

**RESETTLEMENT
HANDBOOK**

**DIVISION OF
INTERNATIONAL
PROTECTION**

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United Nations High Commissioner for Refugees



HANDBOOK

**UNHCR
RESETTLEMENT
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INTERNATIONAL PROTECTION**

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CONTENTS

CHAPTER

1

Resettlement: A Vital Instrument of International Protection

CHAPTER

2

Search for Lasting Solutions

2.1	Voluntary Repatriation	II / 1
2.2	Local Integration	II / 4
2.3	Resettlement	II / 5
	Resettlement Processes Flowchart	II / 8

CHAPTER

3

Refugee Status and Resettlement

3.1	General Considerations	III / 1
3.2	Mandate Refugee Status as a Precondition	III / 2
3.3	Convention Status and Mandate Status	III / 2
3.4	Eligibility under the 1951 Convention and Regional Instruments	III / 4
3.5	<i>Prima Facie</i> Eligibility	III / 4
3.6	Continued Need for Protection	III / 5
3.7	Exclusion of Persons who committed Crimes against Humanity	III / 5

CHAPTER

4

UNHCR Criteria for Determining Resettlement as the Appropriate Solution

4.1	Basic Considerations	IV / 1
4.2	Legal and Physical Protection Needs	IV / 5
4.3	Survivors of Violence and Torture	IV / 7
4.4	Medical Needs	IV / 8
4.5	Women-at-Risk	IV / 11

4.6	Family Reunification	IV / 16
4.7	Children and Adolescents	IV / 23
4.8	Elderly Refugees	IV / 30
4.9	Refugees without Local Integration Prospects	IV / 31

CHAPTER

5

Basic Procedures to be followed in Field Office Resettlement Operations

5.1	Case Identification and Assessment	V / 1
5.2	Interviewing	V / 4
5.3	Preparation of a Resettlement Submission	V / 9
5.4	Specific Aspects in Cases of Survivors of Torture and Violence	V / 14
5.5	Specific Aspects in Medical Cases	V / 15
5.6	Specific Aspects in Cases of Women-at-Risk	V / 17
5.7	Specific Aspects in Family Reunification Cases	V / 19
5.8	Specific Aspects relating to Children and Adolescents	V / 29
5.9	UNHCR Decision	V / 37
5.10	Identification of a Possible Resettlement Country	V / 38
5.11	Regular Submission	V / 40
5.12	Urgent and Emergency Submissions	V / 42
5.13	Processing	V / 44
5.14	State Decision	V / 46
5.15	Departure Arrangements	V / 47

CHAPTER

6

The Importance of Counselling throughout the Process

6.1	General Considerations	VI / 1
6.2	Counselling Refugees in Preparation for Resettlement	VI / 3
6.3	Counselling Refugees whose Application for Resettlement has been Rejected.....	VI / 4
6.4	Counselling Refugees once Resettled	VI / 5
6.5	Coping with Stress	VI / 6

CHAPTER

7

Special Issues

7.1	Best Interests of Children and Adolescents	VII / 1
7.2	Stateless Persons	VII / 4
7.3	Returnees	VII / 6
7.4	Irregular Movers	VII / 6
7.5	Stowaways	VII / 11
7.6	Criminal Records	VII / 11
7.7	Persons Considered Combatants by some Countries	VII / 11

CHAPTER

8

Coordination of Resettlement in UNHCR

8.1	The Resettlement and Special Cases Section at Headquarters	VIII / 1
8.2	Resettlement Activities in Field Offices	VIII / 3
8.3	Current Resettlement Objectives and Activities	VIII / 4

CHAPTER

9

Reporting

9.1	Resettlement Statistics	IX / 1
-----	-------------------------------	--------

CHAPTER

10

Partnership and Liaison

10.1	Interagency Cooperation	X / 1
10.2	Non-Governmental Organisations	X / 3
10.3	The Media	X / 8

CHAPTER

11

Training on Resettlement

**COUNTRY
CHAPTER**

Country Chapters

Australia	AUL / 1
Canada	CAN / 1
Denmark	DEN / 1
Finland	FIN / 1
The Netherlands	NET / 1
New Zealand	NZL / 1
Norway	NOR / 1
Sweden	SWE / 1
Switzerland	SWI / 1
United States of America	USA / 1

ANNEX

Annexes

1. Executive Committee Conclusions relating to Resettlement
2. Selected Provisions from Universal Instruments related to Family, Family Reunification and Family Members' Status
3. Specimen Copies of the Resettlement Registration Form (RRF) and the Medical Assessment Form
4. Specimen Copy of the Family Reunification Questionnaire
5. Guidelines for the Completion of Resettlement Statistics and Sample STAT2 Forms
6. Guidance for the Assessment of Cases of Women Refugees
7. Women-at-Risk Programmes
8. Organizational Structure of the Resettlement and Special Cases Section

9. List of UNHCR Field Staff with Specific Responsibilities for Resettlement
10. Resettlement Statistics

CHAPTER

1

Table of Contents

Resettlement: A Vital Instrument of International Protection

Resettlement: A Vital Instrument of International Protection

Resettlement is a vital instrument of protection and durable solution. Resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. It is also considered a durable solution, in particular circumstances, for refugees who do not have immediate protection concerns. The decision to resettle a refugee is normally taken, with priority, when there is no alternative way to guarantee the legal or physical security of the person concerned. In light of this, the common description of resettlement as a "last resort" should not be interpreted to mean that there is a hierarchy of solutions and that resettlement is the *least* valuable or needed among them. For many refugees, resettlement is, in fact, the best - or perhaps, *only* - alternative.

Refugees may be denied basic human rights in a country of refuge; their lives and freedom may be threatened by local elements driven by racial, religious or political motives, or by attacks and assassinations directed from the outside. The authorities in the country of refuge may be unable or unwilling to provide effective protection. In such circumstances, resettlement becomes not a solution of last resort, as it has often been called, but a principal objective.

In the broad context of UNHCR's principal mandate to provide international protection and seek durable solutions for refugees, resettlement policy aims to achieve a variety of objectives. The first and perhaps most fundamental is to provide a durable solution for refugees unable to return home or to remain in their country of refuge. Resettlement contributes to international solidarity and to maintaining the fundamental principles of protection by assisting countries of refuge in the task of caring for refugees. Resettlement can also provide significant potential for the development of a resource base for the return of professional and skilled personnel at some future time when repatriation may become viable.

Third country resettlement involves the transfer of refugees from the country where they have sought refuge to another State which has agreed to admit these persons. They will usually be granted asylum or some other form of long-term residence rights and in many cases the opportunity to become naturalized citizens. For that reason, resettlement is often referred to as one of the permanent, or durable, solutions available to refugees.

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

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

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

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

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

No country is legally obliged to resettle refugees. Only a small number of States do so on a regular basis; allocating budgets, devising programmes and providing annual resettlement targets. Some countries regularly accept refugees for resettlement, sometimes in relatively large numbers, but do not set annual targets. Accepting refugees for resettlement is a mark of true generosity on the part of Governments and UNHCR welcomes the opportunities that continue to be offered by States for the resettlement of refugees.

The evolution of resettlement

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

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

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

over a million people (four-fifths of them outside Europe), while repatriating a mere 73,000.

The IRO was replaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1951. By that time, international protection was firmly enshrined as the new organization's principal *raison d'être*. The Statute of UNHCR, adopted by a General Assembly resolution in December 1950, outlines the responsibilities of the Office. The most important of these responsibilities are to provide international protection and to seek permanent solutions for the problem of refugees.

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

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

Following a coup d'état in Chile in September 1973, another resettlement programme was launched. Refugees from neighbouring countries were faced with a hostile regime in their country of asylum and, fearing *refoulement*, sought sanctuary in churches and embassies. The High Commissioner addressed an appeal to the Chilean Government that refugees in that country be adequately protected and on no account expelled to their country of origin. Assurances were subsequently received from the Government to the effect that the provisions of the 1951 Convention and of the 1967 Protocol, to which Chile is a party, would be fully respected. The Executive Committee at its Twenty-fourth Session was informed of the developments and agreed that a telegramme be addressed by its Chairman to the Government conveying the Committee's hope that the Government would promote rapid solutions for the refugees, taking fully into account their need for protection and assistance. In a letter, the Minister for Foreign Affairs of Chile replied in the affirmative. Given the human rights record in the region, resettlement was the only option. Once again, the international community responded, first by extending diplomatic asylum in their embassies and subsequently by offering resettlement places. The authorities agreed to the establishment of "safe havens", run by a National Committee which included representatives of the churches, where refugees who wished to leave the country could receive the necessary assistance and protection pending their departure. From there they could emigrate to a number of countries of second asylum which had generously responded to the High Commissioner's appeal for help. By March 1974, nearly 5,000 people had been resettled to a total of 19 countries. Resettlement, mainly to other countries in the region, continued to play a prominent role in Latin America throughout the 1970's and in Central America in the 1980's.

The idea of a sanctuary where persons seek asylum is of course not new in history, but the establishment of "safe-havens" which was also applied to non-citizen Asians under expulsion order in Uganda before their departure from that country is an entirely novel device in the practice and experience of international protection as distinct from diplomatic asylum which is based on the inviolability of the diplomatic premises or rests on the basis of reciprocity and the consent of the host State.

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

When resettlement countries grew reluctant to continue open-ended resettlement of all boat people, a backlog of those who did not meet increasingly restrictive resettlement criteria started to accumulate in camps. Nevertheless, the overall number of refugees in first asylum camps gradually declined.

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

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

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

Clandestine departures of boat people, most of whom would not be recognized as refugees under the CPA, continued at a high rate during the months prior to the adoption of the Plan. However, the implementation of the mass information campaign and the beginning of voluntary repatriation to Viet Nam brought about a substantial drop in the number of boat people.

In retrospect, the decision in 1979 to adopt blanket resettlement, while averting the immediate threat of massive loss of life, led to an additional problem as the number of economic migrants outstripped genuine refugees. Meanwhile, elsewhere in the world, people who were in desperate need of resettlement suffered from lack of available places. By the late 1980's, resettlement – designed as an important solution and protection tool for individual refugees meeting certain specific criteria – had achieved its objective of safeguarding the concept of first asylum. But it had also become the chief pull-factor in a mass-migration movement.

In 1989, when blanket resettlement for Indo-Chinese refugees had ceased following the introduction of the Comprehensive Plan of Action, the major focus of resettlement activity shifted to the Middle East. In 1992, UNHCR sought to resettle some 30,000 Iraqis from Saudi Arabia after efforts to explore possibilities for voluntary repatriation and local integration had failed. Between April 1992 and June 1997, approximately 21,800 Iraqis had been accepted for resettlement. This effort is now drawing to a close as almost all the refugees have found new homes.

Resettlement efforts in Africa in the first half of the 1990's continued to focus on countries of the Horn. With civil strife and ethnic warfare widespread, resettlement for especially vulnerable refugees in Africa - including women-at-risk, survivors of torture and disabled refugees - remains a serious concern for UNHCR.

Another major challenge arose in 1992 with the need for resettlement of inmates from places of detention in Bosnia and Herzegovina. An emergency operation started on 1 October 1992 with the help

of the International Committee of the Red Cross (ICRC) who transferred detainees to a UNHCR centre at Karlovac in Croatia. By early July 1993, 22 countries had offered temporary protection or resettlement to the ex-detainees and their families and over 11,000 people had left for third countries. By June 1997, UNHCR had been directly involved in the resettlement of some 47,000 refugees from former Yugoslavia.

History has shown that when the needs are compelling, and the political will exists, resettlement can be arranged quickly and efficiently.

Evolving perceptions

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

Another point of criticism sometimes advanced against resettlement concerns the expense of this solution. As mentioned above, it involves arranging international transport, providing income support, helping to integrate the refugees in the resettlement country and, in some cases, paying for costly follow-up medical treatment and counselling. It is also labour-intensive and requires highly trained staff. While these concerns are recognized, it should also be acknowledged that continued assistance to refugees who cannot find a durable solution, often over long years is also costly both in terms of human and financial terms.

In addition, the Vietnamese programme resulted in an re-examination of resettlement as a solution and a means of protection. There is now general agreement that the decision taken in 1979 to offer resettlement to the boat people arriving in South East Asia, while ensuring that refuge continued to be granted, also acted as a "pull factor". An increasing number of people left their homeland for economic and social reasons, rather than to escape persecution.

While there is a valid critique to be made of some resettlement operations, the negative image gained by this solution has obscured the important role which it can play and has played in protecting refugees whose human rights are at risk in their country of asylum. As is illustrated with the above examples, for some of the world's refugees, resettlement represents not "the solution of last resort", but the only certain means of protecting their human rights and existence. As such, it must continue to play a vital role in the search for solutions to the refugee problems.

Current situation

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

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

promote durable solutions.

CHAPTER 2

Table of Contents

Search for Lasting Solutions

2.1	Voluntary Repatriation	II / 1
2.2	Local Integration	II / 4
2.3	Resettlement	II / 5
	Resettlement Processes Flowchart	II / 8

Search for Lasting Solutions

Resettlement is an essential element in a comprehensive strategy of refugee protection and the attainment of durable solutions.

UNHCR is mandated with protecting refugees and finding durable solutions to their problems. Resettlement should be considered when refugees in need of a durable solution for protection or other specific reasons cannot repatriate and are at risk in their country of refuge. The decision to resettle is taken in light of the prospects for other durable solutions and when there is no alternative and lasting way to eliminate the danger to the legal or physical security of the person concerned. In its engagement to protect refugees and promote durable solutions, UNHCR's preferred goal is voluntary repatriation. UNHCR also promotes local integration, whereby Governments offer refugees the possibility to settle in the host country with a view to gaining self-sufficiency and enjoying legal protection through asylum. In the longer term, a refugee who benefits from resettlement or local integration may eventually choose to repatriate.

2.1 Voluntary Repatriation

When conditions prevail that allow return in safety and with dignity, going home is judged to be the most beneficial solution for refugees, as it enables them to resume their lives in a familiar setting under the protection and care of their home country.

Weighing the possibilities

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

country of origin to promote voluntary repatriation being met?

Ensuring the durability of the solution

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

Comprehensive voluntary repatriation programmes

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

Advice and assistance

Refugees may seek assistance to return from the authorities (or UNHCR), either in their country of first asylum or in their country of resettlement, if they have not adopted the nationality of the resettlement country and have retained their refugee status. In such cases it is important to bear in mind the following points:

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

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

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

UNHCR assistance for individual voluntary repatriation

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

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

Essential Reading:

- Handbook Voluntary Repatriation: International Protection. UNHCR Geneva, 1996.

Further Reference:

- Voluntary Repatriation (RP 1). Training Module. 2nd Edition. UNHCR Geneva, 1996

2.2 Local Integration

The local settlement and integration of refugees in their country of first asylum is also a solution to the problems of refugees, particularly when the possibility of voluntary repatriation is not foreseeable. The process of integration must be agreed by the host country concerned. Local integration follows the granting of asylum and assistance to settle in order for the refugee to live independently within the community. If the means are available, the refugee should be able to participate in the local economy as well as have access to education, housing, medical care and other social services in accordance with the rights laid down in the 1951 Convention.

Prior to the acquisition of a new nationality, the refugee should enjoy at least all of the benefits and rights of other aliens in similar circumstances. Basic human and civil rights, such as the right to marry, practice religion, right to own property, etc. should be respected. Local integration may eventually give the refugee the right to apply for citizenship of the host country, thus providing national protection and removing the need for the continuation of international protection.

Assistance towards local integration

In richer countries, Governments and NGOs work closely to provide the necessary infrastructure and resources to assist refugees with their integration. Refugees are assisted to regularize their legal status, including the right to employment, and to have access to social counselling, language courses and various training. In other parts of the world, UNHCR and NGOs provide financial assistance and advice which will help refugees to become self-supporting, whether they are in urban or rural areas of settlement. This assistance may consist of income-generating agricultural or community development projects which also benefit the region or local communities. Development programmes should aim to benefit both refugees and local populations and eventually render the refugees self-supporting to reduce dependency upon outside financial assistance.

Constraints to local integration

It should be noted, however, that opportunities for local integration in countries of first asylum have become more limited. Some first asylum countries are not signatories to universal or regional instruments concerning refugees. For others, the absorption of refugees into the host community may be economically, socially or politically destabilising, especially in large-scale influxes. The international community and UNHCR must therefore explore new means and initiatives for burden-sharing, sometimes even to preserve the right of asylum.

2.3 Resettlement

Resettlement under UNHCR auspices is geared primarily to the special needs of refugees under the Office's mandate whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge. It is also considered a durable solution, in particular circumstances, for refugees who do not have a resettlement need due to immediate protection concerns. The decision to resettle a refugee is normally taken, with priority, when there is no alternative way to guarantee the legal or physical security of the person concerned.

The goal in resettlement is to enhance, not diminish, asylum and protection prospects for the entire refugee population. While undertaking resettlement activities and thereby ensuring individual physical safety, UNHCR seeks to reinforce asylum in the host countries and to promote durable solutions benefiting the refugee population concerned.

In 1991, the UNHCR Executive Committee (EXCOM) endorsed and clarified the role of resettlement in the context of the protection mandate of the organization, by reaffirming "the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances." This policy statement was reiterated in similar terms at sessions of the EXCOM in years thereafter.

Chapter 4 of this Handbook develops well-defined criteria to inform UNHCR's decision to resettle refugees. The procedures involved are described in Chapter 5.

Voluntary repatriation and resettlement

Voluntary repatriation within a population does not necessarily foreclose the possibility of resettlement for certain individuals. In situations where spontaneous voluntary repatriation takes place or when voluntary repatriation is actively promoted, there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation.

Balanced approaches to resettlement

UNHCR and Governments are faced with the problem of irregular movements in several regions, and it is also an important element of the urban refugee dynamic. Resettlement can have a positive, mitigating influence on irregular movements when it is implemented across regions and in all countries on the basis of clear and consistent criteria, and when it is used as a tool to reinforce protection. In taking the decision to refer certain cases for resettlement, UNHCR remains sensitive to the risks of provoking pull factors and consequent irregular movements of refugees who already enjoy protection.

It is important that resettlement strategies incorporate constant assessment of the refugees' situation in the country of refuge, as well as the situation in the country of origin.

Resettlement operations

Cases of individuals in need of resettlement are usually submitted to one of the ten principal resettlement countries. These countries have established refugee resettlement quotas or ceilings. Other countries do accept resettlement on an *ad hoc* basis and some maintain special programmes benefiting refugees with special needs.

UNHCR promotes with Governments the establishment of resettlement programmes which are:

- predictable, in terms of admissions levels, budgets, and eligibility criteria;
- diverse, in terms of the refugee beneficiaries, to include protection cases as well as refugees

with special needs;

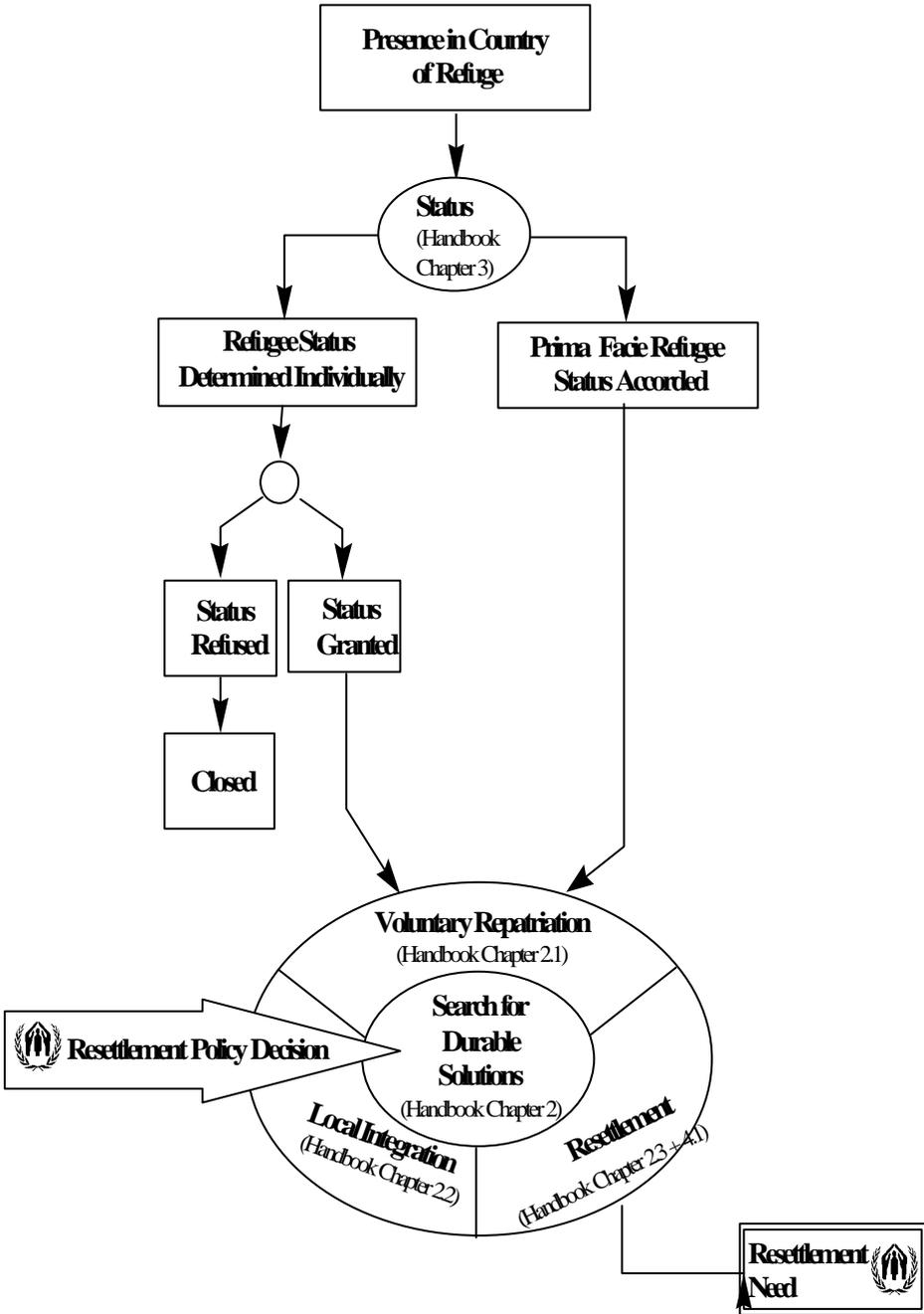
- responsive to emergency needs, emerging needs and appeals for burden-sharing;
- proactive, in addressing domestic considerations linked especially to budget constraints and problems related to integration. There is a unique challenge for Government and NGOs to listen to the local municipalities and to take active steps to lead, inform and assist them to make resettlement work properly at all levels; and
- “holistic”, in using resettlement to ensure protection and as a lasting solution, within the context of a broader refugee policy which addresses needs in countries of origin and first asylum.

The “resettlement continuum” ranges from identification and referral in the field, to acceptance and travel, to reception and durable settlement in a third country. The process of consultations with Governments and agency partners allows for the exchange of information to identify and work to resolve problems at every stage of the process. The Working Group on Resettlement comprised of UNHCR, the International Organization for Migration and resettlement countries is meeting in Geneva on a regular basis every two months. Regional consultations have been held with agencies from Europe, the United States of America and Canada, and Australia and New Zealand. The formal consultation process with Governments and NGOs, which started in October 1995 and June 1996, continues to allow for a regular exchange with a view to developing strategies for meeting resettlement needs in a coherent and transparent manner.

To illustrate the procedures to be followed in a resettlement case, the following pages display a generic **Resettlement Processes Flowchart**, summarising the main steps.

