost of the different components of a country's resettlement program, government officials do not appear to administer their programmes with economic efficiency as the primary goal. This underlines the reality that refugee resettlement programs are motivated by humanitarian and political factors, and not by economic ones.

This of course does not mean that when looking at potential models and structures of resettlement, economic factors should not be included for consideration. Rather, the point is being made that seeking a specific *numerical* estimate of the cost of resettling a refugee

is both very difficult and could be a potentially misleading concept. Policymakers should nevertheless take care to consider, at every stage of a resettlement program, whether there might be a more efficient way to operate a specific component and the tradeoffs involved. As one example -- in the selection process, it would seem that field-interview based selection would be more expensive than dossier-based selection. However, a consideration of whether the financial savings on the expense side would compensate for any loss in non-economic factors, such as security would also need to be made. Such approaches require knowledge of alternative models both as theoretically proposed in Part II of this report, and as existing in the present resettlement countries and outlined in Part I of this report.

6. Fraud

Three potential forms of fraud are of concern in resettlement programmes.

- The provision of fraudulent information regarding the protection claim;
- The fraudulent claim to family relationship either with anchor(s) already present in the resettlement country, to whom the link is essential for access to some programmes, or with the principle applicant in a new resettlement application;
- Corruption among officials who are in a position to give access to a resettlement programme.

The latter two forms of fraud have been of major concern in recent years. The fact that so many different levels of checks are made on refugee status determination prompts many commentators to suggest that fraud in the first area mentioned in the above list is quite rare.

While UNHCR, administrations of resettlement countries and non-governmental or other inter-governmental actors involved in the process have worked to put in place strict measures and guidelines to limit fraud, all agree that it is simply not possible to totally avoid all fraudulent practice. In particular where access to programmes is concerned, many involved at the field level assert that any human being put in the position of being offered an opportunity to avoid remaining in a refugee camp or urban environment with little or no protection, and, what is more, an opportunity to move to a developed country for protection, is likely to do all they can to include as many people in a similar situation to themselves as they can. So, if a potential applicant knows that daughters and sons might be accepted as part of a family group, but nieces and nephews will not, orphaned nieces and nephews (or even just a relative for whom this seems like the perfect opportunity to escape) may be claimed as sons and daughters. If access rules related to the degree of family relationship exist, then it is clear that people will learn of them, and 'abuse' them out of self-interest and to assist family and friends. It is impossible for applicants to learn nothing about resettlement programmes: rumours, accurate and inaccurate run rife in refugee collective shelter settings.

For many years, most resettlement countries were prepared to simply tolerate some fraud in relationship claims in particular as the way in which life in this area operated. In the aftermath of 11 September 2001, the US government decided it could no longer be so tolerant, and started a process of reviewing the applications of all P-3 candidates for resettlement who had not yet travelled to the US. This process, called RAVU (after the Refugee Access Verification Unit which carries it out), has resulted in a great number of rejections. It is feared that those rejections can in fact bring about new problems for the refugees in question. According to the US authorities, in such situation the status of the individuals as refugees is not often in question. Rather, the concern is that their 'ticket to the window' was obtained through a false affidavit of relationship submitted by the refugee already in the US. In West Africa, for example, some 6,000 out of 7,000 waiting refugees have been refused entry after RAVU. The big question for UNHCR is whether

another resettlement country might take these people, or whether the US might accept all or some of them under P1. At the time of research for this study in Ghana it appeared likely that Canada would accept referrals from the regional US Overseas Processing Entity (Church World Service) of a few hundred of these refugees. This would be Canada's first set for non-UNHCR referrals since its new law, starting the referral agency system in the Canadian resettlement programme, entered force in 2002.

Experts suggest there are at least two ways in which some of the potential for fraud could be avoided:

1. Separating access to resettlement from any family ties. In this case, families would need to be resettled together, at the same time, to the greatest extent possible. This could occur either within the realms of family unity regulations or by allowing extended families to form multiple cases (with each head of a smaller family unit being the principle applicant) Also, family members not present to be included, but who fit family unity programmes, should be moved through those programmes rather than as resettlement candidates.
2. Full registration of all refugees should be carried out as close as possible to the time at which they become refugees and not linked either to resettlement or, for example, food rations. The information collected at that point about family members, and any updates such as births, deaths and the arrival of family members from outside the country occur, could be used as a reference point for resettlement application registration. Such registration is **not** carried out as a matter of course, and significant resources would be required in the field to make this possible.

Corruption of officials who can give entry to the programme(s) can only be avoided through the enforcement of strict punishments, including removal from employment (not just from posts) and through a system whereby one official alone does not guide a case through from beginning to (near) end. Management is the key to avoiding this type of corruption and fraud, but is again an area in which either resources-levels or long-term 'business' practices need to be altered.

European Union decision-makers need to be aware that some tolerance of some low-level fraud will likely be necessary, simply because it is impossible to totally exclude fraud (as officials know well from all areas of business). Nonetheless, some measures can be put in place, and policy can be crafted with the limitation of opportunities for fraudulent behaviour in mind. Besides those issues already mentioned above:

- Rules will have to be made about family composition guidelines, including rules related to polygamy.
- Rules on access to programmes will need to take account of the potential for fraud, and be crafted according to a balance of desires related to, for example, family unity and tolerance for some bending of those rules.
- Strict procedural guidelines will need to be in place at all steps related to access to the programme(s), and for all actors involved in the process.

7. The Legal Nature of Resettlement

Three particular legal issues related to resettlement are of interest in the context of this feasibility study. These are:

- Whether a resettlement programme is a matter of policy or is enshrined to some degree in a legal framework;
- Whether legal agreements exist between the countries and organization involved in resettlement programmes; and
- The circumstances under which legal remedy is required when things go wrong, in particular where a person transferred to a destination country under the terms of a resettlement programme may commit a criminal act, or where information may come to light about previous conduct or fraudulent claims which would mean that refugee status was granted when it should not have been granted.

Resettlement Policy or a Law for Resettlement?

In the country reports set out above, reference is made to whether or not resettlement is in some way encapsulated in a legal framework. In the United States and Canada, for example, the resettlement programmes have a basis in federal law. In several countries, the fact that resettlement may be conducted is simply stated within the framework of a broad asylum and/or immigration act, but details of the specific programme are left open as a matter of policy alone (eg the new Irish law). In the remaining countries with a resettlement programme this programme is a matter of policy alone (eg Finland and the UK). There is no international legal basis to resettlement as such.

Generally speaking, resettlement itself is viewed as an entirely discretionary act. Unlike asylum, where there is a duty not to return the individual who has arrived in a country requesting protection, resettlement sees no similar duties or rights to access to the programme. This is one reason for which many states have not seen legal foundations to their resettlement programme as necessary for its functioning. To illustrate this point, Canada states in its paper for the first UNHCR Forum that “It has been Canada’s experience that resettlement can be effectively managed as an administrative process. As a result resettlement decisions are not subject to the same level of formality as asylum determinations.”¹⁶⁴ An administrative process can be established in law, of course, but the point remains that the implementation of resettlement policy is carried out in an administrative rather than a legal context. One consequence is that resettlement programmes generally see only the opportunity for administrative review, often by the same official who carried out the initial selection procedure, and not for legal appeal. Naturally, a variety of laws apply to people admitted under a resettlement programme: but the programmes as such are most often administrative and policy-based rather than fully established, in detail, within a legal framework.

¹⁶⁴ Canada, *Resettlement and Convention Plus Initiatives*, *op.cit.*, p.3 para. 13.

In addition, the various aspects of numbers, selection models and modes of arrival are seen by many as in need of flexibility, in order to fully respond to the variety of situations which may arise in which resettlement may be viewed as a useful and appropriate tool for protection, international solidarity, or for the finding of a durable solution.

Legal agreements

UNHCR and the existing resettlement countries do not generally have legal, or formal agreements on their partnership in this endeavour. The exceptions to this are Chile and Brazil. The governments of these two countries have signed formal, written agreements with UNHCR on the criteria and modalities for implementation of their resettlement programmes.

According to our research, one reason for the absence of formal or legal agreements might be the fact that earmarked funds for resettlement are rarely accepted by UNHCR, and without a financial transaction involved, there is no reason for a legal commitment. Two cases illustrate this point: in 2003, the UK set up its resettlement programme, seeking both a formal agreement with UNHCR and to pay the Resettlement Section specifically for the work put into the referral of the 500 refugees who would be resettled. UNHCR turned down the funding, and ultimately only an exchange of letters was set to take place (which is not unfavourable from the UK's position if it wishes to keep flexibility in its new programme). Also in 2003, the United States sought to make a significant earmarked contribution on resettlement, in part as a way of boosting numbers which had dropped since 2001, giving rise to much domestic criticism of the government's handling of the programme. After very difficult negotiations, these funds were accepted, and a formal commitment was made by UNHCR to refer a number of refugees.¹⁶⁵ However, no broader legal agreement on resettlement exists between the US and UNHCR for the Priority One referrals. Canadian officials report that although any earmarked funds they have given to UNHCR for resettlement purposes have not been linked to specific targets (eg referral numbers) they have always found that the fact of giving dedicated funds has brought increased efficiency and a higher number of referrals than in times when no earmarked funds have been given. Both Canada and the US have bi-lateral operational agreements with UNHCR, which make reference to resettlement. These are, however, of a non-binding nature.

Legal contracts do exist between, for example, the US government and the NGOs involved in its case preparation services. Canada would expect also to make legal arrangements with NGOs which could become designated referral agencies for its programme – although it had no need for such an agreement with UNHCR, given that such referrals are considered part of the agency's core mandate activities. This latter view is shared by all states which have resettlement programmes.

Resettlement countries generally do not have any agreements with countries of first asylum. Certainly, where resettlement countries select on a dossier basis, they have no

¹⁶⁵ The number involved was not disclosed to the researchers, but it involves both P1 group referrals and the traditional individual referrals, which were all those under the P1 category until 2003.

Feasibility of Resettlement in the European Union

need for such agreements: only UNHCR needs to be active in the country in question in order for the refugee to come into contact with HCR and for a referral to be made. Where selection missions are carried out, contact with the country from which resettlement is being conducted (ie a country of first asylum) has to be made in order for visas to be issued to the staff who will conduct interviews. However, this does not involve any formal or legal agreement. Most often there is simply an informal communication of the reason for the visa requests. The US, which has staff posted in the field as coordinating Resettlement Officers, as well as circuit rides which go to countries of first asylum to conduct interviews, does consult with local host governments and hold informal meetings with officials, but there are no legal arrangements made which specify the fact that the US is conducting resettlement.

An exception to this does come *outside* the US resettlement programme. The US conducts *in-country* processing of nationals in countries including Cuba, Russia and Vietnam. In these situations, requests for protection are considered *as asylum requests* (rather than as resettlement selection) but are conducted prior to departure. In those cases formal, and often very intricate, political and legal arrangements do exist.

The Convention Plus activities of UNHCR are intended to lead to some formal agreements between the agency, resettlement countries and countries of first asylum. Those agreements are, at this early stage, anticipated to involve resettlement and burden-sharing activities as part of a comprehensive package of measures. Proposals have been put forward for packages relating to finding durable solutions for refugees in parts of Africa, and the Bhutanese refugees in Nepal. Resettlement would be one of these solutions, but the comprehensive packages (potentially similar to the Comprehensive Plan of Action for the Indochinese in 1989) would also include return and local integration for many if not most of the refugees concerned.

Revocation of status

The experience of resettlement countries to date has been that there are very limited grounds upon which refugee status might formally be terminated, and very few occasions on which administrations have become aware of reasons for which they would seek to withdraw the status of a resettled refugee. The only real basis for such termination is if it is determined that the person was not a refugee at the time of admission.

The 2002 Canadian Immigration and Refugee Protection Act, for example, sets out in Section 109 that in cases in which refugee protection “was obtained as a result of directly or indirectly misrepresenting or withholding material facts relating to a relevant matter” the Minister can apply to the Refugee Protection Division for the decision to be vacated. If the Minister’s application is accepted, the decision to confer refugee protection is nullified. Both the individual and the Minister have the right to appeal a decision – except where it is determined that the refugee claim has been withdrawn or abandoned. In such a case, the individual would lose their permanent residence status (which was predicated on the resettlement as a refugee) and would go through a pre-removal risk assessment prior to any removal. If that assessment would find a reason for which removal would put the

individual at risk, then a decision might be made to grant a relief from removal until that situation changed. Officials indicate that cases requiring application of this vacation of status and removal procedure are not known to have arisen.

Questions also arise as to the position and status of a resettled refugee if he or she should be detained as the result of a criminal conviction. With the largest resettlement programme, the US has most experience in this matter. Under the US system, there are three different ways in which a matter may be resolved, dependent on the length of time the individual has been in the country as well as whether or not he or she has adjusted his or her status to that of Legal Permanent Resident – for which they are eligible one year after admission.¹⁶⁶ This somewhat complicated set of regulations essentially acknowledges that while admission to the US, and the first year of residence, were permitted as a result of refugee status, an adjustment of status to that of legal permanent residence means that the fact of having been a refugee at the time of admission has no further impact on residence status as such. If a non-citizen commits a crime which is of a serious enough nature for him or her to be placed in removal proceedings, there will be recourse to relief under non-refoulement and/or the Convention Against Torture.

¹⁶⁶ INS General Counsel Memorandum, "Removal of Persons Admitted as Refugees Pursuant to Section 207," (9 November 2001).

8. Conclusions to Part One and Background to Part Two

From this review of existing resettlement programmes it can be concluded that resettlement is not a single or 'easy' policy mechanism as many might assume. While resettlement impacts a minority of refugees and a minority of states, it is a complex enterprise.

An important conclusion, which has emerged both from the country reviews and from the economic impact analysis is that resettlement is primarily about humanitarian refugee protection. The resettlement programmes of the US, Canada and Australia on the one hand and the programmes of European countries on the other hand have this element in common. A perception that the US, Canadian and Australian programmes are different from the resettlement programmes of European countries in the sense that the traditional immigration countries apply immigration and integration criteria to resettlement, and not protection criteria has not been substantiated in our interviews and literature review. Neither has the perception of the European resettlement programmes as 'resettlement equates refugee protection with medical needs' been found to be true. Those working on resettlement in the five European states give a different picture: a picture that comes much closer to the reality of the US, Canadian and Australian programmes. Their programmes **are** humanitarian in nature, but do **not** define a refugee with a serious medical condition as being in any greater need of refugee protection than a refugee who does not have a particular medical need and happens to be well-qualified in a particular profession. The programmes of all of these countries can serve as inspiration for a model for EU involvement in resettlement.

So, while the programmes in the eighteen countries that conduct some form of refugee resettlement are very different, and while selection criteria are developed which try to identify the characteristics of the programmes and the particular refugees each country which choose, all resettlement programmes are at heart about humanitarian refugee protection.

The programmes tend to identify more closely with one of the three equal goals of resettlement (protection; durable solution; burden-sharing) at different moments in time, or in different parts of the same country's broader programme (especially for the larger programmes in the US and Canada). An EU-wide resettlement programme of substantial numbers would theoretically also be able to have strands which dealt with each goal.

The European Commission and EU Member States will need to consider the role of resettlement as they develop this policy area in the light of these three equal goals, as well as the additional function they attribute to it which is that of assisting them in managing refugee protection and arrivals of refugees in the European Union.

Another important conclusion of this part of the study is that resettlement is **not** a policy for managing asylum, though both resettlement **and** asylum are elements in the successful management of **refugee protection**. Using resettlement in a manner distinct

from asylum, for example by offering a durable solution in protracted refugee situations, and with the application of a broad Mandate or Humanitarian definition of those who qualify as 'refugees', might preserve asylum as a special category for people who have sought, by their own means, the protection of a distant, safe and rights respecting state. As such the two programmes or systems may form complementary elements in an overall refugee protection system.

Furthermore, resettlement can offer a tool for the managed arrival of people whose status as refugees has been determined in advance of their travel to the EU member states. There are currently places for approximately 3,500 refugees per year to arrive in the EU Member States in a managed and orderly way, having been selected and granted refugee status or permanent residence through admission as refugees prior to departure from a country of previous asylum. The number of places for such orderly and managed arrivals can certainly be increased through a greater focus on resettlement by Member States and by the European Union as a whole. This is in contrast to an asylum flow, which, being by definition instigated at the moment at which the individual asylum seekers feel the need to move to seek protection, cannot be managed in the same way.

Research indicates that numerical linkages between asylum and resettlement arrivals can only be made as artificial constructs: countries with resettlement programmes still see asylum arrivals, sometimes in large numbers dependent on geography and world events. There might be some 'tipping point' at which the number of resettlement opportunities available alters the financial and risk assessment of individuals considering using smugglers in order to leave and seek asylum: but if there is, we do not know at what point that would come. Therefore, there may be a point at which resettlement programmes could impact the number of asylum seeking arrivals in the European Union. However, what the size of resettlement programmes would need to be in order to reach that point is unknown and probably unknowable. What is more, any achievement of an impact on the number of asylum applicants arriving would depend very much on the targeting of the resettlement programme, not only in terms of the number of places available, which would need to be very high, but also in terms of the countries of origin and first asylum to be targeted in the development of selection criteria and during selection procedures.

Our research indicates that no country has ever seen any direct relationship between resettlement place availability and the number of requests for asylum. Any possible impact would in any case become apparent only over time, as the fact that resettlement was a possibility would become clearer to refugees seeking long-term effective protection.

The top countries of first asylum for resettlement needs are, according to UNHCR's June 2003 assessment of 2004 need: Cote d'Ivoire, Sierra Leone, Ethiopia, Kenya, Rwanda, Egypt, Zambia and Zimbabwe, Turkey, Iran, Tanzania. While this list does not indicate countries of origin of the refugees in question, many are likely to overlap with some of the countries of origin of asylum seekers currently arriving in the European Union Member States (eg Somalia, Iraq, Afghanistan, Liberia, Democratic Republic of the Congo). The targeting of resettlement on those countries in which UNHCR sees a clear

Feasibility of Resettlement in the European Union

need *might* therefore coincide with the EU Member States' perception of a need to introduce resettlement programmes, based on past asylum applicant arrival data. Such resettlement programmes would certainly open the way to a higher number of organized and regular arrivals of refugees in EU Member States. They would also show increased support to countries of first asylum in regions with significant refugee populations. However, it cannot be suggested with any degree of certainty that the very same individuals who would leave in order to seek asylum in EU Member States would be targeted through resettlement selection, or that resettlement would therefore alter asylum arrival statistics. In any case, that would be a negative goal for a resettlement programme. What we can say is that such resettlement would assist in achieving two positive goals, namely more managed arrivals in the EU and solidarity with countries of first asylum. It would also help achieve the higher motives of resettlement by providing protection and a durable solution where no other such solution is available. Furthermore, it would help bolster the European states' reputation as rights respecting and humanitarian countries.

Resettlement generally speaking is not an instant response to any new refugee producing crisis, rather it develops as a response over time, when it becomes apparent that resettlement for protection, for a durable solution or for burden-sharing purposes is necessary. Even if the EU Member States were to try to use lists of major countries of origin of asylum seekers as a basis for targeting resettlement places, there would be a delay between the perception of high levels of arrivals from a given country or crisis and the ability to resettle, as significant infrastructure and resources need to be in place for resettlement to commence. However, it is well known where there are major refugee crises, and where support to countries of first asylum is needed, and where there are protracted refugee situations to which no structured comprehensive approach has yet been applied, in part because the resettlement option has not been available.¹⁶⁷

We can say with certainty that with greater capacity offered by EU Member States to receive pre-selected, resettled refugees, more people in need of protection would, if the programme(s) work as intended, arrive in an orderly and managed way than is the case in summer 2003. This does not imply that fewer people would arrive to seek asylum, although that might be one impact over time, dependent on the size, flexibility and targeting of the programme. However, the positive feelings that are often generated by resettled refugees, with appropriate focus in the media and with popular knowledge of the situation which they have fled, can engender positive perceptions of refugees seeking asylum spontaneously too. That is a very important benefit of resettlement.

Resettlement is a *flexible* tool for refugee protection. Resettlement countries tend to help each other out with specific refugee protection cases, and tend towards exceptions to their own rules in order to admit certain groups or individuals when politics (domestic or international) make that seem to be the right course to take. From that point of view, resettlement is a useful tool for allowing states to retain the formality of their asylum channels while engaging in flexible refugee protection policies.

¹⁶⁷ One such protracted situation according to both the Refugee Council USA and UNHCR sources is that of the Bhutanese refugees in Nepal. See Refugee Council USA, *op.cit.* p.42.

However, there are occasions on which resettlement countries enter what appears to be a perverse *competition* for refugees. In 2003, with perceived increased security concerns, and with the US in particular searching for cases to advance its resettlement intake, this competition appears to be particularly fierce in West Africa and Tanzania. Such 'competition' indicates that either creative ways need to be found to engage in resettlement in different countries, or that more open communication between resettlement countries is necessary.

Perhaps one reason for the competition is the fact that, with limited resources, UNHCR is guiding several states in one direction, rather than strategically looking to encourage one resettlement country to look at one region where resettlement is needed, and another to look elsewhere. Caution needs to be applied to the seemingly rote assertion that any EU resettlement programmes will simply take those refugees UNHCR refers. The role of NGOs in all elements of the resettlement process needs to be carefully considered.

Finally, an essential component of any resettlement programme has to be the political will to actively engage in this process. There is no obligation to resettle, but resettlement can make fulfilment of the obligations attached to asylum somewhat 'easier', by helping host populations to better understand the refugee situation and by allowing states to actively engage in a protection process which brings not only individual protection through status, but also a durable solution and a sense of common engagement with a global problem.

Going step-by-step through the resettlement process, the following conclusions are drawn for the possible development of a resettlement system at the EU level. These conclusions will be further developed and drawn out in Part 2 of the report. Part 2 includes models for a potential resettlement programme according to the subsidiarity principle. The conclusions drawn here therefore frequently contain the word 'IF', as the suggestions would only be applicable to some of the models elaborated in Part 2. The conclusions drawn here are not intended to show preference for one or other model, but rather to link the analysis of the various existing resettlement programmes to the suggestions made later in the report for potential EU models of resettlement.

General Policy Goals

While the general and basic decision 'to resettle or not' seems to be quite straightforward, in establishing the broad goals of a programme it is wise to also establish the motives for resettlement, the aims of having a resettlement programme, and the general basis on which more detailed policy processes will be made.

The **motives** generally include humanitarian reasons for resettlement: protection, durable solutions and/or solidarity with other states.

The **aims** could include:

The managed arrival of persons in need of protection: if set in broad terms this aim presents the advantage of allowing a state-regulated entry system for some refugees.

Feasibility of Resettlement in the European Union

However, if couched in more narrow terms, related for example to the prevention of smuggling, then any spontaneous arrivals might be viewed as a sort of ‘failure’ of the resettlement policy. Access to asylum systems, including for people who might have arrived in the EU Member States in an irregular fashion, should be kept open (according to the principles set out by the Member States in Conclusions, Treaties and Directives to date), and Member States must continue to honour the duties which they have accepted as members of the global refugee protection system. A resettlement programme can usefully have the policy goal of allowing *some*¹⁶⁸ refugees to arrive in a managed and orderly way, while others will continue to arrive to seek asylum, simply because no resettlement system can find and give protection to all those who need it.

The **general basis** to the more detailed resettlement system can best be flexible. Most states with resettlement programmes create these only in *policy* and do not establish any ‘legal framework’, beyond perhaps the mention in broader legislation, that the Minister may grant access to the territory of the state for people recognized as refugees prior to their arrival.

IF the Member States determine that they need a legal basis to resettlement in the European Union, which would primarily serve the purpose of underpinning their agreements with one another on issues such as levels setting, a **Directive** on resettlement would seem to be the most appropriate legal instrument at EU level for a decision to be made both on the principle of carrying out resettlement and for any of the details which the subsidiarity principle leads the Commission and Member States to conclude should be agreed at EU level. A Directive would permit some flexibility on the part of the Member States.

¹⁶⁸ Whether a programme targets one thousand, ten thousand, a hundred thousand or a million refugees, there will still be some of the world’s current 20 million or more refugees and internally displaced persons who are not the direct beneficiaries of selection criteria, but are refugees, and who might try to seek protection by entering a European country to request asylum.

However, if Member States choose to prioritise flexibility and to follow the pattern established by those EU Member States with existing resettlement programmes, resettlement at the EU level would be more of a policy and political decision than a legal decision. As such, any agreements on a resettlement programme might best be established in **Guidelines**, and the negotiations could take place in a political framework (eg through a Commission Working Group and discussion in the High Level Working Group) rather than through more legal or technical groups such as those based in the Chapter Four framework.

This route has several advantages:

- Resettlement policy is generally seen in those states that have developed such approaches as an area that combines foreign policy, development policy and justice policy concerns.
- Resettlement is a more flexible tool when handled as a matter of policy rather than law.
- In the EU context, those Member States with reservations on asylum and immigration policies (Denmark [opt out] and the UK and Ireland [opt in]), all of which are currently resettlement countries, could participate.

The only disadvantage to this route might lie in the absence of testable commitments, which a legal agreement might supply. However, as discussed above, hard and fast commitments can sometimes be inflexible in nature.

The other disadvantage may come in the potential complexity of employing **elements** of agreements on the refugee definition, subsidiary protection, procedures and reception conditions, which should be agreed as asylum matters under Chapter Four of the Amsterdam Treaty. However, those **elements** could also be used as a basis for resettlement policy, and not viewed as totally binding as such when applied in this area.

Feasibility of Resettlement in the European Union

Levels setting

Three key issues arise: should the Member States identify a quota, a ceiling or a target for resettlement; should the number attach to cases or to individuals, and how should resettlement places be distributed between the Member States?

A **quota** has the advantage of being a known quantity to those Member States that currently have resettlement programmes. It also gives a precise measure for (numerical) success or failure of a resettlement programme. However, this last ‘advantage’ can also become a disadvantage when an inflexible quota either cannot be filled or proves insufficient to the needs in reality.

A **ceiling** sets an upper limit as well as expectations for the programme. As can be seen in the case of the US, ceilings are rarely met, which can give rise to disappointment in concerned constituencies and the broader population. Although, the US saw the highest number of resettlement arrivals worldwide, with some 26,000 in 2002, it was deemed a failure because it fell far short of the 70,000 ceiling.

A **target** has the advantages of flexibility and range, meaning less opportunity for suggesting any (numerical) failure in the programme.

It is recommended that the European Union seek a **target** level for its resettlement programme and dispense with the idea of quotas. This recommendation is based in part on the assessment of the Canadian programme, with targets, as offering an optimal way for ensuring ‘success’ in terms of the numbers of arrivals. It also addresses the concerns of some Member States that people should not be talked of in terms of quotas (a term associated most closely in the EU context with elements of the Common Agricultural Programme). A wide ranging target figure could best be used (eg between 10,000 and 15,000 refugees per year etc.)

Multi-year targets would form the optimal planning mechanism (eg three years) according to many, and would facilitate UNHCR and NGO as well as government planning. However, for some Member States, multi-year budgeting is not an existing option.

Only Ireland currently sets a quota for cases. While this means the number of arrivals is, in effect, flexible, it also requires significant, intensive planning on a case-by-case basis, since it could be just ten people a year, ten families of ten – or anything in between. Planning for total arrivals therefore seems to be more advantageous, particularly if the total number of arrivals (or cases) might be quite high.

With regard to the distribution of places, the only examples on a significant scale for the EU are the US and Canada. Neither Federal State has any kind of ‘burden-sharing’ key for its separate states or provinces. Rather, the distribution of refugees happens as a result

of the availability of housing and willingness of sponsoring groups or service providers.¹⁶⁹ There is no other model of a group of states all with different internal regional constructions attempting to determine a distribution mechanism for refugees. In both the US and Canada, flexibility is a key, and it is suggested that maintaining flexibility would be advantageous for the EU. As is well known, past attempts to establish a ‘burden-sharing key’ in the context of the Balkans crises in the 1990s did not meet with success, whether based on population, population density or Gross Domestic Product. It is not envisaged that such discussions would lead to success in the context of a resettlement programme, and rather would undermine the flexibility of the programme. Furthermore, in light of the global desire to increase resettlement places, efforts should be made to ensure that no Member State with an existing programme is required to lower its annual arrivals.

Member States’ targets on resettlement should *not* be related to the number of asylum claims they have received in the year(s) preceding a resettlement-target-year. In part, this is because resettlement, a programme in which EU Member State governments may engage with the aim of managing a maximum number of arrivals, should not be negatively impacted by the unmanaged arrival of asylum seekers – but rather positively increased to ensure that more refugees are achieving durable protection through managed and orderly admissions to EU Member States. In other words, if there were to be any relations between the previous year’s asylum arrivals and the next year’s resettlement programme, it should logically be that more asylum arrivals mean a Member State needs to offer more resettlement places, so that more people are admitted through orderly means. In addition, the numbers of asylum seekers arriving in any year and numbers of resettlement places made available have, according to our research, no clear cause and effect linkage. This is in large part because resettlement selection criteria tend to target refugees in protracted refugee crisis situations, or with special needs or vulnerabilities that in themselves might make those people less likely to undertake a relatively dangerous journey in order to seek asylum spontaneously. Furthermore, attempts to suggest that the reception of high numbers of refugee or asylum arrivals from previous crises meant a given state’s commitment could be lower than other states’ backfired with public opinion during the Kosovo crisis, when several Member States initially indicated that their generosity towards Bosnians in 1992-1995 meant they had done their part, and now other states should play their role for the Kosovars.¹⁷⁰ The resettlement programme should as far as possible be seen as separate from the asylum system in this quantifiable respect.

In the target setting process as in the development of selection criteria, it would prove fruitful to involve not only the Justice and Home Affairs Council, but also the General Affairs Council, given that resettlement has a close link to foreign policy matters. Further, the European Parliament could, based on models in traditional resettlement countries, play a useful role in discussing the resettlement programme annually, including confirming numbers and priorities. Besides their role in submitting a needs assessment,

¹⁶⁹ The exception to this in Canada is the attempt to send a proportion of refugees, with specific characteristics, to Québec.

¹⁷⁰ See van Selm, Joanne (ed.), **Kosovo’s Refugees in the European Union** (London: Continuum, 2000).

Feasibility of Resettlement in the European Union

NGOs and UNHCR could be given a voice in this process also, ensuring widespread civil society support and understanding for the programme.

IF the European Union Member States decide that responsibility for and decision-making on levels should be a matter for the Member States with no EU level cooperation, then all would be left to decide on whether to use a target, quota or ceiling, and how many individuals or cases that should cover. Member States that currently operate a resettlement programme could leave their levels-setting system intact. However, there would be no intimation of coordinated solidarity as such, and the possibility would exist that challenges to the levels set would arise over time, either through comparison between Member States, or through differing approaches to levels setting in conjunction with immigration policies or the number of asylum seekers.

IF the European Union Member States decide to have a common system of level setting for an EU resettlement programme, it is therefore suggested that the Member States establish a collective **target** range, and a **bidding process**, with multiple rounds, so that the Member States determine their own **target within the collective target**.

This would mean that the Member States collectively establish an EU target range for their collective contribution to global humanitarian protection efforts through resettlement. Each Member State would then submit its target range within that EU-wide programme. If the combined targets from Member States did not fall within the range of the EU target after one round of bidding, all Member States could be asked again to submit a bid, which must be equal to (or preferably go beyond) their original offer. This process would continue until the cumulative total of the 15 (or 25 after 2004) bids fell within the range of the collectively decided overall EU target. While this might be a relatively lengthy process in the first year, it would likely become smoother and quicker beyond that point.

The suggested method would form a variation on that contained in Article 35 of the Temporary Protection Directive, whereby Member States, in a spirit of solidarity, indicate in figures or general terms their capacity to receive persons for temporary protection in a situation in which the Directive would lead to a Council Decision to respond.

Selection Goals

The general goals for resettlement selection set the tone for the specific criteria and method that will be chosen.

Narrow goals could be established, setting strict limitations on the criteria. This might have the advantage of allowing states to be very careful about whom they are selecting. However, the disadvantage to such narrow goals would be that the global refugee

Formatted

resettlement system would benefit little, and there might not be a sufficient number of obvious candidates.

Broader goals have the advantage of maintaining the flexibility necessary for very efficient and effective resettlement programmes, although if they are set at the broadest level of simply suggesting 'refugees' will be selected, then they may not help in targeting a resettlement programme in any useful way. For the EU, the decision has to be made about whether each Member State should set its own selection goals, or whether the Union should have common selection goals. In fact, it would also be possible for the Member States to decide on common, and broad goals, encompassing a variety of potentially narrower goals or criteria that the Member States individually might suggest. For example, the broad selection goal might be to prioritise refugees with language ability or potential that coincides with the languages spoken across the EU. Then within that broad goal (which would not exclude refugees without EU languages or the apparent ability to pick up an EU language) Member States could prioritise refugees with French, Spanish, Portuguese or English language skills.

IF the EU Member States determine that it would be most productive to have common selection goals, they would have three options for the type of goals, linked to the establishment of criteria and the level at which those criteria would be established:

1. Narrow common goals leading to strict common criteria
2. Broad common goals leading to broad common criteria
3. Broad common goals leading to individual Member State criteria that could be either broad or narrow, provided they met the EU level specified goals.

Narrow goals have the advantage of specificity, but the disadvantage of a loss of flexibility generally seen as a major factor in operating a resettlement programme that can react to global needs.

Broad goals have the advantage of permitting a range of selection criteria, which would allow Member States the option still of either having common selection criteria, or having a range of criteria, differing across Member States, which could be complimentary to one another in achieving the commonly stated goals.

Selection Criteria

Selection criteria flow, as has been stated above, from the selection goals.

While the most obvious criteria would in principle be the fact of being a refugee, a question does arise as to which refugee definition to use. There are several options:

- UNHCR's Mandate definition
- The 1951 Convention definition, amended by the 1967 Protocol
- An individual Member State's interpretation of the Convention definition in its national law

Feasibility of Resettlement in the European Union

- The ‘Qualification directive’ interpretation of the Convention definition
- The ‘Qualification directive’ interpretation of both Convention and subsidiary protection definitions.

The discussion concerning the links to the Qualification directive appears in Part 2 of this report. The combined Convention and subsidiary protection definitions, once agreed, are likely to encompass the overwhelming majority of those people who are refugees according to the UNHCR Mandate. Particularly if a referral role is envisaged for UNHCR, and if the aim will be to include the full range of those refugees in need of resettlement, this broader definition would be appropriate.

UNHCR’s resettlement criteria, set out in the Resettlement Handbook, cover many of the most obvious resettlement candidates. However, Member States separately or collectively may need to highlight, prioritise, or eliminate some criteria. The combination of criteria used may also change over time. For example, one year, one or more Member States may be unable to accommodate separated children, but in another year, may have the facilities and services available. Further, Member States may need to attach additional criteria, including (if an EU level resettlement programme is decided upon) criteria which facilitate the identification of the Member State to which an individual refugee, family, or group would best be resettled. These criteria might include historical ties between the refugees’ country of origin, or of first asylum and a specific Member State.

Member States would also need to decide whether or not to establish group related criteria. Only the US programme currently uses group-based criteria for access to its resettlement programme (though an interview and processing is conducted of each individual case) This is both a reflection of the size of the US programme as well as the need to rationalise its approach to finding eligible refugees. In this way, selection criteria can in part be seen as the factors which give rise to access – although not automatic entry.

Criteria which give rise to admissibility to a particular country’s resettlement programme may be in addition to the list of criteria set out by UNHCR. For example, the EU or a particular Member State, dependent on the model chosen in accordance with the subsidiarity principle, might focus on a particular country or region, and beyond that on the criteria of vulnerable women, separated children, torture victims etc.

IF Member States decide to conduct a common resettlement programme they could determine the criteria for resettlement in two different ways, according to the subsidiarity principle:

- Determine common EU criteria
- Determine individual Member State criteria

In the latter case, if the criteria are created in line with commonly determined selection goals, they may be complementary, either through design or coincidence.

IF Member States decide to conduct a common resettlement programme with a high caseload potential (eg with places exceeding a total of 15,000 per year) the creation of access criteria as an initial stage to the selection process could be useful. The advantage of this would be the relatively easy identification of significant numbers of refugees, responding, for example, to domestic policy pressures, foreign policy concerns, or UNHCR identified needs related to protracted refugee crises. The most obvious way of developing such a first stage criteria is through group identification (with individual determination procedures). The disadvantage to this is the lack of responsiveness to new, emerging, or particularly serious cases. One way to balance these advantages and disadvantages is to develop a mixed access programme.

Given the required decision on the Qualification Directive, and the read-over from this asylum tool to a resettlement programme, Member States could decide to use the combined definitions of a Convention refugee and a person in need of subsidiary protection for the determination of refugeehood for a potential resettlement programme. The advantage to this is the breadth of the definitions, permitting the inclusion of persons in need of a durable solution but whose immediate protection need may not be so urgent as to normally engage the Convention definition. Another advantage would be that the scope of this definition permits UNHCR referrals based on the Mandate definition. A disadvantage may arise in the need to consider an alternative travel document than the Convention Passport, should Member States wish to maintain the Convention travel document for those falling within the scope of the Convention alone. Ireland has seen particular difficulties in this regard as it grants an Aliens Passport to 'Programme Refugees'. Other EU Member States do grant a Convention travel document, while acknowledging that some recipients are not in fact refugees according to a strict application of the Convention.

Selection Methods

In terms of selection methods, there are two general methods: dossier based and interview-based selection. There is also the option of combining the two. The advantage to dossier-based selection is that it can be quick, and (in theory at least) relatively inexpensive, as no travel is involved for selectors or for refugees. The disadvantages to dossier-based selection are:

- No individual interview is conducted by administrators who know both the resettlement country and its selection criteria well

Feasibility of Resettlement in the European Union

- Selection officers do not become acquainted with the situation in regions of origin. Close personal knowledge of such situations can be useful both in making appropriate resettlement decisions and in ensuring that first hand information is available to staff who see asylum seekers from the same regions. Paper-based information from embassies cannot replace these personal insights according to many interviewees.

Selection missions, or the location of resettlement decision-making staff in the field, of course offer interviews and personal knowledge of regions of origin as advantages. The disadvantage can be the fact that these interview missions might only be possible in one or two locations and once or twice a year. The US, Canada and the UK have all sought to avoid this disadvantage by having staff located in the field, and in the US case by including a processing entity (either an NGO or IOM) in the procedures. That entity does not refer cases, but prepares the paperwork, facilitating the decision-making procedure conducted by the Department of Homeland Security. For the UK, the relatively small programme combined with the desire to have interviewing-staff based in the field has meant a focus on one region.

The evidence found in the course of this research suggests that there are more problems with dossier-based decision-making than with selection missions or other forms of on-site interview methodology. In particular, relying solely on UNHCR created dossiers can lead to frustrations for both partners as the information included may not match in all the right ways to the requirements of a particular, and potentially small, programme. This is particularly apparent in the case of the Netherlands.

IF the EU Member States decide on common selection goals, they could *either* decide on a common selection methodology, *or* decide to maintain separate selection methods according to individual Member State preferences.

The advantage to a common selection method would be the fact that, in principle, all resettlement cases would be subjected to the same type of investigation, regardless of which Member State was considering their case. An additional advantage, over time, might be the provision for common selection procedures.

Interviews with a significant number of resettlement candidates offer a range of advantages, including the ability for the individual refugee to make their own case, the possibility for added knowledge of conditions in the region of origin for interviewing Member State personnel, and the possibility for increasing caseloads on the spot. However, selection missions or the location of officers in the field can be resource intensive.

Dependent on the outcome of negotiations on the proposed Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, there could be read across from the Directive to resettlement on the obligation to conduct an interview, unless the case receives an affirmative response without any further information being necessary (particularly appropriate for emergency resettlement cases). [Article 11 of the 18 June 2002 draft]

The outcome of negotiations on the Procedures Directive may have read across to resettlement even if it is decided that Member States would be the appropriate decision-making level for resettlement selection procedures, or if Guidelines on a policy approach to resettlement would be used, rather than a fully legally-binding resettlement programme.

Formatted

Selection Procedures

The selection procedures link closely to the goals, criteria and methods employed. Of particular relevance are the questions of whether and how UNHCR and NGOs are involved in the procedure, and the procedures used to check for security and fraud related issues.

All of the resettlement countries surveyed above use UNHCR referrals to some extent.

Country	Referral Origin	Referral process
Sweden	All UNHCR referrals	Through Geneva
Finland	All UNHCR referrals	Through Geneva
Denmark	All UNHCR referrals	Through Geneva
The Netherlands	All UNHCR referrals	Through Geneva
Ireland	All UNHCR referrals	Through Geneva and UNHCR Dublin check prior to submission to DFA
UK	All UNHCR referrals	Through West Africa hub and Geneva
Norway	All UNHCR referrals	Through Geneva
New Zealand	All UNHCR referrals	Through Geneva
Australia	UNHCR referrals or embassy applications	Field referrals
Canada	UNHCR referrals for GAR programme, with possibility for others to refer (eg NGOs) and for embassy applications. Identification generally by sponsor for Private Sponsorship Programme	Field referrals (hubs in West and East Africa, otherwise local)
United States	P1 only	Field referrals (hubs in West and East Africa, otherwise local) ¹⁷¹

By its own admission in its June 2003 Assessment of Global Needs, UNHCR's capacity to refer individual cases falls far short of the worldwide resettlement need which it is able to ascertain. By extension, the agency's capacity falls further short of the need identified by some resettlement countries, since the US and Canada have programmes which seek refugees in need of resettlement from sources other than UNHCR referrals.

Only the US currently uses a processing entity after the referral stage. The Overseas Processing Entities complete all of the paperwork for refugees referred in the P1 category, for whom an Affidavit of Relationship is filed for the P3 category, or who fall within the description of a P2 group. Including this post-referral, pre-assessment stage in the procedures can bring its own advantages and disadvantages. On the positive side, the

¹⁷¹ After the referral has taken place, an Overseas Processing Entity completes all the requisite paperwork.

Feasibility of Resettlement in the European Union

burden of paperwork is shifted away from the resource-stretched UNHCR. Further, the paperwork is fully completed by dedicated staff of a government-contracted but non-governmental agency, meaning the decision-making authorities know that the dossiers they receive are complete, and they have contractual mechanisms to be used to resolve any problems which arise, if necessary. Dependent on the size of the programme, this phase could be seen as an added bureaucratic step or as a facilitating procedure. As an added step it can be an additional area in which fraud could creep into the process, although no specific cases of fraud via an Overseas Processing Entity (or its predecessor, the Joint Voluntary Agency) have been found during the course of the research for this study.

The most important points for effective resettlement selection procedures are: 1) the process be understood by all involved and 2) that it be transparent, both for appropriate monitoring by state and/or EU officials (as appropriate to the decisions made in relations to subsidiarity) and for clear understanding by UNHCR, NGOs and the candidates themselves as to approvals or refusals coming out of a procedure.

The procedure should satisfy the authorities examining the case that the person referred:

- Is a refugee (according to the definitions developed)
- Is in need of resettlement (according to established criteria)
- Should be resettled to a specific state (that represented by the authority examining the case).

The search is for the most appropriate way to reach a decision on these issues.

IF Member States decide to conduct separate procedures, these may be governed, in part, by elements of the Procedures Directive.

Whether they conduct procedures collectively or separately, Member States might decide to institute a system of case preparation by bodies such as NGOs. The advantage to this system is the efficiency for both Member State authorities (knowing that paper work has been properly and fully completed, and having a specifically contracted agency in place to whom questions can be posed in cases of uncertainty and for UNHCR (if it plays a referral role, it would then not be required to use extensive resources to prepare paperwork, but could focus on the refugee claim and basic resettlement need). **IF** the total EU caseload is to be relatively high, then case preparation by contracted agencies could be essential for efficiency and for meeting goals and targets. **However**, no European agencies have experience in this role, so there would be a need for capacity building from scratch, or those agencies with experience under the US programme would need to be brought into the process, either carrying out this function for the EU, or in sharing experiences with new EU based actors. Some of those agencies are international, rather than US-focused, in nature – others are not.

Under any circumstances, only UNHCR currently has referral experience worldwide. Given the shortcomings in terms of resources in particular, methods for reducing the agency's role to its essential basics must be found. Besides case preparation as described above, NGOs could become referral agencies, but none have experience in this area, other than the International Rescue Committee in a special programme in Pakistan.

A further way of allowing UNHCR to focus on its fundamental role might be the establishment of a European Clearing System for Resettlement, as described at length below, in Part 2.

Between Selection and Departure

Many of the resettlement countries reviewed above use the period between selection and departure (which for non-emergency cases may last for six months or even more) to provide some information about the country in which they will be living.

Those people spoken with in the course of this study who have a role in this information provision highlight the need to manage the expectations of resettling refugees. In some cases, an abundance of (mis-)information via modern media can mean the refugees have very high expectations of what their new life and surroundings may be like. Images drawn from Hollywood and other films, the BBC World Service and other popular sources of information and entertainment can be very much at odds with the reality that refugees will confront upon arrival in their new country. Some authorities choose to use video as a very visual means of imparting information, whereas others use books and pictures. Some use the language of the refugees, whereas others convey this information as part of a lengthier language-learning programme.

In other cases, an absence of knowledge about details can mean a gap in expectations. For example, refugees coming from rural African camps, and before that also from rural or perhaps nomadic origins, may never have seen the type of personal hygiene facilities taken for granted in European states. In one camp in East Africa, the organization conducting orientation for the US programme has installed a functioning Western-style bathroom for educational purposes.