Resettlement Processes Flowchart

**Case Identification
& Determination**

Resettlement Need



Identification System
Resettlement may be an appropriate solution
(Handbook Chapter 5.1)

Assessment
(Handbook Chapters 5.1 + 5.2)

Resettlement is likely to be an appropriate solution

Resettlement is not an appropriate solution

Continued Need for Protection
(Handbook Chapter 3)

Status Refused/Withdrawn

Closed

Status Confirmed

Excludability from Resettlement
(Handbook Chapter 7.4)

No

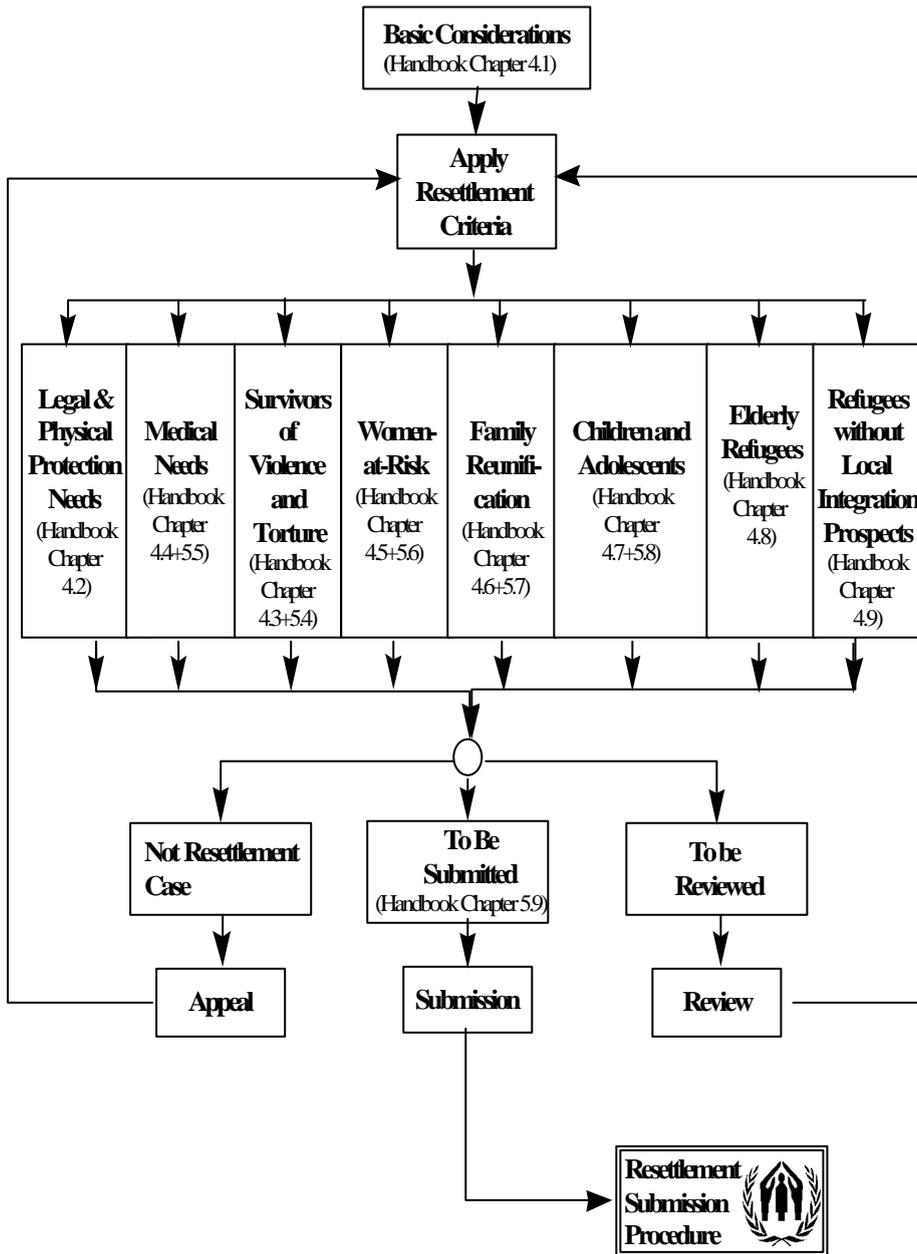
Yes

Apply Resettlement Criteria
(Handbook Chapter 4)

Seek other Durable Solution

Resettlement Determination

Resettlement Determination



Resettlement Submission

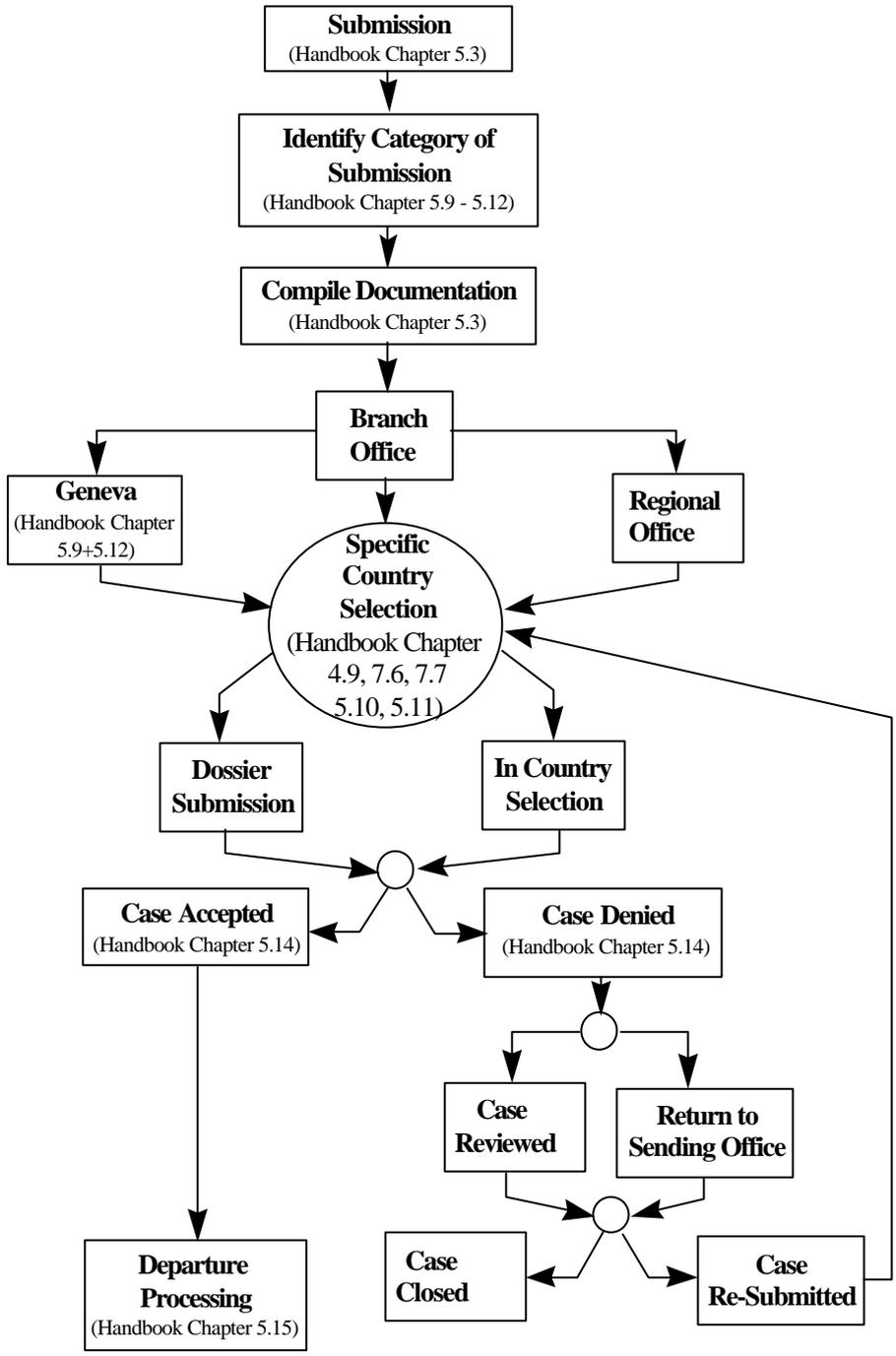



Table of Contents

Refugee Status and Resettlement

3.1	General Considerations	III / 1
3.2	Mandate Refugee Status as a Precondition	III / 2
3.3	Convention Status and Mandate Status	III / 2
3.4	Eligibility under the 1951 Convention and Regional Instruments	III / 4
3.5	Prima Facie Eligibility	III / 4
3.6	Continued Need for Protection	III / 5
3.7	Exclusion of Persons who committed Crimes against Humanity	III / 5

Refugee Status and Resettlement

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

3.1 General Considerations

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

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

In practice, resettlement and protection staff need to cooperate closely to ensure that individuals have been determined to be refugees and cases have been adequately documented before resettlement is promoted.

3.2 Mandate Refugee Status as a Precondition

Resettlement under the auspices of UNHCR is strictly limited to refugees under its mandate. It is therefore essential to ensure that each individual referred for resettlement is determined to fall under UNHCR's mandate. In the family context, particularly in cases of family reunification under resettlement provisions (see Chapter 4.6 for details), it suffices that one family member has been determined to be a refugee within UNHCR's mandate. No facilitation or assistance towards the resettlement of persons who are not within the mandate of UNHCR is to be undertaken. UNHCR Headquarters should be consulted in case of doubt.

UNHCR's Mandate

The mandate of UNHCR derives from the Office's Statute, international instruments governing the rights of refugees and relevant General Assembly resolutions. UNHCR also acts in accordance with decisions and conclusions adopted by the Executive Committee of the High Commissioner's Programme.

Mandate Refugees

According to the Statute of its Office and subsequent General Assembly resolutions, UNHCR is mandated to provide international protection and humanitarian assistance to refugees as well as to promote durable solutions to their problems. Following requests by the General Assembly and endorsement by the international community, the Office's competence covers all persons outside their country of origin for reasons of feared persecution, armed conflict, generalized violence, foreign aggression or other circumstances which have seriously disturbed public order and who, as a result, require international protection.

3.3 Convention Status and Mandate Status

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

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

The UNHCR Statute contains definitions of those persons to whom the High Commissioner's competence extends, which are very close to, though not identical with, the definition contained in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Thus, persons who meet the criteria of the UNHCR Statute qualify for the protection of the United Nations provided by the High Commissioner, regardless of whether or not they are in a country that is a party to the 1951 Convention or the 1967 Protocol (or, if applicable, one of the regional instruments) or whether or not they have been recognized by the host country as refugees under either of these instruments. Such refugees, being within the High Commissioner's mandate, are usually referred to as mandate refugees.

From the foregoing, it will be seen that a person can simultaneously be both a mandate refugee and a refugee under the 1951 Convention or the 1967 Protocol. A person may, however, be in a country that is not bound by these instruments, may be denied access to the refugee determination procedure, or may be excluded from recognition as a Convention refugee by the application of the dateline or the geographic limitation. An application may furthermore be rejected erroneously or for reasons related to application of the refugee definition which, in the view of UNHCR, is not in line with the accepted interpretation of the 1951 Convention. This includes individuals who have been rejected in a refugee status determination procedure on purely formal or procedural grounds (for example, pursuant to the misapplication of the safe third country concept) or on substantive grounds with which UNHCR would not concur (such as in case of persecution by non-State agents, civil war refugees or because of an

unreasonably high burden of proof). In such cases, the applicant would still qualify for protection by the High Commissioner under the terms of the mandate and thus be eligible for resettlement, provided that the criteria for this solution are met.

3.4 Eligibility under the 1951 Convention and Regional Instruments

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

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

In situations where refugees were accorded status under a broader refugee definition set forth by a regional instrument, it may be necessary to conduct a further assessment which might establish that eligibility criteria of the 1951 Convention are also met. This should help to ensure that resettlement submissions are not rejected or delayed on these grounds.

3.5 Prima Facie Eligibility

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

When resettlement is considered for persons who were accorded *prima facie* status, it will usually be necessary to conduct an assessment in order to establish that individual eligibility criteria are met.

3.6 Continued Need for Protection

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

A renewed eligibility determination can furthermore ensure that all facts relevant to the case have been established and considered. A full examination of the individual's refugee claim is also recommended as many resettlement countries will conduct their own refugee determination and thus the facts in the case should be elucidated prior to submission for resettlement. This will help to confirm that the submission is fully substantiated and thereby should expedite processing.

3.7 Exclusion of Persons who Committed Crimes against Humanity

Especially in situations where *prima facie* determinations were made and where there are serious reasons for considering that persons who have committed crimes against humanity or war crimes live amongst the refugee population, an individual status determination clarifying the question of a possible application of exclusion clauses is necessary.

The idea of an individual not deserving international protection as a refugee is related to the intrinsic links between ideas of humanity, equity, and the concept of refuge. The primary purposes of the exclusion clauses are to deprive the perpetrators of heinous acts and serious common crimes of such protection,

and to safeguard the receiving country from criminals who present a danger to that country's security. If the protection provided by refugee law were to afford protection to perpetrators of grave offences, the practice of international protection would be in direct conflict with national and international law, and would contradict the humanitarian and peaceful nature of the concept of asylum. From this perspective, exclusion clauses help to preserve the integrity of the asylum concept.

Essential Reading:

- **An Introduction to the International Protection of Refugees (RLD 1). Training Module. UNHCR Geneva, June 1992.**
- **Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. UNHCR Geneva, Re-edited January 1992.**
- **Determination of Refugee Status (RLD 2). Training Module. UNHCR Geneva, 1995.**

Further Reference:

- **Human Rights and Refugee Protection. Part I: General Introduction (RLD 5). Training Module. UNHCR Geneva, October 1995.**
- **Human Rights and Refugee Protection. Part II: Specific Issues. Training Module. UNHCR Geneva, 1996.**
- **Note on the Applicability of the Exclusion Clauses. UNHCR/ IOM/83/96-FOM/93/96 of 2 December 1996.**
- **Note on the Cessation Clauses, EC/47/SC/CRP.30 of 30 May 1997 (Conference Room Paper for the Standing Committee of the Executive Committee of the High Commissioner's Programme).**

CHAPTER

4

Table of Contents

**UNHCR Criteria for Determining Resettlement
as the Appropriate Solution**

4.1	Basic Considerations	IV / 1
4.2	Legal and Physical Protection Needs	IV / 5
4.3	Survivors of Violence and Torture	IV / 7
4.4	Medical Needs	IV / 8
4.5	Women-at-Risk	IV / 11
4.6	Family Reunification	IV / 16

4.7	Children and Adolescents	IV / 23
4.8	Elderly Refugees	IV / 30
4.9	Refugees without Local Integration Prospects	IV / 31

UNHCR Criteria for Determining Resettlement as the Appropriate Solution

Individual countries use a wide range of different resettlement criteria. The various provisions for countries with resettlement quotas are outlined in the Country Chapters of this Handbook.

This Chapter describes the UNHCR resettlement criteria and related considerations, which form the basis for the identification of refugees in need of resettlement and the promotion of resettlement as the appropriate solution.

4.1 Basic Considerations

UNHCR resettlement activities for refugees under the mandate of the Office are linked to considerations of protection and appropriate durable solutions.

Resettlement should be considered when refugees are at risk in their country of refuge or have particular needs as detailed under the various criteria in this Chapter. Before a decision is taken to promote the resettlement of a refugee, every effort should, in the first instance, be made to fully explore the possibility of local solutions. At the same time, the possibility that voluntary repatriation will be feasible or foreseeable within an acceptable time frame should be evaluated.

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

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

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

However, in cases not related to immediate protection concerns, particularly those falling under the criteria of *lack of local integration prospects*, a decision to refer for resettlement may be influenced by the availability of places. Without reasonable assurances that cases will be considered, UNHCR abstains from referring cases because doing so may raise expectations, create an unmanageable demand, and in turn even lead to security problems. At the same time, the potential of resettlement as a durable solution for certain refugees should be brought to the attention of the Resettlement Section at UNHCR Headquarters, so that steps can be taken with a view to request an increase in quota allocations.

It is important that UNHCR resettlement activities are carried out on the basis of a correct and consistent application of the criteria and considerations detailed in this Handbook. This approach will

ensure that all refugees in need of resettlement receive the appropriate attention. It will, in addition, help to avoid frustration and aggression among refugees as well as other negative phenomena, like irregular movements, often related to inconsistent resettlement activities.

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

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

Where persons who come under the definition of an *irregular mover* are considered for resettlement, the particular provisions under the UNHCR Policy for Urban Refugees need to be observed.¹⁽²⁾

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

Resettlement should not be pursued because individual refugees have become a burden or because of their behaviour or solely in response to action undertaken by refugees to draw attention to their demands, for example, violent or aggressive action towards office staff or hunger strikes.²⁽³⁾ While such individuals may have concerns which need to be heard and require an appropriate response, resettlement should only be considered if the case meets UNHCR's criteria. Resettlement should again not be promoted merely for reasons of pity or sorrow for a refugee's plight, because of the individual's impressive qualifications or previous professional status or as a reward for a "deserving" individual.

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

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

Further Reference:

- Guidelines on Security Incidents (Sample Indicators and Scenarios) (OMS 2). UNHCR Geneva, December 1992.
- Guidelines on Security (PER 2). UNHCR Geneva, December 1992.
- Security Recommendations. UNHCR Geneva, 1995.
- A Framework for People Oriented Planning in Refugee Situations Taking Account of Women, Men and Children. UNHCR Geneva, December 1992.

- People Oriented Planning at Work. Using POP to Improve UNHCR Programming. UNHCR Geneva, December 1994.

4.2 Legal and Physical Protection Needs

As an instrument of international protection resettlement is, in the first instance, a guarantee for the legal and physical protection of refugees. Resettlement may offer the only means to preserve human rights and to guarantee protection when refugees are faced with threats which seriously jeopardize their continued stay in a country of refuge.

It is the responsibility of any country to provide protection to and ensure the safety of refugees on its territory or at its borders. It is UNHCR's responsibility to intervene with the authorities of the country of refuge to ensure that such protection is provided. Only if all means of intervention have been exhausted or at least evaluated, should resettlement on protection grounds be considered.

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

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

4.2.1 *Threat of refoulement, expulsion and arbitrary detention*

In some circumstances refugees may be refused entry to the country to which they have been trying to flee or may be threatened with expulsion. Such a scenario is most likely to occur when the potential country of asylum believes that the refugees concerned would threaten its political, social or economic stability if they were allowed entry or allowed to remain. Refugees may also be under threat of deportation, possibly combined with prolonged arbitrary detention, in situations where the Governments of the country of origin and the country of refuge enjoy a close political relationship and share a mutual antagonism towards the exiles concerned.

In some countries which are not signatories to the Convention, asylum-seekers or even refugees who are recognized under UNHCR's mandate are subject to detention and prosecution, if not deportation. In order to ensure that refugees will not be *refouled* or deported to a country where their life and freedom may be endangered, resettlement may be the only option.

A number of countries offer asylum to refugees only on a temporary basis, on condition that they are subsequently resettled, sometimes within a specific time frame.

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

Where a direct threat to the life and/or personal safety of a refugee exists, resettlement may be the only solution. The threat must be real and direct, not accidental or collateral. While past harassment, especially when repetitive, may provide such an indication, it is not a prerequisite. The threat may be targeted at an individual, but it also can be aimed at a group - such as a family or neighbourhood - to the extent that all individuals who are part of that group would risk becoming the object of indiscriminate persecution.

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

In other situations, refugees who have been admitted to a country of asylum may be threatened not by

the authorities of that State, but by other hostile groups or Governments. If under such circumstances the host country is not willing or able to provide protection from such threats, resettlement may be the only solution.

Further Reference:

- An Introduction to the International Protection of Refugees (RLD 1). Training Module. UNHCR Geneva, June 1992.
- Human Rights and Refugee Protection. Part I: General Introduction (RLD 5). Training Module. UNHCR Geneva, October 1995.
- Human Rights and Refugee Protection. Part II: Specific Issues. Training Module. UNHCR Geneva, 1996.

4.3 Survivors of Violence and Torture

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

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

It is important to remember that the families of the survivors may have complex feelings of trauma, guilt and helplessness and may in turn need special care and attention. Furthermore, information on how a particular community reacts to trauma, loss, grief and mental illness will have to be considered.

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

Care must be taken that survivors of violence and torture are resettled to locations where adequate services, both medical and psychological, will be available to meet their needs. Good communications with Headquarters, Field Offices in resettlement countries and where appropriate, with officials of resettlement countries, will help ensure that such persons receive appropriate assistance in the country of resettlement. It should, however, be noted that UNHCR cannot guarantee that the refugee will always have access to required counselling and support services.

Essential Reading:

- Mental Health of Refugees. World Health Organisation, 1996 (published in collaboration with UNHCR).
- Sexual Violence Against Refugees - Guidelines on Prevention and Response. UNHCR Geneva, 1995.
- Draft Guidelines: Evaluation and Care of Victims of Trauma and Violence. UNHCR Geneva, December 1993.

4.4 Medical Needs

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

can only be addressed through resettlement.

4.4.1 Specific determination criteria

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

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

and

- **Adequate treatment is not available in the country of asylum, due to lack of medical facilities and expertise;**
- **Adequate treatment cannot be ensured through temporary medical evacuation³⁽⁴⁾;**
- **In the case of a disability, the situation in the country of asylum prevents the individual from becoming well adjusted and from functioning at a satisfactory level;**

and

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

and

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

4.4.2 Setting priorities

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

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

4.4.3 Family unity

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

4.4.4 Disabilities

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

threaten the person's safety or quality of life, should resettlement be explored.

4.4.5 Diseases and other medical conditions

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

Refugees diagnosed as HIV positive, or with AIDS, generally would not be identified as in need of resettlement based solely on their medical needs. HIV/AIDS should be viewed in the same manner as other diseases, i.e. the criteria as outlined earlier in this Chapter should be met. At the same time, the fact that a refugee has HIV/AIDS should not adversely affect a decision to resettle a refugee based on other grounds such as family reunion, protection, or other special needs.

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

UNHCR and IOM have issued a joint policy which opposes the use of mandatory HIV screening and restrictions based on a refugee's HIV status. Nevertheless, some States have adopted mandatory HIV testing for refugees and exclude those who test positive. Other States may restrict the admission of persons who are known to be HIV positive or to have AIDS.⁴⁽⁵⁾

Further Reference:

- Assisting Disabled Refugees. A Community-based Approach. UNHCR Geneva, May 1996 (Second Edition).
- Mental Health of Refugees. World Health Organisation, 1996 (published in collaboration with UNHCR).
- IOM Medical Manual 1993.

4.5 Women-at-Risk

The causes of refugee flight frequently result in separation from, or loss of, family members. Women may find themselves without the support of their traditional family protectors or their community. They often have to assume new roles and status in addition to coping with the loss of home, country and loved ones, which may render them particularly at risk.

4.5.1 Specific protection problems of women refugees

Refugee women experience the same protection problems as all refugees; they require adequate safeguards to prevent their *refoulement* or expulsion from their country of refuge. They also require a legal status that accords adequate social and economic rights and access to such basics as food, shelter, clothing and health care assistance.

Their gender, however, *may* place them at risk of being subjected to additional protection problems. Abduction, rape, sexual abuse, harassment and exploitation are some of the problems faced by refugee women, particularly those without their traditional family support. UNHCR places high priority on the protection of refugee women and seeks to provide rapid solutions to the problems they face.

All UNHCR Field Offices are instructed to integrate the resources and needs of refugee women into all aspects of UNHCR's programmes in order to ensure equal delivery of protection and assistance

activities. Assessment and planning are essential at every stage of a refugee situation from the initial emergency and provision of adequate care and maintenance through the identification of appropriate durable solutions. Early assessment of protection needs is crucial for two major reasons.

- Refugee women may be particularly at risk of attack and abuse as they cross the border into an asylum country. Early identification of such risks can allow the problem to be addressed through the provision of improved security.
- Decisions made early in a refugee emergency should take account of women's needs. Fundamental decisions such as camp layout and food distribution mechanisms can have a significant impact on the protection of refugee women.

Refugee women should be consulted and involved if their real protection needs are to be addressed through preventive measures.

Women who are survivors of sexual violence or physical abuse should be provided with adequate protection, medical and psycho-social care, which is culturally sensitive and appropriate. Their needs may best be provided for in the setting of their country of initial refuge, or within their own community, provided that adequate measures have been taken to ensure the survivors' safety and to prevent further violations.

4.5.2 Women refugees in need of resettlement

When, despite all possible efforts, it is unlikely that the particular protection problems or related needs of a refugee woman can be adequately addressed in the country of refuge, resettlement should be actively considered.

In some instances resettlement may be the preferred and often only solution. This could be the case when women have been raped and when in their society and in their country of refuge a survivor of rape is ostracized. Such a situation could be aggravated when the refugee woman gives birth to a child conceived through rape. In addition to the possible serious consequences of a rape on her physical and mental health, the refugee woman may suffer lifelong rejection by her own family and community.

In addition to rape cases, many other specific problems of women refugees may merit resettlement consideration.

The guiding principle for UNHCR is whether resettlement is likely to offer a solution to the problems suffered by a refugee woman. It is important to avoid any automatism when identifying and assessing possible women-at-risk cases, as this could lead to false claims solely for the purpose of seeking resettlement.

4.5.3 UNHCR's definition of women-at-risk

For purposes of resettlement, UNHCR considers as women-at-risk those women who have protection problems, and are single heads of families or are accompanied by an adult male who is unable to support and assume the role of the head of the family. They may suffer from a wide range of problems including expulsion, *refoulement* and other security threats, sexual harassment, violence, abuse, torture and different forms of exploitation. Additional problems such women face could derive from persecution as well as from particular hardships sustained either in their country of origin, during their flight or in their country of asylum. The trauma of having been uprooted, deprived of normal family and community support or cultural ties, the abrupt change in roles and status, in addition to the absence of an adult male head of family, renders some women, under certain circumstances, more vulnerable than others.

4.5.4 Problems related to refugee status determination

Women may face special problems related to refugee status determination or resettlement eligibility.

For example, a woman may fall under UNHCR's mandate as a result of a group determination, a regional instrument, or in some way other than through an individual status determination using the Convention definition. When an individual is referred for resettlement, resettlement countries may not recognize her refugee status. Some common obstacles faced by women in the process of status determination are:

- The refugee claim is based on the political activities of other family members. Therefore, the consequences of persecution, or fear of persecution, of the refugee woman are not given sufficient weight;
- Gender-related persecution, or fear of persecution, is not considered, or is given insufficient weight, during the course of the status determination;
- The lack of gender-sensitive interviewing skills among those involved in the status determination interview. This can reflect other factors, such as unavailability of appropriate interpreters, or the reluctance of a woman to discuss her case with a male interviewer;
- The lack of trauma-sensitive interviewing skills can have the same effect;
- Cultural considerations, taboos, fear of further victimization, particularly in relation to rape and torture, inhibit the refugee in expressing fear of persecution or of relating past persecution.

Gender-related persecution is typically, but not exclusively, persecution directed towards women and girls. It may involve severe discrimination amounting to persecution for transgression of social mores of the society in which a woman or girl lives. Consideration of gender-related persecution therefore requires some understanding of the status and experiences of women and girls in the society from which the applicant is claiming persecution. Gender-related persecution claims normally fall within the 1951 Refugee Convention under *particular social group* and/or political opinion. Some typical claims of gender-related persecution are those based on female genital mutilation, coercive family planning policies, sexual violence, domestic violence, forced or early marriages and homosexuality.

4.5.5 Problems related to resettlement eligibility criteria

In addition to the problems involved in determining refugee status, women may also have difficulty meeting normal resettlement eligibility criteria of individual countries. This can be due to an inadequate socio-economic profile, the lack of an adult male breadwinner, a high number of dependants, and/or a fragile physical or psychological condition. Admission obstacles may be magnified by a perceived weak post-resettlement integration potential, and the perception that self-sufficiency cannot be obtained.

One or both of these factors may present an insurmountable obstacle to resettlement and lead to life-threatening situations such as the risk of deportation or *refoulement*. The lack of resettlement opportunities for such cases can lead to additional hardships in the country of asylum, such as traumatization, victimization and limited opportunities for psychological, social and economic rehabilitation.

To address these problems, special resettlement programmes for Women-at-Risk were created by some countries, whereas other countries extend admission under existing vulnerable group provisions to refugee women considered at risk.

The rationale for Women-at-Risk programmes is:

- **To provide international protection and assistance through resettlement to refugee women who are particularly at risk in their country of refuge. Resettlement should be considered when this is deemed to be the only viable durable solution in order to prevent further physical security problems, victimization, re-traumatization or other forms of abuse and exploitation;**
- **To enhance resettlement eligibility for refugee women otherwise ineligible under the general selection criteria of resettlement countries and to obtain priority processing and**

accelerated departure;

- **To ensure that they receive specialized care, if needed, and intensive support upon arrival in their country of resettlement with a view to achieving successful socio-economic integration and self-sufficiency.**

Even in refugee populations not normally considered for resettlement, attention should be directed towards refugee women who in certain instances may require resettlement owing to one or more of the factors mentioned in this Sub-Chapter.

Essential Reading:

- Guidelines on the Protection of Refugee Women. UNHCR Geneva, July 1991.
- Sexual Violence against Refugees. Guidelines on Prevention and Response. UNHCR Geneva, 1995.
- Mental Health of Refugees. World Health Organisation, 1996 (published in collaboration with UNHCR). (especially Unit 9: Helping victims of rape and their communities).
- UNHCR Policy on Refugee Women. UNHCR Geneva, 1990.

Further Reference:

- **A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff. UNHCR Geneva, 1996 (Draft).**

4.6 Family Reunification

The importance of resettlement as a protection tool extends to certain cases where it preserves or restores the basic dignity of a refugee's life, for example, through family reunification. When refugees leave their country of origin, family members are frequently left behind, or dispersed during flight. Such separation leads to hardship and sometimes to tragic consequences. It may also create serious obstacles to a refugee's integration in a new country. Guided by both humanitarian and practical considerations, and pursuant to its responsibility under the Statute of the Office to provide international protection to refugees, to promote measures designed to improve the situation of refugees and to facilitate their integration within new national communities, UNHCR seeks to ensure the reunification of refugee families separated by the circumstances of their persecution or flight.

In some cases, the separation of refugee families can also occur when a family member has not been able to accompany the rest of the family to a country of resettlement because the family member does not meet that country's criteria for admission.

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

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

4.6.1 The principle of the unity of the family

UNHCR's action in promoting family reunification is supported by the principle, set forth in both the

Universal Declaration of Human Rights of 1948 and the Covenant on Civil and Political Rights of 1966, that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”⁵⁽⁶⁾

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

“The Conference,

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

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

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

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

The need to promote the reunification of dispersed families was also underlined by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts of 1977.⁶⁽⁷⁾

Family reunification was also considered by the Executive Committee of the High Commissioner’s Programme (EXCOM) which adopted conclusions on this matter at several sessions.⁷⁽⁸⁾

The 1989 Convention on the Rights of the Child (CRC) confirms the view that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.” Articles 9 and 10 of this Convention refer to split families and emphasize that the reunification of children and their parents should be dealt with in a “positive, humane and expeditious manner.”⁸⁽⁹⁾

4.6.2 Promotional activities

One of the main functions of UNHCR in facilitating family reunification is to obtain the overall co-operation of the authorities of the States concerned and the adoption on their part of criteria and resources permitting reunification. This ongoing task of laying the political, legal, administrative and operational groundwork for the smooth and regular solution of family reunification cases is a normal part of UNHCR’s protection activities. Besides promoting liberal admission policies, the Office seeks to ensure that family members are granted, whenever appropriate, the same legal status and facilities as refugees.

In seeking to promote the reunion of separated refugee families, UNHCR is guided by basic humanitarian considerations and also by the Statute of the Office which entrusts the organisation, *inter alia*, with the functions of improving the situation of refugees and facilitating the assimilation of refugees within new national communities. In the 1977 Conclusion on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunion and reaffirmed the coordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate

interventions with Governments and with inter-governmental and non-governmental organisations.

4.6.3 Eligibility for UNHCR assistance with family reunification

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

Except for certain special programmes,⁹⁽¹⁰⁾ eligibility for UNHCR assistance with family reunification requires that at least one person within the family unit which is to be reunited must be a refugee under UNHCR's mandate.

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

In instances where problems of mass-influx may appear to render the reunification of families temporarily impractical, Field Offices should consult with UNHCR Headquarters as to the course to be followed.

4.6.4 Family reunification cases outside the competence of UNHCR

UNHCR Offices sometimes receive requests for help with family reunification or travel with respect to persons not eligible for assistance under the established criteria and procedures. Such requests may involve persons not within the mandate of the Office, relatives not belonging to the family unit, or family members wishing merely to visit the refugee family in the country of asylum. They often relate to the completion of formalities, obtaining visas and travel documents, or even the financing of travel. When it is determined that a request is outside the mandate of UNHCR, an applicant should be advised that UNHCR cannot assist and should be directed to the competent embassy, immigration office or non-governmental organisation, where appropriate. An applicant may be advised to contact IOM for information about their subsidized migration schemes.

4.6.5 The concept of dependency

There is no internationally recognized definition of dependency. For operational purposes, with regard to the active involvement of UNHCR offices in individual cases, the concept of *dependent* persons should be understood as persons who depend for their existence substantially and directly on any other person, in particular because of economic reasons, but also taking emotional dependency into consideration.

Dependency may usually be assumed to exist when a person is under the age of 18 years, or, if the individual in question is a full-time student who is not financially independent. Dependency should be recognized if a person is disabled and incapable of self-support, either permanently or for a period expected to be of long duration.

4.6.6 Setting priorities

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

4.6.7 Types of family reunification promoted by UNHCR

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

(a) Reunification of the nuclear family

There is a consensus in the international community concerning the need to reunite members of the *nuclear family* consisting of husband and wife, their minor or dependent, unmarried children, and minor siblings. The following points should be noted in this connection:

Husband and wife

Besides legally married spouses, couples who are actually engaged to be married, who have entered into a customary marriage, or couples who have lived together for a substantial period are eligible for UNHCR assistance.

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

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

Parents and children

Although some countries of asylum make a distinction between minor children and those who have come of age, it is UNHCR policy to promote the reunification of parents with dependent, unmarried children, regardless of age, who were living with the parents in the country of origin.

Unaccompanied minors with parents or siblings

Because of the special needs of children and adolescents for a stable family environment, the reunification of unaccompanied minors with their parents or guardians should be treated as a matter of urgency. In addition, reunification of an unaccompanied minor with another sibling should also be accorded priority because of the importance of the support that brothers and sisters can give to each other. However, family reunification may not always be the best solution for a child or adolescent. In all situations involving unaccompanied minors, an assessment should be made based on the best interests of the minor (see Chapter 7 of this Handbook). The quality of the relationship between the child and the parent(s) and whether the parent will be able to offer guidance, support, and emotional care must be assessed, for example.

If a minor has arrived first in a country of asylum, the principle of family unity requires that the minor's next-of-kin be allowed to join the minor in that country, unless it is reasonable under the circumstances for the minor to join the relative in the country where the relative resides or in another country.

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

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

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

Dependent parents of adult refugees

Humanitarian and economic considerations weigh in favour of reunification for dependent parents who originally lived with the refugee or refugee family, or who would otherwise be left alone or destitute.

Other dependent relatives

Where persons such as single brothers, sisters, aunts, cousins, etc. were living with the family unit as dependants in the country of origin, or where their situation has subsequently changed in such a way as

to make them dependent upon refugee family members in the country of asylum (e.g., by the death of a spouse, parent or bread-winner), they should also be considered eligible for family reunification. Unaccompanied minors may be considered for family reunification with relatives when this is in the child's best interests, and when it will not interfere with family tracing.

Other dependent members of the family unit

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

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

(c) Other relatives possibly to be considered for resettlement

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

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

Further Reference:

- Report on Family Reunification. Overview of Policies and Practices in IGC Participating States. Secretariat of the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC). Geneva, March 1997.

4.7 Children and Adolescents

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

The ***Convention on the Rights of the Child*** (CRC)¹⁰⁽¹¹⁾ applies to everyone below the age of eighteen years unless, under the applicable law, majority is attained earlier (article 1). In other words, it applies to all minors. The terminology of the CRC causes confusion, however. Article 1 says that, “For the purpose of the present Convention, a child means” Confusion is caused because the word *child* in the treaty is being used in an unusual way. According to the dictionary, a *child* is a person who has not yet reached puberty or sexual maturity, and in common usage it is not applied to anyone over 14 or 15 years. A person who is no longer a child but not yet an adult is an adolescent. It is helpful to remember that article 1 of the CRC is defining a word in a legal text, and is not defining real life human beings. In lawyers' jargon, the term *child* is a *legal fiction*, that is, an artificial definition in a legal text.

This clarification is important because the trend of referring to all persons under 18 as *children* may inadvertently add to the “invisibility” of adolescents during decision-making; invisibility both as to their existence and to their capabilities and needs. While this Handbook sometimes follows this trend by

using *child* to refer to all minors, care must be taken to remember that this is an artificial usage: the capacities and needs of adolescents are fundamentally different from those of infants and other children.

4.7.1 Unaccompanied (or separated) minors are a priority concern to UNHCR

An unaccompanied minor is a person under 18 years who is separated from both parents and is not being cared for by an adult who, by law or by custom, is responsible for doing so.

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

It may be difficult for an unaccompanied minor to establish refugee status using the same refugee criteria and procedures applied to adults. When a child is unable to articulate a claim, or it is not possible to determine the refugee status of a minor, a decision should be made as to what durable solution would be in the minor's *best interests*.¹¹⁽¹²⁾ **In the context of resettlement, it should be borne in mind that some** countries require that every individual, including children, meets the refugee definition. UNHCR encourages countries to consider the best interests of the child when determining the refugee status of a minor, and to determine refugee status using the broadest possible interpretation.

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

- Any intervention on behalf of unaccompanied minors, particularly their movement, must *follow the existing guidelines* given in UNHCR's *Refugee Children: Guidelines on Protection and Care*¹²⁽¹³⁾. It must be ensured that the best interests of the child are met.
- Resettlement of unaccompanied minors should only be considered on a *case-by-case examination* where other solutions are not appropriate. Decisions concerning durable solutions for unaccompanied refugee children must be taken by competent bodies that include *experienced child welfare personnel*. The possibility of voluntary repatriation should always be given full consideration in the first instance, particularly if the minor has family remaining in the country of origin.

The procedure should permit the *effective participation of the refugee child* and, as with status determination, arrangements should be made for the minor to be represented. It should be ensured that the *minors be informed* that what is happening affects their future. Too often, things are done to, for or on behalf of children and adolescents, ostensibly in their interest, but without letting the minors know. Where possible, the views of the parents, or others who perform this role, should be obtained.

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

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

- Where the resettlement, local integration or repatriation of a *family caring for a child or adolescent other than their own* is being considered, the nature and durability of the relationship between the minor and the family must be carefully assessed by an experienced child welfare worker to determine whether they should remain together. There must be assurances that the family will

continue to provide for the minor. It is important to balance the minor's need for continuity of care and the degree of attachment to the foster family against the possibility of ultimate family reunification.

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

4.7.2 *Minors and family reunification*

For individual children and adolescents, reunification with their parents, relatives or a suitable guardian should be a primary objective. If the legal status of the parents or family is unresolved, it may become necessary for UNHCR to intervene on behalf of the minor with the authorities of the resettlement country to permit family reunification.

The resettlement of an unaccompanied minor for reasons other than family reunification should not be considered unless, for example, the minor is being cared for by a foster family which is being considered for resettlement, the minor has formed a strong emotional or social bond with the family, and resettlement will not interfere with tracing and reunification with the original family.

Further considerations and criteria related to family reunion are outlined in Chapter 4.6.

4.7.3 *Minors who are under physical threat*

Minors may, due to their own actions or perceived actions, be particularly targeted by authorities or other parties and find themselves in circumstances where resettlement may be the only solution to ensure their protection. Another source of threat is when minors are recruited into the military as soldiers or porters or in some other support capacity. There may also be social practices that pose a threat to a minor, as in the case of early or forced marriages.

If the physical safety of a minor is under severe threat and local solutions are not available, immediate resettlement may be the only practical means to guarantee his or her protection. More specific considerations and criteria relating to resettlement based on legal and protection needs are summarized in Chapter 4.2.

Where it is found necessary to resettle a minor who is accompanied by family, resettlement will have to be sought for the family unit.

4.7.4 *Minors who are disabled, traumatized or in need of medical care*

Minors who are unable to get adequate treatment in their country of refuge or who suffer from health conditions that cannot be addressed due to lack of appropriate medical facilities may be considered for resettlement. As with adult refugees, priority is given to serious cases in which the condition represents a significant obstacle to leading a normal life and the eventual achievement of self-sufficiency.

Physically and mentally disabled or sick minors who have been traumatized or tortured or are survivors of sexual violence should be given top priority, both for emergency and urgent resettlement.

The specific considerations and criteria for resettlement on this basis are outlined in Chapters 4.3 and 4.4.

In cases of resettlement for treatment, the rest of the minor's family, or the guardian, should always be resettled with the minor, even if these other family members would have no independent grounds for resettlement. The resettlement of a child for treatment purposes should not result in long-term separation from parents or the guardian. Even short-term separations can be very damaging because it is normal for the child to experience fear, anxiety, and feelings of rejection and abandonment when separated. Humanitarian efforts to protect physical health must give equal importance to psychological well-being. A child who is evacuated for treatment should always be accompanied by a close relative, or

someone with whom the child has an emotional bond. In extraordinary circumstances where this may not be possible, the child must be accompanied by someone who speaks the child's language and can provide emotional support.

4.7.5 Adoption

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

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

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

International adoption is also regulated by the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) with respect to State parties to the treaty.¹³⁽¹⁴⁾

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

***Refugee Children: Guidelines on Protection and Care* states:**

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

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

Essential Reading:

- Refugee Children: Guidelines on Protection and Care. UNHCR Geneva, 1994.
- Guidelines for Interviewing Unaccompanied Refugee Children and Adolescents and Preparing Social Histories. UNHCR Social Services Section, April 1990.

Further Reference:

- UNHCR Policy on Refugee Children. UNHCR Geneva, August 1993.
- Interviewing Applicants for Refugee Status (RLD 4). Training Module. UNHCR Geneva, 1995 (in particular Chapter Five: Interviewing Children).
- Mental Health of Refugees. World Health Organisation, 1996 (published in collaboration with UNHCR) (especially Unit 5: Helping refugee children).
- UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children dated 22 August 1995.
- Evacuation of Children from Conflict Areas. Considerations and guidelines. UNHCR/UNICEF. Geneva, December 1992 (Edited by Everett M. Ressler).
- Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. UNHCR Geneva, February 1997.
- Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally. General Assembly Resolution A/RES/41/85, 3 December 1986.
- Working with Unaccompanied Minors in the Community. A Family-Based Approach. UNHCR (PTSS/Community Services) Geneva, 1994 (especially Chapter 3: Communication and Documentation).

4.8 Elderly Refugees

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

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

economic situation.

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

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

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

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

4.9 Refugees without Local Integration Prospects

Resettlement may be considered for refugees who do not have an opportunity to establish themselves in their country of refuge in a manner appropriate to their cultural, social, religious or educational backgrounds. Resettlement may be promoted under such circumstances when it is evident in the individual case that a refugee will not be able to return home in the foreseeable future, is not able to settle locally. In this regard, the quality of asylum and the social prospects inherent or lacking in it should play a key role in the assessment of resettlement needs.

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

4.9.1 Basic considerations

The basic considerations outlined in Chapter 4.1 have to be fully applied and met.

4.9.2 Determining voluntary repatriation possibilities

A determination has to be made that voluntary return to the country of origin will not become an option in the foreseeable future. This assessment should be based on the refugee's personal situation - including considerations that individual refugees may have compelling reasons arising out of previous persecution not to re-avail themselves of the protection of their country - as well as information on conditions in the country of origin at the time of the assessment. Some refugees, because of the specific circumstances of their individual case (such as past involvement in political opposition, membership in social organizations or ethnic minority status), cannot return home in spite of a generally improved situation in the country of origin. Voluntary repatriation within a population does not necessarily foreclose the possibility of resettlement for certain individuals. In situations where spontaneous voluntary repatriation takes place or when voluntary repatriation is actively promoted, there may be individuals who are unable to repatriate due to a continued fear of persecution in their country of origin. In the absence of the possibility of local integration in the country of asylum, resettlement for these refugees may provide the only durable solution. Such cases should, however, be processed with discretion in order not to disrupt the repatriation operation. In consultation with UNHCR Headquarters, a determination should be made

as to whether resettlement is warranted in such cases, provided resettlement places are available.

4.9.3 Determining conditions in the country of refuge

After it has been determined that repatriation is not a viable option, the status of and prospects for local integration of a refugee in the country of refuge must be taken into account.

When applying this criteria it has to be borne in mind that it is UNHCR's objective to limit the negative effects deriving from the fact that the person in question is a refugee in a given society. The assessment should therefore be based on an evaluation as to whether the situation of the individual refugee is different from that of citizens of the country of refuge with similar background. Positive discrimination of refugees over the local population is to be avoided.

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

4.9.4 Length of stay in country of refuge

There is no definite length of stay in a country of refuge after which it can be said that a refugee lacks a durable solution. It might, however, be assumed that it would take more than two years to fully explore the possibilities of local settlement or voluntary repatriation. Nevertheless, circumstances may exist where it can be determined at an earlier stage that no other durable solution will ever be feasible. The emphasis in this regard is on the careful assessment of the local integration prospects of the individual rather than on hard and fast rules relating to time frames.

4.9.5 Adverse effects

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

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

4.9.6 Consultation process

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

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

4.9.7 Setting priorities

Individuals or groups should be assisted only where the opportunity (resettlement quota/places)

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

Refugees who may have good reasons for resettlement could be:

- those whose legal status or situation and physical security in the country of refuge are not fully guaranteed or not stable - without meeting the requirements for submission on protection grounds - but seriously affect their prospects for local settlement; or
- those who are denied, or do not have in practice, an opportunity for local settlement in the country of refuge on account of their religion, race, ethnicity, membership in a particular social group or their political opinion; or
- those who, despite having a demonstrable capacity to attain self-sufficiency and integrate in another country, are prevented or otherwise unable, *because they are refugees*, to obtain meaningful employment, despite consistent efforts on their part.

CHAPTER 5

Table of Contents

Basic Procedures to be Followed in Field Office Resettlement Operations

5.1	Case Identification and Assessment	V / 1
5.2	Interviewing	V / 4
5.3	Preparation of a Resettlement Submission	V / 9
5.4	Specific Aspects in Cases of Survivors of Torture and Violence	V / 14
5.5	Specific Aspects in Medical Cases	V / 15
5.6	Specific Aspects in Cases of Women-at-Risk	V / 17
5.7	Specific Aspects in Family Reunification Cases	V / 19
5.8	Specific Aspects relating to Children and Adolescents	V / 29
5.9	UNHCR Decision	V / 37
5.10	Identification of a Possible Resettlement Country	V / 38
5.11	Regular Submission	V / 40
5.12	Urgent and Emergency Submissions	V / 42
5.13	Processing	V / 44
5.14	State Decision	V / 46
5.15	Departure Arrangements	V / 47

Basic Procedures to be Followed in Field Office

Resettlement Operations

5.1 Case Identification and Assessment

5.1.1 Case identification

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

Resettlement needs should be identified as part of UNHCR's standard assessment of protection and durable solutions needs, rather than through the demand of an individual. In this context, an identification and referral system should be established to enable the active identification of cases.

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

In addition to the identification carried out by UNHCR directly, information from other organizations, especially those dealing with medical and social services may prove useful. It is important to utilize structures within a refugee population to identify individuals who may need special attention. However, it is not advisable to ask persons like refugee community leaders who they would select or recommend for resettlement.

5.1.2 Case assessment

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

Cases identified should be referred to the responsible UNHCR staff (protection, community services, etc.) for further assessment and evaluation. After such a pre-selection, cases which may be eligible for resettlement should be assessed by the *Resettlement Officer* or UNHCR staff with delegated resettlement responsibilities. The Resettlement Officer should determine whether resettlement is the most appropriate solution for the refugee taking into account available information and the established resettlement criteria outlined in Chapter 4. If resettlement is recommended, a dossier, including a Resettlement Registration Form (RRF), with a special needs assessment and medical reports if appropriate, *must* be prepared, drawing on the information and recommendations provided by competent UNHCR staff.

A *Protection Officer* should provide an eligibility assessment and clearly indicate reasons why a refugee is under UNHCR's mandate. If a refugee was granted prima facie status, individual status determination may be required to establish the refugee claim (see Chapter 3). The protection officer should describe in detail any protection concerns the refugee may face in the country of refuge.

A *Community Services Officer* should complete a special needs assessment, particularly for cases falling into the categories mentioned in Section 5.3.2.

A *Health Coordinator* should complete a Medical Assessment Form, for relevant cases.

The following basic information should always be provided for the initial assessment of a case:

- 1. bio-data for the head of family and all dependants: date/place of birth and sex, specifying the relationships to the head of family and spouse**

2. educational background for each family member over 12 years of age

3. employment background for each family member over 18 years of age

4. bio-data for relatives in third countries*

5. bio-data for relatives in the country of refuge*

6. bio-data for relatives in the country of origin*

7. reasons for leaving country of origin

8. identification of current problems facing the principle applicant

9. justification for referral, including reasons why resettlement is being sought and, as applicable, a summary of protection or security problems, medical conditions, etc.

*** for items 4 - 6 include the relationship to the head of family and/or spouse and their current address and telephone number(s).**

5.1.3 Use of specialist staff

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

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

Further Reference:

- UNHCR Handbook for Social Services. UNHCR Geneva, 1984.

5.2 Interviewing

5.2.1 Preparing and conducting an interview

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

5.2.2 Conducting interviews in places of detention

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

It should be recalled that the UNHCR Executive Committee has recommended that refugees and asylum

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

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

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

5.2.3 Security recommendations when conducting interviews

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

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

- all interviews should, where possible, be by appointment;
- trained guards should control access to the building and the main entrance to the interview area. If deemed necessary, the guards should carry out searches of individuals seeking access to the building or use a metal detector;
 - the interview area should not be exposed visually to the waiting room;
- only a minimum number of people should be allowed into the waiting area at any one time;
 - doors of toilets and water facilities should be lockable from outside only;
- any known record of violent behaviour should be noted on the individual's file. This will alert the interviewer to take precautionary measures if deemed necessary;
- there should be no objects in the interview room which could be used as weapons (e.g. heavy paper weight, letter opener, stapler, etc.);
- no wall lights or electrical wires should be exposed as these might be used as a weapon or for suicide attempts;

- **procedures to evacuate an interview room should be established and a mechanism or procedure should be in place for summoning help;**
- **furniture in the interview room should be arranged to give protection to the interviewer. Interviewers should have their chair located so as to provide easy access to the door. Doors to the interview rooms should be lockable from the outside only;**
- **if interviews are conducted in remote locations, arrangements should be made to ensure proper communications at all times (radios or walkie-talkies). Preferably, several staff should travel together and arrangements should be made with local authorities for assistance to be provided if needed;**
- **in the case of security incidents, serious consideration must be given to bringing to justice any individual who assaults an interviewing officer.**

Concerning precautions and practices to be followed in specific locations, it is suggested that advice be sought from specialised security personnel.

5.2.4 Working with interpreters

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

It is important to be sensitive to a refugee's culture and background when selecting an interpreter. Remember that a woman refugee will likely be more comfortable speaking through a female interpreter to a female interviewer. Many women refugees are unwilling to speak to male interpreters and interviewers. There may also be occasions when a male refugee would be more at ease with a male interpreter and a male interviewer. When working with children and adolescents, care should be exercised to select interpreters who have the necessary skills.

Interpreters should be both neutral and objective in their role. Where refugee interpreters are employed, it is important to ensure that they are not in any way related to the refugee, either through family relationship, or other ties such as political associations.

Before starting an interview, it should be ensured that the interpreter is properly briefed and understands his or her role and the purpose of the interview. Confidentiality for the refugee is of the utmost importance and should be stressed, even though a trained interpreter will be aware of this.

An interview should begin by introducing the interpreter to the refugee and explaining his or her role. It is also important to assure the refugees of their right to confidentiality, and that both the interviewer and the interpreter will respect this.

Questions should be directed to the refugee, and not to the interpreter.

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

Interpreters should always:

- **receive an adequate briefing before the interview;**
- **have a clearly defined role;**
- **have the support of the interviewer;**

- be treated with respect;
- refrain from abusing their role;
- maintain confidentiality;
- maintain neutrality;
- work with accuracy.

Essential Reading:

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

Further Reference:

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

5.3 Preparation of a Resettlement Submission

Electronic Submissions System

A new resettlement registration form (RRF) and submissions procedure has been field-tested and will be introduced in phases. The system allows for referrals to be made by e-mail and includes electronic data processing facilities. Revised procedures will markedly improve the timeliness of submissions as well the quality and variety of statistics. The system also includes built-in links to the *Resettlement Handbook* and other useful information concerning resettlement policies and activities.

The new RRF includes information which several resettlement countries indicated would be valuable for selection purposes and for post-arrival service delivery, for example, more individual information about spouses and dependants.

Revised guidelines on the new system will be provided to Field Offices in conjunction with the phased installation of the software and respective training activities. Pending the introduction of the electronic submissions system at Field Offices, the procedures detailed in this Chapter should be followed.

Once an assessment has been made and it has in principle been determined that resettlement should be pursued, special care must be taken to ensure that a complete and professionally presented submission is prepared. It is also of the utmost importance to ascertain at the outset whether the case falls within one of the special needs categories. Inability to correctly identify deserving cases results in unnecessary hardship for the refugee and justified criticism from resettlement countries.

Each submission must include a duly completed Resettlement Registration Form (RRF). In addition to

a substantiated explanation of the need for resettlement, it is important to provide a comprehensive outline of the refugee claim and of the UNHCR determination of the case. This is of particular relevance as the majority of resettlement countries will, as part of their decision-making process, carry out an eligibility determination, either through selection missions or on the basis of the case file received in capitals (see Chapter 3 of this Handbook). For the compilation of relevant additional information gathered during the case assessment, the section of the RRF entitled *Special Needs* and the Medical Assessment Form may be used.¹⁽¹⁵⁾ Photocopies of supporting documents should be attached.

Points to remember in preparation of a case for submission

- Why does the individual qualify as a refugee?

Is a copy of the refugee claim and the UNHCR determination available?

- Is the completed Resettlement Registration Form (RRF) included?

- Does the RRF address why resettlement is required/the most appropriate durable solution?

Why is voluntary repatriation not possible?

Why is local integration not possible?

- Is information on family members in the country of refuge, the country of origin and elsewhere complete and correct?

Are there any new children to be included?

Have any family members died?

Have any older children married, so they no longer qualify as dependants?

Has the status of family links in the resettlement country been verified (via the local UNHCR Office)?

Has the information been verified against the eligibility questionnaire?

- Can a background note be included on country of origin information related to the refugee's case?

- Is the completion of the Special Needs section required?

If so, is it complete and up-to-date?

- Is a UNHCR Medical Assessment Form required?

If so, is it complete and up-to-date?

Are any medical reports attached and are they current?

- Is all documentation signed and dated (RRF and Medical Assessment Form)?

- Does the submission letter make reference to all relevant documentation?

When completing the necessary forms, the "4 Cs" should be kept in mind:

Clear is it easy to read, without jargon or abbreviations?

Concise short enough to be interesting?

Complete will readers have all the relevant information?

Correct have all facts been checked?

5.3.1 *The Resettlement Registration Form (RRF)*

The Resettlement Registration Form (RRF), with several variations used in certain large Field Offices, is the standard form of submissions for resettlement. A blank copy for duplication is provided in Annex 3. This form must be fully and accurately completed for all cases.²⁽¹⁶⁾ It should include information on bio-data, education and employment history, a concise and credible presentation of the events that made the refugee flee his or her home country and led to his or her recognition as a refugee and the reasons why resettlement is required. Field Offices should bear in mind that most resettlement countries, when screening resettlement submissions, carry out an eligibility examination themselves, whether considering dossier submissions in their capitals or during a resettlement selection mission to the country of refuge, or both.