There is no consensus on the type of information refugees retain, or whether it is better to provide full orientation sessions prior to departure, on arrival, or a mixture of both. However, as the majority of states that conduct resettlement programmes have pre-departure orientation programmes, this would seem to be the preferred modus operandi. States employ various entities to conduct orientation sessions, varying from the same NGO that acts as Overseas Processing Entity for the US programme, to IOM, to government officials either on selection mission or on an additional visit, to embassy staff.

The post-selection/pre-departure period is also used by most states to conduct medical checks, give necessary vaccinations and to make travel arrangements. Generally, resettlement countries have contracted with IOM for any medical checks. The precise nature of these arrangements differs for each country. IOM deals with other administrative aspects of the pre-departure period as well, except the issuance of required travel documents and/or visas, which is carried out by local embassies.

Feasibility of Resettlement in the European Union

Those states with larger resettlement programmes, and with a limited or no welfare state structure (Canada and the US) use a transportation loan to refugees for their travel, but no EU Member State has ever done this to date.

The major question for the EU Member States is likely to be whether to conduct medical checks, vaccinations and orientation sessions together or separately. This decision will depend largely on three criteria:

- The existing agreements concerning EU public health requirements (ie the extent to which health checks and vaccinations may be the same across all Member States, making a single system most resource efficient);
- The extent to which detailed, country specific information is deemed necessary in advance to departure – and whether each Member State considers such information vital before arrival;
- The extent to which the basic principle underlying pre-departure programmes can be agreed at EU level, with implementation done separately.

As the transition point between selection and arrival, the set of actions at the “between selection and departure” stage in the process are most open to influence by decisions regarding the subsidiarity principle on other elements of the programme.

Efficiency criteria would suggest that common health checks, vaccinations and travel documentation might be advantageous, unless there would be varied requirements by Member States.

Orientation, however, carries into longer term integration plans and programmes. As such, there might be an EU level decision on principles, but Member State level implementation to bring important issues such as language and culturally-specific priorities to the fore.

Arrival

Three issues arise at the point of arrival of resettled refugees:

- The immigration procedure to take place at the port of entry;
- The legal status of resettled refugees on arrival related both to residence and to the recognition of the claim to refugee protection;
- The ‘social’ aspects of arrival, including the ‘meet and greet’ process, the first acquaintance with the country and the first night(s) there.

Both the immigration procedure and the legal status of the resettled refugees on arrival relate more to mode of entry than integration in society.

With moves towards common procedures, common visas, harmonized border controls etc, immigration procedures on arrival for resettled refugees could be conducted in the same or a similar way in each Member State under policy **Guidelines** or under firmer agreements.

The status of resettled refugees on arrival is a matter not only of domestic concern but also of broad international concern in so far as it relates not only to entitlements within the country, but also to travel document status. People selected for resettlement are likely to have met broad refugee criteria, but not necessarily to be Convention refugees. However, general practice is to issue a Convention travel document where no national passport is used.

The social aspects of arrival relate to both the matter of pre-arrival orientation and to the first weeks, and indeed longer-term approach to the presence of resettled refugees in a Member State and as part of its society.

Two elements are essential:

1. The relationship to officials and administrations with which the individual needs to have contact, and
2. The acquaintance with social networks, which might facilitate integration.

Thus the 'meet and greet' function can be carried out either by government officials or by NGOs, dependent on the emphasis to be put on particular groups and their functioning in the longer-term integration process. In the EU context this might in part be based on issues that arise in relation to the specific features of the welfare state, meaning that the broad issues of why and how an arriving resettled refugee is greeted could be agreed upon to some degree at EU level, although the issue of who meets arriving refugees may need to remain open to Member State interpretation.

First weeks

The countries reviewed use various methods for receiving resettled refugees in their first weeks in the country:

- Refugees are immediately directed to longer-term accommodation;
- Refugees with sponsors or family members in the resettlement country are accommodated by those 'anchors';
- Refugees are accommodated in dedicated, short-term reception facilities;
- Refugees are accommodated in general asylum seeker reception centres, among those awaiting decisions on their status applications.

Various factors impact these choices:

- Who is responsible for accommodation for resettled refugees (government bodies, NGOs, family, sponsors, etc.);

Feasibility of Resettlement in the European Union

- Who has been responsible for the selection of specific refugees (family links, pre-identified by sponsors, or open government/UNHCR referral selection);
- The type of existing shelter facilities available;
- Assessments of the specific needs of resettled refugees as compared to asylum seekers or to the general immigrant population.

Those factors, however, do not dictate the specific type of accommodation. In Sweden, for example, municipal governments are responsible for accommodating resettled refugees from the moment of arrival. In the US, on the other hand, this responsibility falls on voluntary agencies. In both countries, resettled refugees move immediately into their longer-term, individual accommodations.

The Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers refers very explicitly to people seeking asylum and “does not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States”.¹⁷² There is no explicit reference to resettlement arrivals. Key issues which do arise and which may be read across to any guidelines for resettlement arrivals include a dignified standard of living and the fact that a comparable basis of living conditions may be required to limit secondary movement among Member States. An issue in all resettlement states remains that of secondary movement within the state, although this normally occurs in the longer term rather than in the first weeks.

One could argue that resettled refugees might be called a ‘group with special need’ for whom the Council Directive on minimum standards for the reception of asylum seekers indicates that the reception modes should be ‘specifically designed to meet those needs’.¹⁷³ Resettled refugees’ needs might be considered ‘special’ in this context because they are not asylum seekers on arrival in the country.

In comparison to asylum seekers, resettled refugees have different needs because they arrive with their refugee protection claim already considered and with a residence permit (in most countries for an indefinite period, in some for a limited period but with automatic extension to a longer term status). Resettled refugees are coming directly from a situation in which they faced vulnerability, trauma and an absence of protection to a situation in which they are welcomed and have a full legal status and no waiting period to see whether or not their admission and residency will be accepted. Asylum seekers are arriving from the same type of situation in their country of origin or first asylum, but are not often welcomed into the destination country. Their needs are therefore different, even if the longer-term goal in their reception and integration plans may be the same.

This also means that resettled refugees are different from people who have sought asylum at the moment at which they are *both* present in the destination country *and* have a long-term residence status because resettled refugees rarely have prior experience in the

¹⁷² Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers, 27 January 2003, **Official Journal of the European Union** L 31, 6.2.2003 pp 18-25, citation of Article 3.2.

¹⁷³ *Ibid.*, Preamble (9).

resettlement country, whereas asylum seekers may have had months or years to learn about the country before achieving a longer-term legal residence status.¹⁷⁴ Within the collective of resettled refugees, there will also be people who fall into further special needs categories, as victims of torture, vulnerable women, separated children etc., and who have precisely been selected into the resettlement programme because of these needs.

Guidelines on reception conditions, covering a variety of models, could be useful to Member States, whether the decision is to develop an EU level resettlement programme covering all elements, to set out only basic principles for Member States' own resettlement programmes, or for Member States which currently have resettlement programmes to simply continue.

Move on

Not all resettlement countries have a 'move on' moment of transition from the situation on first arrival to longer-term presence and integration. Those that do vary the time between a matter of days up to eighteen months.

The latter case seems rather too extended to be to the benefit of either refugees or the resettlement country's society in the process of acceptance, adaptation and integration.

Principles guiding the notion of any transitional 'move on' period could be part of broader guidelines for the reception of resettling refugees. These would be particularly important if initial reception is to be in organized facilities and not in the intended longer-term accommodation.

Integration/Longer-term issues

Integration of third country nationals and the issue of access to citizenship are much broader issues than a study on resettlement can address. The experience of resettlement countries as reviewed above would indicate that with permanent residence or indefinite leave to remain from the time of their arrival onwards, resettled refugees should have the ability to alter their legal status to more firmer associations, including citizenship, in a period of time which does not discriminate between them and other third country nationals.

The package of 'integration measures' for resettled refugees may need to be different in its precise composition from that for asylum seekers who are recognized as refugees or in need of subsidiary protection, and for whom measures may only start once status is achieved, though the end goal should be the same. A careful discussion may be required

¹⁷⁴ See National Integration Office, **Bounds of Security: The Reception of Resettled Refugees in Sweden** (Norrköping, National Integration Office, 2001).

Feasibility of Resettlement in the European Union

about the ways in which non-discriminatory differences in approach may lead to more equal treatment than an approach which treats all refugees in the same manner, regardless of their mode of arrival. The particular needs of resettled refugees, related to the situations from which they have arrived (both in a country of origin and of first asylum) and to the reasons for which they may have been selected for resettlement (whether that be related to their protection need or the identification of a specific country for their resettlement), make their situations different from those of asylum seekers.

Furthermore, and beyond the scope of the current study, which is focused on the principle of resettlement as a mode of arrival in the EU, it would appear to be important for European Union Member States to carefully examine the position of new arrivals, including resettled refugees, vis à vis their welfare states. Many commentators perceive a potential ‘culture of dependency’ in situations where refugees are expected to take several years to adjust to their new environment, rather than to engage fully with their new society and situation. This culture has in part grown out of the focus of existing EU Member States’ resettlement programmes on relatively high proportions of resettled refugees with particular special needs and vulnerabilities. However, careful investigation and evaluation of the need to introduce refugees to the labour market, for their benefit as self-sufficient actors in society and as a place in which they can learn the language and develop a new life, should be made. Such an investigation would need to carefully address questions arising out of the nature of the relationship between citizens and other legal residents and the welfare state, both for access to benefits and payment of contributions, and distinguish types of welfare provisions from one another (healthcare; education; income support etc).

Certainly, our research in the US and Canada would indicate that larger resettlement programmes are acceptable to the general public when a significant proportion of the arrivals find employment within a relatively short period of time. However, these two countries have had somewhat different approaches to the issue (with Canada having explicitly for many years focused on pre-arrival selection of people likely to be self-sufficient, and then creating job-finder programmes in Canada, whereas the US has not focused on self sufficiency criteria in selection that, but paid significant attention to support for new arrivals in their search for employment.¹⁷⁵) The UNHCR Resettlement Integration Handbook is very clear on the fact that “Economic self-sufficiency is one of the most important factors in successful integration, with earning capacity influencing the ability to ‘purchase’ many of the other resources required to rebuild life in a new country.”¹⁷⁶

¹⁷⁵ US Voluntary Agency staff working on employment related issues frequently state that they encourage refugees to take ‘any job’ and work their way back into an old career path, whereas European NGO staff, for example, frequently refer to how refugees should be able to work again in the professional field, and at the level they attained prior to flight. The US orientation video from CAL also points to how refugees can work in a job for a few years while going through re-certification for qualifications in their profession, and getting language training. There is clearly a difference in approach which would be the basis for useful research.

¹⁷⁶ UNHCR Resettlement Handbook: Guide to Reception and Integration (2002) Chapter 2.9 ‘Building Bridges to Economic Self-sufficiency’, p.176

There is a clear need to address the integration of resettled refugees in the context within which they arrive in the country. For a resettlement programme to be effective as both a protection tool and durable solution, resettled refugees should have a long-term legal residence status on arrival. As such, their integration trajectory should be based on the notion that they will be active, long-term members of society, the workforce and the cultural life of their resettlement country. The integration trajectory should also acknowledge their status as legal, long-term third country national residents in the European Union from the moment of their arrival. As such, emerging measures relating to long-term resident third country nationals (e.g. the Directive on long-term resident status) should be drawn upon in addition to integration measures for successful asylum seekers.

Further study is recommended on the subject of the impact of long-term unemployment on refugees with a status in the EU and the policy measures that could address the need, which some refugees have, to engage in the labour force as a positive step in their integration. Such research could focus on resettling refugees, but its lessons may prove fruitful for policy on labour market integration measures for people arriving as asylum seekers or under other forms of immigration.

Feasibility of Resettlement in the European Union

Part 2: Resettlement Tomorrow?

As the title of this report indicates, the goal is to assess the feasibility of the establishment of a resettlement programme in the European Union as it develops a common asylum system, and aims to achieve common asylum procedures.

Having set out the elements of a resettlement programme and perceived advantages and disadvantages of particular ways of dealing with each element in Part One, in line with the request from the Commission set out in the Terms of Reference, Part Two now turns to the core questions of the locus of decision making (subsidiarity principle) and the relation to the Common Asylum System. Before fully addressing these key questions it is important to reflect on what the 'feasibility' of setting up a new refugee protection programme component means.

1. The legal and political feasibility of establishing an EU resettlement programme

The *feasibility* of setting up a resettlement programme depends on at least two key factors: the political will of Member States to even consider such a programme and the identification of a model for resettlement which, after modification through a process of negotiations, will suit all Member States and form a basis for a useful and coordinated tool.

To many Member States, the very idea of a resettlement programme is new. This also raises two novel features for policy integration in the EU. As an issue which has never explicitly arisen on the agenda of a major summit or Treaty-formulating Council (other than the three Commission Communications referred to above), some states might question the explicit legal basis for any EU level discussion of the subject.

There are various ways in which a legal basis could be sought, and found, for a resettlement programme at the EU level. These will be explained below. However, there is also the question of whether or not a legal basis as such is even necessary. This depends on whether or not the political desire to make resettlement a more structured part of the protection tools of EU Member States includes an understanding of resettlement supported by those states in which it is already a traditional or emerging practice. That understanding is of resettlement itself as an *administrative* and not a legal measure, as described in Part 1, Sections 2 and 6 above.

If resettlement in itself is understood as a primarily administrative measure, several questions arise.¹⁷⁷ The first is the extent to which EU Member States would want, or

¹⁷⁷ Of course, the situation of resettled refugees is impacted by an array of other laws related to their residency, behaviour etc, as all people within the territory of a given state are impacted by the laws of that state. Here, however, we are concerned with the actual details as such of a resettlement process, and not with residence status etc.

Feasibility of Resettlement in the European Union

need, to formulate legally binding agreements on basic or more detailed provisions of a resettlement programme. The second question is the extent to which Member States could make political agreements of a non-binding nature and successfully implement either a collective or separate resettlement programme which would alleviate some of the need for durable protection-oriented solutions for refugee situations and pressures on Member States' own existing refugee-focused programmes. A primary reason for any such agreements would be to ensure clarity and understanding between Member States on the provisions for entry of persons selected for resettlement.

In 2003, up to 3,500 people could be expected to arrive in the European Union as a result of the resettlement programmes in Sweden, Finland, Denmark, the Netherlands, the UK and Ireland. The entry of these people is not strictly covered by any of the provisions of the consolidated Treaty establishing the European Community, at least not if one is seeking the term 'resettlement'. Rather, their admission is decided upon as an administrative measure, which goes beyond the EU agreements and plans on asylum and immigration. However, agreements on a range of issues *could* impact the way in which these six countries deal with their resettlement programme.

For example, **IF** the following minimum standards were construed to apply not only in cases of asylum-seeking, but also in the administrative grant of refugee status through a resettlement programme, where the determination of status takes place *before* the refugee has arrived in the Member State, then the existing resettlement programmes would be impacted:¹⁷⁸

Art. 62, 2. *Measures on the crossing of the external borders of the Member States which shall establish:*

(a) *standards and procedures to be followed by Member States in carrying out checks on persons at such borders;*

Art. 63, 1.

(c) *minimum standards with respect to the qualification of nationals of third countries as refugees,*

(d) *minimum standards on procedures in Member States for granting or withdrawing refugee status;*

These articles, broadly construed, could also be part of a basis to a new resettlement programme. Two further articles could provide a basis on which an EU resettlement programme could be constructed:

Art. 63, 3 *Measures on refugees and displaced persons within the following areas:*

(b) *promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons;*

¹⁷⁸ See the discussion below on the differences in *meaning* of the word 'asylum' as understood internationally in relation to resettlement as a result of the research for this study, and as it seems to be employed in the EU context at this point.

Art. 63, 4 *Measures on immigration policy within the following areas:*
(a) *conditions of entry and residence, and standards on procedures for the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion*

Article 63,4 may seem a less likely basis, as it concerns **immigration** rather than **refugee protection**. However, a resettled refugee could be granted an immigration and residence status on the basis of the resettlement selection, and so the conditions of their entry and residence, with long-term visas and residence permits, could be determined under this provision.

Under the draft text of the Constitution for Europe¹⁷⁹ there are likewise a number of areas in which resettlement agreements between EU Member States may be placed. These are:

Section 2, Article III-166

2(b) *the controls to which persons crossing external borders are subject;*
(This point would relate to the issues discussed under Arrival in Part 1, Section 8, above)

Section 2, Article III-167

2(b) *a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection.*

The discussion on the differences in understanding of the word ‘asylum’, set out below, is crucial to the interpretation that Section 2, Article III-167 2(a) *a uniform status of asylum for nationals of third countries, valid throughout the Union* is not applicable to resettlement programmes. However, it is argued that while resettled refugees would not receive *asylum* status, many may fall under the 1951 Convention and 1967 Protocol’s definitions for *refugee* status, and so be wrongly categorised under subsidiary protection.

Section 2, Article III-167

2(d) *common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status.*

It is also possible that the suggestion made below for a European Clearing System for Resettlement could fall under Section 2, Article III-167 2 (e) *criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection.*

Finally, many officials and commentators in Europe indicate the opinion that resettlement would most likely find a basis in Section 2, Article III-167 2 (g) *partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection.* However, based on our analysis of the relationships involved in existing resettlement programmes (that there are generally no formal partnerships with third countries), and on the nature of admission and protection

¹⁷⁹ The European Convention, The Secretariat, **Draft Treaty establishing a Constitution for Europe**, CONV 850/03, Brussels 18 July 2003.

Feasibility of Resettlement in the European Union

of a resettled refugee as somewhat different from asylum, it is not clear that this article in fact does give grounds for the development of resettlement programmes.

It should be noted that all of the EU Member States with resettlement programmes deal with the modalities and practicalities of resettlement through policy formulation or regulations alone, and not as part of their Asylum Law as such. In fact, officials in some Member States pointed out in interviews that it may theoretically be possible for an individual to apply for asylum within the Member State, be rejected and returned to their country of first asylum, and then be selected for resettlement to the same country at a later stage. There is no indication that this has in fact ever happened.

A legal basis to resettlement within the European Union context may be found within the Treaties, dependent on the understanding of terminology. However, a legal basis to admission, long-term residence and status can certainly be found.

As resettlement is generally practiced as an administrative tool, there is a question as to why the European Union would need to make legal commitments with regard to resettlement, beyond perhaps the decision to embark on the process, other than in order to make commitments *between* the Member States.

Flexibility is a key element to the implementation of an efficient and responsive resettlement programme, so a detailed description in law is generally avoided.

The other issue to which a new discussion on resettlement might give rise is more political in nature. For eight EU Member States, resettlement is very much a 'clean sheet'. The typical way in which negotiations on any asylum-related issue might commence is with a *tour de table* which would demonstrate fifteen different starting points, and fifteen different sets of laws, rules and regulations which would need to be altered, sometimes through complex Parliamentary decisions. Therefore the tendency seems, logically, to be to seek a middle ground of agreement which does not entail too many changes in national legislations.

The nature of resettlement as an administrative policy tool, outside the scope of asylum laws because the refugees have not yet entered the country assessing their status, leads most Member State officials to suggest that while a new law might be the 'neatest' way of proceeding, it would not be necessary. In fact, they suggest that even a regulation may not be necessary within the policy and legal establishment of many Member States. This has been the response in interviews both in Member States with resettlement programmes and those without. As such, the Union has a relatively unique 'semi-clean sheet' from which to start discussions about a resettlement programme.

However, the political will issue sees states categorised into at least two factions. It is not just a question of having political will purely and simply, but also of having the will to consider or re-consider resettlement from the point of view of the Union as a whole.

Some of those states without a resettlement programme at present might be willing to consider the establishment of a programme, although their politicians, officials and populations may have little understanding of what resettlement really entails.¹⁸⁰ Some of the Member States without programmes may not see the need for them.

Of those States with programmes, the question is not whether there is the political will to resettle, but whether there is the will to change existing programmes. Especially where those programmes are working well, the question has to be “why change what is not broken?” Is the will to achieve European political integration strong enough to overcome any lack of desire to change a particular way of conducting resettlement? And might there be a legitimate concern that an existing strong resettlement programme that serves refugees well might be reduced in its efficacy as a result of creating a Union-wide programme? One question which therefore may arise is whether or not in the interests of ultimately establishing an EU-wide resettlement programme, those Member States with existing resettlement programmes might consider maintaining the programme they have in addition to participating in a new, wider scheme.

Resettlement is an unknown issue to several Member States, at least in the last decade. As such, some Member States have a ‘blank page’ on which to set out a resettlement programme, unlike their broader, but more regulated approach to asylum seekers who have arrived within their borders and societies.

Those Member States with existing resettlement programmes could be resources for information and good practice for the Member States without recent resettlement experience.

However, Member States with resettlement programmes may be reluctant to change them. **IF** it would facilitate general agreement on the way to deal with resettlement in the Union as a whole, those Member States could potentially operate two programmes, particularly given the administrative basis to these programmes.

¹⁸⁰ In some Member States which do not conduct resettlement, it was indicated by officials during the course of this research, that prior to their conversation with the researcher, they had thought resettlement concerned the return of refugees to their country of origin, for example. It is hoped that this report will bring a basis of understanding and knowledge to the discussions to follow.

2. *The Relation to the Common Asylum System and goal of a Common Asylum Procedure*

For some Member States there may be the will to develop a resettlement programme only after the Common Asylum System has been shaped. Here the meaning of the title of this study again comes into question: what exactly does “against the background of the Common Asylum System” mean?

The only documents in which ‘resettlement’ figures in the language describing the goal of a Common European Asylum system, from Tampere onwards, are the three Commission Communications of November, 2000; March 2003 and June 2003. In all of these documents, as described in Part 1 Section 2 above, the Commission seems to imply that resettlement is part of an asylum system; that current resettlement countries consider applications for asylum from refugees selected for resettlement (which is inaccurate) and that the future for resettlement in the European Union must be as part of the Common European Asylum System. This is unsurprising, as debate in the European Union has naturally focused on the legally-based asylum systems which all Member States have, and which deal with hundreds of thousands of applicants in total each year, and not on the administrative resettlement programmes of some six Member States which might admit up to 3,500 people each year.

This section of Part 2 will focus on the distinctions between resettlement and asylum. This discussion is intended to bring clarity to the use of certain terminology. This clarity on a semantic level may assist in bringing greater clarity on a practical level.

If resettlement were called ‘part of the asylum system’ then the asylum system would remain the sole means of admission for refugees to European Union Member States. That would run counter to the goal set out by the European Commission and some Member States of seeking managed and orderly means of arrival for refugees and thereby potentially relieving the burden on their asylum systems. By distinguishing resettlement from asylum, and acknowledging that both are part of a refugee protection system, it should be possible to operate both entry mechanisms (resettlement selection and asylum procedures for spontaneous arrivals) without confusion. Basically, asylum is one means by which EU states offer **refugee protection** and resettlement can be another means of offering refugee protection. The ways in which the individual to be protected and the EU Member State come into contact is different, but the end result of protection is the same.¹⁸¹ This same distinction and clarity should allow states and NGOs and other experts to have a much more open debate focused on the major goal, which is to ensure the protection of the maximum number of refugees worldwide.