Many rejections of resettlement applications stem from an unclear and/or weak presentation of the refugee claim. When preparing the section of the RRF referring to the refugee claim, UNHCR staff should present not only a correct but a coherent and compelling statement emphasizing elements which led to recognition.

Points for completing the Resettlement Registration Form (RRF)

- RRFs must be filled out by UNHCR staff and not by the refugee;
- Wherever possible, RRFs should be typed and not hand-written. Avoid corrections by hand;
 - Take time to ensure the submission is correct and complete to avoid delays;
 - Ensure that there are no contradictions;
 - Check the information with the refugee;
 - Ensure the correct translation of different national calendars (include original dates);
- Ensure that full background information is included concerning the refugee's reasons for leaving the country of origin. Include country of origin information;
- Explain why resettlement is considered the most appropriate durable solution and what measures have been taken to explore voluntary repatriation and local solutions. (This information has been specifically requested by resettlement countries);
 - Include information on the situation in the country of refuge;
- Ensure that community services, medical and protection staff who know the individual(s) are consulted;
- When appropriate, ensure that updated medical reports are completed and attached to the file;
 - Ensure the refugee signs and dates the completed RRF;
 - Ensure that the interviewing officer signs and dates the RRF.

5.3.2 *The Special Needs section of the RRF*

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

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

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

Information provided in the Special Needs section should include:

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

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

5.4 Specific Aspects in Cases of Survivors of Torture and Violence

The specific considerations outlined in Chapter 4.3 with regard to the eligibility criteria for resettlement of cases of survivors of torture and violence should also be observed in the context of assessment and submission for resettlement. Basic guidance on how to recognize people who have been subjected to severe forms of violence and how to interact with them may be obtained from the WHO/UNHCR publication *Mental Health of Refugees*.

The report of the examining physician of a refugee's physical condition is required. Qualified observations and comments on a refugee's psychological state are also useful.

If no symptoms or injuries are evident, it is particularly important to ensure that the RRF is properly documented so that the receiving country will have as much relevant information on the refugee's background as possible. In cases of refugees who sustained torture but who do not show obvious consequences, the resettlement country to which they are presented should be informed of the history of torture in order that appropriate services can be provided.

It is important to remember that the families of the survivors may have complex feelings of trauma, guilt and helplessness and may in turn need special care and attention. Information on how the refugees' community reacts to trauma, loss, grief and mental illness is also important, and should be included in the resettlement file.

Essential Reading:

- Mental Health of Refugees. World Health Organization, 1996 (published in collaboration with UNHCR).
- Sexual Violence Against Refugees - Guidelines on Prevention and Response. UNHCR Geneva, 1995.
- Draft Guidelines on Evaluation and Care of Victims of Trauma and Violence. UNHCR Geneva, December 1993.

5.5 Specific Aspects in Medical Cases

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

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

Considerations in dealing with refugees with HIV/AIDS

UNHCR has developed guidelines for dealing with persons with AIDS or who have tested HIV positive. These guidelines are comprised of the general UNHCR policy related to AIDS including: medical considerations, counselling, confidentiality of information, and other measures to be followed when dealing with cases involving HIV/AIDS.

Refugees who are diagnosed as HIV positive or as having AIDS will not normally be identified as in need of resettlement based solely on their medical needs. HIV/AIDS should be viewed in the same manner as other diseases, i.e. the criteria as outlined in Chapter 4.4 under "Specific determination criteria" should be met.

UNHCR and IOM have issued a joint policy which opposes the use of mandatory HIV screening and restrictions based on a refugee's HIV status.³⁽¹⁷⁾ Nevertheless, some States have adopted mandatory HIV testing for refugees, and exclude those who test positive. Other States, may restrict the admission of persons whom they know to be HIV positive or to have AIDS. Some States have procedures whereby exceptions or waivers can be granted, thus allowing the admission of persons with HIV/AIDS.

For countries which test for HIV/AIDS, it is the obligation of the State conducting the HIV screening, not UNHCR, to ensure that refugees are provided with appropriate medical and psychological counselling

relating to their HIV testing and notification of results. States should also advise refugees regarding the legal options for persons with HIV/AIDS, e.g. waiver procedures, exceptions, etc. UNHCR continues to promote the adoption of procedures for exceptions or waivers, and to ensure that refugees are fully informed of such procedures.

In view of the highly complicated nature of these procedures, Field Offices which become aware of a denial (or non-acceptance) based on HIV status may wish to contact the Resettlement Section at UNHCR Headquarters for individual advice and guidance about general requirements for waivers or exceptions, the length of time such procedures take, and the likelihood of a positive result. This information should be considered in light of the refugee's protection situation, health condition, and location of family or other support. Each case should be reviewed with the refugee and a decision made as to whether continue efforts at resettlement, either to the first resettlement country or to another country.

Further Reference:

- Assisting Disabled Refugees. A Community-based Approach. UNHCR Geneva, May 1996 (Second Edition).
- Mental Health of Refugees. World Health Organization, 1996 (published in collaboration with UNHCR).
- IOM Medical Manual 1993.

5.6 Specific Aspects in Cases of Women-at-Risk

Submissions of cases under Women-at-Risk criteria (as per Chapter 4.5) may be made directly by a Field Office (see Chapter 5.11). UNHCR Headquarters must be informed of each submission, preferably by a copy of the dossier, and of the outcome.

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

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

Useful guidance for the assessment of cases of women refugees is provided in the documents reproduced in Annex 6.

In addition to the information already provided in Chapter 4.5 of this Handbook, please refer to Annex 7 for more details on the specific submission requirements under the special women-at-risk programmes.

Australia, Canada and New Zealand have special programmes to address the resettlement of women-at-risk.

Essential Reading:

- Sexual Violence against Refugees. Guidelines on Prevention and Response. UNHCR Geneva, 1995.
- Guidelines on the Protection of Refugee Women. UNHCR Geneva, July 1991.
- Mental Health of Refugees. World Health Organization, 1996 (published in collaboration with UNHCR). (especially Unit 9: Helping victims of rape and their communities).

Further Reference:

- UNHCR Policy on Refugee Women. UNHCR Geneva, 1990.
- A UNHCR Guide to Women's Rights Awareness Training. A Practical Tool for UNHCR Staff. UNHCR Geneva, 1996 (Draft).

5.7 Specific Aspects in Family Reunification Cases

Family reunification is undertaken, in accordance with basic criteria of Chapter 4.6, with a view to respecting basic rights as well as improving the prospects for integration upon resettlement. There exist several mechanisms for family tracing and reunification, including direct processing by resettlement countries and immigration procedures initiated by family members either in the country of settlement or from abroad. Some Governments have established separate quotas for family reunification cases under humanitarian categories. Others do not limit the number of family reunification cases.

Other international organizations, such as ICRC and IOM, and NGOs implement projects supporting family tracing and family reunification.

5.7.1 Constellations encountered

The types of family reunification promoted by UNHCR and the criteria for UNHCR assistance with family reunification are outlined in Chapter 4.6 of this Handbook. In practice, the problem of reuniting a refugee family can present one or more of the following situations:

- (a) One part of the family has reached a country of settlement, while the rest of the family is still in the country of origin

This is a common situation in which UNHCR assistance with family reunification is warranted. It may be necessary to intervene with the respective authorities in order to obtain authorization for the entry of family members into the country of settlement and for their departure from the country of origin.

- (b) One part of the family is in a country where they are not definitively settled, while the rest of the family still resides in the country of origin

In such cases there exists, on the one hand, the problem of the departure of family members from the country of origin; on the other, the circumstance that no member has yet permanently settled. Although conditions in the country of temporary refuge may in most instances make it difficult to actively promote family reunification, efforts should be made particularly in compelling cases like those involving unaccompanied minors. Field Offices are advised to consult with UNHCR Headquarters before deciding on a course of action.

- (c) One part of the family has reached a country of settlement, while the other is in a country of temporary refuge

Although in this case all members of the refugee family have left the country of origin, reunification sometimes still presents problems. Difficulties or delays may be encountered in obtaining admission of the remaining family members into the country of settlement, and UNHCR intervention in this respect is often necessary.

- (d) Members of the same family have reached different countries of temporary refuge

In such cases, Field Offices should where possible promote the reunification of the family members in one of the countries of temporary refuge while awaiting a durable solution.

Where there are specific concerns, resettlement should be coordinated to allow for eventual family reunification in the same country of permanent asylum. This could be the case in circumstances where urgent relocation of one or both parts of the family is necessary under other UNHCR resettlement

criteria, e.g. related to legal and physical protection needs.

- (e) Members of the same family are separated in different parts of the same country of temporary refuge

This often occurs when refugees are confined in camps in situations of mass influx. The Office should promote reunification of family members as soon as this is feasible.

- (f) Members of the family find themselves in different countries of settlement

Owing to the absence of precise rules concerning which part of the family should join the other, problems may arise if the authorities of the countries of settlement concerned refuse entry because each is of the opinion that reunification should take place in the other country. Sometimes personal disagreements between individual family members, especially with respect of living conditions or job opportunities, prevent such families from reuniting. Although dependants may normally be expected to proceed to the country where the head of the family is settled, another solution may be appropriate under certain circumstances, e.g. when the prospects for the successful integration of the family in that country are poor or when the family has much closer links elsewhere.

5.7.2 UNHCR activities

- (a) Promoting the adoption of appropriate national policies

One of the functions of UNHCR in facilitating reunification of refugee families is to obtain the overall cooperation of the authorities of the States concerned and the adoption on their part of criteria and measures permitting such reunification. This on-going task of laying the political, legal, administrative and operational groundwork for the smooth and regular resolution of family reunification cases is a normal part of UNHCR's international protection activities which must be undertaken vis-à-vis both countries of asylum and countries of origin (see Chapter 4.6 of this Handbook). In the 1977 Conclusion on Family Reunion, the Executive Committee reiterated the fundamental importance of the principle of family reunification and reaffirmed the coordinating role of UNHCR with a view to promoting the reunification of separated refugee families through appropriate interventions with Governments and with inter-governmental and non-governmental organizations.

Promotion of comprehensive family reunification

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

Requirements for documentary evidence

A related problem is that of determining the marital or civil status of family members for admission purposes. While every effort should be made to establish parentage and filiation, the particular circumstances existing in the refugees' country of origin or in their country of refuge may need to be taken into account. These circumstances may make it difficult or even impossible for a refugee to meet formal requirements or to bring the documentary evidence normally required before family reunification can be authorized. When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not, per se, be considered as an impediment.

Special measures

Family reunification is often prevented or delayed by the operation of domestic immigration regulations because family members are experiencing economic, employment or housing problems in the country of settlement. As it is known that prolonged separation creates serious social problems for both sides of split families, it is highly desirable that in such cases receiving States adapt their legal provisions in this respect or take special measures to assist refugees to accommodate their dependants, thereby facilitating early reunification.

Status of joining family members

The status provided for refugees under the relevant international instruments and national legislation has as one of its principal aims to facilitate their integration in new national communities and to help them to cease being refugees as rapidly as possible. In order to promote the rapid integration of refugee families in the country of settlement, it is necessary to grant joining family members the same legal status and facilities as those family members already present.⁴⁽¹⁸⁾ Unless their personal situation expressly excludes them (e.g. due to formal consideration, such as a different citizenship, the application of exclusion or cessation clauses), the family members concerned should have their status as refugees regularized, if they so wish.

(b) Types of UNHCR assistance in individual cases

The Office encourages members of dispersed families to take the first steps towards reunification and to initiate the necessary formalities whenever this is possible without risk to themselves or other family members. In such cases, the role of the Office is limited to informing refugees of the procedures to be followed and monitoring the process.

However, in many cases, the help of UNHCR is required to bring about reunification. UNHCR assistance may extend to the following fields:

Tracing family members

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

Travel documents

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

Entry visa

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

Government concerned in order to seek permission for such reunification, pointing where necessary to the relevant international instruments and to the Executive Committee conclusions on the subject. (See above and EXCOM Conclusion No. 24 (XXXII)). Where countries make admission contingent upon the fulfilment of conditions which the refugee cannot meet, or refuse altogether to authorize certain types of family reunification, such difficulties should be reported to UNHCR Headquarters. Since the objective is reunification of the refugee family, the Office should ensure that any visa issued is permanent, or will lead in due course to a permanent residence permit.

Exit visa

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

Travel arrangements

Unless travel is arranged within the framework of an ongoing resettlement operation, the organization of the travel of family members is in principle the responsibility of the refugee family. However, some countries organize and pay, usually through IOM, for individual family reunification travel of refugees. UNHCR would provide assistance only if needed, as, for example, in the case of unaccompanied minors. Family members may, however, be advised to contact IOM for more information about its subsidized migration schemes. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements. IOM has concluded special tariff agreements with the airline industry which allow for considerable reductions in air fares and may also provide an increased free baggage allowance. Where direct communication between family members and IOM is not possible, UNHCR Field Offices may be requested to help.

Financial assistance

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

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

- **all family members concerned are eligible for family reunification under the established criteria (see Chapter 4.6); in particular:**
 - **at least one of the family members has been determined as a refugee within UNHCR's mandate⁵⁽¹⁹⁾;**
 - **the separation of the refugee family was involuntary and related to persecution or flight;**
 - **the granting of assistance is appropriate under UNHCR guidelines (see Chapter 7.4 on Irregular Movers); and**
- **the family members are needy and therefore unable to meet the travel expenses; and**
- **no other source of funding is available (receiving country, relatives, sponsors or charitable organizations); and**
 - **adequate financial resources under the project are available.**

Where UNHCR Field Offices do not have travel funds placed under their direct responsibility, prior

authorization from UNHCR Headquarters must be obtained.

All requests for financial assistance for family reunification cases to the Resettlement Section at UNHCR Headquarters should be submitted together with a completed Family Reunification Questionnaire (Part A and B; sample reproduced in Annex 4) and a recommendation for travel assistance. Upon approval of the request, UNHCR Headquarters will liaise with IOM Geneva to make travel arrangements or alternatively authorize the Field Office to arrange travel locally, charging the appropriate resettlement project. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programmes. Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

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

Resettlement processing

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

Separation due to admission criteria

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

(c) Procedures for UNHCR assistance in individual cases

In cases which require special attention and assistance from UNHCR, the procedures outlined in this section should be observed. The beneficiary of any UNHCR assistance would, for legal and practical reasons, be the family member(s) whose status under the UNHCR mandate has been determined.

- The family members in the anticipated country of settlement should be requested to complete the form Family Reunification Questionnaire - Part A, while family members in the country from which the movement is to take place should be asked to complete Part B of the questionnaire (sample reproduced in Annex 4). UNHCR offices responsible for the respective countries should exchange copies of these forms. Where UNHCR Headquarters involvement is required, copies of both parts should be provided to the Resettlement Section.
- Field offices should determine:
 - whether at least one of the family members concerned is a refugee under UNHCR's mandate;
 - whether all family members concerned are eligible for family reunification under the established criteria (see Chapter 4.6)
 - whether the granting of assistance is appropriate under UNHCR guidelines (see Chapter 7.4);
 - whether the appropriate démarches to obtain entry visas, exit visas and travel documents for the family member in question have been undertaken, and whether UNHCR follow-up is needed in this connection;
 - whether assistance in making travel arrangements is needed;
 - where assistance in financing travel is requested, whether the particular requirements (mentioned under "Financial assistance" above) are met.
- When UNHCR Headquarters action or authorization is required, the request should be transmitted to Headquarters with appropriate documentation, including a copy of the completed family reunification questionnaire (Part A and Part B).

- Where travel assistance is sought, details concerning entry and exit visas, travel documents and requested travel dates should be provided. Before committing funds, Field Offices should ensure that the necessary visas and travel documents will be delivered to the persons concerned. Travel arrangements should, wherever possible, be made through IOM in order to benefit from reduced air fares.

(d) Considerations in cases of unaccompanied minors

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

Objectives for the family reunification of unaccompanied minors can be summarized as follows:

- to reunite each unaccompanied minor with his or her family wherever and as quickly as possible (following an assessment that this is in the best interests of the minor);
- to ensure, pending family reunification, the survival, protection and well-being of unaccompanied minors through interim care that meets their emotional, psychological and developmental needs and is appropriate to the age and culture of each child or adolescent;
- to arrange appropriate long-term care for any minor for whom family reunification cannot be achieved within a reasonable period of time; and
- when it is not possible to reunite with their families, such children and adolescents should be placed in the care of foster families, preferably from their own community.

Once identities and relationships have been confirmed, the minor and the relatives are counselled separately and prepared for the process leading to eventual reunification. It is important to:

- inform the parents/relatives about the state of the child and ascertain whether they are both willing and able to look after the child;
- inform the minor about the circumstances and wishes of the parents/relatives and establish the minor's feelings towards them and members of the extended family, and determine if the minor is willing to live with them or only wants to establish contact; and
- investigate carefully any accounts of previous abuse or neglect of the child by parents or relatives.

If the reunification with the minor's family is to take place after a long separation, the process of re-establishing relationships must be carefully planned. Particularly where the separation has been for more than a few weeks, or when either the minor or other members of the family have been seriously traumatized, there is a need for periodic monitoring to ensure the minor is receiving appropriate care.

Other aspects of the special responsibility of the High Commissioner to promote the best interests of refugee unaccompanied minors as well as further issues related to the tracing and reunification of family members are treated in separate chapters of this Handbook (see Chapters 4.7 and 5.8).

Further Reference:

- Report on Family Reunification. Overview of Policies and Practices in IGC Participating States. Secretariat of the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia. Geneva, March 1997.

5.8 Specific Aspects relating to Children and Adolescents

UNHCR has developed comprehensive guidelines which set clear principles and procedures to ensure the protection and care of all children and adolescents, including the most vulnerable, such as unaccompanied minors. Refugee minors who do not have the protection of their family are at special risk. Every case of an unaccompanied minor has to be thoroughly assessed to ensure that the fundamental and universally recognized principle of the **best interests of the minor** is met.⁶⁽²⁰⁾

In addition to the information provided in Chapter 4.7 of this Handbook, the UNHCR publication *Refugee Children: Guidelines on Protection and Care* gives recommendations on meeting the special needs of unaccompanied minors. The guidance provided in Chapters 10 and 11 of these guidelines is required reading for all persons involved in resettlement of unaccompanied minors.

Problems related to family reunification have assumed particular importance with regard to the situation of unaccompanied minors, especially infants and young children. In dealing with such unaccompanied minors, efforts should be made to trace and to reunite them with their parents or with other close relatives able and willing to accept them, before the solution of resettlement is considered (see also Chapter 4.7 of this Handbook). If resettlement does take place it is important to ensure that tracing of parents and close relatives continues, and that the possibility of the minors' subsequent reunification with them be maintained until their family situation can be determined in a satisfactory manner. Legal adoption of unaccompanied minors, which is in most cases an irrevocable measure precluding any further possibility of being reunited with their next of kin, should therefore be envisaged only after it has become reasonably certain that a possibility of reunification no longer exists.

Unaccompanied children and adolescents should usually be reunited as promptly as possible with their parents or guardians as well as with siblings. However, family reunification may not always be the best solution for an individual minor. In all situations involving unaccompanied minors, an assessment should be made based on their best interests (see Chapter 7.1 of this Handbook).

Where family reunification is not possible or is judged to be contrary to the minor's best interests, continued care with foster families within their own communities is preferred, especially for young children. Ideally, this would be with the families who have been caring for them on an interim basis. Follow-up supervision may need to be provided to such families for an extended period, and arrangements made to ensure that they receive the assistance and support available to all families and young persons through general community assistance programmes.

5.8.1 Basic principles

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

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

- (a) Basic rights of children and adolescents

Best interests

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

Chapter 7.1 of this Handbook.

Protection

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

Participation

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

Legal representation and rights

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

Family unity

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

Reunification of separated families

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

(b) Appropriate care

Safety and well-being

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

Community integration

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

Stability and continuity

Continuity should be preserved as much as possible in separated minor's relationships with adults and other youngsters, and in their cultural and religious traditions. Sibling groups should be kept together. The care of unaccompanied minors should be provided by members of their own community wherever possible, or by other persons with the same cultural and linguistic background, and monitored by an organization with child welfare expertise.

Community responsibility

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

No separate evacuation

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

No early adoption

Separated minors shall not be considered for adoption during an emergency or before extensive tracing efforts have been made without success, normally over a period of at least 2 years.

5.8.2 Identification of unaccompanied minors and tracing activities

(a) Identification

Searches and inquiries should be organized within each community to identify minors who are unaccompanied, but in a way that does not disrupt existing care arrangements or encourage families to abandon children. Community social workers, volunteers, community and religious leaders should be mobilized to do this early in an emergency.

All youngsters who appear to be unaccompanied must be immediately screened to determine whether or not they are indeed separated from their families and, if they are, whether there is another adult with whom the child has been living who, with some support, could continue providing appropriate care. Only young persons who will be without continued care should be placed in emergency care.

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

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

(b) Tracing

As soon as a minor is identified as unaccompanied, tracing efforts are started. All tracing activities are carried out in a manner that protects the personal security of the minor and family members concerned. No action is taken that may hinder eventual family reunification, such as adoption, change of name or movement to places far from the likely locations of family reunification.

Usually, "passive" and "active" tracing efforts are simultaneously implemented by organizations working at the local level. Passive tracing involves comparing records of children and records of parents searching for lost children in order to match them. This is done both centrally and at the local level by each organization involved in the registration and documentation of separated family members. Active tracing involves actually pursuing investigations concerning the identity of the minor, the identity and location of parents or other close family members.

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

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

5.8.3 Family reunification and alternative long-term placements

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

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

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

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

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

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

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

Essential Reading:

- Refugee Children: Guidelines on Protection and Care. UNHCR Geneva, 1994.
- Guidelines for Interviewing Unaccompanied Refugee Children and Adolescents and Preparing Social Histories. UNHCR Social Services Section. April 1990.
- Evacuation of Children from Conflict Areas. Considerations and guidelines. UNHCR/UNICEF. Geneva, December 1992 (Edited by Everett M. Ressler).
- Adoption of Refugee Children. UNHCR/IOM/59/95-FOM/62/95 dated 22 August 1995.

Further Reference:

- UNHCR Policy on Refugee Children. UNHCR Geneva, August 1993.
- Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. UNHCR Geneva, re-edited January 1992 (Paragraphs 213 to 219).
- Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. UNHCR Geneva, February 1997.
- Mental Health of Refugees. World Health Organization, 1996 (published in collaboration with UNHCR) (especially Unit 5: Helping refugee children).
- Interviewing Applicants for Refugee Status (RLD 4). Training Module. UNHCR Geneva, 1995 (in particular Chapter Five: Interviewing Children).
- Working with Unaccompanied Minors in the Community. A family-based approach. UNHCR (PTSS/Community Services) Geneva, 1994 (especially Chapter 3: Communication and Documentation).

5.9 UNHCR Decision

In Field Offices, the decision to resettle an individual should be taken in full consultation among professional staff and be cleared by the UNHCR Representative or the delegated responsible officer.

Field Offices should file submissions for *Australia, Canada and the United States of America*⁷⁽²¹⁾ directly through local embassies, provided that there is a immigration representation with a designated procedural role. The same applies to submissions for countries without annual resettlement programmes.

For decisions regarding the resettlement of emergency cases, a recommendation should be forwarded by the Field Office to UNHCR Headquarters, again in full consultation with other professional staff and cleared by the UNHCR Representative. Action will then be taken by UNHCR Headquarters and communicated to the Field Office.

Similarly, in case of submissions for *Denmark, Finland, the Netherlands, New Zealand, Norway, Sweden and Switzerland*, the dossiers have to be forwarded by Field Offices to UNHCR Headquarters, which will take the final decision and make arrangements for the submission of the case to a Government.

For all cases in which Field Offices anticipate problems with local submissions, UNHCR Headquarters should be requested for guidance and assistance.

All selection missions from capitals should be coordinated through UNHCR Headquarters.

5.10 Identification of a possible Resettlement Country

Major considerations on the basis of which a suitable resettlement country should be identified include:

- selection criteria of countries
- admissibility priorities of countries

- family links
- health requirements/ availability of treatment
- language
- culture
- nationality
- education background
- skills
- family configuration
- vicinity to the home country
- status of country (regional) annual quota

Cases of individuals in need of resettlement are usually referred to one of the principal resettlement countries. These countries have established refugee resettlement quotas or ceilings which allow for referral of such cases. Other countries accept resettlement cases on an ad hoc basis and some maintain special programmes benefiting refugees with special needs. Efforts are underway to increase the number of countries which may consider candidates for resettlement.

All Field Offices should avail themselves of every opportunity in their dialogue with officials from resettlement countries to promote understanding of UNHCR goals and flexibility on selection decisions. Resettlement selection missions of specific countries also offer an opportunity to represent the interests of cases meeting UNHCR criteria, even if they do not meet the standard admission criteria of the country concerned.

Efforts should be made to preserve the integrity of family groups in the course of resettlement operations and to promote the admission of refugees who should be resettled to a country where they have relatives or other personal ties.

While family links or other links to prospective resettlement countries may clearly indicate where submissions should be made, the issue of where to direct submissions may not be clear for many cases. When in doubt, Field Offices are invited to consult with the Resettlement Section at UNHCR Headquarters.

5.11 Regular Submission

With regard to direct submissions, UNHCR Headquarters does not require copies of the case files that are submitted or accepted locally. It is, however, the responsibility of the Field Office to ensure that statistical data concerning submitted, pending, accepted and departed cases is accurately recorded and reported.

5.11.1 Multiple submissions

Cases should not be submitted to more than one country at a time owing to the self-evident risk to the credibility of the Office if a case is accepted by more than one country. If, however, owing to unique protection problems, a Representative feels obliged to exceptionally submit a case to a second country while the case remains under consideration by another country, the Field Office must inform both countries as well as the Resettlement Section of the dual submission and immediately advise all parties

of an acceptance.

5.11.2 Countries with annual resettlement programmes

Field Offices should file local submissions for *Australia, Canada and the United States of America* directly through local embassies, provided that there is a regular immigration representation with a designated procedural role. Where this is not the case, offices with designated regional resettlement functions may be requested to facilitate submissions.

In the case of submissions for *Denmark, Finland, the Netherlands, New Zealand, Norway, Sweden and Switzerland*, files must be forwarded by Field Offices to UNHCR Headquarters.

Headquarters will in turn submit them to the relevant authorities in the capitals either directly or via the Permanent Missions to the UN in Geneva. It is advisable for the Field Office to inform the local embassy of submissions, as an embassy may be requested by the capital to follow up. Where exceptional circumstances/procedures prevail due to special resettlement operations, Field Offices may, in consultation with the Resettlement Section at UNHCR Headquarters, submit cases directly to local embassies or capitals.