When considering resettlement as a means of admitting refugees, it is important to understand both the ways in which it might overlap with asylum systems and the ways in which it is clearly different. In order to consider this point, the elements of a resettlement

¹⁸¹ All resettled refugees who arrive in the EU would receive protection, however, while it is unusual for all people who claim asylum to receive protection at the end of the asylum procedure.

programme as set out in Part 1, as well as the issues of the legal basis to resettlement, are compared to the 'equivalent' in asylum systems in the table below. This table gives a very generalised sketch of the two ways in which a person may become a 'refugee' in a country of final destination and protection.

Feasibility of Resettlement in the European Union

	Resettlement	Asylum
Goals and policy creation	Generally established with a broad basis, and little legal stipulation: flexible, and potentially altering year on year	Legal foundations in national and international law (1951 Convention; 1967 Protocol; European Convention on Human Rights etc.)
Levels setting	Set annually or every three years, with flexibility to alter according to capacity	No levels can be set: the number of people who arrive and request asylum will vary only according to political conditions and other such unmanageable factors
Selection goals	Can be re-thought annually, builds upon the refugee definition to focus on specific groups or types of individuals in need of resettlement	No selection – adjudication on the basis of refugee law and laws, regulations or policies regarding subsidiary or temporary protection
Selection criteria	Criteria related to the goals set, stipulating characteristics beyond the refugee definition (eg survivors of torture). States frequently use a broad refugee definition, not limited to that in the 1951 Convention, to be inclusive where a durable solution is needed, but an immediate protection need may be (relatively) weak.	No criteria, because no selection. On the refugee definition, states may be strict in order to limit abuse of the system.
Selection methods	Can be dossier based or with an interview during a selection mission or by a national officer based in the region of first asylum. Candidates put forward through referral or by group identification. May include case preparation by an NGO.	In the EU generally some type of interview, after completion of relevant paperwork.
Selection procedures	Vary according to the method chosen. No legal recourse for a negative decision, although there may be a form of administrative review, often by the same official who made the initial decision, or a colleague who is also on a selection mission. No recourse for dossier decisions.	Several forms: accelerated; regular etc. Generally an appeal is possible to a higher body. Legal representation is often provided.

Between Selection and Departure	Possible orientation sessions; language classes; preparation of legal paperwork, travel documents. Possibly a check that all family members have been included.	Already in the destination country before the procedure.
Arrival	Organised, with transportation often paid either fully or in advance (with a loan to repay) by the host government. Each individual has entry and residence status on arrival.	Spontaneous, perhaps using a smuggler for at least part of the journey. No status on arrival, and perhaps no understanding of the need to make an asylum claim.
First weeks	Organised – either in reception facilities, or intended longer-term shelter, or with family where sponsorship agreements have been established.	May depend on whether the person makes an immediate asylum claim or not, has family or friends in the country or not etc.
Move on	If part of the process, is an organised transition	May occur if granting of status at the end of a procedure requires departure from a reception centre, but not a managed or timed part of the asylum system in general.
Integration	Programmes established from the moment of arrival. Services provided by government authorities or through NGOs, either government funded or charity-based.	If programmes exist they may commence only after the procedure, perhaps months or years after arrival.
Policy or Law?	Most often policy, or a simple statement in law that resettlement may happen, with some basic details on status, or division of responsibilities.	Law
Legal agreements with third parties (IOs; NGOs; other States)?	Few, unless for specific services eg transportation	None

Feasibility of Resettlement in the European Union

In general, the word **asylum** is used to indicate a form of protection that an individual has sought. Consider the Universal Declaration of Human Rights, of which Article 14 says:¹⁸²

1. Everyone has the *right to seek* and to enjoy in other countries *asylum* from persecution. (emphasis added)

The implication of this is that the person goes to the authorities of a state, either once within that state's territory, or at its embassy or consulate overseas, and makes a request for protection. Likewise, European Union Member States' use of the term 'asylum' in documents preceding the Treaty on European Community specified the notion of a person *seeking* asylum.¹⁸³

The understanding of asylum as presented in all of these contexts is that a person applies for asylum *within* the jurisdiction (territory or embassy) of the state to which the application is made.

However, in the case of resettlement, the individual whose case is put forward rarely makes an application,¹⁸⁴ and certainly does not make any claim to refugee status *within* the territory of the resettlement country. Rather, the individual is most often referred or identified as part of a specific group that needs resettlement by UNHCR or another appointed entity. The decision on status is made while the person is *outside* the resettlement country, and almost always outside the country of origin.¹⁸⁵ Put very crudely and simply: an asylum seeker comes to a destination state asking for help; a resettlement

¹⁸² The 1967 UN Declaration on Territorial Asylum likewise talks of *asylum* in terms of the grant of asylum to persons invoking Article 14 of the Universal Declaration (ie people who *seek* asylum).

¹⁸³ For example, the 1990 Dublin Convention Determining the State Responsible for Examining Applications for Asylum lodged in one of the Member States of the European Communities says:
Article 1

1. For the purposes of this Convention...
 - (a) *Application for asylum means*: a request whereby an alien seeks from a Member State protection under the Geneva Convention by claiming refugee status within the meaning of Article 1 of the Geneva Convention, as amended by the New York Protocol;
 - (b) *Applicant for asylum means*: an alien who has made an application for asylum in respect of which a final decision has not yet been taken.

Article 3, meanwhile, indicates that an alien would apply for asylum at the border or on the territory of a Member State.

The 1990 Convention on the Application of the Schengen Agreement also specifies the territoriality of an *asylum* claim:

TITLE 1 – Definitions

Article 1

For the purposes of this Convention...

Application for asylum: shall mean any application submitted in writing, orally or otherwise by an alien *at the external frontier or within the territory of a Contracting Party* for the purpose of obtaining refugee status under the Geneva Convention ... and thereby obtaining a right of residence. (Emphasis added)

¹⁸⁴ Prior to the enactment of the new law (IRPA) in 2002, the Canadian resettlement system did involve individuals making applications for resettlement directly to a visa post, and still does for candidates in a country where a visa post is located.

¹⁸⁵ As noted above, Canada does resettle some Internally Displaced Persons. US law also provides for the resettlement of individuals within certain countries of origin, in "refugee-like situations." Such a process requires a Presidential Determination (Immigration and Nationality Act, 101 – Definitions para 42.)

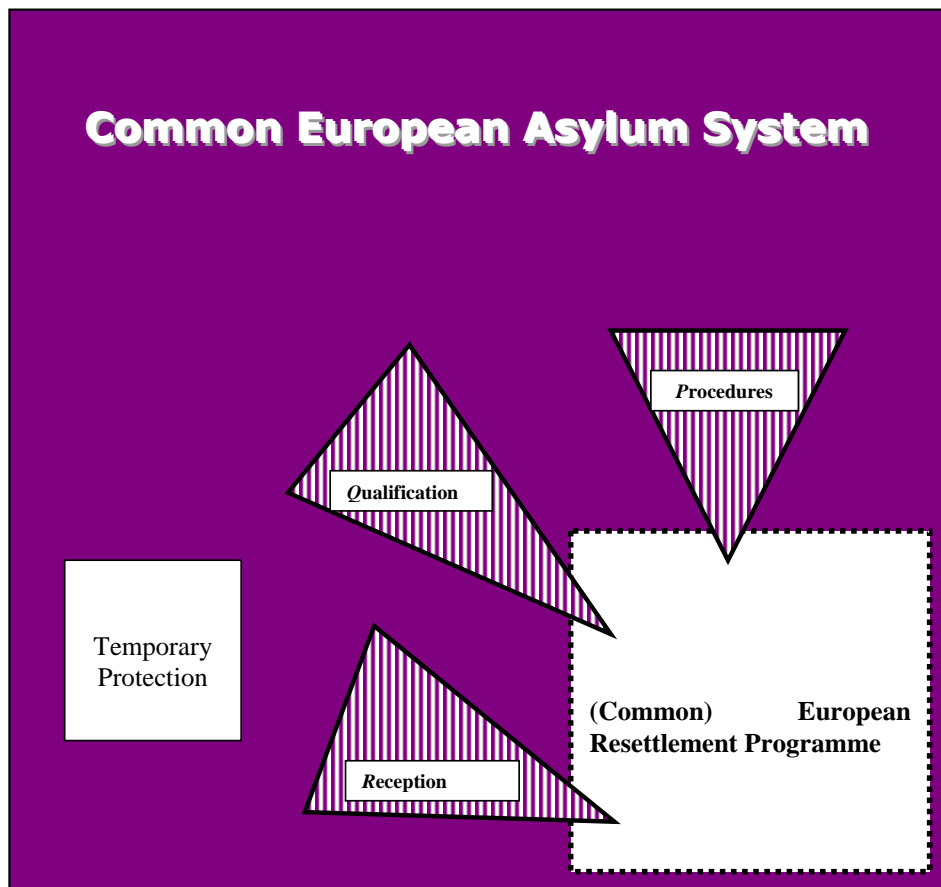
country goes out into the world looking for those people to whom it can offer protection. By the time those people arrive in the resettlement country they have received help, in the form of a protection guarantee from the state in which they will now live, and do not need to seek asylum.

The Irish situation illustrates the above point: it is not possible under Irish law to apply for *asylum* outside the territory of Ireland itself (so Ireland cannot carry out Protected Entry Procedures as described by Noll *et al* in the previous feasibility study), but it *can* select refugees for resettlement from beyond its borders and grant them an entry and residence status as ‘programme refugees’ prior to arrival – with no need for them to enter asylum proceedings at all – as described in the country description in Part 1, Section 4.

The language which has evolved in Commission Communications since the Tampere Conclusions *could* be interpreted to see the word **asylum** used in a broader sense than that understood by the researchers for this study. The term *could* be interpreted to imply **protection**, rather than ‘asylum’ in the traditional sense of an applicant seeking asylum from persecution in their own country on the territory or at an embassy of a state. However, if the documents emanating from the European Union discussions and from the European Commission intend to use the word asylum to mean protection more broadly, this has not been made explicit. What is more, we would suggest that a broader use of the word asylum to mean protection makes the whole issue of refugee protection in the EU much less clear than a careful use of the terminology would permit.

The image below shows our understanding of the use of the terminology of a Common European Asylum System (CEAS) that can be found in documents emanating from the Commission and Council to date. This sees the term ‘asylum’ used to mean all protection of refugees and those defined as needing subsidiary or temporary protection in the EU. If this interpretation is correct, any resettlement scheme could be simply a part of that whole ‘asylum’ system.

Within this one broad system, there are subparts involving instruments on temporary protection, the qualification of a person as a refugee or a person in need of subsidiary protection, procedures, reception and other facets of a broad programme. Any resettlement programme would be another sub-unit in this box, and would be impacted by some existing decisions (qualification, procedures and reception directives) but not others (eg temporary protection). Implementation of legal instruments in a resettlement programme may also bring some adaptations to those instruments (hence they are illustrated as striped, yet mono-directional forms).

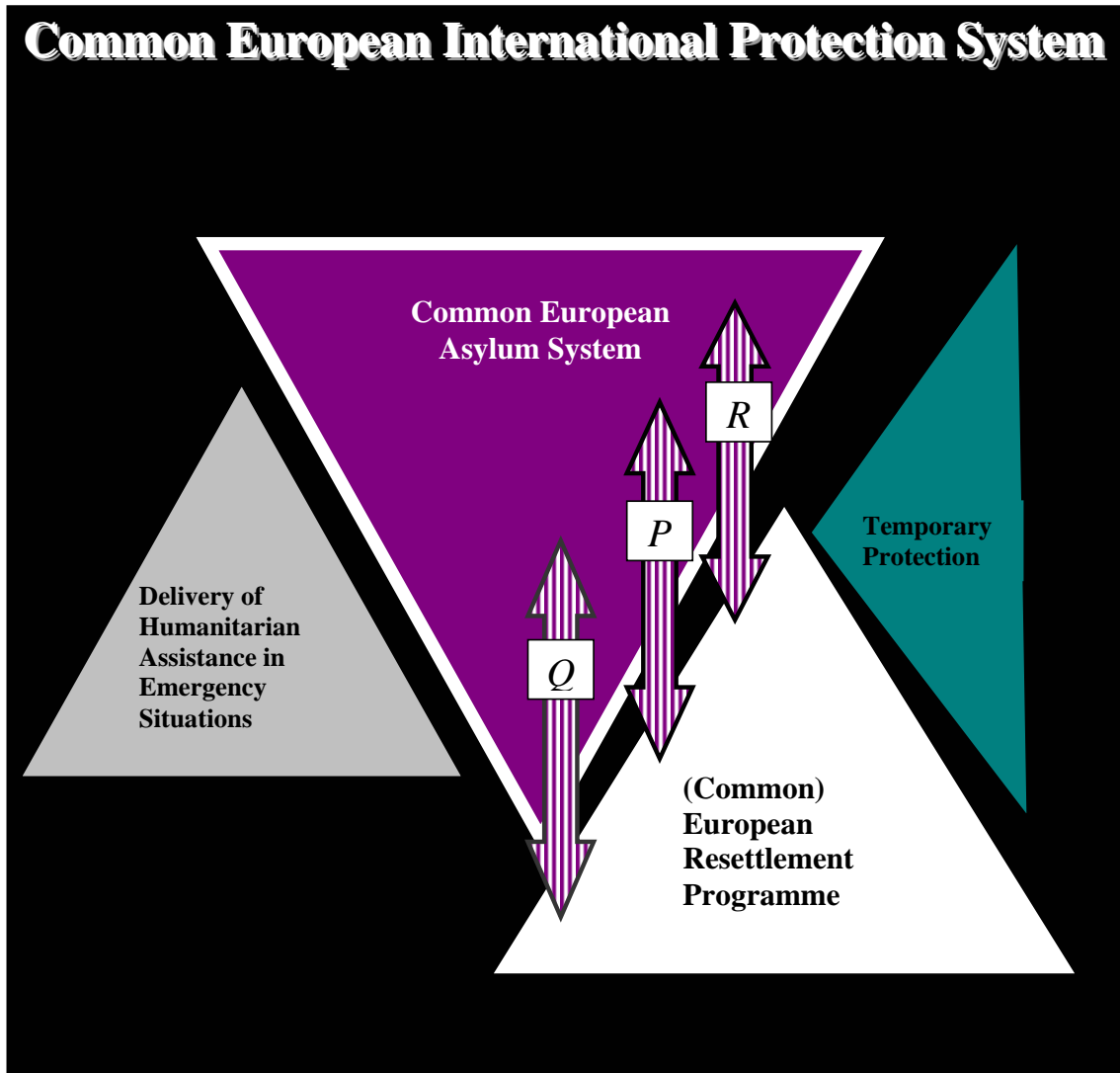


However, as explained above, this would be at least semantically at odds with the way in which the majority of resettlement countries practice this policy, the way in which UNHCR and its Executive Committee talk about 'asylum', 'protection' and 'resettlement', and the way in which we understand the use of these terms, both in everyday semantics and as terms of art. As such, this vision of how resettlement and asylum 'fit' with one another may lead to unnecessary confusion.

Rather, it is suggested that the European Union could consider that its on-going process of finding a Common Asylum System and Procedure is an element in the broader creation of a **Common European International Protection System (CEIPS)**. In that way, the Common Asylum System and Procedure remain intact elements, dealing specifically with applications for *asylum* in the way in which these have traditionally been understood. Other elements of the Common European International Protection System could then include a European Resettlement Programme and, separately, for

example, a European Programme for Assistance to Refugees in their regions of origin, and to the states protecting the refugees in those regions, as well as Temporary Protection.

It could well be that instruments such as the qualification, procedures and reception directives, once they are all adopted, have read over from the asylum system to a resettlement programme. And, they could in turn be impacted by experience and implementation in the resettlement context. Hence in the image below, which forms our suggestion for an alternative to the understanding set out above, these three directives are illustrated as two-directional, and striped – but as mostly located in the asylum system from which they have initially emanated (hence the image has more of the two-directional arrows in the Common European Asylum System triangle than in the (Common) European Resettlement Programme triangle).



Legend

Q = Qualification
P = Procedures
R = Reception

The key to our suggestion is that resettlement would **not be part of** the Common European Asylum System, but like the CEAS it would be a mechanism for refugee protection in the EU: so both would be part of the CEIPS.

Even if Member States would select our Model 2 or Model 3 below (showing either just a principled decision to conduct resettlement at EU level, with all details remaining in the domain of Member States, or a principled decision in addition to a determination of an EU-wide target for arrivals on resettlement programmes in the Member States) the agreements on asylum could have read across to resettlement where appropriate, without new specifically resettlement focused decisions needing to be made until deeper harmonization of resettlement programmes might occur as described under Models 4, 5 and 6.

A key finding of the review of existing resettlement programmes and the analysis of on-going work on resettlement at UNHCR and in the context of the Working Group of the Executive Committee is that resettlement and the asylum system do not necessarily target the same people. The use of resettlement as a burden-sharing tool to stimulate greater capacity in countries of first asylum and, to 'strategically' manage the arrival for protection of more refugees to the European Union would imply the need for definitions based on refugee law, but without the limitations that have developed under domestic asylum legislation. The asylum system is a legally bound system with a range of rights and duties for both refugee-applicant and state. The resettlement system is an administrative and primarily discretionary system, in which rights and duties only become a part once the state has selected the refugee for resettlement and admitted him or her to the territory.

3. Resettlement Programme Models: Subsidiarity

This second part of the report sets out six basic models that could be developed in the European Union with regard to establishing resettlement programmes. The core question is:

At which level can resettlement (and various elements of the resettlement programme) be developed in line with the principle of subsidiarity?

These six models are first set out together in tabular form and then each model is elaborated separately – again with a table and with descriptive text. The tables which display the models, both together and apart, are set out with a first column which separates the ‘chronological’ steps in the resettlement process, from policy vision and formulation through the process of selection to transfer, arrival, settling and longer-term perspectives. This follows the same process as was elaborated in Part 1.

In addition two ‘ideas’ are explained:

1. A European Clearing System for Resettlement
2. A European Refugee Resettlement Fund

Furthermore, two specific aspects of selection of refugees for resettlement are set out in boxes:

1. The procedures for selecting refugees; and
2. The criteria which may be considered by EU Member States.

A brief overview of private sponsorship is also included. The sponsorship of individual refugees by private organizations or groups of individuals, along the lines of the Canadian model, may have interesting benefits to add to a government/Member State run resettlement programme in the EU. However, one major question in the use of private sponsorship in the EU States would be its impact on welfare state obligations. An internal government report in Finland apparently concluded that private sponsorship would be impossible in that country because by removing welfare responsibilities from the municipalities (putting them in the hands of sponsors for the refugee’s first year in the country) the municipality would be forced into a position of illegality as it has the legal responsibility to provide for the welfare of all residents. Whether welfare laws could be altered in the interests of providing for this form of public support for refugees is beyond the remit of this study, but is certainly an issue which would be worthy of investigation.

The models set out range from a ‘Status Quo’ variant, maintaining the current practise whereby those Member States which wish to do so have their own resettlement programmes outside of any cooperation on refugee protection and asylum at the EU level, through a range of options to the other extreme of a totally common programme for EU Member States, in which there would be common decisions on every element of resettlement. This full range is set out in order for a full consideration to be made of the

options available for developing a resettlement programme within the context of the European integration process.

It is possible that Member States decide to take a progressive approach across the models. The EU currently finds itself in the situation presented in Model 1 below. Member States might decide in the relatively short-term to investigate a progression to Model 2, in which there would simply be a common decision on the principle that all Member States would conduct resettlement, and whether they resettled one refugee per year, five hundred, five thousand or fifty thousand would not matter: the fact of resettling one refugee would mean achieving the aim of a common decision to act in this area. The progression might then be towards setting target levels, as a Union, and onwards to setting selection goals, developing criteria, establishing common selection methods and procedures etc.

Recommendations on detailed points are made throughout the remainder of the text, while the Conclusions draw together Section 8 of Part 1 and the models below.

Six models (according to the subsidiarity principle).

Stages in the Resettlement process	Model 1 <i>Maintaining the Current System</i>	Model 2 <i>Decision on the Principle of Resettlement</i>	Model 3 <i>Common Decision to resettle and how many</i>	Model 4 <i>Common Approach to who and how many</i>	Model 5 <i>Common Pre-arrival Programme</i>	Model 6 <i>Totally Common Programme</i>
Goals and policy creation	MS	EU (Council)	EU (Council)	EU (Council)	EU (Council)	EU (Council)
Levels setting (targets)	MS	MS	EU	EU	EU	EU
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	MS	MS MS MS MS	MS MS MS MS	EU EU MS MS	EU EU EU EU	EU EU EU EU
Post selection – pre-departure	MS	MS	MS	MS	EU	EU
Arrival	MS	MS	MS	MS	MS	EU
First weeks (NB relation to reception directive?)	MS	MS	MS	MS	MS	EU
Move-on	MS	MS	MS	MS	MS	EU
Integration (NB relation to various directives on long-term residents etc?)	MS	MS	MS	MS	MS	EU

EU = European Union level (decision-making body)

MS = Member State level (decision-making)

Any EU level decision could involve Member State implementation. So, model's one and two could imply EU level decision-making on selection methods and procedures, but either a new EU level body to implement those decisions, or that Member States implement the decisions. Which level was most appropriate would depend in large part on the goals of the resettlement programme.

Each model could involve all Member States, or just some, but with some coordination in Models 2 to 6.

The Models

Model 1: Maintaining the Current System

Stages in the Resettlement process	Model 1	Comments
Goals and policy creation	MS	Member States would be left free to decide whether or not to engage in resettlement programmes (ie no change from today's situation).
Levels setting (targets)	MS	Member States which decided to have a resettlement programme would determine their own quotas or targets for resettlement numbers, and
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	MS MS MS MS	Member States undertaking resettlement would freely determine all aspects of the selection process. Member States would determine whether they preferred dossier selection or selection missions – and in the latter case whether they preferred missions or to have staff posted in the regions from which resettled refugees would be selected. Member States would establish their own selection procedures (meaning these would not be coordinated although the asylum procedures would be under the procedures directive).
Post selection – pre-departure	MS	Member States would be free to organize their own policy on whether any orientation sessions took place; on medical checks and on means of transportation to their territory and mode of payment therefore.
Arrival	MS	Member States would be free to organize their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out.
First weeks (NB relation to reception directive?)	MS	Member States would develop their own policy on the reception of resettling refugees. This might mean a different form of reception from that for asylum seekers at any step in their determination procedure from that foreseen in the Reception Directive.
Move-on	MS	Member States would develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.
Integration (NB relation to various directives on long-term residents etc?)	MS	Member States would develop their own resettled-refugee specific programmes for integration.

Under this model all aspects of resettlement policy making and planning would be the domain of the individual Member State, as they are today.

As such, there is little need to discuss this model further, other than to mention the potential advantages and disadvantages to a decision to pursue this course.

Advantages to Model 1: Maintaining the current situation

- As European Union level negotiations frequently lead to a lowest common denominator approach, this model would avoid any diminishing of the strengths of existing resettlement programmes, particularly those in Sweden and Finland, which are most robust.

Disadvantages to Model 1: Maintaining the current situation

- This model would change nothing from the current situation, and thus would indicate that the European Union as a collective body (and the European Commission if this was to be its proposal) was not interested in exploring resettlement programmes as a tool of refugee protection, in spite of the impetus established by the Commission's Communication of 2000, the commissioning of this study, and other suggestions to the EU from UNHCR and individual Member States on this subject.
- This model would mean there would be no increase in the number of managed arrivals from the current level of 3,500 and no possible impact through key decisions on numbers and selection criteria on any other elements of refugee protection including asylum in countries in the region of origin or in the EU.
- With Member States operating individual programmes there would be no economies of scale.
- If total responsibility for resettlement lay at the Member State level, while other elements of refugee protection including the asylum system develop a Common European Approach, it would indicate that resettlement was seen as merely a side issue, whereas it should be central to Member States' commitment to refugee protection.

Potential responses and foreseeable difficulties

Member States that are not in favour of resettlement are likely to be keen on this model, as it would mean they did not need to act in this area. Those Member States that are enthusiastic either about resettlement or for European integration on asylum, refugee and immigration issues would, however, see this as a breakdown on the communitarian path.

Some Member States which currently do not engage in resettlement might nonetheless decide to establish a programme. This might mean that over the next few years there would be an increase in the number of Member States participating in resettlement, meaning that if a decision to develop a common policy were to be taken later, there

would be more basic and nationally-unique models of resettlement to take into account, and a potentially more difficult basis for compromise.

Model 2: Decision on the Principle of Resettlement

Stages in the Resettlement process	Model 2	Comments
Goals and policy creation	EU (Council)	A Commission proposal for an instrument could establish goals for resettlement
Levels setting (targets)	MS	Member States would determine their own quotas or targets for resettlement numbers, and
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	MS MS MS MS	Member States would freely determine all aspects of the selection process. Member States would determine whether they preferred dossier selection or selection missions – and in the latter case whether they preferred missions or to have staff posted in the regions from which resettled refugees would be selected. Member States would establish their own selection procedures (meaning these would not be coordinated although the asylum procedures would be under the procedures directive).
Post selection – pre-departure	MS	Member States would be free to organize their own policy on whether any orientation sessions took place; on medical checks and on means of transportation to their territory and mode of payment therefore.
Arrival	MS	Member States would be free to organize their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out.
First weeks (NB relation to reception directive?)	MS	Member States would develop their own policy on the reception of resettling refugees. This might mean a different form of reception from that for asylum seekers at any step in their determination procedure from that foreseen in the Reception Directive.
Move-on	MS	Member States would develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.
Integration (NB relation to various directives on long-term residents etc?)	MS	Member States would develop their own resettled-refugee specific programmes for integration.

Goals/Policy creation would be set out in a Commission proposed directive or guidelines. Such a document would establish:

- The reasons for carrying out resettlement
- The place of resettlement in the panoply of refugee protection mechanisms, including the place of resettlement in relation to the Common European Asylum System and indeed the relationship, if any exists, to the asylum channel.
- The motives for focusing on any specific groups (this could potentially be separated out for different Member States in such a way as to provide complementarity between Member States in an overall programme eg through geographic focus [on states of origin or first asylum with which specific Member States had special historical or cultural ties] or on capacity [in terms of special needs for particularly vulnerable categories of refugees]).
- The goals of the resettlement programme could themselves set out some basis to selection criteria. In this model, however, given that the selection criteria and model for procedures would be set at Member State level, such basic outlines to selection would not be binding on, or limiting to, Member States.
- The status which would be granted to resettling refugees (a permanent residence permit on refugee/protection grounds)

A Directive would offer a legally binding agreement, under which Member States would have the discretion to implement the agreement in their own way, and to go beyond it. However, a Directive, through its legally binding nature, might remove some of the flexibility required of a resettlement programme, dependent on its precise nature and wording. As such, Guidelines might offer a more supple approach, permitting all Member States (including those with an opt out or opt in under the Protocols to the Treaty of Amsterdam) to participate.

The model could include a mechanism whereby Member States could report to the EU level on their resettlement activities. If it should be the case that Guidelines would permit Member States not to resettle, or to resettle very small numbers, such a mechanism might be useful for them to see what this activity in fact entails, with the potential for them to participate in future years. A reporting mechanism would also be useful for an exchange of information between EU Member States on resettlement outside of the UNHCR Working Group forum.

A version of this model that would involve a Directive could also involve a monitoring mechanism, most likely overseen by the European Commission. Certainly if funding were to be available either through the European Resettlement Fund or through a version of the European Refugee Resettlement Fund described below, monitoring of implementation of agreements would become essential.

Levels setting/targets would be a Member State decision.

Selection

Under this Model all aspects of selection would be the domain of Member State policy making.

Feasibility of Resettlement in the European Union

Arrival, First weeks, Move-on and Integration would all be policy areas for Member State level policy making and implementation.

Advantages to Model 2: A decision in principle to resettle

- This model, with selection located fully in the realm of Member State decisions, might best mirror the existing situation in the Common European Asylum System. In the asylum system, implementation of refugee status determination criteria remains in the Member State domain, but is coming to be based on broad minimum standard agreements at EU level.
- This model would probably see a start to increases in managed arrivals from the current quota of 3,500, but the absence of EU level agreed targets might limit that increase.

Disadvantages to Model 2: A decision in principle to resettle

- The level of operational cooperation being low, this model would form a minimalist approach in the context of European integration.
- There would be no potential for economies of scale through collective decisions or implementation.
- With selection issues out of the hands of any monitoring institution such as the European Commission, it would be difficult to bring pressure to bear to ensure that the broadest policy goals were met, or indeed targets in terms of numbers achieved.

Potential Responses and Foreseeable difficulties

This model may be seen by many as a useful initial step. It would allow Member States with existing resettlement programmes to maintain them, and perhaps stimulate them to develop those programmes further. At the same time, it would encourage those Member States without a programme to begin a system and acquaint themselves with resettlement, responding to calls from UNHCR and the European Commission to engage in resettlement as part of the Agenda for Protection process.¹⁸⁶

As noted above, one consequence of this may be that with varied programmes established in more Member States, any later desire to move to a more coordinated programme could be hampered by the wish to keep to tried and tested methods which have served an individual state well, but which may not be transferable to a wider, EU programme.

¹⁸⁶ The European Commission and EU Member States will be guided in their engagement with the Agenda for Protection process by the Conclusions reached in Thessaloniki in June 2003.

Model 3: Common Decision to resettle, and how many

Stages in the Resettlement process	Model 3	Comments
Goals and policy creation	EU (Council)	A Commission proposal for an instrument could establish goals for resettlement
Levels setting (targets)	EU	Member States would collectively determine the EU target through a Council decision, and then enter a bidding process as outlined above. Any alternative procedure of setting the target would involve an EU level target.
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	MS MS MS MS	Member States would freely determine all aspects of the selection process. Member States would determine whether they preferred dossier selection or selection missions – and in the latter case whether they preferred missions or to have staff posted in the regions from which resettled refugees would be selected. Member States would establish their own selection procedures (meaning these would not be coordinated although the asylum procedures would be under the procedures directive).
Post selection – pre-departure	MS	Member States would be free to organize their own policy on whether any orientation sessions took place; on medical checks and on means of transportation to their territory and mode of payment therefore.
Arrival	MS	Member States would be free to organize their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out.
First weeks (NB relation to reception directive?)	MS	Member States would develop their own policy on the reception of resettling refugees. This might mean a different form of reception from that for asylum seekers at any step in their determination procedure from that foreseen in the Reception Directive.
Move-on	MS	Member States would develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.
Integration (NB relation to various directives on long-term residents etc?)	MS	Member States would develop their own resettled-refugee specific programmes for integration.

Feasibility of Resettlement in the European Union

Under this Model, the *Goals and Policy Creation* would be carried out as set out under Model 2: A Principle Decision to Resettle.

Targets and levels setting at the collective EU level under this model would allow for a basis to both intra-EU solidarity and assured cooperation by all Member States, with some peer pressure to ensure reasonable and appropriate targets in spite of the differing selection criteria, methods and procedures. As detailed in Part 1 Section 8, a process through which a collective EU target would first be set by consensus, followed by a bidding process to establish individual Member States' targets would be our suggested method, avoiding strict principles of any 'burden-sharing keys' and allowing Member States to judge their own capacity for resettlement in any given year, or, if multi-year planning should prove possible, over a series of two or three years.

Guidance to the levels setting process could be sought through two means – or a combination thereof:

1. Receiving an assessment of need from UNHCR, from another independent body or consortium (made up for example of NGOs and UNHCR), or a combination of sources on an annual basis.
2. Establishing how many places Member States are willing to make available, regardless of how many people need resettlement.¹⁸⁷

Selection

Under this Model all aspects of selection would be the domain of Member State policy making.

Arrival, First weeks, Move-on and Integration would all be policy areas for Member State level policy making and implementation.

Advantages to Model 3: A decision to resettle, and how many

- So long as implementation of refugee status determination criteria in the asylum system, and their interpretation on the basis of broad minimum standard agreements is the *modus operandi* in the EU, this model – with selection located fully in the realm of the national administration – might serve to proximate the resettlement and asylum systems (as would Model 2).
- A collective decision on how many people to resettle would imply an element of EU cooperation that could lay the foundation for further cooperation in resettlement and other protection related areas.
- A collective target setting process would most likely increase the number of places available for managed arrivals, which, dependent on the level of the programme numbers and on the separate selection criteria which Member States would set, might allow for investigation of whether this type of programme could have any bearing on the number of people entering the asylum system.

¹⁸⁷ See also the suggestion for a European Refugee Resettlement Fund below.

- While the method for determining Member State targets within an overall EU target set out in this study does not imply ‘burden-sharing’ in the sense in which it is often discussed, as strictly equitable, it would allow for a fluid form of solidarity between the Member States working towards the collective goal of resettlement.

Disadvantages to 3: A decision to resettle, and how many

- The level of operational cooperation being relatively low, this model would form a low-key approach in the context of European integration.
- There would be no potential for economies of scale through collective decisions or implementation.
- If Member States were to set complex criteria, it would be difficult to bring pressure to ensure achievement of the broadest policy goals or numeric targets because selection issues would be out of the hands of any monitoring institution such as the European Commission.

Potential responses and foreseeable difficulties

This model might be seen as offering relatively clear and straightforward options for establishing the burden-sharing aspects of resettlement, both between EU Member States and with other resettlement countries and countries in the regions of refugee crises. By keeping the approach relatively low-key, and especially if it was kept to a policy (and not legal) level, all Member States could be able to participate.

Model 4 Common Approach to who and how many

Stages in the Resettlement process	Model 4	Comments
Goals and policy creation	EU	A Commission proposal for an instrument could establish goals for resettlement
Levels setting (targets)	EU	Member States would collectively determine the EU target through a Council decision, and then enter a bidding process as outlined above. Any alternative procedure of setting the target would involve an EU level target.
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	<p>EU</p> <p>EU</p> <p>MS</p> <p>MS</p>	<p>The Commission would propose the general goals of the selection process, including any foreseen measures for determining specific Member States as the destination for specific refugees. The Commission would also propose the selection criteria, including the definition of those to be included in consideration for resettlement.</p> <p>Member States would determine whether they preferred dossier selection or selection missions – and in the latter case whether they preferred missions or to have staff posted in the regions from which resettled refugees would be selected. Member States would establish their own selection procedures (meaning these would not be coordinated although the asylum procedures would be under the procedures directive).</p>
Post selection – pre-departure	MS	Member States would be free to organize their own policy on whether any orientation sessions took place; on medical checks and on means of transportation to their territory and mode of payment therefore.
Arrival	MS	Member States would be free to organize their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out.
First weeks (NB relation to reception directive?)	MS	Member States would develop their own policy on the reception of resettling refugees. This might mean a different form of reception from that for asylum seekers at any step in their determination procedure from that foreseen in the Reception Directive.
Move-on	MS	Member States would develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.
Integration (NB relation to various directives on long-term residents etc?)	MS	Member States would develop their own resettled-refugee specific programmes for integration.

As explained in Part 1, the issue of selection must be split into four parts:

1. The general approach
2. The establishment of criteria
3. The methods of selection
4. The actual selection procedures

This part of the resettlement process is perhaps the most complicated. Under this model, EU decisions would be made on who to resettle, through the creation of a general approach to selection and of common criteria, as well as on how many people to resettle as set out in Model 3. However, decisions on selection methods and on procedures would remain Member State policy decisions.

In setting common criteria, one important decision would be which refugee definition to use, bearing in mind that resettlement is generally considered to be both a tool of protection and a durable solution (in the latter context it may be that the immediate protection need is diminished, but no other durable solution is available, meaning that a broader definition may be most appropriate to the specific nature of resettlement.) The three possible tools for defining the refugee in this context are:

- The Convention definition of a refugee (strictly and alone);
- To use the qualification directive definitions and understandings related to people in need of protection; or
- To use the UNHCR Mandate definition as the standard.

As set out above, the traditional approach by all resettlement countries is to take a relatively broad view as to who is a refugee, and to include people who would be defined as in need of subsidiary protection if they were to go through an asylum procedure in a country which has such non-Convention refugee statuses. UNHCR decides to refer refugees for resettlement on the basis of the agency's understanding of that person as a refugee who needs resettlement. Often, at field level, the understanding that a person needs resettlement might come before a full Refugee Status Determination has been conducted by UNHCR. This occurs especially in a situation where the individual fled as part of a large group under emergency conditions, even if that flight and arrival in a first country of asylum or protection was many years prior to the observation that the person is in need of resettlement. When conducting RSD after deciding resettlement is necessary, UNHCR's personnel use the agency's understanding of refugee status determination rather than that of a given resettlement country which might have, through the process of domestic legislation and precedence, come to a relatively narrow understanding of the Convention and Protocol definition of a refugee for their own, domestic purposes. This is why reliance on national legislative interpretation of the definition does not permit an efficient and effective resettlement programme with UNHCR as a key, referring and implementing partner.

Any decision on definitions would need to be directly related to the decisions concerning the role that UNHCR (and NGOs) might play in implementation of the selection process. The more reliance there is on UNHCR to make referrals, the more need there is to permit the broadest use of the Mandate definition, and perhaps to develop group criteria, such as

Feasibility of Resettlement in the European Union

refugees of a specific nationality in a specified country of first asylum. UNHCR's field level staff simply cannot receive the training to employ a broad range of definitions in the short-term – and if they need to use the Mandate definition for non-EU states but a more specific definition for EU states, then complications would certainly arise (as indeed is already the case).

Under this Model 4, defining who needs resettlement and how many people can be resettled to the EU as a common measure:

Goals/Policy creation and Levels setting/targets would be dealt with in the same way as in Models 1 and 2.

Selection General planning and criteria would be decided upon at EU level, through a Council decision, either for a set of guidelines, or on a directive, dependent on the level of flexibility required, and the perceived need for EU Member States to have a legally binding agreement with each other on the matter of individuals who could be included in resettlement selection. The more fixed the terms of the selection criteria, however, the less flexible they might be, and the more often a re-opening of negotiations might be needed to deal with developing conflicts and refugee producing situations, or refugee situations which, after some time, appear to be becoming protracted in a way which is not conducive to other durable solutions.

Under this Model 4, the determination of selection methods and actual implementation of selection procedures is conducted by Member States alone.

Post selection - pre-departure would be dealt with as in previously described models, at the Member State level, as would *Arrival, First weeks, Move-on* and *Integration*.

As described above, but worthy of repetition in the context of considering the subsidiarity principle in connection with resettlement, in establishing criteria for selection, issues other than the refugee definition *could* be included. For example, there might be a focus on specific types of vulnerability – following UNHCR resettlement handbook guidelines. There could also be focus on specific nationalities or countries of first asylum – either to respect historic and cultural ties or to avoid any sort of 'competition' with the existing larger resettlement countries (US and Canada primarily). States could also be inclined to focus on individual characteristics linked to integration, either for all or for a percentage of the total number of refugees to be selected. Criteria related to 'integration potential' should certainly not be the main focus of a resettlement selection policy, but rather only a final deciding factor in determining to which of the Member States a refugee might best be resettled for their own benefit.

By collectively producing selection criteria, Member States would not need to have totally uniform criteria, but could at this stage in the policy process determine differences between them, which would be complimentary and make for a holistic total EU programme.

Selection criteria

When considering the criteria for selection the EU Member States collectively – or separately if model 1, 2 or 3 is chosen – need to make decisions on two key issues:

1. How will *refugees* be defined as candidates for resettlement? and
2. Among those who are candidates for resettlement, what other characteristics can be delineated as criteria indicating they should be resettled to a specific state?

Defining refugees for resettlement could be done according to at least three different definitions:

- a) UNHCR's mandate, which is broader than the Convention (and which UNHCR generally uses for resettlement at the moment).
- b) The 1951 Convention definition
- c) Another definition, relying on the Convention, determined by the Member States.

The definition used would make it more or less likely that UNHCR could efficiently play a major referral role. The Mandate definition would make this most likely; another, EU-specific definition would make it the least likely.

Criteria determining which state is most suitable for resettlement for specific refugees could be based on a number of factors including:

- a) Vulnerability (this could mean defining that those refugees who have urgent medical needs, are women-at-risk, elderly or in very particular and immediate risk would be prioritized);
- b) Issues such as family or other prior connections, cultural affinity between the state of origin or that of first asylum and the destination state, language skills, etc. which may make adaptation easier for an individual refugee;
- c) Foreign policy interests of specific Member States or the EU collectively;
- d) Looking at which refugees are currently not being considered as candidates for resettlement to the US, Canada and Australia, although they have a clear resettlement need.
- e) Characteristics linked to the existing refugee and asylum seeking population in the EU, both for community building and to offer the potential to give some refugees a legal alternative to irregular entry (but with no implication of any closure of, or limitation to, asylum channels)

In order to facilitate the overall process of resettlement to EU Member States, and to deal with the issue of resource management in connection with UNHCR, it may be advisable to consider the establishment of a European Clearing System for Resettlement. Such a system, as described in more detail below, would allow Member States and the European Union to assume the task of determining which state should consider a particular case for resettlement (in that sense it could be described as a type of Dublin Regulation model for resettlement rather than for asylum – with the obvious distinction that the individual 'candidate' does not need to be moved between Member States, but rather his or her dossier would need to be transferred to the appropriate Member State). In this way,

Feasibility of Resettlement in the European Union

UNHCR would also be free to focus on the question of *who* is a refugee, and *which* refugees need resettlement – the issues that are in fact of the agency’s concern – rather than *where* a resettling refugee should go.

Advantages to Model 4: Deciding who is a resettlement candidate as well as how many should come

- With Member States themselves carrying out the selection procedures and determining their own means for selection there is less potential for suggesting that other agencies (UNHCR, ECSR if such a body is developed, etc.) are not performing their role satisfactorily in the selection process.¹⁸⁸
- So long as admission procedures generally remain a national level concern, having resettlement selection conducted by national authorities would not be illogical.
- There would be more managed arrivals for refugee protection in the EU and Member States could collectively shape the criteria for their selection with attention to ethnic communities already present across the EU (perhaps resulting from past refugee and asylum admissions) to the benefit of the resettled refugees.

Disadvantages to Model 4 Deciding who is a resettlement candidate as well as how many should come

- With a significant part of the resettlement programme decided upon at EU level, the fact that Member States maintain jurisdiction over selection methods and procedures may imply to some that the European harmonization process has limits (but that in turn could be a positive expression of the extent to which the EU level concerns need to be involved, and where Member States should take over according to the subsidiarity principle).
- This model might introduce an element of potential ‘resettlement shopping’ – or at least fear of such a development. Refugees may, as information circulates about the differences between Member States, seek to cast the information in their forms in such a way that a ‘preferred’ Member State looks to be an obvious, objective choice. One way to avoid this might be through the use of a processing entity, contracted by Member States to prepare the forms prior to transmission to the Clearing System, after UNHCR has decided a person is in need of resettlement. However, it is not known to be the case that the various programmes run by the US, Canada, Australia and the Nordic states currently lead to such ‘shopping,’ so fears on this issue should not run too high in terms of real impacts.¹⁸⁹ A linked concern might be that Member States could cite a ‘shopping’ phenomenon as a reason for seemingly failing programmes should problems arise.

¹⁸⁸ Here the questions raised in Part 1 Section 1 about the policy issues of concern to the EU if negotiating with UNHCR as a possible implementing partner should be noted.

¹⁸⁹ During the course of the research, the principle author heard stories of refugees who were ‘disappointed’ on hearing they would be resettled to a particular country, as they had wanted to go to another. These stories usually had the US as the preferred destination, implying that the preference might come more through the dominant image of the US through the media and through the US presence in many countries

- The separate national processes are duplicative, so the economies of scale advantages which might come through later models are lost.

Potential responses and any foreseeable difficulties

This model shares many of the qualities of the previous one, and may elicit similar responses. The issue of joint selection criteria could either be seen as very useful – advancing the intra-EU burden-sharing aspects, especially if they were joint criteria – but with different priorities or emphasis for different Member States.

of first asylum, or through extended family connections as a result of long-term, high-level resettlement to the US. This is also referred to in the discussion of the Trust Fund in Part 1 Section 1 above.

Idea: European Clearing System for Resettlement (ECSR)

Given that UNHCR faces severe resource constraints, both in terms of funding for resettlement referral work, and in terms of staffing (the resettlement section at headquarters has 13 staff: field offices where RRFs are completed may have no-one actually assigned to resettlement, and those who fulfill the task on an *ad hoc* basis may be poorly trained), the European Union may find it useful to consider a clearing system for resettlement cases. This could function in various ways, and achieve various goals. This idea would probably only work in combination with Models 5 and 6.

Goals

- Coordination for EU Member States
- Adding an EU dimension to the resettlement programme and system
- Support to UNHCR
- Separating resettlement in a clear and functional way from asylum system(s) and immigration decision-making (presuming Member States would designate the immigration admission function to this clearing system – otherwise it would be a step in the process between referral and actual immigration adjudication).

Functioning

- An independent body, with a full dedicated staff or a dedicated staff and some secondment from Member States' immigration and asylum decision-making staff and potentially from NGOs
- Could provide staff for secondment to UNHCR field offices to both support UNHCR in a resource sense and to allow ECSR staff to gain familiarity with the refugee situation and with the process of form completion, etc. at the other end of the process

Advantages in the establishment of an ECSR

- The resource difficulties of UNHCR could be supported in such a way that UNHCR has a clear and separate function in the resettlement process for EU states in terms of referring, but not selecting cases. As such, UNHCR would apply general understandings of the definition both of a refugee (under its Mandate) and of a resettlement candidate (ie someone with an on-going protection need for whom no other durable solution seems present), while the ECSR would select with specific EU legislation and policy in mind.
- As a collaborative venture at the EU level the ECSR could provide for greater understanding across Member States on practical issues related to refugee determination and immigration.