5.11.3 Countries without annual resettlement programmes

Submissions should be made by the Field Office through the local embassy or UNHCR Headquarters. The UNHCR Office responsible for the resettlement country should be advised of the submission and be provided with a copy of the submission letter.

5.11.4 Selection missions

Where selection missions are coordinated by capitals through UNHCR Headquarters, the Resettlement Section will:

- liaise with the relevant Field Office and the capital to clarify dates for the mission, which may cover more than one country in the region;
- request the Field Office to identify relevant case files and advise the Field Office of the selection mission's interests in terms of refugee group composition and numbers. Generally, a cross-section of cases from the caseload is recommended, for example, families, single people, medical cases, etc.;
- advise whether copies of the case files or information concerning details of the processing are required;
- send, where required⁸⁽²²⁾, the case files selected by the Field Office for the selection mission for pre-screening directly to the capital of the country concerned after identifying cases with special needs;
- advise the Field Office of the cases pre-screened and selected for an interview by the country capital.

Where selection missions are organized directly between authorities of a resettlement country and a Field Office, the Resettlement Section at UNHCR Headquarters and Field Offices in the region should be kept informed. This will help to better coordinate missions and avoid overlaps or delays of missions to countries in the region.

Sometimes selection missions identify individuals who they are prepared to consider for resettlement. If such individuals are not known to UNHCR, they should first be advised to contact UNHCR to determine refugee eligibility and the need for resettlement according to UNHCR criteria before a UNHCR referral is made.

Governments usually make their own travel, visa and accommodation arrangements for selection

missions. Field Offices may be requested to facilitate issuance of visas and other arrangements.

5.12 Urgent and Emergency Submissions

All those countries offering a specific number of emergency resettlement places draw them from existing quotas. However, some have introduced accelerated procedures for emergency needs. Other countries, while not specifying emergency sub-quotas, will consider emergency resettlement submissions and can and do respond rapidly when circumstances warrant. Others announce no quotas for resettlement but can and do respond rapidly to emergency cases if so called upon.

5.12.1 Strict categorizations of urgency

Emergency resettlement must be used selectively and on the basis of a thorough and objective assessment of both refugee status and urgency of removal, in order to preserve credibility.

Resettlement needs under the emergency category are defined as those in which the immediacy of security and/or medical threat faced by the refugee necessitates his or her removal from the threatening conditions within a very few days, if not within hours. For the sake of clarity a notional limit of a maximum of five days is understood.

Refugees who face conditions requiring their expeditious resettlement but within a less limited time-frame than indicated above, are categorized as **urgent** cases. Urgent cases as such require close and early follow-up with resettlement Governments to ensure their consideration before regular cases, which can sometimes remain pending many months. Field Offices may request Headquarters' support, if it is not already involved in the original submission.

Staff are reminded to consider carefully the appropriate categorization and to proceed accordingly. Clearly, abuse of the emergency category will erode the credibility of UNHCR's judgement concerning such submissions, thereby reducing the effectiveness of these channels.

5.12.2 Emergency resettlement procedures

With the limited number of emergency places available and the consequent need to avoid overburdening certain resettlement countries with emergency submissions, it is necessary for UNHCR Headquarters to coordinate submissions within this category. Nevertheless, in some circumstances, submissions may have to be made by Field Offices, though in prior consultation with UNHCR Headquarters. The majority of resettlement Governments' emergency resettlement procedures require submission through UNHCR Headquarters.

When faced with an emergency resettlement requirement, time available for investigation of a refugee's statement may be severely limited. Nevertheless, such time as may be available before departure must be used to the maximum with a view to checking the veracity of the story and its consistency.

The following information should be conveyed to Headquarters immediately:

- 1. full name, date of birth, place of birth, sex, nationality and ethnic origin;**
- 2. details on status determination (Convention or mandate);**
- 3. whether accompanied by family (if so, size);**
- 4. details, as per 1., of each family member to accompany the candidate;**
- 5. brief explanation of need(s) for resettlement;**
- 6. brief justification for emergency categorization, and required time-frame for departure;**

7. whether valid travel documents held by all refugees concerned;

8. in case of medical emergency: diagnosis, prognosis, current condition of refugee (family members), whether escort needed;

9. recommendation on countries of resettlement and reasons, including third country links.

Detailed data, i.e. Resettlement Registration Form (RRF) and supporting documentation must follow by the fastest means available.

5.13 Processing

5.13.1 Mandatory medical screening

Some resettlement countries insist on mandatory medical screening of candidates for resettlement. In many countries, IOM is responsible for medical screening, processing and treatment of refugees prior to resettlement. The protocols for these activities are defined by the resettlement country. In general, the intention of medical screening is to identify disease at an early stage, and should therefore ideally always be followed by treatment or cure. Resettlement countries may use medical screening to exclude refugees, for fear that their health problems will pose a financial burden, create excessive demands on existing national health services, or to prevent the introduction of communicable diseases and protect public health.

Mandatory HIV testing for resettlement has created very sensitive ethical problems, particularly as most refugees might not receive any form of counselling and a cure for HIV/AIDS is still not available. For this reason, UNHCR and IOM formulated guidelines for pre- and post-test counselling which provides refugees with information on HIV, including means of prevention as well as personal and family concerns. (Please refer to Chapter 5.5).

Throughout its experience in medical screening world-wide, IOM has developed technical expertise in a number of areas, including diagnosis and management of TB and leprosy, psychiatric services and the implementation of effective immunization programmes. Field Offices may therefore liaise with local IOM offices if such health issues become relevant to the resettlement processing.

5.13.2 Follow-up with Governments

The follow-up on cases is essentially the responsibility of the UNHCR office which made the submission. Local submissions are therefore the responsibility of the Field Office, and follow up should be effected directly through the local embassy. UNHCR Headquarters or the relevant Field Office in the resettlement country may be asked to assist. The time required for processing varies from country to country, depending on the procedures.

5.13.3 Withdrawal of resettlement cases

In certain circumstances, UNHCR may withdraw cases; for example, if the refugee disappears and can no longer be contacted in the country of refuge, or if urgent protection problems suddenly arise requiring an urgent resolution to a case which remains pending with a country. A case may also have to be withdrawn when the reasons for the submission substantially change or cease to exist. This could, for example, be the case when, during the often long processing periods, the situation in the country of origin changes and voluntary repatriation becomes a viable option or when a woman submitted under a Women-at-Risk programme changes her family status or situation and she is no longer considered at risk.

In all such circumstances, a written explanation should be provided to the resettlement country explaining the withdrawal of the case. Where the priority of a case has to be upgraded, it should be

clarified whether the country could accommodate the submission under the new terms.

5.13.4 Updating of information

Information on changed circumstances, including changes in the family composition (e.g. through births, deaths, divorces, etc.), should immediately be brought to the attention of the resettlement country to which a submission was made.

5.14 State Decision

5.14.1 Rejection

If a case which was submitted locally is rejected, the local Field Office should follow up to establish:

- the reason for the denial; and
- if reconsideration by the country is feasible.

At the same time, the case should be reviewed in order to ascertain if resettlement remains the most appropriate durable solution, particularly if the case has been pending for a long time. If a case is continually rejected after submission to a number of countries, the originating UNHCR office may consider closing the case. The advice of UNHCR Headquarters should be sought in this regard.

Prior to the re-submission of a case, all relevant information should be checked in order to verify whether the dossier needs updating or amendments.

With regard to specific requirements for counselling, please also refer to Sub-Chapters 6.1 and 6.3.

5.14.2 Acceptance

In the case of submissions through UNHCR Headquarters, the Resettlement Section will notify the Field Office of the acceptance of a submission and request liaison with the relevant embassy for collection of visas and travel documents.

With regard to specific requirements for counselling, please refer to Sub-Chapters 6.1 and 6.2.

5.15 Departure Arrangements

Once a refugee is accepted for resettlement, a number of formalities will have to be undertaken prior to departure. Departure formalities differ from country to country. The length of time taken to complete these formalities will differ considerably according to where the refugee is located. Cases which have been submitted and accepted under the emergency procedures should have travel arrangements expedited.

5.15.1 Language training and cultural orientation

In order to facilitate resettlement, language and cultural orientation courses may be considered, to provide refugees with basic skills in the language and customs of the receiving country. These can range from pre-departure training and employment readiness to post-traumatic stress counselling with an aim to prepare refugees for integration in the host country.

5.15.2 Travel documents

As refugees should not use passports issued by their country of origin, some other form of travel documentation will be necessary. In some cases, depending on the itinerary, the mode of travel and the administrative requirements of the countries involved, a letter in lieu of visa from the authorities of the

destination country may suffice. Often, however, a more formal travel document is needed. Certain countries of refuge may be willing to issue aliens passports.

In States party to the Convention and/or the Protocol, a Convention Travel Document may be a possibility for persons who have been granted refugee status. When no other travel document is available, an ICRC Travel Document may be obtained locally or by ICRC Geneva via UNHCR Headquarters upon completion/receipt of an application form and photographs, signed by the applicant.

UNHCR Headquarters should be consulted if assistance is needed.

5.15.3 Visa

Entry visa

Some receiving countries will inform the Field Office directly or through UNHCR Headquarters of the consular post to which the visa authorization will be forwarded. If there is no local consular representation, UNHCR Headquarters will request the receiving country to send visa instructions either to a suitable consular post nearby or alternatively to their United Nations Mission at Geneva to be forwarded to UNHCR Headquarters for onward transmission to the Field Office.

Transit visa

Transit visas, if required, should be obtained from the appropriate local embassy. IOM has special agreements with a number of Governments and airlines to waive transit requirements.

Exit visa

In some countries, residents including recognized refugees are required to make a formal application to the competent authorities for an exit visa. In such cases, UNHCR intervention with the authorities of that country may be necessary.

5.15.4 Travel expenses

Unless travel is arranged within the framework of an ongoing resettlement operation, the organization and financing of the travel is in principle the responsibility of the refugee, with UNHCR providing assistance only if needed. Travel costs for most resettlement cases are met by the receiving country either in total or under a Government loan scheme. Other sources of funding may come from NGOs or loan schemes administered by IOM.

When a refugee is not able to meet travel expenses and when no other source of funding is available, UNHCR will normally provide funding and authorize IOM to make the necessary arrangements by charging costs to a UNHCR project. Where, in such cases, the UNHCR Field Office does not itself administer a project for resettlement travel, prior authorization must be obtained from UNHCR Headquarters. IOM benefits from reduced air fares and, with financing from UNHCR, Governments and other sources, administers a variety of travel projects, sometimes involving travel loan programmes. Travel arrangements should be made only after the necessary exit and entry visas have been obtained.

5.15.5 Transportation

In many countries, IOM makes transportation arrangements on behalf of UNHCR or the resettlement country concerned. If there is a local IOM office, the UNHCR Field Office should arrange travel directly through them, once the refugee is ready for travel and final destination and suitable date of reception are confirmed by the receiving country.

The special IOM fares benefit all categories of persons assisted under the auspices of the Organization and allow for considerable reductions in air fares and provide also an increased free baggage allowance. Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation may be arranged on

charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

Note should be taken that during peak periods, usually holiday seasons, the booking of air tickets at special IOM tariffs may not be possible or at least not without considerable advance notice. For special cases, in particular when medical needs of refugees have to be accommodated during air travel, an advance notice of at least 2-3 weeks is required.

If there are “no shows”, i.e. persons booked who do not show up for departure, the Field Office should inform the responsible IOM office immediately in order to effect re-bookings or cancellations. In this respect, any unused ticket must be forwarded to IOM to enable them to obtain a refund from the air carrier.

Where IOM is not present or where agreements with IOM are limited to certain functions, the UNHCR Field Office may have to cover the following tasks:

- Field Offices may be required to arrange the movement of refugees from camps or other areas to points of departure. If this necessitates transfer to another country, the Field Offices involved should liaise to obtain entry permission from the Governments concerned and if required with UNHCR Headquarters so that travel may be arranged for minimum stopover period.
- Field Offices should advise the Resettlement Section at UNHCR Headquarters when the individuals are in possession of the necessary travel documents and visas and are ready to travel, so that IOM Geneva may book appropriate flights. UNHCR Headquarters will then confirm flight details to the Field Office and the receiving country.

In cases processed via UNHCR Headquarters:

- The Field Office should confirm flight arrangements to UNHCR Headquarters, in order to advise the receiving country accordingly, enabling them to arrange the reception. IOM, when involved, will usually also advise the receiving country.
- Field Offices should confirm a refugee's departure to UNHCR Headquarters. It is important that a confirmation of the departure is also forwarded to the responsible IOM office.
- If for some reason a person is unable to travel as scheduled, the Field Office should inform UNHCR Headquarters immediately, so that IOM may be requested to make re-bookings and the receiving country informed in good time in order to arrange reception.

5.15.6 Medical preparations and escorts

In order to secure safe travel for refugees with medical conditions and to ensure that airline requirements are met, IOM can perform pre-embarkation checks and, when needed, provide medical escorts. The necessity for medical escorts and the medical judgement as to refugees' fitness to fly is based on IATA regulations.

CHAPTER 6

Table of Contents

The Importance of Counselling throughout the Process

6.1	General Considerations	VI / 1
6.2	Counselling Refugees in Preparation for Resettlement	VI / 3
6.3	Counselling Refugees whose Application for Resettlement has been Rejected.....	VI / 4
6.4	Counselling Refugees once Resettled	VI / 5
6.5	Coping with Stress	VI / 6

The Importance of Counselling throughout the Process

Throughout all stages of the resettlement process, counselling is of utmost importance and should take the form of an open dialogue between the potential resettlement candidate and UNHCR, in close collaboration with Government and NGO staff involved in the process.

6.1 General Considerations

Owing to the traumas connected with departure from the country of origin and/or problems in the country of asylum, refugees may harbour unrealistic expectations in terms of both the ease of obtaining a resettlement place and the opportunities awaiting them in the country of resettlement. In fairness to the refugees, staff involved in resettlement should explain as realistically as possible the challenges of resettlement.

If more than one actor is involved in counselling, the information to be provided should be clearly agreed upon prior to counselling the individual. As appropriate, counselling on the other durable solutions, namely voluntary repatriation and local integration, should precede any discussion with the refugee on resettlement.

Once resettlement has been identified as the appropriate solution, utmost transparency as to criteria, procedures and prospects of acceptance as well as what is to be expected in the resettlement country are called for.

As in voluntary repatriation operations, only an informed decision based on full knowledge of all relevant facts will do justice to the individual refugee's needs and circumstances. During the counselling process, it needs to be pointed out that resettlement takes place based on set criteria and follows defined procedures. Realistic expectations on the part of refugees will avoid undue frustration, and in the worst case, aggression or violence on the part of those whose expectations are not met.

All family members (with the exception of small children) should receive appropriate counselling. It is not enough to counsel the head of the family since the perceptions, expectations and needs of refugee women and girls may differ substantially from those of their male family members. Their concerns and needs have to be addressed in a gender- and age-sensitive manner.

Particular effort should be made to avoid the perception on the part of the refugee that a choice exists in terms of prospective resettlement countries (the "travel agency" syndrome). Refugees must understand that there is a very limited choice of resettlement countries owing to several factors, including quota availability, admission criteria as well as the refugee's own background including family, cultural, linguistic, education and work experience (see Chapter 5.10 of this Handbook for considerations relating to the identification of a possible resettlement country). It must also be noted that distant family links or friends already resettled in certain countries may not be taken into consideration by resettlement countries.

Moreover, accommodation in countries of resettlement for those newly arrived may be modest and employment opportunities limited. The same may be said with regard to prospects for education, especially higher education. Failure to communicate the foregoing may result in false expectations and unnecessary frustrations for persons designated for resettlement. Gender- and age-sensitive counselling is important in order to facilitate cultural adaptation of refugees once resettled.

6.2 Counselling Refugees in Preparation for Resettlement

When counselling individual refugees in preparation for resettlement, it is important to explain clearly the process involved in the preparation and submission of the applicant's case file. Information may be provided in various forms: by pamphlets, poster, by letter or by a personal interview.

Refugees often believe that the process of resettlement will be more rapid than it usually is, and that obtaining a resettlement place is automatic, once the case has been submitted. It is, therefore, important to explain that the process takes time due to the processing procedures of resettlement countries. It should be made clear that acceptance is not automatic. Refugees should be counselled regarding the resettlement process, anticipated processing times of resettlement countries and UNHCR's involvement in follow-up.

Refugees should also be informed of how and when the outcome of the case will be communicated to them. Care should be taken not to build up the refugees' hopes and/or expectations and not to make promises that UNHCR cannot fulfil.

A refugee may clearly state a preference for a particular resettlement country. There may be valid reasons for expressing a country of choice; for example, family members may already be settled there. Close family links should always be considered for the purpose of family reunion. Distant family links, friends or even political allies in the country of resettlement are not necessarily deemed to be reasons for resettlement by resettlement countries. It is important to explain to refugees that while family links may be given priority by UNHCR for submission, they do not guarantee acceptance by the resettlement country.

In preparation for interviews by Government representatives, the procedure should be explained to the refugees. It is particularly important to advise refugees that they must be prepared to articulate their refugee claim. Case files should be up-to-date and information clarified if necessary.

In some instances, refugees may refuse to go to a country despite an offer of resettlement. It is important to explain to them that they cannot have a choice and "shop around" for the country of their preference. The constraints which accompany the processing of resettlement places should be explained carefully. A deadline for reflection should be given, but it must be made clear that refusal to go will, depending on the particular circumstances, either result in no further processing for resettlement or a deferment of the case. Cases of this nature should usually be re-assessed.

Many refugees have unrealistic expectations about resettlement. They may associate the resettlement country with a "get rich quick" lifestyle. The reality may be in stark contrast. On arrival, for example, they may find themselves in modest reception facilities along with other refugees and with no immediate prospects for employment or higher education. Learning a new language may be the starting point in their new life. It is also important to realize that refugees who have remained in a camp for a prolonged period may be unable to cope with a new life which will require them to return to everyday decisions, and very often in a different culture and surroundings. It is also important to explain that the integration process may be difficult and that its success will very much depend upon the individual refugee's personal motivation and willingness to succeed.

Refugees should have as much information as possible of what awaits them upon arrival in the resettlement country. Their active participation will be indispensable. If possible, refugees should be given information concerning the language, culture, climate and population of the country. Some countries provide information or even orientation courses for refugees prior to departure. It is strongly recommended that, where feasible, counselling be done in close collaboration with the Government

which has accepted the refugees for resettlement.

Many Country Chapters of this Handbook provide details of counselling material available from resettlement countries. Additional information may be requested from the Resettlement Section at UNHCR Headquarters or from embassies of resettlement countries.

6.3 Counselling Refugees whose Application for Resettlement has been Rejected

A refugee whose case has been rejected, sometimes on several occasions, is often depressed or angry. It is important to inform a refugee promptly and if possible directly once a case is rejected. If possible, the reasons for the rejection should be explained. Whatever the behaviour, the refugee is probably feeling very dejected and should be informed of any further action proposed. Cases which have continually been rejected should always be reassessed to see if resettlement is the most appropriate solution. If voluntary repatriation has become a realistic option in the meantime, the refugee should be counselled accordingly.

Refugees may undergo a range of feelings and behaviours depending on their experiences. Anger, aggression, denial, depression and loss of interest are common behavioural traits. Social counselling can assist refugees in coming to terms with their situation and to address their future.

6.4 Counselling Refugees once Resettled

In order to facilitate integration in the resettlement country, refugees, once resettled, require further counselling to assist their adaptation to the new environment. This is an important role for Government authorities and competent non-governmental-organizations in the countries of resettlement. However, such services are often not provided on a routine basis.

Particularly refugees with special needs should be advised prior to their departure that they may have to request appropriate counselling following their arrival. Copies of suitable documentation, like medical records, which the refugee hand-carries, will help counselling efforts in the resettlement country.

Despite thorough counselling prior to departure, refugees may feel disappointed with the realities in the resettlement country or may find themselves facing a situation different from what they expected. Even if their expectations were realistic, it may be difficult to adjust to the new environment. Refugees' social norms, values and traditions may be challenged by the socio-economic fabric of the resettlement country. This may have difficult repercussions for family life and routines in situations such as those where the roles of women and men in society are very different to what the refugee was accustomed to. Resettled refugees may feel that their value systems are not appreciated, leading to a sense of loss and insecurity. Gender-, age- and culturally-sensitive counselling will help to overcome such situations. Communities with the same or similar backgrounds already integrated in the resettlement country can play a very important role in this regard.

In addition to social counselling, advice on how to seek employment and on chances of finding employment based on a realistic assessment of the labour market are vital for a speedy economic integration. If, for example, chances of finding a certain type of employment are slim for the local population as well, and the resettled refugee are made aware of this, they may consider the difficulties faced while seeking employment to be a result of the general economic situation rather than their personal failure, thereby reducing frustration. The same applies to educational possibilities.

Special attention needs to be paid to addressing without delay specific counselling needs of traumatized refugees and refugees with serious medical conditions - conditions which may have been the reasons for resettlement. Refugees requiring such services should be informed immediately who they need to approach and what procedures have to be followed for them to benefit from such counselling.

6.5 Coping with Stress

Persons involved in humanitarian work have to adopt a calm, efficient and methodical approach to their work in order to perform effectively. Refugees suffer from stress, having faced persecution, war or gross human rights abuses and having been forced to leave behind their family members, homes and country. Many undergo a grieving process as they struggle to cope with their losses.

Resettlement is in itself stress-creating. It is a very public activity which invites both media and public interest. It is also, by definition, focused on the individual, and is thus highly labour-intensive and must be responsive to personal needs. It can also subject resettlement staff to security problems.

Conducting interviews for resettlement can therefore be extremely demanding. The nature of the work is such that interviewers and interpreters may experience what is referred to as *vicarious trauma and burnout*. All persons involved in the interview process should be aware of the symptoms, contributing factors, and prevention and treatment which can be offered to persons in this situation.

Being informed and aware of what can be done in such circumstances is an important consideration for the health and well-being of all staff working with refugees. It also helps ensure that the work is conducted effectively, efficiently, and in safety. Feeling tired, weak, and depressed will not only have a negative impact on one's ability to perform the work, but it could make staff more vulnerable to security incidents through being less attentive and unable to respond quickly to a situation.

Recognizing stress symptoms

It is important to recognize the symptoms of stress and to be aware of simple techniques for dealing with them. Symptoms may be:

- *physical*: headaches, increased heartbeat, intense fatigue, difficulty in concentrating.
- *psychological and emotional*: anxiety, fear, over-preoccupation and identification with victims, sadness, anger, helplessness.
- *behavioural*: hyperactivity, inability to rest or let go, periods of crying, social withdrawal, limiting contacts with others, use of drugs/alcohol.

Techniques for dealing with stress

Individuals have many ways of getting themselves through difficult periods and events. Self-encouragement techniques can help avoid panic and assist a person to carry out a difficult task.

Some examples of self-encouragement are as follows:

- Making positive helpful statements to take you through difficult moments, e.g. *"I don't feel like dealing with this angry person right now, but I've done it before and I can do it again"*.
- Re-defining a distressing task to make it more manageable, by removing the emotional element, e.g. *"In spite of what has happened to this woman, her first need is for a calm, sympathetic support person. I am good at that"*.
- Rationalizing the event, or your reaction to it, e.g. *"Hunger strikers upset everyone. I'm no exception"*.
- Talking oneself into a helpful response, e.g. *"I don't feel calm, but I can look that way by taking a deep breath, relaxing my shoulders and speaking more slowly"*.

Other techniques for managing chronic stress include the following guidelines:

- Get the sleep you require
- Exercise for endurance and strength
- Eat a well-balanced diet

- Avoid excessive use of alcohol, caffeine and nicotine
- Manage your time well and set priorities

An eye should be kept on one’s colleagues’ stress and fatigue levels, and staff should be encouraged to be aware of the effects of stress on themselves. Stress-defusing sessions provide an opportunity to modify stress reactions and to reduce personal and group tension. This may involve a friendly chat at the end of the day or informal after-work gatherings so that all staff may have an opportunity to speak and to listen. Feelings of anger should be recognized as a normal response to a violent and distressing event, and lead to a more healthy recovery, rather than suffering in silence or keeping a “stiff upper lip”.

More formal psychological debriefings, conducted by qualified and trained counsellors, can and should be organized in offices where staff have suffered a loss or have been exposed to events with a strong emotional impact.

Further Reference

- Coping with Stress in Crisis Situations (OMS 3). UNHCR Geneva, 1992.
- Mental Health of Refugees. World Health Organization, 1996 (published in collaboration with UNHCR) (especially Unit 2: Stress and relaxation).

CHAPTER
7

Table of Contents

Special Issues

7.1	Best Interests of Children and Adolescents	VII / 1
7.2	Stateless Persons	VII / 4
7.3	Returnees	VII / 6
7.4	Irregular Movers	VII / 6
7.5	Stowaways	VII / 10
7.6	Criminal Records	VII / 10
7.7	Persons Considered Combatants by some Countries	VII / 10

Special Issues

7.1 Best Interests of Children and Adolescents

The *best interests rule* is one of the fundamental rights in the 1989 Convention on the Rights of the Child (CRC).¹⁽²³⁾ But while the phrase *best interests of minors* is a simple expression, applying it to real life

situations is not so easy.

The UNHCR Senior Co-ordinator for Refugee Children will soon be issuing a paper that will provide a framework to help staff apply the best interests rule. This Chapter will be updated and expanded accordingly. Presented here is an outline of the framework.

A framework for applying the best interests rule to refugee minors

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Principles relating to developmental needs of minors

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

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

The decision-maker must have a willingness to:

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

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

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

(d) Institutional structures

Suggestions for governmental structures include:

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

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

Essential Reading:

- A paper will be issued that will discuss the framework in more detail.

7.2 Stateless Persons

UNHCR has been asked to assist stateless persons. The legal foundation for this assistance is based on different sources, the primary ones being:

- UNHCR’s statutory function of providing international protection and of seeking preventive action in relation to potential refugee situations; and
- the responsibility entrusted by the General Assembly to undertake the functions foreseen in article 11 of the 1961 Convention on the Reduction of Statelessness;
- the February 1996 request of the General Assembly in A/Res/50/152 for UNHCR to "provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States" and to promote the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Each of these sources provides a basis for UNHCR to advocate for the acquisition and retention of an effective nationality. In order to do this, it is important that UNHCR negotiate with Governments, and advise on, nationality legislation and practice. The Office may also express its concern when an individual's "genuine and effective link" with a country based on factors such as place of birth, long-term residency and descent, are not taken into account by the State or States concerned. UNHCR is, therefore, an advocate of the recognition of ties an individual or group may have with one or more countries.