Disadvantages of the establishment of an ECSR

- Could add an additional layer between national immigration authorities and referral agencies if full trust were not placed in the ECSR.
- If staff were to be seconded from national immigration services they may focus their attention on their own national resettlement and immigration requirements and policies and not function in the broadest possible EU-appropriate sense. (On the other hand the Clearing System could precisely be formulated to have seconded staff act in this way, while sharing thinking and understanding, thus bringing approximation in the implementation of EU standards at national level.)

Model 5: Common Pre-arrival Programme

Stages in the Resettlement process	Model 5	Comments
Goals and policy creation	EU	A Commission proposal for an instrument could establish goals for resettlement
Levels setting (targets)	EU	Member States would collectively determine the EU target through a Council decision, and then enter a bidding process as outlined above. Any alternative procedure of setting the target would involve an EU level target.
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	EU EU EU EU	<p>The most complex area:</p> <ul style="list-style-type: none"> • UNHCR as referral agency/decision-making body or for case preparation? • NGOs to do case preparation/take part in actual selection missions/ refer (under UNHCR guidance)? • Dossier selection for emergency cases only – or more generally? • Selection missions for the EU collectively, or per Member State? • Immigration officers based in the regions or only to go out on missions? • Is a Commission service necessary for implementation of selection procedures?
Post selection – pre-departure	EU	On the basis of a decision at the EU level (for a directive or guidelines), orientation programmes would be carried out, providing similar forms of information about the Member State to which an individual would be resettled. EU agreement on the mode of transportation and any associated funding would also be established.
Arrival	MS	Member States would be free to organize their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out.
First weeks (NB relation to reception directive?)	MS	Member States would develop their own policy on the reception of resettling refugees. This might mean a different form of reception from that for asylum seekers at any step in their determination procedure from that foreseen in the Reception Directive.
Move-on	MS	Member States would develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.
Integration (NB relation to various directives on long-term residents etc?)	MS	Member States would develop their own resettled-refugee specific programmes for integration.

Feasibility of Resettlement in the European Union

As noted above, selection is probably the most complex element of a resettlement programme. When considering the methods for resettlement, the two primary models currently used need to be considered.

1. Dossier selection
2. Interview (including possible selection missions)

In addition, the roles of different agencies – inter-governmental, non-governmental and governmental – in the selection process need to be considered.

Selection on dossier basis only is rare: apart from the Netherlands and Sweden, most states use dossier selection, without a mission and interview, only for emergency cases.

Dossier selection for regular (ie non-emergency) cases has been observed as bringing significant problems in general. The paperwork submitted by UNHCR may be, in the eyes of an immigration official who has never, or rarely, been out to the field, insufficient as a basis for a positive decision to admit and recognise the individual or family as a refugee according to national legislation. Sometimes the referral form is simply not well completed (eg the full description of the flight motive is not given, because the HCR staff member in the field sees the general circumstances as well known and so just summarizes, rather than individualising the story fully). Often, an interview by an immigration officer could, in just a few minutes, bring to light the necessary information to make an accurate decision: the fact that UNHCR staff interviewed the person does not seem sufficient as a basis for decision-making to many working in this area. Therefore, selection missions by asylum and immigration decision-making staff are more regularly used, including by those countries with very large resettlement programmes.

In either case, authorities in the EU resettlement countries currently receive a dossier, via Geneva, from UNHCR.¹⁹⁰ For selection interviews teams either leave from Europe or, in the case of the UK, a team is located in West Africa, from where the new UK resettlement programme is conducted. These models are summarized in the table on the next page.

Another issue to be considered in processing resettlement claims is whether the full procedure needs to be carried out prior to arrival in the destination state, or whether the final steps could be taken after arrival. The one point that is very clear is that a person who is resettled cannot be denied refugee status or permanent residence after arrival, unless it becomes apparent that the exclusion clauses (Article 1F) apply.¹⁹¹ In principle all but emergency cases should be fully processed prior to arrival. In emergency cases refugees might be resettled, but the final stages of the selection procedure might take

¹⁹⁰ As noted in the country reports, the US and Canada receive referrals in the field or from hubs. Australia mainly has direct applications at its embassies, and Canada has some such direct applications also. The US P-2 and P-3 categories do not involve UNHCR referrals.

¹⁹¹ Exceptionally, and depending on the length of time between selection procedures and arrival in the resettlement country, the Cessation clauses (1C) might also be applicable. In that case, the process of waiting for resettlement and its impact on the individual's situation should be taken into account in assessing whether any general cessation might apply to the particular individual.

place only after arrival. (To this extent some mirror might be found in the mass exodus application of the temporary protection directive, which might result in evacuation and final procedures post-arrival).

The recommendation would be to generally have selection interviews, either with staff posted in the regions or with teams leaving from the Member States, and to use dossiers only for urgent or emergency cases. Ideally, Member States would achieve a point of integration at which they would trust one another to carry out admissions procedures. On refugee determination it would be most efficient to allow UNHCR to determine refugee status. However, many Member States do not accept that determination, hence the need to agree on the definition and to control at least a proportion of cases periodically, including on issues such as various forms of fraud. The security of staff undertaking selection interviews is always an issue. One advantage of carrying out selection collectively would be that staff from a Member State which may have difficulty going to a particular country of first asylum would not need to go, but those from another Member State without security concerns could be responsible for selection in that country.

EU Member States could also consider the establishment of an advance case preparation system whereby actors other than UNHCR (the referral entity) or the Member State authorities ensure that all of the paperwork is in order prior to submission. If a Clearing System were to be established, it would mean that a case would follow the path sketched out below:

UNHCR referral (ie HCR recognizes refugee status and observes a resettlement need)



Case prepared by a contracted preparation agency (eg an NGO or IOM)



Dossier transferred to European Clearing System for Resettlement, which decides which Member State should consider the case.



Selection process conducted by Member State authorities, with interview through selection mission or by staff located in the field.

Goals/Policy creation Same as Model 2, 3 and 4

Levels setting/targets Same as Model 3 and 4

Selection goals and criteria Same as Model 4

Selection methods and procedures As described above.

Under this model, all elements of the programme beyond the moment of selection would be both planned and implemented by Member States individually, and without Union

Feasibility of Resettlement in the European Union

level guidance other than where there would be any explicit overlap with Directives related to asylum seekers who become refugees (ie primarily on integration issues).

Modes of selection of resettling refugees

Selection method	Roles of different agencies	Comments
Dossier only	HCR sends referral through Geneva to Member State (or a European Commission 'clearing' system if such might be deemed appropriate)	Very resource intensive for UNHCR: dossiers must be very thorough and complete Could be used only for emergencies Potentially discriminatory when compared to the asylum system if an interview is held for asylum seekers but no interview with national staff is involved for resettling refugees.
Selection missions	HCR or NGOs (either through UNHCR or independently) send referrals and case preparation materials to Member States (or through a European Resettlement Clearing System) to Member States. Immigration officers/asylum staff undertake periodic missions to the location of large groups of refugees who are candidates for resettlement	To be efficient, this model requires significantly sized groups and/or frequent selection missions.
Immigration decision making staff in place in the field	HCR and/or NGOs make the referrals, with prepared cases – either through Geneva or locally (eg on a regional basis) and permanent field-based staff conduct interviews for selection purposes	This method would require either an expansion in consular staff for each Member State (or those operating a resettlement programme) or a collective decision to act together on the resettlement selection issue (see also ERCS suggestion below which could serve in an expanded form in this area also). This latter could involve more extensive field level cooperation between Member States, as is the case for Airline Liaison Officers, or something similar to the suggestion made in the Feasibility Study on Processing Asylum Claims outside the EU for 'regional nodes'.

Advantages to Model 5: Common Pre-arrival Programme

- The pre-departure elements of resettlement programmes are among the most resource intensive, so coordinated action on those elements could be efficient and useful for all states concerned. This model could offer economies of scale if elements of implementation were carried out collectively.
- As post-selection aspects of resettlement are potentially very specific to the particular place to which a person is transferred, bringing in more Member State specific policy-making at this stage would allow the individual refugee to get to know their destination country and allows states to provide cultural orientation in a variety of ways (ie both through direct and explicit class settings, and in a more implicit manner through the way in which arrival and welcoming are organized).
- As the treatment of refugees after arrival might be seen as a traditional element of national immigration policies, this model might be more agreeable to some Member States: dealing with selection through a coordinated EU mechanism might seem less problematic, especially for those Member States for which resettlement is a new policy area. It would also allow the locally specific aspects of longer-term integration approaches to be brought to the fore.

Disadvantages to Model 5: Common Pre-arrival Programme

- If integration policies for accepted asylum seekers and for immigrants become harmonized at the EU level, having distinct policies for resettled refugees would be unworkable.
- As the issues which face resettled refugees on arrival will in principle be the same across the EU Member States (a refugee arriving in Finland and a refugee arriving in Portugal on the same day may have come from the same refugee camp, been through the same experiences to that point, and now be facing different surroundings, but similar initial issues) it might be more logical for Member States and beneficial to refugees to combine experiences and thinking in a common policy approach.

Potential responses and foreseeable difficulties

This model may be difficult to agree to in the short-term, as it would be a major step for all Member States in terms of European integration, but also for many in terms of considering resettlement. However, the pre-arrival elements of resettlement are, as a block, those on which the subsidiarity principle may indicate that ultimately a common EU approach is most appropriate, as this would mean a common process of admitting people who are selected as resettling refugees.

Model 6 Totally Common Programme

Stages in the Resettlement process	Model 6	Comments
Goals and policy creation	EU	A Commission proposal for an instrument could establish goals for resettlement
Levels setting (targets)	EU	Member States would collectively determine the EU target through a Council decision, and then enter a bidding process as outlined above. Any alternative procedure of setting the target would involve an EU level target.
<ul style="list-style-type: none"> • Selection Goals (NB What role for UNHCR and/or NGOs) • Criteria (NB relation to Qualification Directive?) • Methods • Procedures (NB relation to Procedures directive?) 	<p>EU</p> <p>EU</p> <p>EU</p> <p>EU</p>	<p>The most complex area:</p> <ul style="list-style-type: none"> • UNHCR as referral agency/decision-making body or for case preparation? • NGOs to do case preparation/take part in actual selection missions/refer (under UNHCR guidance)? • Dossier selection for emergency cases only – or more generally? • Selection missions for the EU collectively, or per Member State? • Immigration officers based in the regions or only to go out on missions? • Is a Commission service necessary for implementation of selection procedures?
Post selection – pre-departure	EU	On the basis of a decision at the EU level (for a directive or guidelines), orientation programmes would be carried out, providing similar forms of information about the Member State to which an individual would be resettled. EU agreement on the mode of transportation and any associated funding would also be established.
Arrival	EU	Commission proposals leading to common practice – to be implemented by Member States
First weeks (NB relation to reception directive?)	EU	Commission proposals leading to common practice – to be implemented by Member States
Move-on	EU	Commission proposals leading to common practice – to be implemented by Member States
Integration (NB relation to various directives on long-term residents etc?)	EU	Commission proposals leading to common practice – to be implemented by Member States

Under this final model, all elements of the resettlement process would be carried out under the auspices of the European Union as a collectively acting group of states. As such, the pre-arrival issues would be decided upon in the same way as described in Model 5, where all pre-arrival elements were a matter of common approach. The further elements would be dealt with as follows:

Arrival

Transportation of resettling refugees for all countries is currently arranged by IOM and there would be no apparent reason to conduct that process otherwise. Pertinent other issues relate to:

- Pre-departure orientation
- Entry procedures to the Member State and/or the Union at large
- Meet and greet arrangements

Under this model, the basic guidelines as to how these facets of the resettling refugee's journey are carried out would be established at EU level, although logistically it would make sense for implementation of entry procedures and the airport and for 'meet and greet' measures to be carried out at Member State level – the latter probably with NGO involvement.

Orientation might be coordinated by the European Commission, however, as some elements may be the same across Member States (though due attention would need to be paid to the language used for orientation classes).

First weeks

Under this model, at least minimum standards would be set at the EU level and based on a Commission proposal for an instrument on initial reception facilities and the process of access to all rights and entitlements. Reception facilities for the first few weeks of stay work well in many countries: Canada has especially good examples of this, with facilities run by NGOs.¹⁹²

Move-on

As part of a comprehensive resettlement programme it makes sense to include provisions for the phase between arrival and initial reception and longer-term integration and settlement. Various states with resettlement programmes, and the experiences of the EU Member States with emergency programmes such as the Humanitarian Evacuation Programme, indicate different timeframes as useful or appropriate for this 'move on' phase. In Canada it takes place after a maximum of three weeks in the reception facilities for Government Assisted Refugees. The British Refugee Council suggests from UK experience that three months is more appropriate. Sweden has no move on process currently; people enter directly into their own accommodation. A shorter move on period is generally more useful to refugees – in that light the Canadian model is most appropriate. After the trauma or upheaval of the whole period prior to resettlement, being

¹⁹² A centre run by the Catholic Immigration Centre in Ottawa is one example; one in Vancouver run by the Immigrant Services Society is another.

Feasibility of Resettlement in the European Union

initially received in a welcoming reception centre, or with family members, is beneficial to most refugees resettled under existing broad resettlement schemes.

Under this model the Commission would propose the relevant time period and basic *modus operandi* for moving from an arrival and dependent phase into a longer-term phase.

Integration

Resettled refugees need an adjusted programme for integration compared to that for asylum seekers determined to be refugees after in-country processing. This is primarily because they arrive with status: they do not go through a lengthy period during which the state does not know whether to accept them and the individual does not know whether or not he or she can stay – but nonetheless may start developing a new life in terms of work and social connections. Resettling refugees should benefit from the clarity with which they arrived.

Under this model the Commission would make proposals, linked to other integration-focused proposals and recognizing the difference in circumstances (and similarities) for resettled refugees.

Advantages to Model 6: Totally Common Programme

- A major advantage to this model, if agreement could be reached, is clearly that coordination of all the issues related to resettlement would lie at the EU level, making this relatively new approach (for Europe) to large-scale refugee movement truly part of an EU system.
- Further, under the developing Common Asylum System, the linkage to existing and emerging directives on asylum, where appropriate, could be made in a clear and coherent fashion.
- This model would give the clearest iteration of the idea of burden- or responsibility-sharing across the Member States as all aspects would be coordinated and agreed upon.
- A practical advantage of this model would be to avoid ‘resettlement shopping’. If all Member States, or many of them, developed resettlement programmes which were significantly different in their approach and implementation, and perhaps focused on the same regions of origin or first asylum, there could at some level be a kind of ‘shopping agenda’ of the type which Member States seek to avoid in their asylum policies.
- Model 6 might allow the Commission to construct resettlement programmes within the full EU context, meaning foreign policy issues and the DGs and Council representatives dealing with these issues can be fully involved, as they most appropriately should be. Resettlement choices in terms of location of selection procedures, and the countries of first asylum and origin on which the focus comes, have foreign policy implications, whether or not foreign policy concerns motivate decisions which are made.

- There is an economy of scale in acting together on most elements of resettlement programmes.

Disadvantages to Model 6: Totally Common Programme

- The most obvious disadvantage to this proposal is that Member States may not agree to such an over-arching EU level role.
- Member States with relatively few asylum seekers might be less inclined towards the opening of resettlement programmes, simply because their societies are not familiar with refugee protection, posing problems for reaching full, EU-wide agreement.
- This model may be deleterious to local integration approaches, which are often most beneficial to refugees and immigrants. However, the impact of this disadvantage would depend on the extent to which integration policies more broadly are left open to Member State interpretation and implementation. The fact that specific integration issues pertain only to resettling refugees, making their path to inclusion in society different from that of either asylum seekers or economic migrants, is something which should be pointed out and insisted upon from the pan-EU coordinating level.

Potential responses and any foreseeable difficulties

One set of Member States that might resist this approach are states that already have resettlement programmes. As ever, it may be more difficult to get states to agree to change what they have, rather than to get them to create something new. In particular, Sweden and Finland have developed resettlement programmes that have long histories and are imbued with specific cultural characteristics. They might see their programmes as models that the EU at large could mimic, or at least on which the EU should build. Their response is therefore potentially as difficult to manage for negotiators seeking an EU-wide resettlement programme as that of Member States which do not currently have resettlement schemes.

4. Financing Resettlement

The issue of financial resources for resettlement in the European Union beyond the currently existing Member State programmes can be expected to be an important one. Resettlement can be a resource intensive policy approach, dependent on the methods chosen and the size of the programme implemented. It is impossible, as has been explained in Part 1 Section 5 above, to pinpoint the precise cost of resettlement. However, it is likely that financial resources could be one barrier to the full development of this policy area, even if resettlement might look advantageous to many from a variety of perspectives. The Commission has already noted this fact in its Communication **Towards more accessible, equitable and managed asylum systems**¹⁹³ and offered one suggested solution:¹⁹⁴

As one of the stumbling blocks to any new policy initiative lies in budgetary support for its implementation, the financial underpinning of such a new policy is vital. It may be worthwhile considering in this respect the inclusion of **a specific strand in the new financial instrument, in succession to the European Refugee Fund** (which will end in 2004), reinforcing the collective and co-operative notion underlying an EU resettlement scheme. The goals of such a strand would be to provide an EU level budgetary mechanism to support the resettlement programme, to allow for burden-sharing, but not shifting, among EU Member States, and to ensure reasonable financial support to resettling refugees during their first year in an EU Member State without making additional cost claims on national welfare systems.

The current European Refugee Fund (ERF) is scheduled to operate until 31 December 2004. It covers programmes in the areas of reception, integration and return for a fixed and annually decreasing amount for each Member State. The word resettlement does enter the text of the current fund's basis, in Article 4, para. 4, in terms of relocation for return, and an individual's resettlement in the country from which they came. Some resettlement measures could be included under 'reception' – if the language were to be changed from the focus on asylum – and under integration. Nonetheless, the European Commission's call for proposals for Community measures under the ERF issued in 2003 does include reception of resettled refugees as the second of five priorities. Presumably a new strand in the ERF for its new version from January 2005 might include measures in the areas of selection and actual movement to the EU, if such a strand is introduced in accordance with the Commission's proposal mentioned above. Measures for the integration of resettled refugees, as long-term residents or immigrants (albeit of a special nature) might also be included in the INTI pilot projects announced in July 2003.

The funding programmes for resettlement from some Member States lead to an additional suggestion for a specific European Refugee Resettlement Fund, explained in a box below.

¹⁹³ Communication From The Commission To The Council And The European Parliament *Towards more accessible, equitable and managed asylum systems*, 3.6.2003 COM (2003) 315 final.

¹⁹⁴ *Ibid.*, para. 6.1.2.2 p.15.

This suggestion builds in part on a detail of the Swedish programme, which assigns a per capita (adult and child distinguished) amount in the Parliament approved budget, which as explained in the country report, might be re-assigned to other protection related projects. It also builds in part on details of the UK and Canadian programmes, which both see centralised funding (Home Office in the UK, with financial transfers to other government departments where services are ‘bought’; and federal in Canada, where that is the means of keeping Government Assisted Refugees outside the regular Provincial welfare programmes) for the first year of a resettled refugee’s presence in the country. The idea is for a European Refugee Resettlement Fund, in which all Member States would make contributions that could be re-distributed to other Member States according to the number of refugees actually resettled. This suggestion has links to the target setting described above.

Idea: A European Refugee Resettlement Fund (ERRF)

A potential obstacle to any new policy initiative lies in budgetary support to its implementation. The existing budget lines within the European Union might not be expanded, or not widely enough, to fund a new resettlement programme. In that case, it would seem appropriate to consider additional budgetary mechanisms that would reinforce the collective and cooperative notion underlying an EU resettlement programme (so fitting with Models 3, 4, 5 and 6 as set out in this report).

Goals

- To provide an EU level budgetary mechanism to support the resettlement programme;
- To allow for burden-sharing, but not shifting, among EU Member States;
- To ensure reasonable financial support to resettling refugees during their first year in an EU Member State without making additional cost claims on national welfare systems.

Functioning

- In deciding on the total EU number of refugees to be resettled, Member States would each contribute a payment for a certain number of refugees. That contribution would form a commitment in terms of the number of resettling refugees the Member State would admit, although in practice, as explained below, states could take more or fewer refugees, so long as the total number of resettlement arrivals in the EU met at least the target planned for, and financed.
- The payment per refugee would be worked out as an equal amount across all EU Member States, being at least an average of the costs incurred for selection, transportation, initial reception and living expenses for up to one year. The per capita key established might be closer to the most expensive Member State (in terms of welfare commitments, reception facilities, etc.) than to the average.
- Although a Member State has put in the financial contribution for eg 500 refugees, it might actually resettle 700 – or 300. In any case, its commitment to finance places for 500 refugees would include a guarantee that if the total EU quota/target were not met in that year it would take at least 500 out of the total. In a scenario in which no state chose to take more refugees than it had paid for (eg because of cultural affinities with groups resettled in a given year or because the actual costs per refugee were lower than the average, and so excess funding would be received) then each state would take the number of refugees for which it had made a contribution in advance.
- If a Member State in which the actual costs per refugee are lower than the key per capita Euro input takes many more refugees than its contribution indicates (eg it pays for 100 but accepts to admit 500 refugees) then the excess Euro income from the fund must be re-channeled into refugee protection or humanitarian activities, eg the asylum system, contribution to UNHCR, assistance to refugees in regions of origin, etc.
- The ERRF could be administered either by the European Commission or by the (semi-) independent European Clearing System for Resettlement, suggested above.

Advantages to the Establishment of a European Refugee Resettlement Fund

- Solidarity and a commitment to the resettlement process would be demonstrated by all participating Member States;
- Resettlement would be centrally funded in such a way that it is kept distinct both from the regular EU budget and from national welfare states;
- The paid up commitment to resettle a total number of refugees across the EU would allow for clear contingency planning by all actors involved.
- Additional funds accumulated in Member States which receive more per capita than they spend (without undercutting any standards agreed on reception and support) will permit them to carry out capacity building of NGOs and their asylum system, and other appropriate beneficial activities.

Disadvantages to the Establishment of a European Refugee Resettlement Fund

- The system could be abused to result in effective burden-shifting and therefore collapse;
- By likely being outside the regular EU budgetary channels, by reason of its special contributory nature, the system may face legal barriers even if political will was present;
- States may offer financial support for relatively few refugees, especially if they have had relatively high asylum seeker numbers in a previous year. (Multi-year quotas may be one way to avoid this).

It may prove, in the light of past discussions on burden-sharing issues, that Member States seek to decide a proportional key to resettlement places within the whole EU target (eg based on population, GDP or population density), however those past discussions have never resulted in agreement. The suggestion of a European Refugee Resettlement Fund is in part made in the spirit of trying to break through that deadlock with an innovative approach based on financial mechanisms.