UNHCR cannot, by virtue of its objective, promote resettlement of stateless persons who are not refugees.

However, in the refugee context it has to be acknowledged that stateless refugees, because of their lack of nationality and absence of the possibility of national protection, may be more vulnerable than refugees who have a nationality. UNHCR undertakes resettlement of refugees, when advisable and under stipulated conditions. The question has arisen as to whether UNHCR’s responsibilities and activities in relation to stateless persons might also include resettlement. No steps have been taken in this regard to date and, based on the source of UNHCR’s mandate in relation to stateless persons which differ from those for refugees, resettlement of stateless persons has not been foreseen.

UNHCR has specific responsibilities and functions in relation to stateless refugees. The Office assists stateless refugees under the 1951 Convention, however, this assistance is based upon their status as refugees rather than on their statelessness. Those who benefit from assistance or resettlement are receiving UNHCR's help under the terms of the 1951 Convention and are not, therefore, beneficiaries under the terms of UNHCR's mandate for stateless persons even if the assistance relates to their nationality status.

7.3 Returnees

Where there are indications or evidence that the freedom or security of returnees is at risk due to a lack of adequate State protection, UNHCR, as part of its returnee monitoring activities, should do whatever it can to remedy the situation and relieve the plight of the returnees. UNHCR must intervene where human rights abuses or severe discrimination come to light. The form UNHCR's intervention takes will vary, but may include seeking remedial action and/or making a formal protest at the local/central level and making formal representations to regional or international bodies. Where problems and abuses are not isolated and there appears to be a risk of future occurrences, UNHCR should not promote further repatriation until the problems are rectified.

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

FURTHER REFERENCE:

- Handbook Voluntary Repatriation: International Protection. UNHCR Geneva, 1996.

7.4 Irregular Movers

Push and pull factors

Irregular movement is caused by various push and pull factors, sometimes both at the same time. Push factors may include intolerance, insecurity, poverty without prospects for improvement, and breakdown of law and order. Pull factors could include better economic conditions, higher levels of care and maintenance assistance, access to education, access to better resettlement possibilities, more tolerant refugee status determination and aliens-trafficking.

UNHCR and Governments are faced with the problem of irregular movements in several regions, and it is also an important element of the urban refugee dynamic. It is recognized that resettlement can act as a pull-factor for irregular movements. Recognized refugees may move from a country where they had found protection to another country in order to seek resettlement. However, resettlement can have a positive, mitigating influence on irregular movements when it is implemented across regions and in all countries on the basis of clear and consistent criteria, and when it is used as a tool to reinforce protection in countries of first refuge.

The 1989 Executive Committee Conclusion (No. 58 (XL)) on the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection provides substantive guidance. The relevant parts of this Conclusion are reproduced in Annex 1 of this Handbook.

UNHCR Policy on refugees in urban areas

UNHCR's obligations in respect of international protection are not affected by either the location of the refugees or the nature of the movement to that location. In a number of countries asylum-seekers arrive directly in urban areas. Whatever the nature of the movement or legal status of a person of concern to UNHCR in an urban area, the over-riding priority remains to ensure protection, and in particular, non-refoulement and treatment in accordance with recognized basic human standards.

The *UNHCR Policy on Refugees in Urban Areas*¹⁽²⁴⁾ contains a series of provisions relating to irregular movements. Some of these provisions have an impact on resettlement activities. The central thrust of the UNHCR Policy on Refugees in Urban Areas is to promote self-reliance and avoid dependency.

Residence in urban areas

Freedom of movement is the rule under international law and restrictions should be the exception, though some restrictions - such as the location of refugees away from the border - respond to protection concerns. UNHCR should encourage the government to allow freedom of movement, and should promote the refugees' right to work and access to national services, wherever possible. In consultation with the government, UNHCR may, however, limit the location where UNHCR assistance is provided. Where refugees are assisted in settlements or camps outside urban areas, UNHCR should provide assistance in urban areas to refugees from the same country of origin only with the agreement of the government and if there are compelling reasons to do so.

Such compelling reasons could include: specific protection or security problems faced by an individual or his or her family in the settlement or camp; pre-arranged movement to an urban area for the duration of health care or for reunification with family members legally resident in the urban area; and assistance in achieving a durable solution, where this is possible in the urban area.

Solutions for refugees living in urban areas

Where voluntary repatriation is not a viable option in the foreseeable future or pending it, local integration if possible should be the objective of UNHCR assistance. The promotion of self-reliance should be undertaken accordingly, in a manner that will depend on local circumstances. This must respect the policies of the government while recognizing that many refugees, including many who have never received UNHCR assistance, are de facto locally integrated in urban areas.

Any determination that resettlement is needed for individual refugees should be made with direct reference to the criteria set out in Chapter 4 of this Handbook. The corner-stone of UNHCR's resettlement policy is the application of criteria that are consistent, both within a country and among countries in relation to refugees from the same country of origin, and with respect to an individual's circumstances. Thus, resettlement considerations for refugees in an urban area should be analogous to those in a refugee camp in the same country, or in another country where protection had been found. Active and timely case identification by UNHCR, based on the consistent and transparent application of resettlement criteria, should remove the incentive for refugees to move to urban areas, and in particular to the capital, in search of resettlement.

Irregular movement to an urban area in another country in search of resettlement can in itself create a new situation where criteria for resettlement are met or more closely met than was the case in the previous country. This may happen, for example, when the act of irregular entry creates a protection problem. Such cases create a dilemma for UNHCR: resettlement after irregular movement may encourage more such movements, and may lead to increased reluctance of countries of resettlement to accept such refugees, particularly when this may be at the expense of those who have not moved. At

the same time, the only alternative to resettlement in extreme cases may be prolonged incarceration in an immigration jail.

Refugees who have moved irregularly to the country should not be submitted for resettlement (or given any prospects of resettlement) without the approval of the Resettlement Section at UNHCR Headquarters. Such approval is likely only if it is determined that the person(s) would already have met the criteria for resettlement in their previous country. Approval would otherwise be conditional on the absence of any other means of resolving immediate protection problems.

Movement between countries

The movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as "irregular movement", and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection. A refugee who is compelled to move because of specific protection or security problems in his or her previous country clearly cannot be considered to have found protection there. Such persons should therefore be treated as if the present country is their first country of refuge, not as refugees who moved in an irregular manner.

Working with the government(s) concerned, UNHCR should seek to remove the incentive for and discourage irregular movement by:

- a) ensuring proper protection and promoting durable solutions in countries of first asylum;
- b) ensuring appropriate and consistent standards of assistance;
- c) placing certain restrictions on assistance to refugees whose movement was irregular, and taking the special precautions with regard to their resettlement set out in the above;
- d) supporting return to the previous country of asylum in certain clearly defined circumstances.

Assistance after irregular movement

UNHCR offices should first determine if the person is of concern to the Office. If the country of destination applies the same prima facie or group recognition as the country from which the irregular movement took place, or if the person was previously recognized (or not recognized) as a result of an individual determination by UNHCR, further action to determine status is only required for resettlement purposes as outlined in Chapter 3 of this Handbook.

While, as explained above, UNHCR's protection obligations are unaffected by such movement, UNHCR does not have an obligation to provide assistance to refugees after irregular movement on the same basis as it would had there been no irregular movement. With the obvious exception of life-saving assistance that is not available in time from any other source, or where the lack of UNHCR assistance would compromise protection, UNHCR should generally not provide direct individual assistance; persons whose movement to an urban area was irregular should use government services and their own resources whenever possible. UNHCR assistance that is selective - for example, access to higher education - should not be made available.

Return after irregular movement

UNHCR may promote the return of refugees who had found protection in a previous country provided certain conditions are met. Some conditions will be specific to the circumstances; the following are general conditions, likely to be applicable in all circumstances:

- a) desire of the authorities in the present country to ensure return if possible;
- b) sufficient evidence of stay in the previous country to satisfy that country;

- c) assurance that protection will again be available after return;
- d) readiness of the authorities in the previous country to readmit;
- e) a determination by UNHCR that a durable solution is not possible in the present country.

Essential Reading:

- EXCOM Conclusion No. 58 (XL) - Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in Which They Had Already Found Protection.

Further Reference:

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

7.5 Stowaways

Refugees who have stowed away on boats or other international transport should not automatically be considered for resettlement. Field Offices should first establish that the individual is of concern to UNHCR and then look at the possibilities of either voluntary repatriation to the country of origin, or alternatively to his or her return to the country of first asylum or previous port of call so that asylum procedures may be initiated. When neither of these options are available, efforts should be made to ensure protection of the refugee in the country of disembarkation, rather than seeking resettlement.

Essential Reading:

- EXCOM Conclusion No. 53 (XXXIX) - Stowaway Asylum-Seekers

- UNHCR/IOM/08/92-FOM/08/92 dated 17 January 1992 on Guidelines relating to stowaway asylum-seekers.

7.6 Criminal Records

A refugee with a history of drug abuse or drug-related offences is usually excluded by all resettlement countries unless completely detoxicated and stabilized. Likewise, refugees with severe or multiple criminal offences will not be accepted for resettlement. If such cases are identified and all possible local options are exhausted, further advice should be sought from the Resettlement and Special Cases Section at UNHCR Headquarters.

7.7 Persons Considered Combatants by some Countries

Some resettlement countries exclude so-called combatants from resettlement eligibility. The interpretation as to what constitutes a combatant varies from one country to another. Field Offices are therefore requested to consult UNHCR Headquarters or authorities of resettlement countries for detailed and up-to-date information in cases where the resettlement of ex-soldiers, members of armed movements, etc. is contemplated.

CHAPTER
8

Table of Contents

Coordination of Resettlement in UNHCR

8.1	The Resettlement and Special Cases Section at Headquarters	VIII / 1
8.2	Resettlement Activities in Field Offices	VIII / 3
8.3	Current Resettlement Objectives and Activities	VIII / 4

Coordination of Resettlement in UNHCR

8.1 The Resettlement and Special Cases Section at Headquarters

The change in the title of the Resettlement Section to include *Special Cases* reflects its broadened terms of reference to include administration of a project for individual voluntary repatriation as well as its ongoing work in the area of family reunification. The Resettlement and Special Cases Section of the Division of International Protection is responsible for:

- making resettlement submissions and managing cases at the request of UNHCR Field Offices or due to requirements of receiving Governments;
- assessing the priorities among global resettlement needs of refugees given the availability of resettlement places, and appealing for an increase in the number of available places as needed;
- coordinating the schedules for resettlement selection missions to Field Offices;
- negotiating the overall levels and allocations of resettlement admissions with Governments in order to provide appropriate assistance to refugees in need of resettlement;
- setting standards for resettlement work and disseminating them, and monitoring their consistent application, including the compilation of world-wide statistics;
- obtaining necessary resources for UNHCR's efforts to effectively implement resettlement operations, in close collaboration with Operations in Headquarters and in the field;
- providing guidance and training in resettlement policies and procedures to UNHCR staff as well as to NGO and Government partners; and
- managing individual repatriation and family reunification cases requiring specific Headquarters action.

The Resettlement Section is responsible for channelling dossier submissions received from Field Offices to certain countries and for processing some emergency submissions and family reunification cases. In addition, the Section plays a lead role in coordinating and supporting the resettlement of difficult protection and special needs cases.

The Resettlement Section at UNHCR Headquarters maintains regular liaison with NGOs working in the area of resettlement, and consultations have taken place at the regional level. The Section works with

Governments through their Permanent Missions in Geneva and also directly with the capitals of key resettlement countries in connection with individual case management as well as refugee admission policies and quotas.

A regular mechanism for consultations with Governments on resettlement issues has been established in the form of a Working Group which meets every two months, or as required, in Geneva. The broad objectives of the Working Group on Resettlement are to:

- raise awareness of resettlement issues in order to build consensus in the Executive Committee in favour of resettlement and to promote the establishment of new resettlement programmes;
- address operational issues and problems in order to improve implementation;
- regularly share information about needs and opportunities for planning purposes and to share analyses of resettlement issues; and
- focus attention on UNHCR activities, given its key responsibility for case identification and referral.

The Resettlement Section serves as Secretariat for the Working Group, while the chairmanship rotates among the Government members. The Resettlement Section also convenes an annual Formal Consultation on Resettlement to which Governments and NGOs are invited. This meeting is scheduled to coincide with the meeting of the Standing Committee which focuses on protection policy. The timely exchange of information which takes place throughout the consultative process ensures that both the Executive Committee, resettlement countries and NGOs work to enhance the responsiveness and appropriateness of resettlement admissions levels. The quarterly resettlement statistics constitute an important resource for the regular assessment of resettlement needs and priorities.

The Resettlement Section is structured on a regional basis to facilitate support and monitoring of resettlement work in most of UNHCR's more than 100 Field Offices, as well as according to functions (training and reporting, travel, project control and individual case registry). There is also specialized staff responsible for monitoring resettlement policies and making submissions of refugees with special needs. The current organizational structure of the Resettlement Section is provided in Annex 8.

8.2 Resettlement Activities in Field Offices

Although resettlement is carried out at one time or another by most Field Offices, only larger offices with substantial resettlement operations have national and international staff who deal primarily with this activity. Field Offices in North America, Europe and Australia, i.e. principal immigration/resettlement countries, have staff who are responsible for promotional activities. At last count there was a total of some 150 staff in UNHCR Offices world-wide who dedicate at least 20 percent of their work-time to resettlement (a list is reproduced in Annex 9). In smaller offices, the resettlement function is subsumed within the responsibilities of the Representative, Deputy Representative or Protection Officers.

In 1996, these officers assisted with the resettlement of 35,000 refugees under UNHCR auspices, from more than 40 countries of first refuge to a dozen principal resettlement countries. The decentralized character of resettlement operations offers opportunities as well as constraints.

With the emphasis on delegating responsibilities to the regional level, it is more important than ever that UNHCR Field Offices agree on a clear division of responsibilities for dealing with resettlement.

In relation to the decentralized nature of the operation, there are few UNHCR resettlement officers. A focal point for resettlement should therefore be designated, especially in offices without dedicated national or international resettlement officers. It is also important to set up mechanisms to ensure that all relevant units within an office have been consulted before a decision is taken on the submission of a case.

While consultations with the protection staff are imperative, Community Services Officers, Medical

Coordinators or other staff with relevant expertise have to be involved in a case assessment. This will not only assist UNHCR Field Offices to undertake thorough assessments of individual cases, but will reduce processing procedures to the necessary minimum, since all relevant facts will have been supplied at the time of submission.

8.3 Current Resettlement Objectives and Activities

The Resettlement and Special Cases Section collaborates with other units of the Division of International Protection, as well as with Operations in Headquarters and in the field to meet the following key objectives:

- develop standards and guidelines for resettlement and initiate activities to upgrade resettlement expertise in Field Offices and at Headquarters and enhance competencies necessary for resettlement work;
- publish and disseminate the revised Resettlement Handbook (in English, French and Spanish) and release a version on CD-ROM;
- streamline resettlement processes and identify necessary changes in field and Headquarters structures and staffing, including appropriate input in the selection and deployment of staff;
- improve systems and methods for ensuring effective in-process and post-facto monitoring at the field and Headquarters levels;
- undertake central functions of planning, negotiation, project management, direct submissions and follow-up action for refugees in need of resettlement; and
- promote the Career Management System among resettlement staff.

CHAPTER 9

Table of Contents

Reporting

9.1	Resettlement Statistics	IX / 1
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Reporting

9.1 Resettlement Statistics

The regular reporting of precise and up-to-date resettlement statistics is a crucial component of UNHCR's reporting to the Executive Committee (EXCOM) and to other governmental and non-governmental bodies.

Resettlement statistics assist UNHCR and all concerned parties in:

- assessing resettlement needs and priorities;
- planning and developing policy directions for UNHCR;
- helping in planning and developing policy for Governments, including:
 - setting quotas/resettlement admission targets;
 - analysing quotas/targets used by UNHCR and Governments; and
 - projecting resettlement needs and monitoring progress and problems;
- programming and budgeting of resettlement projects;
- resettlement pledging and negotiations for required places; and
- public information (improving awareness and understanding).

UNHCR statistics do not include some refugees who would normally be promoted for resettlement, but who are being resettled without any UNHCR intervention. This concerns, *inter alia*, family reunification cases which may be processed by resettlement countries under asylum or immigration legislation.

In order to provide more reliable, comprehensive and credible information on resettlement activities, the reporting format of resettlement statistics for completion by Field Offices have been revised, incorporating recommendations from UNHCR Headquarters and from Field Offices, as well as suggestions from Governments and NGOs. The STAT2 forms in the latest versions are reproduced, together with guidelines for their completion, in Annex 5.

New Electronic Submission Process

With the implementation of the Electronic Submission Process, the statistical reporting function will be performed entirely by the Resettlement Section at Headquarters. The effective date for electronic submissions will be communicated to the Field Offices concerned. With the advent of the new process, submission via the electronic Resettlement Registration Form will allow for the automatic generation of statistics, thereby alleviating Field Offices the task of manually collecting and collating resettlement statistics.

Until all - or at least a significant majority - of the existing resettlement cases have been dealt with (prior to implementing the electronic submissions process), there will continue to be a need to report on those cases as per existing procedures. There is no requirement, however, to report on cases completed and submitted via the electronic RRF. Reports will be generated by Headquarters and forwarded to Field Offices two weeks after the end of each quarter.

Frequency and submission of the STAT2 forms

Field Offices are requested to forward the completed STAT2 forms directly to the Resettlement Section at Headquarters, by e-mail, fax or pouch. The Resettlement Section will provide a copy to the relevant Desk.

The following deadlines apply:

Quarter ending Due at HQs

31 March 15 April

30 June 15 July

30 September 15 October

The STAT2 (Rev.5) forms are reproduced in Annex 5, and are also available in the Lotus 1.2.3 file STAT2.*

Procedures at Headquarters

Within Headquarters, Desks are responsible for the provision of correct and consistent statistics on populations of concern to UNHCR. It is therefore important that they verify any statistics received from Field Offices. In close consultation with the Resettlement Section, Operations at Headquarters should normally designate one person as a focal point on statistics and liaison with the Resettlement Section and with the Statistician in the Programme Coordination Section (PCS). Desks are therefore expected to:

- ensure that offices in the field comply with the deadlines for submission of the relevant forms;
- ensure that the forms are filled in correctly and in full; and
- cross-check the information reported with monthly SITREPs, previous statistical forms, and other sources of information.

Precise refugee statistics are required by UNHCR for overall planning, budgeting and fund-raising purposes. It is also important that the information provided reinforces the confidence of Governments and NGOs in the reliability and credibility of information on resettlement needs provided by UNHCR.

It should be possible to improve on the current data provided with the cooperation of Governments and NGOs along with UNHCR Field Offices, in addressing some of the following concerns:

- Rapidly changing refugee situations mean that projections made on an annual basis may be quickly outdated. Quarterly updates have been suggested, which would combine current UNHCR activities with current needs and future projections.
- UNHCR resettlement criteria may differ from those of one or another Government or NGO. For example, in-country processing of refugees as practised by some Governments falls outside UNHCR's mandate whereby refugees are persons who are outside their country of nationality. UNHCR's criteria for resettlement assessment are determined by the protection concerns and conditions prevailing in the countries of refuge rather than the requests of refugees or interest groups.
- Conceptual problems aside, there are many practical obstacles to the collection of accurate resettlement statistics, particularly when staff are often faced with overwhelming tasks in situations of refugee influxes.

CHAPTER

10

Table of Contents

Partnership and Liaison

10.1	Interagency Cooperation	X / 1
------	-------------------------------	-------

10.2	Non-Governmental Organizations	X / 3
10.3	The Media	X / 8

Partnership and Liaison

Complementary to the cooperation with Governments in the countries of refuge and in resettlement countries, UNHCR carries out resettlement activities in cooperation with non-governmental and inter-governmental organizations which are involved in a number of important activities ranging from initial registration and interviews through care and maintenance to pre-departure formalities, travel and post-arrival assistance. The news media is another important facilitator of protection and assistance to refugees by providing an effective way to mobilize support and increase public awareness of the plight of refugees.

10.1 Interagency Cooperation

UNHCR and the International Organization for Migration (IOM) have a long-standing partnership, have forged models of cooperation in many areas and promote integrated policies and comprehensive approaches to displacement.

Founded in 1951 in Brussels, IOM was set up to ensure the orderly movement of persons in need of international migration assistance, and to promote the cooperation of Governments and international organizations in the field of migration.

IOM has received from its Member States a mandate to ensure orderly processes of migration, including organized transfer of refugees. Services which can be provided include pre-screening, counselling, documentation, medical processing, training, transport, reception and integration.

Over the past four decades, IOM's activities and functions have evolved to meet the needs and challenges faced by the international community, in particular in relation to the link between migration and development. IOM collaborates closely with emigration and immigration countries and NGOs in carrying out its activities.

According to its Constitution, IOM is committed to the principle that humane and orderly migration benefits migrants and society. It acts to assist in meeting the operational challenges of migration, to advance understanding of migration issues, to encourage social and economic development through migration and to work towards effective respect for human dignity and well-being of migrants.

IOM and UNHCR have concluded a Memorandum of Understanding¹⁽²⁵⁾, aimed at facilitating systematic, cooperative action between the two organizations. With this agreement, the two organizations seek to build on each other's recognized expertise and to establish operational cooperation.

IOM has always worked closely with UNHCR to assist with third-country resettlement of refugees, principally with respect to travel, and also in the context of the provision of language training and cultural orientation which can help lay the basis for successful integration. It has also played a significant role in the facilitation of the reunification of refugee families.

Transportation

IOM has negotiated special tariff agreements with the airline industry on a world-wide basis. These special IOM fares benefit all categories of persons assisted under the auspices of the Organization,

allow for considerable concessions on the air tariffs and also provide an increased free baggage allowance.

When travel is not arranged within the framework of an ongoing resettlement operation, individuals should be advised of the possibility to procure air tickets at reduced fares under subsidized migration schemes maintained by IOM. Under these schemes, IOM helps refugees and other persons in need of assistance, in particular through the handling of pre-departure and transport arrangements.

Transport is normally provided on scheduled airline services on an individual basis or on group flights. If so required, and in particular for massive population movements, transportation is also arranged on charter flights. In case of need, IOM may also provide transport by bus, truck, rail or ship.

Medical processing

Specific medical examination and documentation requirements exist in most countries that accept refugees for resettlement. Based on agreements with these countries, IOM often performs such examinations or screens the documentation prepared by other medical authorities.

IOM's responsibilities for medical evacuations include:

- identifying and selecting suitable patients proposed by local doctors;
- forwarding patients files to the country of treatment;
- identifying a suitable country for treatment;
- arranging entry authorization with embassies;
- arranging transportation of patients to the receiving country for treatment, with nurses or medical escort if needed;
- arranging for a patient's return when treatment is completed and conditions allow.

10.2 Non-Governmental Organizations

Non-governmental organizations (NGOs) play a significant role in providing various resettlement services. The role and function of NGOs will vary from country to country, but in many cases these organizations provide a liaison function to the refugee, UNHCR and the receiving Government. In many cases, NGOs are the direct link for UNHCR and by consequence the refugee, with the public at large in resettlement countries. The various NGOs also provide UNHCR resettlement activities with collateral value, since it is often through the work of NGOs and their community volunteers that the public first gets to know about refugees and the work of UNHCR. This aspect of NGO work has a positive impact on fund-raising, advocacy for various refugee groups, and fulfilling public information functions.

NGOs assisting UNHCR as operational partners, or working independently, and like Governments in resettlement countries, must be briefed by UNHCR on the full range of constraints involved in the resettlement process, competing demands for scarce quotas, and the need for cooperation on priority, deserving cases. It must be borne in mind that while Governments and/or NGOs may intervene to promote resettlement of certain groups of specific interest to them, UNHCR must consider resettlement on the merits of the circumstances in relation to protection and other refugee-related considerations.

Advocacy for refugees

In many resettlement countries, NGOs are in the forefront of advocating for refugee protection and assistance with their Governments, the public, and other organizations. This is evident in the advocacy which NGOs at times undertake for specific refugee groups of concern to their constituencies and communities. This may take the form of public education campaigns on behalf of specific refugee groups that have close ties to the community. In other cases, specific refugee populations are of interest because of historical connections to the countries of origin.

Advocacy takes the form of individual casework for specific refugees, using the tools of public education and contacts with Government officials to expedite the resettlement of specific individuals or families. Efforts are also undertaken by NGOs on behalf of individual refugees under UNHCR's mandate. In other cases, NGOs work more broadly with officials and politicians to promote positive admission decisions and expedited movement of cases.

Advocacy in many resettlement countries is also evident in NGO efforts to assure that Governments dedicate sufficient funding for refugee assistance and resettlement activities. This includes support for overall UNHCR identified budgetary needs, as well as support for the national social service budgets with special attention to refugee services. Many NGOs engage in lobbying activities on behalf of refugees, including specific groups needing protection, including resettlement, and assistance. Such lobbying activities vary with the political systems of each country, but in many cases involve extensive grassroots networks of dedicated activists who respond to calls for action on refugee needs.

In some cases, advocacy activities by NGOs also include lobbying for or against specific legislation seeking to promote the principles of refugee protection and provision of asylum. Such legislation may be national in character, or may have regional and international implications as Governments seek to harmonize their laws and practices.

NGOs often have an important role not only in the promotion of resettlement cases, but also in policy formulation regarding admission criteria, priorities and quotas. Many Governments maintain a close working relationship with NGOs in the formulation of policy and consult with NGO experts to design and implement new programmes and resettlement strategies. In the same manner, NGOs are in the forefront not only of providing settlement (integration and adjustment) services, but also of designing integration and adjustment programmes at the community level that will assist refugees to start anew and become productive members of their new societies.

UNHCR frequently works with NGOs to promote specific resettlement needs and to meet public education and information needs. Care should be exercised by Field Office staff to coordinate such needs for advocacy with UNHCR Headquarters and the appropriate Field Office in the resettlement country.²⁽²⁶⁾ In the same manner, requests by NGOs lobbying with Field Offices should be coordinated with UNHCR Headquarters and other pertinent offices, so that communication is effective and appropriate to the situation. In the spirit of PARinAC, UNHCR and NGOs can effectively help promote the addressing of international refugee protection needs, specific regional solutions for refugee crisis, and specific refugee groups who are in need of resettlement.

UNHCR is guided by Recommendation 32 of the PARinAC Oslo Declaration and Plan of Action agreed in 1994, which states that:

UNHCR should develop a closer relationship with resettlement NGOs in the area of resettlement needs for vulnerable groups. UNHCR should formalize and regularly consult with NGOs in the field, as well as in resettlement countries, to better utilize the annual resettlement needs assessment, as a tool to maintain, increase or target resettlement quotas established by Governments. UNHCR and NGOs should develop a closer consultation mechanism in the design, analysis, and use of the annual resettlement needs assessment document."

In many countries, resettlement and other NGOs work hand in hand through umbrella organizations or networks to help coordinate their activities and public voice. UNHCR often consults with these umbrella organizations and individual members in each of the resettlement countries.

NGO services to refugees in countries of asylum

UNHCR Field Offices will often have well-established relationships with NGOs to help facilitate counselling and assistance to refugees who may be eligible for resettlement. Some resettlement countries, notably the United States of America, utilize NGOs in the pre-screening and processing of cases before the immigration officials determine eligibility of cases for resettlement. This role of NGOs

can help facilitate the work of UNHCR Field Offices where applicable, as in many circumstances close cooperation on specific cases and groups can be arranged between the UNHCR Field Office and the NGO (in the context of resettlement in the United States of America, usually the Joint Voluntary Agency, or JVA).

While eligibility criteria and admission requirements are determined by countries of resettlement, and the NGO working to assist in the processing and pre-screening for such cases is bound by such laws and regulations, many resettlement countries give first priority to cases referred by UNHCR. At the same time, there are countries which process and admit for resettlement other groups parallel to UNHCR referrals.

It is important for UNHCR Field Offices to work closely with NGOs and missions of Governments to understand the specific and unique features of each country's resettlement programme in order to encourage the movement of UNHCR priority cases. NGOs entrusted by their respective Governments with pre-screening and processing can, in this role, often help to advocate for specific groups or individuals.

In some countries of asylum, NGOs work as UNHCR's implementing partners to help screen cases needing resettlement, as well as to provide counselling services to refugees needing assistance. In many cases this involves smaller and more diverse "urban" refugee populations, as compared to larger refugee populations in refugee camps. In other circumstances, specific refugee groups within a camp population are identified as in need of resettlement, based on considerations such as their ethnic background, social composition, or religious affiliation. NGOs can sometimes help Field Office staff in the early assessment and identification of potential resettlement cases, as well as in the processing of documents needed to constitute a resettlement dossier.

NGO services to refugees in resettlement countries

In many resettlement countries, NGOs are the primary providers of services to the arriving refugee. These services are usually funded by the host Government and/or local resources raised independently by the NGO. Depending on the system of social welfare services in each country, NGO services to refugees can encompass addressing comprehensively the needs of the resettled refugee, including services relating to language training and search for employment. NGOs usually provide a counselling role for refugees, often working with specific communities to provide language and culturally-sensitive help.

NGOs often coordinate the contributions of volunteers and direct private donations to refugees who have been resettled. These contributions are an added value to the services to which refugees are eligible in each country of resettlement. Most important, NGOs not only contribute in cash and with in-kind donations to the resettlement of refugees, but help the refugee and family make new friends and contacts necessary for the successful integration. Usually termed "sponsorship", such arrangements utilize local resources of religious groups, community organizations or business associations to help meet the needs of refugees and their families.

NGOs are often in the forefront of culturally-sensitive mental health and specialized adjustment services. Working in close cooperation with professional associations, universities, hospitals and health centres, NGOs seek to assure that special needs of refugees (e.g. trauma due to torture or rape, etc.) are addressed. In some cases such services are provided free of charge, on sliding fee basis, or funded by governmental and non-governmental sources. UNHCR Field Offices should always consult with Headquarters when specific questions arise on specialized mental health and medical needs for specific refugees.

In some resettlement countries, NGOs are also the primary provider of training services related to employment. Many innovative services have been designed to include direct partnerships with large and small employers, who look upon newly resettled refugees as an important resource in the labour market. In some resettlement countries, there are incentives for refugees to quickly enter into the labour market. UNHCR Field Offices should let refugees know that there will be high expectations for the refugee to

enter the job market at any available level, including early employment into positions which may be below the professional training and qualifications of refugees.

NGOs also help resettled refugees get reunified with their families still abroad. The practice of NGOs in this field varies significantly among countries, and NGOs will be bound in their family reunification work by the laws and regulations of each resettlement country. In particular, when special cases arise that are outside normal immigration or refugee resettlement procedures, NGOs may still be able to facilitate family reunification under temporary protection schemes, specialized “leave to remain” programmes, and other forms of humanitarian admissions. UNHCR offices in resettlement countries should be contacted when such cases arise to activate NGO networks.

10.3 The Media

Responding to the media

The news media are an important facilitator of protection and assistance to refugees. News media provide an effective way to mobilize support and increase public awareness of the plight of refugees. Used effectively, cooperation with the media can have a positive impact on public and Government support to refugees, and can help promote understanding of UNHCR, its protection concerns, and its mandate. In turn, this can spark essential funding for refugee programmes.

UNHCR's public information policy permits and encourages staff members to speak to the press. However, in some situations, it will not be appropriate to air in public some specific concerns, particularly when individuals may be at risk. For this reason, if there are any doubts about potential implications, staff should consult with senior colleagues or with the Public Information Section.

The refugee story

It is the nature of the news media to be at least as interested in the details of a personal story as they are in facts and figures. Focusing on a refugee's personal story can be beneficial to that person, to UNHCR and to the work of the Resettlement Section. This media interest can bring with it enormous advantages; but it can also warrant sensitive protection considerations.

Resettlement work is about moving the individual refugee directly from the over-crowded refugee camp, the detention centre, and the dangers, misery and suffering of the first asylum country to a safe third country removed from such risks. In many countries, particularly developed countries which are distant from major crisis areas and which directly receive few asylum-seekers, contacts with resettlement workers and resettled refugees represent virtually their only direct exposure with refugee issues and UNHCR. In the words of one Government representative, resettlement represents “a window to UNHCR”. Interest along these lines should be encouraged. Every effort should be made to provide an accurate and positive view through that “window”.

Sensitizing the media without losing the story

In order to minimize the risks associated with publicizing individual refugee problems, every opportunity should be taken to encourage journalists to respect the confidentiality of certain information and, where possible, to avoid releasing the individual's identity, or details which could permit identification, such as specific references to the refugee's political involvement in the country of origin and dates and places where political activity took place. While the publication of photographs may complement a story, this should not occur without the agreement of the refugee.

Being protection-minded

Resettlement involves the processing of individual refugee cases, and it is therefore important to be protection-minded when dealing with this information and the media. The first priority of UNHCR is the protection of the individual refugee. The particulars of personal experience which individual refugees have provided to UNHCR are privileged information and should not be shared with persons who are not authorized by UNHCR unless the refugees have specifically agreed to that information being released.

It is important to be aware that the publication of detailed personal information from the refugee's story, such as the names, age, sex, family situation, villages/cities of origin, or the political activities of refugees might increase the vulnerability of the persons concerned or of members of the family still in the country of origin. It may increase the risk of retaliatory measures by national authorities, either in asylum or in the event the refugee decides to repatriate. If the media requests an interview which will highlight a refugee's story, the refugee should be fully counselled as to the purpose of the interview and advised that he or she has the right to refuse it or to use an assumed name.

Careful consideration should also be given to the emotional and psychological well-being of the refugee and his or her family before they are encouraged to relate and repeat stories of violence, rape, torture or other atrocities. Remember that the first concern must be for the safety and best interests of the individual sharing the story. A UNHCR officer should offer to be present during media interviews, if the refugee so wishes. The media should be discouraged from interviewing refugee children, particularly when they have undergone trauma.

If the outcome of the story is unfavourable or inaccurate or if the journalist failed to respect clearly stated ground rules, do not immediately complain to the journalist concerned or the editor. Instead, inform the Representative or the Public Information Section at UNHCR Headquarters as soon as possible.

Table of Contents

Training on Resettlement

CHAPTER 11

Training on Resettlement

Training is an essential means to ensure effective implementation of UNHCR's resettlement policy. The Resettlement Handbook serves as the point of reference and as an important tool for training - of UNHCR staff and of partners. Resettlement training activities are closely linked to protection training and are organized in close collaboration with the Protection Training and Support Section of the Division of International Protection, the Staff Development Section, Regional Bureaux and Field Offices concerned.

Since resettlement operations require close collaboration at all levels, UNHCR welcomes extensive Government and NGO participation in resettlement training activities.

The main aims of resettlement training are:

- to strengthen the capacity of field staff to pro-actively identify refugees in need of resettlement and to effectively promote their cases; to give staff the skills to analyse resettlement and related protection problems encountered; to define an appropriate strategy and to develop a mechanism for

resettlement delivery built on close cooperation with resettlement countries and other partners; and

- to further understanding of resettlement with a view to improving co-ordination and developing closer collaboration of overall resettlement efforts.

The development of training modules and the implementation of resettlement training activities will have to take into account that responsible UNHCR staff dedicate varying amounts of their time to resettlement, depending upon the situation in the country and the number of the eligible cases. The Resettlement Section has developed a Human Resources Inventory (see Annex 9) which will guide the assessment of training needs and the planning for training activities.

The plan of action for resettlement training includes:

- updating and revising the Resettlement Handbook (in English, French and Spanish) on an ongoing basis and release of the Handbook on CD-ROM;
- development of a series of resettlement training modules (including *train the trainers* modules), on the basis of the Resettlement Handbook, in cooperation with other Headquarters units and with field operations, as well as interested Governments and non-governmental organizations;
- development of training modules for the introduction and support of the electronic resettlement submission system;
- in liaison with other organizations and with UNHCR units, incorporation of relevant resettlement issues in related training (for example, People Oriented Planning, Government training for officers involved in resettlement, etc.);
- assessment of specific training needs (linked to the Career Management System and feedback from in-process monitoring of the electronic resettlement submissions);
- training activities in the field and at Headquarters, including *train the trainers* sessions for regional resettlement staff;
- support of regional and local training activities;
- development and introduction of self-training modules, including interactive computer-based training programmes (linked to the electronic submission system);
- periodic evaluation of training activities and re-assessment of training needs.

Resettlement workshops for UNHCR staff and staff of organizations involved in resettlement activities are held in collaboration with Government authorities of resettlement countries and with non-governmental organizations.

Resettlement briefings are provided by the Resettlement Section for all new UNHCR staff during their initial induction period at UNHCR Headquarters.





1. Resettlement Policy

Australia recognizes and supports resettlement as an important instrument of protection, within the framework of UNHCR's three durable solutions. Through its global non-discriminatory Humanitarian Program, Australia assists UNHCR by accepting refugees and persons of concern from caseloads UNHCR identifies as being in need of resettlement.

The Humanitarian Program has three resettlement ('offshore') elements: the Refugee Program, the Special Humanitarian Program for people outside their own country who do not meet refugee criteria but are subject to discrimination amounting to gross violations of their human rights in their home country, and the Special Assistance Category for people who are in vulnerable situations, and who have close links with Australia. Successful applicants under all categories of the Humanitarian Program are granted visas which provide permanent residence in Australia.

2. Criteria for Refugee Status Eligibility and Asylum

Persons who apply for resettlement under the refugee component of the Humanitarian Program are assessed against the criteria set out in Australia's Migration Act 1958 and Migration Regulations. To satisfy the criteria for a refugee visa (visa Subclass 200), applicants must be outside their country of nationality or usual residence, and be subject to persecution in their home country. Policy requires that the persecution be experienced for reasons set out in the United Nations Convention and Protocol on the Status of Refugees (Refugee Convention), i.e. the applicant has personally experienced, or has a well-founded fear of experiencing, persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

The Humanitarian Program also includes an 'onshore' component for people who seek protection in Australia in accordance with the Refugee Convention (successful applicants are granted a 'protection visa').

Special provisions within the Refugee component address gender related persecution. Australia's Woman-at-Risk Program was created in recognition of the priority given by UNHCR to the protection of refugee women in particularly vulnerable situations. In order to meet current Woman-at-Risk criteria (visa Subclass 204), a woman must be either subject to persecution (i.e. a refugee) or a person of concern to UNHCR, be without the protection of a male relative and be in danger of victimization or serious abuse because of her gender.

Gender Guidelines have also been written by the Department of Immigration and Multicultural Affairs to guide decision-makers dealing with applications under the offshore Humanitarian Program and applications made in Australia for protection visas. The Guidelines assist decision-makers to understand how women may be persecuted differently to men and the difficulties women may face in describing their experiences.

They include cultural- and gender-sensitive interviewing techniques and discuss issues such as providing interviewers and interpreters of the same sex and the role of gender in assessing credibility issues.

3. *Criteria for Resettlement*

The criteria for the Refugee Program are outlined at 2. above. The criteria for the Special Humanitarian Program (SHP) and the Special Assistance category (SAC) are also set out in Australia's Migration Regulations. The SHP (visa Subclass 202) is for people outside their country of nationality or usual residence who have experienced, or fear, substantial discrimination amounting to gross violation of human rights. To meet the criteria for a Subclass 202 visa, People applying under this are required to demonstrate some connection with Australia through family or community links and must be proposed for entry by an Australian permanent resident or citizen.

The Special Assistance Category is designed for specified groups of people in particularly vulnerable situations who have close family or community links to Australia but do not meet the criteria of other categories. Applicants must demonstrate that they are subject to substantial hardship or discrimination in their home countries. All applicants must have a written undertaking of support from an Australian citizen, permanent resident or a recognized community group. Current SACs are for citizens of the Former Yugoslavia, Sudanese, Burmese in Thailand, Sri Lankans, Burmese in Burma, Vietnamese and Ahmadis. The criteria for each SAC are set out in the Migration Regulations.

All persons who apply for resettlement in Australia under the Humanitarian Program must satisfy the decision-maker that there are compelling reasons for giving special consideration to granting them a visa. The decision-maker must also be satisfied that permanent settlement in Australia is the appropriate course for these applicants and would not be contrary to the interests of Australia. Like all persons seeking permanent entry to Australia, they must also meet health and character requirements.

4. *Resettlement Allocations / Processing Priorities*

The 1997/98 Humanitarian Program consists of 10,000 places offshore and 2,000 places for persons granted protection in Australia, a total of 12,000 places.

The size and composition of the Program are considered in the annual Government Budget context and are influenced by a number of factors. These include assessments of the resettlement needs of people overseas by UNHCR, the views of community groups and organizations conveyed during consultations undertaken by the Minister for Immigration and Multicultural Affairs, and Australia's capacity to assist. Priority areas for 1997/98 are the former Yugoslavia (particularly persons in mixed marriages who cannot return to a safe area), the Middle East and Africa.

The allocation of places within each component of the Program is subject to slight but constant fluctuations, depending on humanitarian need. Limitations may also be placed on the number of visas which can be granted in a program year under a specific visa class or subclass. Details of 1997/98 Program planning levels and allocations to SACs are at Annex A.

5. *Admissibility for Resettlement*

All persons who satisfy visa-specific criteria for resettlement in Australia under the Humanitarian Program must meet health and character requirements. Refer Section 11 for details of the health requirements and circumstances in which it may be waived.

Character requirements are not waived for any visa category under the Humanitarian Program. In urgent circumstances an expedited procedure may be followed. Refusals on character grounds normally relate to evidence of criminal conduct or the possibility of an applicant representing a threat or a danger to the Australian community.

6. Submissions and Processing via Dossier Selection

Applications for resettlement in Australia under the offshore Humanitarian Program must be lodged outside Australia at an Australian embassy or consulate. All available information relevant to the application is taken into account when a decision is made. Applicants who are found not to meet refugee criteria are automatically assessed for possible inclusion in the Special Humanitarian Program.

6.1 Case Documentation

An application under the Refugee component can be accompanied by a statement from an Australian citizen or permanent resident proposing the applicant for entry to Australia. It is a requirement only for the SHP. However, a proposal may assist the decision-maker to assess an applicant's settlement prospects under the Refugee category as well.

An application under the SAC must be accompanied by an undertaking of assistance from a near relative or a recognized community organization in Australia. Those providing an undertaking are responsible for specific settlement assistance required by the applicants during their first six months in Australia. This includes food, accommodation, and assistance in obtaining employment and access to community and public services.

6.2 Routing of Submissions

Applications are received at Australian embassies or consulates either directly from applicants, or by referral from UNHCR Headquarters or Field Offices, or non-government organizations. There is no fee for lodging an application under the Program.

Supporting documents and information relating to change of circumstances may be submitted to embassies or consulates by applicants or their representatives at any time before a decision is made on the application.

6.3 Decision-Making Process

People overseas applying for humanitarian resettlement in Australia are considered on a case-by-case basis against specific criteria set out in Australia's migration legislation. Decisions are made by Australian Immigration officers overseas who are delegates of the Minister for Immigration and Multicultural Affairs.

While refugee applicants are usually interviewed by an Australian Immigration officer, SHP and SAC applicants are interviewed only if a decision cannot be made on the information already available.

The decision on an application is conveyed to the applicant in writing and in the case of refusals, a decision record indicating which criteria were not met is also provided.

6.4 Recourse Processing

There is no provision for non-judicial review of the merits of Humanitarian Program decisions. If the application is refused and the applicant's circumstances change or new and substantive information becomes available, a new application can be lodged. Judicial review may be pursued where an applicant believes there was an error of law on the part of the decision-maker.

6.5 Processing Times

The average processing time world-wide for applications made under the Refugee component is approximately 10 months. For SHP it is 19 months. SAC processing times vary from 3 months to 2 years depending on the subclass applied for. (These figures are derived from visas granted over a 6

month period.)

7. Submissions and Processing via In-Country Selection

In-Country selections under Australia's Humanitarian Program can be made under the In-Country Special Humanitarian Program and some categories of the Special Assistance Category.

The Migration Regulations specify that applicants for the In-Country Special Humanitarian Program must be living in their home countries and be subject to persecution. This Program is very small and policy largely limits its application to Central America.

Processing procedures are the same as those outlined in Section 6. The average processing time for the Central American program has been 12 to 13 months.

8. Emergency Cases

Australia's Humanitarian Program has an Emergency Rescue visa category (visa Subclass 203) which is a special provision within the Refugee component. It is an accelerated processing arrangement for individuals who are suffering persecution in their home country along the lines set out in the 1951 Convention and 1967 Protocol and whose lives or freedom depend on urgent resettlement in Australia. Applicants may be living in their home country or in another country.

Cases are usually referred to overseas posts by UNHCR. The Emergency Rescue program is accorded priority in processing above all other visa categories in the Humanitarian Program. Because delays arising from normal medical screening procedures may expose the applicant to extremely serious consequences, streamlined procedures which allow some applicants to complete health checks on arrival in Australia have been established.

9. Special Categories

9.1 Refugees with Medical Needs

All applicants must meet health criteria - refer Section 11 for details, including provision for waiver in certain circumstances.

9.2 Survivors of Violence and Torture

To assist humanitarian entrants who have been tortured or suffered traumatic experiences in their own country or in other countries, the Australian Government, through the Department of Health and Family Services, funds a counselling service in all capital cities for all survivors of torture and trauma. For refugees and Humanitarian Program entrants, the Australian Government in 1997-98 has funded the torture and trauma services in all States and Territories to provide health assessment as part of an early intervention strategy (see 14.5).

9.3 Women at Risk

The Women At Risk Program provides Australian resettlement for refugee women and women "of concern" to UNHCR and their dependants, who are in dangerous or vulnerable situations because of the breakdown of traditional support mechanisms.

The program recognizes that many of the women who resettle in Australia under the WAR program may be from cultures where it is not customary for women to be providers. They may also have been tortured, sexually assaulted or otherwise traumatized. For these reasons, women entering under the WAR program are identified as having a particular need for settlement assistance.

Entrants under the Woman-at-Risk category receive priority for assistance under the Community

Refugee Settlement Scheme (CRSS). See 14.1 for details.

9.4 Children

Children who apply for entry to Australia under the Humanitarian Program as unaccompanied minors are accepted for resettlement if they meet the visa-specific criteria and if resettlement in Australia is in their best interest. In defining best interest, Australian policy reflects the UNHCR approach. Unaccompanied minors who do not have close adult relatives over the age of 21 to care for them in Australia become wards of the Minister for Immigration and Multicultural Affairs under the provisions of the Immigration (Guardianship of Children) Act 1946. The State government welfare agencies are responsible providing supervision and counselling to all unaccompanied humanitarian minors and their caregivers under the Commonwealth/States Cost-sharing Program. Assistance is available until the minor reaches 18 years of age or until the end of the school year in which the minor turns 18.

Unaccompanied minors included as members of family units of Humanitarian Program applicants must meet health and character requirements. Decision-makers must be satisfied that the grant of the visa to the child would not prejudice the rights and interests of any other person who has custody or guardianship of, or access to, the child.

Children entering under the Humanitarian Program are eligible for specialized language training at school. They, or their families, are eligible for all payments and services available to the general Australian population. Additionally DIMA pays a maintenance allowance to wards of the Minister who are under 16 years of age and are full-time students.

9.5 Elderly

No special provisions apply.

10. *Family Reunification of Refugees*

Australia recognizes that family reunification is important for the successful resettlement of refugees and other Humanitarian Program entrants. From 1 July 1997, separated family members who are in their home countries or other countries may be proposed for entry to Australia under the Humanitarian Program.

10.1 Policy concerning Family Reunification of Refugees

Immediate family members of refugees and other Humanitarian Program entrants who are proposed for entry under the Humanitarian Program are accorded priority in processing and are offered the same settlement facilities available to other humanitarian entrants. The relationship between the applicant and his or her proposer who was accepted for resettlement in Australia under the Humanitarian Program must have existed at the time of visa grant to the sponsor. For those who applied for and were granted protection after arrival in Australia, the relationship must have existed at the time of application for refugee status.

10.2 Criteria for Family Reunification

'Immediate family members' of refugees are defined in the Migration Regulations to mean a spouse, dependent child or a parent where the proposer is a minor under the age of eighteen.

Other relatives such as siblings, a last remaining relative, an aged dependent relative, an orphan relative and a special need relative, who meet humanitarian criteria in their own right may enter Australia under the Humanitarian Program. Provisions also exist under the separate Migration Program for such relatives to be sponsored to migrate to Australia. Applicants for some migration categories must pass a points test, with points being awarded for the skills and age of the applicant, and attributes of sponsoring

relatives.

10.3 Allocations for Family Reunification

There is no specific allocation for family reunification under any part of the Humanitarian Program. However, within the places allocated for each program, priority in processing is accorded to immediate family members of Humanitarian Program entrants and persons granted protection visas in Australia.

10.4 Routing of Applications

Applications must be lodged at Australian embassies or consulates overseas. Persons who wish to propose their relatives for entry under the Humanitarian Program must obtain the necessary forms from the nearest office of the Department of Immigration and Multicultural Affairs in Australia. They must complete a proposal (in the case of Refugee or SHP applications) or an offer of support (in the case of SAC applicants) and send it with the application form to their relative for completion and lodgment with the application form at the Australian embassy or consulate.

Persons who wish to sponsor their relatives under the Migration Program must complete the section of the application package which must be filled by the sponsor and send it to their relatives overseas for lodgment with the relevant migration application form.

10.5 Verification of Relationships

Most applicants are able to provide documentary evidence such as birth and marriage certificates. In camp situations, where documentary evidence is not always available, decision-makers often rely on information such as UNHCR bio-data, photographs, letters, etc. to establish relationships.

10.6 Processing and Decision-Making

While processing priority is accorded to family members of Humanitarian Program entrants, only applicants who meet all regulatory criteria are accepted for resettlement in Australia. Processing times may vary considerably depending on the visa category and individual circumstances of applicants.

11. Medical Requirements

Health criteria require applicants to be free from tuberculosis and free from a disease or condition that is a risk to public health and safety. Certain persons may be required to undergo specialist treatment (e.g. for active TB) before they can be granted a visa. Such treatment may take several months. Applicants must not have a medical condition which is likely to result in a significant cost to health care and community services or prejudice the access of Australian citizens or permanent residents to health care or community services.

Cases requiring very urgent resettlement may, in very limited circumstances, be approved for travel without final information on health. They will undergo a full medical examination immediately on arrival in Australia.

Australia's Migration Regulations contain provision for the health requirement to be waived for certain visa classes, including Humanitarian Program visa classes. If the grant of a visa to the applicant is unlikely to result in undue cost to the Australian community or unduly prejudice to access to health care or community services by an Australian citizen or a permanent resident, requirements may be waived. The health waiver provision is not exercised in cases where a disease or other medical condition represents a threat to public health in Australia.

If a Medical Officer of the Commonwealth has requested the applicant to undergo a follow-up medical assessment in Australia, the applicant must provide a written undertaking to do so. All applicants who are required to undergo further medical examinations in Australia (including some Emergency Rescue

cases who may not complete health checks before departure to Australia) are counselled about medical screening procedures adopted in Australia.

The Australian Government meets the cost of medical screening of refugees. SHP and SAC applicants are not entitled to assistance from the Australian Government for medical screening.

12. Travel

While refugees usually have their air fares paid by the Australian Government, people accepted for resettlement under the SHP and SAC are not entitled to such assistance. In the case of SHP and SAC applicants, either the proposer or the applicant must meet the cost of travel.

13. Status on Arrival

All visas granted under the Humanitarian Program are permanent visas which allow successful applicants to enter and remain in Australia permanently.

14. Domestic Settlement and Community Services

14.1 Actors

Agencies at all levels of Government (Commonwealth, State and Local), cooperate in planning improvements to the provision of settlement services to migrants and refugees in Australia through the National Integrated Settlement Strategy (NISS), an inter-governmental planning framework.

Settlement planning activities focus on:

- better outcomes for clients through more appropriately targeted and accessible services;
- clarifying who is responsible for delivering services;
- encouraging coordination of service delivery; and
- better targeting of resources to avoid gaps and duplication.

NGOs and community groups, including many groups composed of members of refugee communities, provide direct settlement and support services for Humanitarian Program entrants. Many NGOs and community groups also provide advice to the Government on refugee settlement issues through various fora and consultation mechanisms.

DIMA provides two programs to assist refugees and humanitarian entrants - the On Arrival Accommodation program (see Section 14.4) and the Community Refugee Settlement Scheme (CRSS). The CRSS enables volunteer community groups in Australia to assist refugees and humanitarian entrants to settle during their first six months in Australia. The CRSS groups are provided with a monetary grant which is expended on behalf of their clients on household items, rent and lease bond, and essential clothing.

Thirty two Migrant Resource Centres (MRCs) and subcentres across Australia serve as a base for ethnic communities' information provision, cultural and social activities and act as a catalyst for the development of community awareness for migrant needs, and the development of appropriate services for migrants. DIMA provides funding for core staff and operational costs. MRCs also attract funding from other Federal and State Government programs.