In any case, an EU-wide target, with a bidding process to sub-divide that target between the Member States is recommended.

A further tool that blends financial concerns with integration initiatives is the system of Private Sponsorship, which currently only Canada operates. This system is summarized in the box below, and referred to also in the country report on Canada above.

Private Sponsorship Programmes

Canada's refugee resettlement programme is split into a number of streams. Alongside the Government Assisted Refugee programme there is a private sponsorship programme. This involves the sponsorship of refugees by private organizations or groups of five individuals. A sponsorship programme cannot be a substitute for state assistance to resettled refugees. But, as an additional programme, sponsorship in fact allows a government to respond both to 'free' refugees – those without a pre-existing tie to the destination country - and to family members and others who might be pre-identified as candidates for resettlement by people already in the destination country.

In the Canadian system, organizations such as churches, or a student sponsoring body, the World University Service – Canada (WUS-C), make agreements (a memorandum of understanding) with the government at a national (federal), provincial or local level. These agreements permit the organizations to bring a certain number of resettling refugees into Canada each year. In ninety-eight percent of cases currently, the private sponsor identifies the refugee in advance. The refugee might be the family member of someone already in Canada, and be sponsored by their local church group through the national church body. Or the refugee might be a student, who WUS-C selects in a refugee camp in Kenya or Thailand, for example. The government would prefer for more of the privately sponsored refugees to be identified and assigned to sponsors by the government authorities, but this has not happened yet.

Private sponsors agree to hold responsibility for the refugee's well-being for one year after arrival: in the Canadian system where government assisted refugees are financially supported from a special Federal Government budget for their first year in the country, this year long assistance programme means that all refugees are treated equally, however they were selected. After the year, any refugees in need of welfare assistance move onto the provincial welfare budget.

Private sponsorship in Canada emerged out of a desire expressed by community-based groups to actively sponsor refugees rather than out of a government-initiated programme. It was developed at the time of the Vietnamese boat people crisis, when community groups found the number of places offered by the government to resettle refugees was far too small. The solution, put simply, was that if the Canadian public wanted more refugees, they would need to pay for them. The Private Sponsorship Programme is a little more than fifty percent of the size of the Government Assisted Programme in 2002.

The US government tried to develop a private sponsorship scheme in the 1980s, but failed. The same organizations which provide services to refugees in the absence of a strongly developed, government run, welfare state system in the US would have been the sponsors, and the motives may not have been as strong as those in Canada, given the different relationship between government and non-governmental actors. Finland investigated the possible use of private sponsorship in the late 1990s but found that it would jeopardize the legal obligation of municipalities to provide welfare funding to all residents.

However, Private Sponsorship is thought of by many as a model of good practice. It promotes community involvement in the refugee programme; provides resettled refugees with a strong support structure and; permits Canada to resettle – to offer a durable solution – to many thousands more refugees than might otherwise be the case. It also keeps a form of family reunification out of the family class setting, which requires a certain income level for the refugee or immigrant already in Canada, and keeps family connections out of the main resettlement programme, which is therefore available as a resource for UNHCR and the refugee regime as an offer of protection for a great number of refugees in need.

A major question related to Private Sponsorship in the European context is, as raised by Finland and noted above, that of whether or not a system which sees private individuals or groups take on responsibility for what are usually welfare state benefits or commitments (eg healthcare and income support) is legally possible with the existing welfare structures in European Union Member States. If it would be possible, this could be one way to develop more involvement, from community groups, Churches, and potentially even businesses, in refugee integration in particular. An adapted Private Sponsorship model might see a 'Buddy system' of friendship and support networks for resettled refugees supplemented by financial support in some areas, but not for those that EU Member States deal with exclusively as welfare state issues, such as education. In that way, for example, a private sponsor could support any medical treatment that would go beyond public health service provisions, or be needed more rapidly than waiting lists permit.

It must be recognized, however, that not only is the welfare state system different in EU Member States from that in Canada, but also the nature of institutions such as Churches, NGOs and charities is quite different. This approach seems to have worked in Canada in part because it was inspired by the private sector, and not a programme instigated by government. As such, private bodies in the EU would perhaps be the ones which would need to look into the system further in order to be the ones which might make proposals to government and the European Commission on this issue.

Conclusions

This report set out to assess the feasibility of setting up resettlement schemes in the EU Member States or at the EU level against the background of the Common European Asylum System and the goal of a Common Asylum Procedure. In doing so a review of existing resettlement programmes was conducted and models for future such resettlement schemes in EU Member States or at EU level were suggested. The framework set out for the assessment of both existing programmes and future models addressed consecutive elements of a resettlement programme.

The conclusions of this study are that:

- There could be political will to establish an EU-wide resettlement programme.
- The principle of subsidiarity indicates that the goals of such a programme should be determined at EU level, and, as a common programme, its overall size should likewise be determined at EU level.
- The flexibility which characterizes existing resettlement programmes worldwide, including those in EU Member States, might suggest that guidelines could be as (if not more) appropriate as a directive, unless the decision is taken that a directive cements relations between Member States in a way which is beneficial to them.
- Other elements of a resettlement programme could be determined at Member State or sub-national levels, at least in the first instance, although the pursuit of solidarity between Member States, which is compatible with the broad goals of any resettlement programme, might indicate that closer cooperation is needed at an early stage, eg on level and target setting.
- Selection goals could, in the first instance, be determined at Member State level. However, to ensure complementarity in the programme as an EU-wide programme, and to avoid unnecessary 'competition' over time, this element could also become subject to an EU level decision.
- A resettlement programme is **not** part of an asylum system, although both are part of an international protection system. As such, a resettlement programme may be impacted and shaped by decisions made with regard to asylum, although it does not need to mirror those decisions. In fact, to be most effective the asylum system and resettlement programme should be quite distinct.
- As progress is made towards a Common Asylum System, and more particularly, a Common Asylum Procedure, it may become necessary to consider the need for common selection methods and procedures in the resettlement programme as well. Criteria could remain divergent but complementary between Member States, and would need to complement, but not mirror, the asylum system and procedures.
- Those issues pertaining to integration can best be implemented at a local level, though in line with other immigrant integration measures, some broad principles might be established at EU level.
- Careful consideration and investigation needs to be made into the relationship between some possible approaches to resettlement and the European welfare

Feasibility of Resettlement in the European Union

states including on the issues of encouraging refugees towards self sufficiency and on private sponsorship mechanisms.

It is recommended that the European Union set a **target** admission figure for resettlement, with upper and lower figures. In this way, Member States might offer quotas which would collectively make up that target figure, or, where Member States prefer, they could offer *ad hoc* resettlement in the first instance, or establish their own target within the overall target. Multi-year targets at EU level might allow for both single year and multi-year planning at national level, particularly where budget rules do not allow for multi-year financing. Those Member States which do not have multi-year targets should seek roll-over facilities so that places not filled in one year can be carried forward to the next.

'Twinning arrangements' between EU Member States would allow for the sharing of lessons learned from many years of experience, and would force traditional resettlement countries to understand the difficulties which some Member States might face in establishing new programmes. Such an approach might be especially effective in the post-enlargement Union where one Member State with resettlement experience could partner with a new Member State and a long-standing EU Member without significant recent resettlement experience.

The divergent selection criteria for an EU-wide programme referred to above should reflect divergence between Member States in terms of:

- The desirability and knowledge of the language of the resettlement country;
- Existing family connections to the resettlement country;
- Historic links between the country of origin or country of first asylum and the resettlement country within the EU;
- The level of community support for particular refugee groups based on eg religious ties.

The roles of UNHCR and NGOs, as well as Member State immigration and refugee status adjudication staff, need to be carefully considered, and evaluations of potential implementing partners carried out in the light of policy decisions or preferences on the part of the Member States. The review of resettlement programmes in Part 1 of this report demonstrates that interviews by state authorities of resettling refugees is the preferred method in all but emergency cases, as this method allows for:

- Comparability to other refugee status determination procedures including asylum in which the applicant is interviewed;
- Familiarity of immigration and refugee protection officers with the circumstances of refugee-producing situations and initial refugee settlements, whether in camps or in urban settings;
- Full and fair assessment by national authorities of resettlement needs beyond the information contained in dossiers (more people may be selected than were originally intended as their cases come to light once in the field);
- Familiarity for the referral agencies (UNHCR and/or NGOs) in the field with the criteria, requirements, methods and procedures of resettlement countries.

A larger coordinated programme may find that Member State officials, potentially in coordinated missions or joint operations, located in the field are cost effective, although missions may prove to be a preferred method.

UNHCR's role in any future resettlement programme needs to be carefully considered. It is clear that the agency currently does not have the resources to fully engage in the implementation of a very large new European Union resettlement programme. The authors of this report have also clearly stated their concerns, in Part 1 Section 1, about the fact that some of the agency's personnel might not be fully committed to resettlement, to the extent necessary for full engagement in the implementation of an EU resettlement programme. There is no doubt, however, that a very strong UNHCR role is necessary in the creation of the basis of any resettlement scheme and in its firm anchoring in, and consistency with, the international refugee protection system. The size of any EU resettlement programme will therefore dictate the extent of engagement in implementation for UNHCR in that programme. A smaller programme could involve UNHCR referrals only; a larger programme may need NGO involvement as additional, coordinated, referral agencies. However, NGOs may not have the desire to fulfil that role as it may be seen as conflicting with their other roles in refugee situations. An alternative would be to seek group referrals from UNHCR, rather than individual referrals with fully completed documentation. In that case, a role for NGOs in case preparation may prove an efficient way of managing the selection system: although reservations must be raised about the capacity of European NGOs to engage in what would be a new area for them. In any case, it is important to stress the need for UNHCR's political involvement in the establishment of a resettlement programme, and for consultation with the agency in line with Declaration 17 to the Treaty of Amsterdam.

The establishment of a European Clearing System for Resettlement would facilitate the distribution of resettlement cases to the appropriate Member State for a status decision to be made. Such a system would have the added advantage of giving EU 'ownership' to this important part of its resettlement programme.

Consideration needs to be given to the financing of a resettlement programme. In this report a European Refugee Resettlement Fund is suggested. This could be an independent fund as has been sketched, or could mean the establishment of a distinct budget line within the European Refugee Fund, as the European Commission has already proposed. Vital to this consideration is that the funding provided resolves any difficulties faced by municipalities with regard to the integration of resettled refugees. Ideally, such a fund would provide for the resettled refugees at levels equal to the existing welfare systems for at least their first year in the country.

The issue of secondary movement of resettled refugees between EU Member States will also need due attention in line with the measures on secondary movement for other immigrants and refugees.

Feasibility of Resettlement in the European Union

An additional financial aspect to resettlement is the issue of loans. A transportation loan as operated in the US and Canada may not prove feasible (particularly given one of the motives stressed by EU Member State governments in recent discussions about the expansion of resettlement, namely that it would deter smuggling [in which the asylum seeker re-pays the smuggler for their transportation: the symbolism of instead repaying the government of an EU Member State seems to us to be politically difficult]). None of the EU Member States with existing resettlement programmes have a transportation loan. In addition, such loans sometimes appear discriminatory because there is an obvious price difference dependent on the distance travelled. However, an (interest free) **establishment** loan, reflecting the current policy in Sweden, and the possibilities offered by some of the EU welfare states to all residents, may be appropriate. In particular, such a loan could assist in informing the broader European population that these refugees are not 'scroungers' but are working hard to pay their own way.

Finally, as a very broad and thoughtful approach should be taken in establishing a new resettlement scheme in the EU, attention needs to be paid to:

- How resettlement could impact the asylum systems of countries of first asylum. (Would it allow them to offer more asylum, knowing that there will be some sharing of their burden over time, or will the 'magnet effect' leave them unable to cope and in need of capacity building support? This could be different in different locations, and needs assessment in each country case).
- How might the development of EU resettlement at higher levels and with greater commitment than is the case for Member States with developed programmes impact other resettlement countries? (Will greater 'competition' result, potentially leading to *less*, rather than more, protection? Will some states close their programmes as a result? Discussion with other resettlement countries, most particularly with Norway, would seem vital to ensuring that any new EU resettlement programme contributes positively to global approaches to refugee protection).

An EU resettlement programme, or more EU Member State involvement in resettlement, could clearly contribute to the resolution of many thousands of refugees' long-term protection needs. Such programmes could also support countries of first asylum and demonstrate European solidarity with other resettlement countries. Steps towards a common EU resettlement programme would support European integration on refugee protection and immigration issues more broadly. Finally, EU developments in the resettlement field, whether at Union or Member State level could serve to draw attention and the 'burden' away from the European asylum system, including spontaneous arrival, as the sole entry means for people seeking protection. Resettlement, if managed well, could serve to re-habilitate the image of 'refugees' in European society.

Bibliography

- Access Economics, **Impact of Migrants on the Commonwealth Budget, 2000-01 Update**, (Canberra: Department of Immigration and Multicultural Affairs) January 2001.
- Birman, Dina and Edison Trickett, **Psychological and Work-Related Adaptation of Soviet Jewish Refugees in Maryland** (Maryland Office for New Americans, Maryland State Department of Human Services) 6 December 2002
<http://www.dhr.sailorsite.net/mona/pdf/project2.pdf>
- Canada, **Resettlement and Convention Plus Initiatives: How can resettlement be used in the context of possible *Convention Plus* agreements and what elements related to resettlement might be considered for inclusion in possible *Convention Plus* agreements?** FORUM/2003/02, Discussion paper for the High Commissioner's Forum, 18 June 2003.
- Canada Employment and Immigration Commission, **Longitudinal Survey of Indochinese Refugees of Labour Force Participation Rate and Unemployment Rate by Sponsorship Mode and Selected Characteristics** (Ottawa: Immigration and Demographic Analysis Division) 1981.
- Canadian Council for Refugees, *Working Paper on the Strategic Use of Resettlement* June 2003
- Centre for Refugee Studies, York University and Joint Centre of Excellence for Research on Immigration and Settlement, **A Report on the Experience of Sponsors of Kosovar Refugees in Ontario** April 2001.
http://www.settlement.org/download/Kosovar_Report.pdf
- Chester, Bronwyn Lance, **How Refugees Join the American Mainstream: A Look at Resettlement in Two Communities**, (Lexington Institute) September 2001.
<http://www.lexingtoninstitute.org/immigration/refugees.htm>
- Citizenship and Immigration Canada, Research Unit, **The Changing Labour Market Prospects of Refugees in Canada**, (Ottawa) March 1998.
- COA, *COA-Informatiemap, Uitgenodigde Vluchtelingen* (COA – Information folder, Invited Refugees) January 2002
- Commission of the European Communities, **Communication from the Commission to the Council and the European Parliament: Towards more accessible, equitable and managed asylum systems**, COM(2003) 315 final, (Brussels) 3 June 2003.
- Commission of the European Communities, **Communication from the Commission to the Council and the European Parliament: On the common asylum policy and**

Feasibility of Resettlement in the European Union

the Agenda for protection (Second Commission report on the implementation of Communication COM(2000) 755 final of 22 November 2000). COM(2003)152 final, (Brussels) 26 March 2003.

Commission of the European Communities, **Terms of Reference for the Study on the feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the common European asylum system and the goal of a common asylum procedure** Contract No: DG.JAI-A2/2002/001 (Brussels) July 2002.

Commission of the European Communities, **Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status** COM(2002) 326 final 2000/0238 (CNS) (Brussels) 18 June 2002.

Commission of the European Communities, "Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection" COM/2001/0510 final CNS 2001/0207 **Official Journal of the European Communities** C 051 E, 26/02/2002 pp.0325 - 0334

Commission of the European Communities. **Communication from the Commission to the Council and the European Parliament: Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum.** COM (2000) 755 final. Brussels: 22 November 2000.

Convention Relating to the Status of Refugees, 189 *UNTS* 150 (1951).

Council of the European Union, "Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national", **Official Journal of the European Communities** L 50 pp 1-10.

Council of the European Union. "Council Directive laying down minimum standards for the reception of asylum seekers." 2003/9/EC, 27 January 2003. **Official Journal of the European Communities** L 31, 6 February 2003, pp. 18-25.

Council of the European Union. "Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof." 2001/55/EC, 20 July 2001. **Official Journal of the European Communities** L 212, 7 August 2001, pp. 12-23.

Council of the European Union. **Tampere European Council, Presidency Conclusions.** 15 and 16 October 1999.

Danish Immigration Service, **Statistical Overview 2002**, (Copenhagen) 2003.

Danish Immigration Service, **Evaluation of UNHCR's Trust Fund for Enhancing Resettlement Activities**, Undated mimeo.

Department of Immigration & Multicultural & Indigenous Affairs, Australia, "Australia's Refugee and Humanitarian Program", February 2003.
<http://www.immi.gov.au/facts/60refugee.htm>

Dublin Convention Determining the State Responsible for Examining Applications for Asylum lodged in one of the Member States of the European Communities (1990).

Else, John F. and Carmel Clay-Thompson, **Refugee Microenterprise Development: Achievements and Lessons Learned**, (Coralville, IA: Institute for Social and Economic Development), April 1998.

The European Convention, The Secretariat, **Draft Treaty establishing a Constitution for Europe**, CONV 850/03, (Brussels) 18 July 2003

European Council on Refugees and Exiles and U.S. Committee for Refugees, **Responding to the Asylum and Access Challenge: An Agenda for Comprehensive Engagement in Protracted Refugee Situations**, August 2003.

Fix, Michael and Jeffrey S. Passel, *Trends in Noncitizen' and Citizens' Use of Public Benefits Following Welfare Reform: 1994-1997* Urban Institute, (March 1999)

Fredricksson, John and Christine Mougne, **Resettlement in the 1990s: A Review of Policy and Practice**, UNHCR/EVAL/RES/ 14, December 1994.

Immigration and Naturalization Service, **General Counsel Memorandum: "Removal of Persons Admitted as Refugees Pursuant to Section 207"** 9 November 2001.

Interpreter Releases "INS Commission Directs Creation of New Refugee Corps", 9 December 2002: 1788.

National Integration Office, Sweden. **Bounds of Security: The Reception of Resettled Refugees in Sweden** (Norrkoping) 2001.

Noll, Gregor, Jessica Fagerlund and Fabrice Liebaut, **Study on the Feasibility of Processing Asylum Claims Outside the EU against the Background of the Common European Asylum System and the Goal of a Common Asylum Procedure: Final Report** (Brussels: European Commission) 2002.

Feasibility of Resettlement in the European Union

Norwegian Directorate of Immigration, "The Norwegian Resettlement Quota for 2003." Letter to UNHCR, Resettlement Section, (Oslo) 28 January 2003.

Office of Refugee Resettlement **Annual Report to Congress** (2000)
http://www.acf.hhs.gov/programs/orr/policy/arc_00.htm

Protocol Relating to the Status of Refugees 606 UNTS 267.

Refugee Council USA, **U.S. Refugee Admissions Program for Fiscal Year 2004: Recommendation of the Refugee Council USA** (Washington DC) May 2003.

Samuel, T.J., "Economic Adaptation of Indochinese Refugees in Canada" in **Uprooting, Loss and Adaptation: The Resettlement of Indochinese Refugees in Canada**. Kwok B. Chan and Doreen Marie Indra (eds.), (Ottawa: Canadian Public Health Association) 1987. 65-76.

Sargent, Paul, Charles Hohm and Robert Moser, "A Qualitative Comparison of the Effectiveness of Private and Public Refugee Resettlement Programs: The San Diego Case", **Sociological Perspectives** 42(3) 1999: 403-420.

Sargent, Paul, Charles Hohm and Robert Moser. "A Quantitative Comparison of the Effectiveness of Public and Private Refugee Resettlement Programs: An Evaluation of the San Diego Wilson Fish Demonstration Project", **Sociological Perspectives** 42(4) 1999: 755-763.

van Selm, Joanne, (ed.), **Kosovo's Refugees in the European Union**, (London: Continuum) 2000.

van Selm-Thorburn, Joanne, **Refugee Protection in Europe: Lessons of the Yugoslav Crisis** (The Hague: Kluwer Law International) 1998.

Statute of the Office of the United Nations High Commissioner for Refugees, General Assembly Resolution 428(V) of 14 December 1950.

Straw, Jack, **Lisbon Speech** June 2000.

Straw, Jack, *An Effective Protection Regime for the Twenty-first Century* Speech to the Institute for Public Policy Research, (London) 6 February 2001.

Swedish Aliens Act, 1989.

Treaty Establishing the European Community (Consolidated) 1999.

Tweede Kamer der Staten Generaal (Dutch Parliament), **Debat naar aanleiding van een algemeen overleg op 27 januari 2000 over het asielbeleid**, (Debate as a result of a

general discussion about asylum policy on 27 January 2000) Handelingen 1999-2000, nr. 45, Tweede Kamer, pag. 3398-3404

UK Cabinet Office, *A New Vision for Refugees: final report* (January 2003).

UK Cabinet Office *New International Approaches to Asylum Processing and Protection* (March 2003).

U.K. Home Office, **Secure Borders, Safe Haven: Integration with Diversity in Modern Britain**, (Norwich: The Stationery Office Limited) 2001.

UK Home Office: International Asylum Policy Unit, **UK Quota Resettlement Programme**, Background paper for the Home Office Research and Statistics Directorate seminar (London) 6 February 2003

UN Declaration on Territorial Asylum (Adopted by the General Assembly of the United Nations on 14 December 1967) UNGA Resoluition 2312 (XXII).

UNHCR, **Agenda For Protection**, Geneva, 1 January 2003.

UNHCR, **Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities**, Global Consultations on International Protection, EC/GC/02/7. 25 April 2002.

UNHCR, **Refugee Resettlement: An International Handbook to Guide Reception and Integration**. September 2002.

UNHCR, **Emerging Resettlement Countries of Europe (Ireland, Iceland, Spain)**, Discussion note for Annual Tripartite Consultations on Resettlement: Geneva, 20-21 June 2001.

UNHCR, **The Use of Resettlement to Address Durable Solution Needs**, Background Note for Agenda Item for Annual Tripartite Consultations on Resettlement: Geneva, 20-21 June 2001.

UNHCR, **Mechanisms of International Cooperation to Share Responsibilities and Burdens in Mass Influx Situations**, Global Consultations on International Protection, EC/GC/01/7. 19 February 2001.

UNHCR, **Protection of Refugees in Mass Influx Situations: Overall Protection Framework**, Global Consultations on International Protection, EC/GC/01/4. 19 February 2001.

UNHCR, **Resettlement: an Instrument of Protection and a Durable Solution**, 28 May 1996, EC/46/SC/CRP.32 Standing Committee.

Feasibility of Resettlement in the European Union

UNHCR, Division of International Protection, **Resettlement Handbook** (Geneva) July 1997 (Revised July 2002).

UNHCR, **Memorandum: The Role of Regional Resettlement Hubs in the Management of Resettlement Activities in Africa** (2 December 2002).

UNHCR, Executive Committee of the High Commissioner's Programme, Standing Committee, **The Strategic Use of Resettlement**. Discussion Paper prepared by the Working Group on Resettlement, WGR/03/04.Rev3. June 2003.

UNHCR, Population Data Unit, **Global Refugee Trends, 1st and 2nd Quarter 2002**, (Geneva) 15 October 2002.

UNHCR, Resettlement Section, Department of International Protection, **UNHCR Projected Global Resettlement Needs 2004**, 18 June 2003.

UNHCR, Resettlement Section, **Easy Guide to Refugee Resettlement Programmes**, 15 June 2003.

UNHCR, Resettlement Section, Department of International Protection, **UNHCR's Projection of Resettlement Needs 2003**, March 2003.

UNHCR, Resettlement Section, **Easy Guide to Refugee Resettlement Programmes**, 15 June 2002.

Universal Declaration of Human Rights, Adopted by the United Nations General Assembly on 10 December 1948 UNGA resolution 217 A(III).

U.S. Committee for Refugees, **World Refugee Survey 2003** (Washington DC) 2003.

U.S. Department of State, Bureau of Population, Migration and Refugees. **Proposed Refugee Admissions for FY 2003: Report to the Congress**. September 2002. <http://www.state.gov/g/prm/refadm/rls/rpts/2002/13892.htm>

US Government, Immigration and Naturalization Act

Valtonen, Kathleen, **The Integration of Refugees in Finland in the 1990s**, (Helsinki: Ministry of Labour, Finland) 1999.

“Response by Minister Verdonk (Foreigners Affairs and Integration) received by the Parliament on 10 June 2003 to questions posed by Member of Parliament K.G. de Vries (Labour Party) on 7 April 2003.” **Tweede Kamer, vergaderjaar 2002-2003, Aanhangsel**. (Second Chamber, meeting year 2002-2003, Annex) p. 2921. (*translation by Joanne van Selm*)

Vermeulen, Hans, and Rinus Penninx (eds.) **Immigrant Integration: the Dutch case** (Amsterdam: Het Spinhuis, 2000)

Vreemdelingen Circulaire, Deel 6 (asiel) Hoofdstuk 31 *Intrekking Verblijfsvergunning asiel voor bepaalde tijd* [Aliens Circular, Part 6 (Asylum) Chapter 31 *Withdrawal of the temporary residence permit for asylum*] SDU Uitgevers (June 2002, aanvulling 7)

Woon, Yuen-Fongm, “The Mode of Refugee Sponsorship and the Socio-Economic Adaptation of Vietnamese in Victoria: A Three Year Perspective” in **Uprooting, Loss and Adaptation: The Resettlement of Indochinese Refugees in Canada**, Kwok B. Chan and Doreen Marie Indra (eds.) (Ottawa: Canadian Public Health Association) 1987:132-146.

Feasibility of Resettlement in the European Union

Appendix 1: People Interviewed

Sweden

Government:

Ruben Ahlvin	Refugee Quota Coordinator, Migration Board
Jonas Doll	Integration Board
Jan Erlandsson	Deputy Director, Dept. for Migration and Asylum Policy, Ministry of Foreign Affairs
Kenneth Fluor	Senior Advisor, Migration Board
Goran Larsson	Head of Department, Migration Board
Helena Sjöberg	Clerical Officer, Migration Board
Per Sjögren	Director General, Ministry of Foreign Affairs

NGO:

Åsa Jansson	Coordinator International Programmes, International Law and Refugee Department, Swedish Red Cross
Brita Sydhoff	Head of International Law and Refugee Department Swedish Red Cross

IO:

Gary Troeller	Regional Representative of UNHCR
Karin Davin	Protection Assistant, UNHCR
Brian Gorlick	Protection Officer, UNHCR

Academics:

Elisabeth Abiri	University of Gothenburg
Janina Dacyl	Stockholm University

Finland

Government:

Meri-Sisko Eskola	Senior Planning Officer, Ministry of Labour
Jutta Gras	Interior Ministry
Lauri Hollmen	Counsellor, Justice and Home Affairs, Migration and Asylum, Permanent Representation to the European Union
Leni Salmelin	Senior Officer, Ministry of Labour
Tiina Sinkkanen	Acting-Director of Refugee and Asylum Affairs Unit, Interior Ministry
Annikki Vanamo-Alho	Director of Refugee and Asylum Affairs Unit, Interior Ministry

Feasibility of Resettlement in the European Union

NGO:

Ann-Charlotte Sirén-Borrego Refugee Officer, Family Reunification, Finnish Red Cross

Denmark

Government:

Henrik Ankerstjerne	Head of Division, International Division, Danish Immigration Service
Nanna Fischer	Permanent Representation of Denmark to the European Union
Peter Clasen Toft	International Division, Head of Section, Danish Immigration Service
Mette van de Ven	Danish Immigration Service

NGO:

Anne-Dorthe Helmich	Head of Section, Asylum Department, Danish Refugee Council
Mette Marie Honoré	Legal Counsellor, Asylum Department, Danish Refugee Council

The Netherlands

Government:

Lex Boogerd	Senior Policy Officer, COA
Liesbeth Bos	Justice Ministry
Martin Dijkhuizen	Resettlement Affairs, Immigration and Naturalization Service (IND)
Maxim LaGrand	Housing Coordinator, COA Flevoland
J. Landsheer	Cluster Director, COA Flevoland
Maarten Visser	External and International Affairs, COA
Friso Wijnen	Senior Policy Advisor, Asylum and Migration Affairs Division, Ministry of Foreign Affairs

NGO:

Eduard Nazarski	Director, Dutch Refugee Council
Roswith Weiler	Dutch Refugee Council
Ariane den Uyl	Policy Officer, Policy Section, Dutch Refugee Council

IO:

Lucy de Lophem,	UNHCR Representative
Fleur Poot	IOM (Schiphol Airport)
Leonie Potsma	Coordinator, IOM (Schiphol Airport)
Rene Spits	IOM (by telephone)

Peter van der Vaart UNHCR (Brussels)

Also, a group of twenty-two Iranians in transit on their way from Vienna to resettlement in California

UK

Government:

Claire Downie	Resettlement Programme Manager (Pre-arrival), International Asylum Policy Unit, Home Office
Penny Hart	Resettlement Programme Manager (Post-arrival) International Asylum Policy Unit, Home Office
Rod McLean	UK Permanent Representation to the EU
Helen Smith	Policy Officer (Resettlement), International Asylum Policy Unit, Home Office

NGO:

Paul Birtill	New Business Manager, Refugee Housing Association
Sandy Buchan	Chief Executive, Refugee Action
Nick Hardwick	(then) Director, British Refugee Council
Amina Hussein	Caseworker, Family Reunion, International Welfare Department, British Red Cross
Pamela Hussain	Senior Caseworker, International Welfare Department British Red Cross
Nev Jeffries	Head, International Welfare Department, British Red Cross
Mohamed Mohamoud	International Welfare Department, British Red Cross
Sorcha O'Callaghan	Programme Officer, International Rescue Committee
Alyoscia d'Onofrio	Director, International Rescue Committee
Julia Purcell	International Development Manager, British Refugee Council
Richard Williams	International Protection Project, British Refugee Council

IO:

Dianne Grammar	Chief of Mission, IOM
Michael Kingsley-Nynah	Deputy Representative, UNHCR
Christian Mahr	Protection Officer, UNHCR

Ireland

Government:

George Trimble	Assistant Principal, Department of Justice, Equality and Law Reform
Tim Harrington	First Secretary, Human Rights Unit, Department of Foreign Affairs

Feasibility of Resettlement in the European Union

John Haskins Department of Justice, Equality and Law Reform,
Reception and Integration Agency
Martine Glennon Department of Justice, Equality and Law Reform,
Reception and Integration Agency

IO:

Pia Prutz-Phiri Representative, UNHCR

Spain

Government:

Gloria Bodelón Deputy Director General of Asylum, Interior Ministry
Rafael Garcia Gozalo Head of Protection Procedures, Interior Ministry

NGO:

Martha Arroyo Contreras Coordinator of Social Affairs, Comision Española de
Ayuda al Refugiado

IO:

Carlos Boggio Representative in Spain, UNHCR
Deborah Elizondo Chief of the Protection Unit

Germany

Government:

Jochen Hayungs Office of the Federal Government's Commissioner for
Foreigners' Issues
Cornelia Rogall-Grothe Ministerialdirigentin im Bundesministerium des Innern
Ständige Vertreterin des Leiters der Abteilung für
Migration; Flüchtlinge; Integration; Europäische
Harmonisierung

NGO:

Herbert Löffler Migration Team, Red Cross
Manfred Mohr Red Cross

IO:

Anja Klug Legal Officer, UNHCR

France

Government:

Gilbert Elkaim	Permanent Representation of France to the European Union
Alexandre Garcia	Division of Asylum and Immigration, Ministry of Foreign Affairs
Emmanuelle Mignon	Legal Counselor to the Minister of Interior

IO:

Marie-Noëlle Thirode	Protection Officer, UNHCR
Louise Aubin	Refugee Law Training Officer, UNHCR

Italy

Government:

Renato Franceschelli	Dipartimento per le libertà civili e l'immigrazione, Ministry of the Interior
Stefano Vincenzi	Dipartimento per le libertà civili e l'immigrazione, Ministry of the Interior

IO:

Augustine Mahiga	Representative for Italy, Malta, San Marino and the Holy Sea, UNHCR
Michele Manca di Nissa	Deputy Representative, UNHCR

NGO:

Christopher Hein	Director, Italian Council for Refugees
------------------	--

Austria

Government:

Martin Hartig	Referent, Bundesministerium für Inneres
---------------	---

NGO:

Daniel Shanfield	Refugee Legal Services Manager, HIAS/Vienna OPE
------------------	---

Feasibility of Resettlement in the European Union

Belgium

Government:

Frank Carpentier Senior Legal Officer, International Relations, Office of the Commissioner General for Refugees and Stateless Persons

Norway

Government:

Thor Arne Aass Director General, Department of Migration, Ministry of Local Government and Regional Development
Roald Kristiansen Assistant Director of Department, Integration Department, Immigration Service
Stephan Mo Deputy Director General, Department of Migration, Ministry of Local Government and Regional Development
Kjell Østby Adviser, Department of Migration, Ministry of Local Government and Regional Development

Other:

Vigdis Vevstad Independent Consultant (formerly UNHCR)

Australia

Government:

Robyn Bicket Assistant Secretary, Humanitarian Branch, Department of Immigration and Multicultural Affairs
Janet Makin Regional Director, Counsellor – Immigration, Embassy of Australia, Washington DC

Canada

Government:

Bev Alldridge A/Manager, Operations, Resettlement (SRE), Refugees Branch, Citizenship and Immigration Canada
Larry Baillargeon Senior Advisor, Resettlement (SRE), Refugees Branch, Citizenship and Immigration Canada
Dominic Fung Program Design and Evaluation Analyst, Settlement and Multiculturalism Branch, Ministry of Community, Aboriginal and Women's Services, Provincial Government of British Columbia

Rick Herring	Director, Resettlement, Refugees Branch, Citizenship and Immigration Canada
Arlene Korteweg	Immigration Officer, Citizenship and Immigration Canada, Ottawa
Omid Maani	Policy Advisor, Asylum Division, Refugees Branch, Citizenship and Immigration Canada
Jean-Claude Morin	Program Officer, Settlement Integration Branch, Citizenship and Immigration Canada
Debra Pressé	Advisor, Resettlement (SRE), Refugees Branch, Citizenship and Immigration Canada
Enza Scalia	Senior RAP Policy and Program Advisor, Resettlement (SRE), Refugees Branch, Citizenship and Immigration Canada
Himmat Shinhat	Asylum Division, Refugees Branch, Citizenship and Immigration Canada
Dan Tremblay	Immigration Officer, Citizenship and Immigration Canada, Ottawa

NGO:

Paul Davidson	Executive Director, World University Service, Canada
Jeff Elzinga	World University Service, Canada
Chris Friesen	Director, Settlement Services, Immigration Services Society of British Columbia, Vancouver, British Columbia
Carl Nicholson	Executive Director, Catholic Immigration Center, Ottawa

IO:

Judith Kumin	UNHCR Representative in Canada
Michael Casasola	Resettlement Officer in Canada, UNHCR

Other:

Rosemary Anderson	Chair of the Anglican Diocese of Ottawa Refugee Working Group
Alistair Boulton	Immigration Lawyer, Vancouver, British Columbia
Bediako Buahene	Immigration Lawyer, Vancouver, British Columbia
Robin Harper	Refuge NOW, Bells Corner, Ottawa (Private Sponsor)
Norma McCord	Local representative, Ottawa, of United Church (Private Sponsor)

Also a group of students resettled at various times in the last ten years under private sponsorship by the World University Service - Canada

Feasibility of Resettlement in the European Union

US

Government:

Jan Belz	Office of Refugee Admissions, Bureau of Population, Refugees and Migration – State Department
Carmel Clay-Thompson	Deputy Director – Office of Refugee Resettlement, Department of Health and Human Services
Molly Groom	Chief, Refugee and Asylum Law Division, Bureau of Citizenship and Immigration Services, Department of Homeland Security
Jennifer Higgins	Office of Refugee Affairs, Office of Asylum and Refugees, Bureau of Citizenship and Immigration, Department of Homeland Security
Judith May	Special Assistant to the Director - Office of Refugee Resettlement, Department of Health and Human Services
Whitney Reitz	Program Analyst, Budget Office for Admissions Program, Bureau of Population, Refugees and Migration, Office of Refugee Admissions - State Department
Terry Rusch	Director, Office of Refugee Admissions, Bureau of Population, Refugees and Migration – State Department
Kathleen Thompson	Refugee Program Director, Office of Asylum and Refugee Affairs Operations, Bureau of Citizenship and Immigration, Department of Homeland Security

NGO:

Suzy Cop	Regional Resettlement Director, International Rescue Committee, Washington DC
Livinia Limon	Executive Director, Immigration and Refugee Services of America
Pary Karadaghi	Executive Director, Kurdish Human Rights Watch (Mutual Assistance Association)
Dan Kosten	Immigration and Refugee Program, Church World Service
Joan Maruskin	Immigration and Refugee Program, Church World Service

IO:

Larry Yungk	Senior Resettlement Officer, UNHCR
Maria Theresa Schuetter	Resettlement Officer, UNHCR
Andrew Painter	Legal Officer, UNHCR
Frances Sullivan	Regional Representative, IOM
Laurie Seymour	IOM. New York
Susan Kriebel	(previously) UNHCR consultant in Latin America

Academic:

Susan Martin	Institute for the Study of International Migration, Georgetown University
--------------	---

Private organization:

Ann Costello Center for Applied Linguistics

Also, observation of a weekly allocation meeting, with representatives of all the voluntary agencies involved in resettlement (except the State of Iowa)

Ghana

Government:

Peter Brown Resettlement Officer, British High Commission, Ghana
Charlie Fillivser DHS/AUIC, Nairobi
Hailu Kebede Officer In Charge, US Department of Justice, Officer of
International Affairs, American Embassy, Accra
Carla Nadeau Regional Refugee Coordinator for West Africa Admissions
Program, US Embassy, Accra
Elizabeth Snow First Secretary (Immigration), Canadian High Commission,
Accra

NGO:

Lucie Gagné Deputy Director – Operations, Church World Service
(Overseas Processing Entity, US Refugee Resettlement
Program)
Emily Russ Deputy Director – Cultural Orientation, Church World
Service (Overseas Processing Entity, US Refugee
Resettlement Program)
Frances Tinsley OPE Representative, Church World Service (Overseas
Processing Entity, US Refugee Resettlement Program)

IO:

Thomas Albrecht Representative, UNHCR
Ablelom Hailu Operations Officer, IOM
Peter Trotter Regional Resettlement Officer, UNHCR

UNHCR Headquarters

Furio de Angelis Senior Resettlement Officer, Resettlement Section,
Department of International Protection
Phyllis Coven International Consultant (INS), Resettlement Section
Eva Demant Chief of Resettlement Section, Department of International
Protection
Jean-Francois Durieux Deputy Director, Western Europe Bureau (now Head,
Convention Plus Bureau)
Susin Park Legal Officer, Western European Bureau

Feasibility of Resettlement in the European Union

Volker Türk Chief, Protection Policy and Legal Advice Section,
Department of International Protection

UNHCR Brussels Office

Jacques Mouchet Representative, Regional Office
Johannes van der Klaauw Senior Liaison Officer, EU institutions, Regional Office

IOM Headquarters

Gervais Appave Director, Policy Section
Danielle Grondin Director, Migration Health Service
Frank Laszko Director, Research Section

Appendix 2

Table 1: Policy creation and selection issues

	Quota 2003	Arrivals 2002	Policy making	Selection criteria ¹⁹⁵	Selection Methods	Selection Procedures
Sweden	1,000	1,000	Foreign Ministry; Parliament; Cabinet	Refugee protection need; UNHCR categories	Selection mission (c. 25%) and dossier (c. 75%) Submissions via UNHCR headquarters	Migration Board and Integration Board interviews
Finland	750	700	Labour Ministry; Justice Ministry	Refugee protection need; establishment of local refugee communities	Missions Submissions via UNHCR headquarters	Directorate of Immigration and Ministry of Labour conduct interviews
Denmark	500	490	Immigration Service	Refugee protection need	Missions (two per year) and Dossiers (emergency cases through dossier) Submissions via UNHCR headquarters	Danish Refugee Council consulted
The Netherlands	500	147 ¹⁹⁶	Justice Ministry; Ministry of Foreign Affairs	Status determination equal to asylum	Dossier only Submissions via UNHCR headquarters	Immigration service review of UNHCR RRF

¹⁹⁵ In addition to UN Convention Status.

¹⁹⁶ Statistic provided by IOM.

Feasibility of Resettlement in the European Union

Ireland	20	23	Department of Foreign Affairs; Department of Justice	Refugee protection need; UNHCR categories	Dossier only Submissions through UNHCR Dublin office	Files reviewed by Department of Foreign Affairs and Department of Justice
UK	500 (an additional 300 places available under the Mandate Scheme)	155 (under the Mandate Scheme)	Home Office	Refugee protection need	Interviews Submissions from hubs to UNHCR headquarters to Home Office	Final decisions made by Immigration Service, based on interviews
Spain	-	0	Interior Ministry	Ad hoc	Ad hoc	Ad hoc
Norway	1,145	1,270	Ministry of Local Government and Regional Development; Immigration Service	Refugee protection need; Integration potential except for Twenty or More and Women at Risk	Missions and Dossiers Submissions via UNHCR headquarters	Immigration Service (Integration Department) conducts interviews
Australia	4,000	4,200	Department of Immigration & Multicultural & Indigenous Affairs	Refugee protection need; Special Humanitarian Programme for refugees sponsored by Australian citizens or groups	Embassy or trade mission; referral by UNHCR or direct application Submissions via regional hubs	Overseas posts process applications

Canada	<i>For 2002-2003</i> 10,600-11,900 (target – 7,700 Government- Assisted and between 2,900- 4,200 Privately Sponsored)	10,385 (7,340 Government- Assisted; 3,045 Privately Sponsored)	Citizenship and Immigration Canada	Classes	Visa Post; case referral by UNHCR and other designated agencies, or direct application. Submissions via regional hubs	Interview
US	70,000 (ceiling)	26,787	Presidential determination; State Department; Dept. of Homeland Security	Priority system	Interviews; Security background checks Case preparation by OPE Submissions via regional hubs	Interview

Table 2: Processing and Pre-Departure Issues

	Medical Checks	Security checks	Orientation Programme	Transportation
Sweden	No	Security checks conducted on resettlement candidates before selection missions	Long or short programme	IOM – Government funded
Finland	Not required	Security Police review and comment on files submitted by UNHCR.	Orientation materials (brochures, videos) prepared by the Ministry of Labour are provided pre-departure; formal orientation conducted after arrival	IOM – Government funded
Denmark	Yes – does not affect decision	All dossier-based applicants undergo security screening; others, such as those with ties to the military, have security screening before selection mission	Some information provided during selection mission	IOM – Government funded
The Netherlands	No	Yes	FAQ list at local embassy	IOM – Government funded
Ireland	Yes – does not affect decision	Yes	No pre-departure orientation	IOM – Government funded
UK	Yes – will not affect decision	Yes	Information programme planned	IOM – Government funded
Spain	Yes – after arrival	No (as of the last resettlement case in 2000)	No pre-departure orientation	Ad hoc

Norway	Not required	<i>Yes – files for applicants from certain nationalities are forwarded by UDI to the police; the police may conduct a security check on these applicants</i>	Recently started by Immigration Service and IOM prior to arrival and to start in municipalities after arrival.	IOM – Government funded
Australia	Yes – those with medical conditions that could pose a public health risk may be denied a visa	Applicants may be subject to ‘character checks’	Initial Information and Orientation Assistance programme contracted to NGOs, after departure	IOM – Government funded except for those with assets over a certain threshold
Canada	Yes – does not affect decision	Yes – not visible to refugee	Contracted to IOM, pre-departure	IOM – with transportation loan administered by CIC
US	Yes – does not affect decision	Yes – not visible to refugee	Contracted to NGOs or IOM, pre-departure	IOM – with transportation loan, repayable via NGOs over several years

Table 3: Post-Arrival Issues

	<i>Reception on Arrival</i>	<i>Legal Status on Arrival</i>	<i>First Days</i>
Sweden	Met by refugee officer from the municipality	Residence permit; may apply to refugee status after arrival	Sent directly to final destination
Finland	Met by the Finnish Red Cross in Helsinki; Border guards take photographs and fingerprints	Residence permit and refugee status	Sent directly to municipality and settled in permanent housing
Denmark	Met by representatives of the Danish Refugee Council	Refugee Status	Sent directly to final destination; integration plan is developed with the Ministry of Integration
The Netherlands	Met by representatives of IOM	Paperwork completed for temporary residence permit, which is granted after processing	Temporary stay Asylum Seekers Centre or with family
Ireland	Met by representatives of the Reception and Integration Agency	Permanent residence status; receive Aliens Passport, not Convention Travel Document	Temporary stay in Dublin until permanent accommodations are located
UK	To be met by representatives of contracted NGOs	Permanent immigration status	To be determined
Spain	Received by the Spanish Red Cross	Refugee Status	Six months in reception centre
Norway	Met by municipality; Norwegian People's Aid (NGO) also involved	One-year residence permit	Most refugees are sent directly to municipality, which is responsible for reception and integration
Australia	Met by contracted service providers	Permanent residence status	Sent directly to final destination

Canada	Government-assisted: Met by representatives of CIC at first port of arrival and by contracted NGOs at final destination. Privately sponsored: Met by their sponsors	Landed immigrant (permanent residence) status	GARs: several weeks in reception centers Privately sponsored: proceed immediately to final destination
US	Met by family members or representatives of voluntary agencies; fingerprinting and other ID checks, since 11 September 2001	Refugee status; converted to permanent residence status after one year	Sent immediately to final destination; assisted by relatives and/or voluntary agencies