Workers employed under the Community Settlement Services Scheme (CSSS) program assist migrants and refugees, particularly those who are newly-arrived and whose first language is not English, to settle in Australia. The program enables ethnic and other non-governmental organizations to employ social or welfare workers to implement specific programs which help migrants/refugees settle in Australia. Some grants are directed to groups with urgent, special needs, such as Humanitarian Program entrants. The

basic aim of these services is to help refugees and migrants access mainstream services, programs and opportunities available to all Australians.

14.2 Orientation

Humanitarian Program entrants who are being provided with initial settlement assistance through Government programs such as the On Arrival Accommodation scheme (OAA) and the Community Refugee Settlement Scheme (CRSS) receive orientation assistance during the first few weeks after arrival in Australia.

14.3 Reception

Humanitarian Program entrants being provided with initial settlement accommodation and assistance through Government programs are met at the airport on arrival in Australia and transported to their accommodation or, if traveling to destinations outside capital cities, are met on arrival and also at their final destination. Those entrants being supported under the CRSS are similarly met at the airport by a member of the designated CRSS group.

14.4 Housing

DIMA's OAA program provides initial, subsidized, short-term accommodation in self-contained flats to newly arrived eligible Humanitarian Program entrants. The flats are located in Sydney, Melbourne, Perth, Adelaide and Brisbane and are usually within easy walking distances of shopping centres, government offices, and public transport.

The current maximum length of stay is 13 weeks, but this can be extended to up to 26 weeks in cases of hardship. After this, the new arrival is expected to move into private accommodation in the community.

The subsequent move to private accommodation can be assisted through the Department's Rent Rebate Scheme. Under this Scheme, eligible refugees leaving OAA are entitled to a rebate equal to the last four weeks of their rent contribution. Residents who are in arrears with their rent contributions are ineligible for the rebate.

Humanitarian Program entrants may also be helped to move into private accommodation by volunteer community groups under the Community Refugee Settlement Scheme.

14.5 Health

See 11. above.

A confidential settlement, physical and mental health assessment is offered to Humanitarian Program entrants who use government-funded On Arrival Accommodation (OAA) (for more information on OAA see Section 14.4). The assessment is made within two weeks of their arrival in Australia and provides direction for subsequent coordination of settlement and medical services through a planned referral process.

The assessment is undertaken by trained professionals with both health and social needs assessment skills. A settlement referral plan is prepared based on these assessments and in consultation with the new arrival. It is expected that similar assessments will be introduced for other Humanitarian Program entrants.

In its 1997 Budget, the Australian Government provided additional funding over four years for implementation of an Integrated Humanitarian Settlement Strategy (IHSS) which will provide a national framework for improving settlement services for refugees and Humanitarian Program entrants.

A significant component of IHSS-direct funding in 1997-98 to assist effective long-term settlement, is the

national allocation to torture and trauma agencies to provide early health intervention to all humanitarian entrants on arrival.

14.6 Language Training

The Adult Migrant English Program (AMEP) provides up to 510 hours of English tuition to migrants, and Humanitarian Program entrants, whose first language is not English. The tuition is designed to enable participants to reach a functional level of English. In some circumstances, more than 510 hours can be provided to those in greatest need.

Tuition is largely delivered through formal courses in major metropolitan and regional areas. Clients unable to attend classes are offered assistance through Distance Learning Arrangements and/or a Home Tutor Scheme.

14.7 Education

Humanitarian Program entrants are eligible for the same educational programs as the general Australian population.

14.8 Vocational Training / Employment

Employment-related English tuition for job seekers is provided by the Australian Government's Department of Employment, Education, Training and Youth Affairs (DEETYA). DEETYA also provides a variety of programs to assist job seekers find employment.

Many Migrant Resource Centres also provide programs to assist migrants, and Humanitarian Program entrants, to find employment.

15. Reference Materials

Refugee and Humanitarian Issues: Australia's Response. Department of Immigration and Multicultural Affairs. 1997. (Published by the Commonwealth of Australia).

Exile or Refugee? The Settlement of Refugee, Humanitarian and Displaced Persons. James Jupp. 1994. (Published by the Commonwealth of Australia).

Ambivalent Welcome: The settlement experiences of humanitarian entrant families in Australia. Robyn Iredale. 1996. (Published by the Commonwealth of Australia).

The Longitudinal Survey of Immigrants to Australia is the most comprehensive survey of immigrants to Australia ever to be undertaken. It reflects the experiences of some 5000 migrants from their arrival in Australia until three years after their entry. The survey has revealed, among other things, a significantly higher level of reported health problems among Humanitarian Program entrants than other migrant categories (Fact sheets detailing the results of the survey are published by the Commonwealth of Australia).

Further information on Australia's Migration and Humanitarian Programs can be found on the Internet site of the Australian Department of Immigration and Multicultural Affairs at <http://www.immi.gov.au>

Annex A: Current Resettlement Allocations

Humanitarian Program 1997/98

Planning levels within the offshore component of the 1997/98 Program have been set at:

Offshore Category	Planning level (places)*
Refugee	4,000
Special Humanitarian Program	4,067
Special Assistance Category	1,933
TOTAL	10,000

* As at 31 January 1998.

Planning levels for the Special Assistance Categories are (as at 31 January 1998):

Category	1997-98 Allocations
Citizens of the former Yugoslavia	892
Sudanese	250
Burmese in Thailand	100
Sri Lankan	100
Ahmadi	50
Minorities of the former USSR	91
Vietnamese	300
Unallocated*	150
Total	1,933

*To provide flexibility for changing priorities.



1. Resettlement Policy

Since the Second World War, Canada has resettled over 650,000 Refugees from abroad for humanitarian reasons. Refugee resettlement is an important aspect of Canada's overall immigration policy.

Canada allocates a specific number of places for refugee resettlement within its overall immigration plan. In addition, humanitarian categories have been created to deal with persons who are not Convention refugees but who require resettlement. Canada offers settlement assistance to refugees through either Government assistance or the Private Sponsorship program. Refugees selected by Canada must meet Canadian criteria.

In recent years, Canada has received in excess of 20,000 annual spontaneous claims to refugee status from persons on its soil or at its borders. A significant percentage of such claims are accepted and claimants become permanent residents.

Canada is committed to considering for resettlement cases which the UNHCR identifies as being in need. The UNHCR should refer resettlement cases directly to Canadian visa offices which have the authority to make decisions on most cases.

2. Criteria for Refugee Status Eligibility and Asylum

To qualify for resettlement in Canada, applicants must meet the criteria of the 1951 UN Convention or belong to a Designated Class (i.e., be persons not meeting the 1951 Convention criteria, but who are in refugee-like situations due to civil war, armed conflict or violations of human and civil rights in their country of origin), and be in need of resettlement.

You should consult with the Canadian visa officer in your area for details of current annual programs. A Canadian visa officer makes the decision as to whether an applicant falls into one of these categories.

Canada has specific guidelines for assessing gender-based persecution. These guidelines are taken into account when an eligibility decision is made.

3. Criteria for Resettlement

For a refugee to be accepted by Canada, he/she must:

- 1) pass a medical examination. Successful applicants must not be suffering from a medical condition which is likely to be a danger to public health or safety, or lead to excessive burden on health or social services;
- 2) pass criminal and security screening;
- 3) show potential to become self-sufficient in Canada, preferably within one year. Factors such as age, education, work experience and qualifications, linguistic skills, initiative and adaptability will be taken into account by visa officers.

4. Resettlement Allocations

An annual resettlement target is established by the Minister of Citizenship and Immigration after consultations within CIC, and with provincial governments, Canadian NGOs and the UNHCR. The annual target, which only applies to government-assisted refugees, is allocated by post according to need.

When the target has been met or if a visa office does not have a target, resettlement places may be requested from CIC headquarters on a case-by-case basis. Adjustments are made to individual visa office targets on a quarterly basis in accordance with increased or decreased resettlement requirements. The target is operated on a calendar year. (See Annex A for 1998 figures).

An estimate is made of the number of persons who will be resettled under the Private Sponsorship program. These numbers are in addition to the government-assisted target.

Refugees may be accepted by Canada through either Government assistance or Private Sponsorship or under any other immigration category (e.g., Family Class) for which they meet the selection criteria.

5. Admissibility for Resettlement

The United Nations definition of a refugee, described in the 1951 Convention and its 1967 Protocol, is incorporated in the Immigration Act and is applied by Canadian visa officers abroad.

Canada has been and continues to be active in the resettlement of persons who may not meet the Convention refugee definition but who are, nonetheless, of concern to Canada and deserving of consideration for resettlement.

The Humanitarian Designated Classes which came into effect on May 1, 1997 represent a more flexible and comprehensive approach to assisting persons affected by a wide range of humanitarian emergencies.

The Humanitarian Designated Classes comprise two components: the Country of Asylum Class and the Source Country Class. These two new classes, along with the Convention Refugee Seeking Resettlement Class apply to persons overseas identified as requiring humanitarian consideration and replace the many different mechanisms that were in place.

The Country of Asylum Class and the Source Country Class include those who have been and continue to be seriously and personally affected by civil war or armed conflict and for whom there is no possibility, within a reasonable period of time, of a durable solution.

The Country of Asylum Class includes those suffering from massive violations of human rights. Persons selected under this class are required to be outside of their country of citizenship or habitual residence and must be sponsored under the Private Sponsorship Program.

The Source Country Class includes those residing in their country of citizenship or habitual residence. The class includes those who have suffered serious deprivation of their civil rights and have been detained or imprisoned as a consequence. The class also includes those who are persecuted for those reasons outlined in the Convention refugee definition. There is a list of countries in which this class can be applied.

The selection of Convention refugees abroad continues as under previous regulations.

Persons eligible to be considered for selection under the Country of Asylum, Source Country and Convention Refugee Seeking Resettlement Classes must fulfil medical, criminal and security vetting procedures in the same manner as all other immigrants to Canada. In addition, they must demonstrate the ability to become self-sufficient members of the Canadian society within a reasonable period of time.

The Country of Asylum, Source Country and Convention Refugee Class regulations also introduce two amendments to the Private Sponsorship program. The program was created to encourage Canadian public involvement in the resettlement of Convention refugees and humanitarian cases. Under its current framework, persons who are sponsored must meet the Convention refugee definition or be a member of a designated class, and must establish to the visa officer's satisfaction, that, with the additional assistance provided through private sponsorship, they will be able to successfully establish themselves in Canada.

Sponsorship groups agree to make provisions for lodging, settlement assistance and income support for Convention refugees and humanitarian cases for a period of twelve months. Their obligations commence

upon arrival of the sponsored persons in Canada and continue for a period of not less than 12 months or until the sponsored persons become self-sufficient, whichever is less. It is recognized that in some exceptional cases, twelve months of assistance is insufficient. Where refugees may take longer than twelve months to become established in Canada, they would require a longer commitment on the part of the sponsor which may last up to twenty-four months.

A. Refugees with Medical Needs

Medical cases should be submitted directly to the responsible Canadian visa office. If the medical condition is of a serious nature, an applicant may fail to pass Canada's medical examination. However, in compelling cases a Minister's Permit may be issued to allow entry to Canada despite the inadmissibility.

In Canada, provincial governments are responsible for health care and social services. As refugees who are medically inadmissible to Canada may need costly treatment, concurrence of the proposed province of destination is required before admission may be granted. As a result, processing times for such cases may be lengthy. It is therefore recommended that only serious medical cases with close family ties to Canada be referred.

In cases where a refugee, who is medically inadmissible, is admitted to Canada, follow-up is required in Canada. Refugees who are unable to meet immigration requirements (e.g., unchanging medical condition) are not eligible for consideration for permanent residence until they have resided in Canada for five years under the authority of a Minister's Permit.

Cases with medical conditions of a less serious nature may not be medically inadmissible and therefore admission to Canada may be possible under the regular resettlement program. It is recommended that the UNHCR consult with the responsible Canadian visa office if there are questions regarding referral of a specific case.

B. Combatants

Canada is unlikely to accept combatants who fought in other than the recognized army of a State, former senior military officers from certain regimes or individuals who belong to organizations that espouse violence.

6. Submissions and Processing via Dossier Selection

Not applicable for Canada.

7. Submissions and Processing via In-Country Selection

7.1 Case Documentation

The following documents should be included with a submission to Canada:

- completed Resettlement Registration Form, ensuring all sections are completed;
- other relevant documentation (e.g. medical certificates, social assessment, etc.);
- covering letter explaining why the refugee requires resettlement.

In order to begin processing an application for immigration to Canada an Application for Permanent Residence (IMM 8) must be completed by the applicant. This form will be provided to an applicant by a Canadian visa office. It is important that this form be completed accurately.

7.2 Routing of Submissions

Submissions should be made directly to the responsible Canadian visa office. Medical examinations are undertaken by a designated medical doctor prior to issuance of an immigrant visa.

7.3 Decision-making Process

Applicants will be interviewed by a visa officer who will determine whether he/she meets Canadian eligibility and admissibility criteria for refugees or any other immigration category. The final decision as to whether to accept or reject an applicant will be made by the visa officer. In the case of a positive decision, an applicant will be asked to undergo a medical examination. If an applicant is rejected he/she will be informed of the negative decision and a letter giving the reasons for the refusal will be sent to the applicant.

7.4 Recourse Processing

In the case of a rejection which the UNHCR wants to discuss, the Immigration Program Manager at the responsible visa office should be contacted. All negative decisions in a refugee case concerning eligibility are reviewed and concurred in by a senior visa officer. There is no formal appeal system for refugee cases selected abroad.

7.5 Processing Times

Processing times for applications vary according to circumstances in a particular world area including caseload at the visa office, location of refugee populations, incidence of medical problems, etc. Average processing times are between 4 to 12 months. In the event of an urgent case, the Canadian visa office should be advised at the time of submission of the application in order that processing may be expedited.

7.6 Right of Landing Fee

The Right of Landing fee of \$ 975 must be paid by all immigrants to Canada, including refugees who are 19 years of age or over, including refugees. In the case of refugees, an immigrant loan may be authorized to cover the cost of this fee. A loan may also be issued to cover the cost of transportation to Canada and immigration medical examinations (see Section 11). A refugee must demonstrate the need for and the ability to repay the loan. The refugee is required to begin repaying the loan (in monthly installments) when he or she has arrived in Canada and begun working.

8. Emergency Cases

In urgent protection cases, a visa office may issue a Minister's Permit instead of an immigrant visa. This document allows a refugee to travel to Canada immediately and to undergo medical and security checks after arrival.

All urgent protection cases should be submitted directly to a Canadian visa office, with supporting documentation as described in Section 7. An explanation as to why the UNHCR believes the case to be urgent should be included with the submission.

9. Special Categories

9.1 Refugees with Medical Needs

Medical cases should be submitted directly to the responsible Canadian visa office. If the medical condition is of a serious nature, an applicant may fail to pass Canada's medical examination. However, in compelling cases a Minister's Permit may be issued to allow entry to Canada despite the

inadmissibility.

9.2 Survivors of Violence and Torture

Canada does not have a special program for survivors of violence and torture, but treatment for such cases is available in a number of Canadian cities. Cases should be submitted directly to the visa office with the need for follow-up treatment noted in the submission.

9.3 Women at Risk

The aim of the Canadian Women at Risk program is to provide protection and assistance to refugee women who are in critical situations or in need of special attention in view of their need for additional assistance to establish successfully in Canada.

Canada defines women at risk as women in precarious situations in countries of first asylum whose safety is in jeopardy. Urgent protection cases are given first priority. Women at risk may also be women who are not in immediate danger, but who are living in unstable conditions and for whom resettlement in a third country offers the only solution. Women at risk must be Convention refugees or members of a designated class.

Ability to successfully establish will be assessed by Canadian visa officers on a sliding scale, depending on the degree of danger faced by each individual woman, and in consideration of their demonstrated ability to adapt to new conditions. That is, those who are in greater or more immediate danger may be admitted despite relatively poor settlement prospects.

All Women at Risk cases should be submitted directly to the responsible Canadian visa office. Emergency cases should be clearly marked and accompanied with reasons for urgency. Please complete the UNHCR RRF and Special Assessment.

9.4 Children

If an unaccompanied minor is to be reunited with immediate family in Canada, he or she would normally be sponsored under the provisions of the Family Class.

If a minor does not have immediate family in Canada, but resettlement is the preferred option, Canada may consider such cases. However, a visa officer must be satisfied that arrangements have been made for the long-term care of the child, usually through guardianship or adoption or a long-term sponsorship. In addition, provincial government approval is required. As a result, processing times may be lengthy.

9.5 Elderly

Elderly refugees with close family ties to Canada should be sponsored under the provisions of the Family Class. If the refugee is a dependent of another refugee being referred to Canada for resettlement, he or she may be considered under the refugee resettlement program.

Elderly refugees without close family ties in Canada and not accompanied by family members who would provide support once in Canada may not be accepted by Canada if they cannot demonstrate that they will eventually become self-supporting.

9.6 Private Sponsorship

Through the provisions of the Immigration Act and Regulations, the Government of Canada encourages Canadian public involvement in the resettlement from abroad of Convention refugees and members of designated classes whose admission depends upon the sponsor's settlement assistance and support and the applicant's ability to establish successfully in Canada.

Under this category, NGOs, religious and ethno-culturally based communities and groups agree to

sponsor refugees by entering into an agreement with the Department of Citizenship and Immigration. In 1997, Canada accepted over 2658 privately sponsored refugees.

The sponsorship of refugees by Canadian citizens and permanent residents, first authorized in the Immigration Act of 1976, allows for the admission of refugees in addition to the number whose admission is financed in entirety by the federal government. Sponsoring groups (either Sponsorship Agreement Holders or their constituent groups or groups of five or more adults established for the purpose of sponsoring individual cases) commit to provide the sponsored refugee with basic assistance in the form of accommodation, clothing, food, income support and other settlement assistance, usually for one year from the refugee's date of arrival. The sponsoring group also assists the refugee to find employment and become self-supporting within the period of the sponsorship agreement.

Private sponsors may identify a refugee they wish to assist or may ask that an appropriate case be referred to them by a Canadian visa office. Private sponsorship may assist with UNHCR-identified cases which have been referred to a Canadian visa office.

Criteria

Eligibility and admissibility criteria as described in Section 2 apply to privately sponsored cases.

9.7 Joint Assistance Sponsorship (JAS)

A Joint Sponsorship provides for the Government and a private sponsorship group to share the responsibilities of sponsorship for refugees who are in need of assistance over and above that which is provided through either government assistance or private sponsorship. The Canadian government assumes financial responsibility while the group is committed to ensuring the refugee's integration. The period of sponsorship may be extended for up to two years, during which time the refugee is expected to become self-sufficient. This type of sponsorship is used in exceptional cases.

This program is used for refugees with special needs, e.g. medical cases and women at risk who are expected to have difficulty settling into life in Canada. Eligibility and admissibility criteria are applicable. There is, however, some flexibility on admissibility criteria because of the additional support available to the refugees.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification

Refugees who have become permanent residents of Canada may sponsor their families under the Family Class. The family member may be in his or her home country or may be a refugee him or herself. Persons sponsored under the Family Class are not counted as part of the target for either government-assisted or privately sponsored refugees.

10.2 Criteria for Family Reunification

Family Class sponsorship may be submitted for the following family members:

- dependent spouse;
- dependent children who:
 - are under the age of 19 and unmarried; OR
 - are continuously enrolled and in attendance as full-time students in an educational institution AND financially supported by their parents since reaching age 19 (or from the date of their marriage if married before age 19); OR

- due to a medical condition, are unable to support themselves AND are dependent on their parents for financial support;
- fiancé(e);
- parents and grandparents, with their dependents;
- orphaned siblings, nieces, nephews or grandchildren who are unmarried and under 19;
- adopted children;
- any other relative if the sponsor does not have any of the above relatives to sponsor and does not have any family in Canada.

In order to be accepted for immigration to Canada applicants under the Family Class must prove the relationship to their sponsor and pass medical and security checks.

10.3 Routing of Applications

Family members in Canada initiate applications by submitting an undertaking to sponsor (IMM1344) to a Citizenship and Immigration Case Processing Center located in Canada. With the exception of sponsorships for spouses and dependent children, the relative in Canada must meet established income criteria in order to sponsor family members. The sponsorship is then sent to the responsible visa office where the application for permanent residence in Canada will be processed. Once an application is forwarded to the visa office, an application (IMM8) is sent to the applicant. The IMM8 must be completed and returned to the visa office in order that processing may begin.

10.4 Verification of Relationships

Applicants under the Family Class must satisfy a visa officer that they are related to their sponsor. Documentation such as birth and marriage certificates, school records, passports etc. are normally requested. However, it is recognized that in refugee cases there may be limited or no documentation. In such cases, a visa officer will take other information into consideration. In rare cases where contradictory information has been provided to the visa office, or where no documentation is available, DNA testing may be suggested.

10.5 Processing and Decision-Making

Processing of an application for permanent residence under the Family Class is done at a visa office responsible for the country in which the applicant resides.

The decision as to whether to accept or refuse the applicant is made by a visa officer. In the case of a refusal, the sponsor is advised that he or she may submit a formal appeal. Such an appeal is submitted and heard in Canada.

Medical screening is mandatory for all immigrants to Canada. If the family member is unable to pay for the medical examination, an Immigrant Loan may be requested by the sponsor. The sponsor must demonstrate both the need for the loan and the ability to repay it.

Travel costs are usually paid by the family member in Canada. If necessary, an application for an Immigrant Loan (as above) may be made by the relative in Canada.

Individuals sponsored under the Family Class are granted permanent residence status upon arrival in Canada. The sponsor is responsible for financial assistance and integration of the sponsored family member.

11. Medical Requirements

All immigrants to Canada including refugees must pass a medical examination which is undertaken by a

local physician who is authorized by the Canadian Government. The results of the medical examination are then assessed by a Canadian physician employed by Citizenship and Immigration.

In the case of refugees and members of the designated classes who do not have money to pay for a medical examination, a loan may be issued under the provisions of the Immigrant Loan Program. This program is available to both government-assisted and privately sponsored refugees.

12. *Travel*

Arrangements for travel to Canada are generally made by the International Organization for Migration (IOM) in coordination with the visa office. Immigrant loans are available to refugees and members of the designated classes to cover the cost of travel to Canada. The refugee must be in need of assistance and demonstrate the ability to repay the loan.

However, in exceptional circumstances, individuals identified as special needs refugees may be eligible for a contribution to cover the cost of transportation and related expenses. When assessing loan requirements the visa office may request authorization from the Refugee Branch at National Headquarters for a contribution.

13. *Status on Arrival*

Except for those who are issued a Minister's Permit, ALL refugees processed overseas are granted permanent residence status upon arrival in Canada. Those who arrive with Minister's Permits may obtain permanent residence once medical and security checks are passed.

Refugees who are permanent residents of Canada may seek employment immediately after arrival in Canada and are eligible to apply for Canadian citizenship after three years of continuous residence in Canada.

Refugees who wish to return to their home country and who do not have the means to do so, may apply to Citizenship and Immigration for assistance. However, it is only in exceptional circumstances that the Canadian Government pays for repatriation.

14. *Domestic Settlement and Community Services*

Overview of Integration

Canada's settlement programs for newcomers help immigrants and refugees become participating and contributing members of Canadian society, and promote an acceptance of newcomers by Canadians.

A key element in Canada's strategy for integration of newcomers is a differentiation between the immigration stream and the refugee stream, thus creating two programming areas. Although the objectives of successful integration and permanent settlement are the same for immigrants and refugees, the special needs of refugees are recognized and special efforts are made to meet these needs. Canada has the benefit of years of experience resettling refugees from all parts of the world and offers settlement services to meet the diverse needs of these newcomers to Canada.

14.1 *Actors*

In Canada, settlement services are not delivered directly by the federal government itself. Rather, the department of Citizenship and Immigration funds eligible individuals, non-profit organizations, agencies serving immigrants, community groups, businesses, provincial and municipal governments, and educational institutions (called Service Provider Organizations, or SPOs) to provide needed services. Some SPOs may have individuals on staff who are also from the refugee's country of origin and able to speak the language and share the refugee's culture.

Most services are available to both immigrants and refugees. However, the Resettlement Assistance Program (RAP) offers services that are available exclusively to government-assisted refugees. The goal of the program is to enable refugees to become self-sufficient as quickly as possible.

14.2 Orientation

Orientation materials have been developed to facilitate newcomers' understanding of the Canadian way of life and its society. Both written and audio-visual materials are being used overseas in language training and cultural orientation sessions, at Canadian Missions' waiting rooms, in local offices and immigrant-serving agencies across Canada.

Immigrants and refugees are referred to various resources in the community which provide assistance with such aspects of daily life as: public transportation, banking, day-care and baby-sitting, school registration, shopping for food and clothing, budgeting, nutrition and food preparation, household management, safety and housing, especially dealing with landlords and utility companies, etc.

Immigrants and refugees are introduced to the local community to provide them with a sense of belonging to the new community, and information concerning their rights and obligations.

14.3 Reception

Upon arrival at a port of entry, refugees in transit are assisted with inland transportation. Arrangements are also made for overnight accommodation and meals, if required.

Refugees who arrive between mid-October and mid-April, are given necessary winter clothing.

Arrangements can be made for refugees who need additional reception assistance to be met at their final destination.

Assistance for the basic needs of life (food, clothing, shelter) is available for up to one year after arrival, or until the refugee becomes self-supporting, whichever comes first. Essential household furnishings and sundries are also provided.

Refugees are assisted with applications for medical insurance, social insurance numbers and family allowance, and with transfer and translation of employment records. They are also referred to language training and other services provided through the settlement programs.

Canada has also set up a 'buddy system' to assist immigrants and refugees overcome the stress of moving to a new country by having a friend familiar with Canadian ways available to guide them. Through the Host Program, newcomers are matched with volunteer individuals and groups (the hosts) who help them find out about available services and how to use them, practice English or French, make contacts in their employment fields and participate in community activities. In return, host volunteers acquire new friends, learn about other cultures and strengthen community life.

14.4 Housing

Temporary accommodation is provided to government-assisted refugees until permanent housing is secured. In some cases, this accommodation is purchased commercially from hotels and motels. In other cases, accommodation is purchased from organizations that provide reception house services. These reception houses offer a more holistic and communal environment than do hotels and motels, and help alleviate feelings of abandonment and isolation felt by many refugees upon their arrival in Canada.

14.5 Health

Refugees are eligible for provincial health coverage no later than 90 days after arrival in the province in which they intend to reside. The federal government provides essential and emergency health care coverage to refugees in need of assistance pending eligibility for provincial health benefits.

Non-therapeutic services (identifying needs, determining how to meet those needs and helping the newcomer get help) are available to immigrants and refugees having difficulties adjusting to life in Canada.

14.6 Language Training

Canada understands that, by developing language skills, immigrants and refugees are assisted in the integration process and are better able to function in and contribute to Canadian society. Therefore, instruction in one of Canada's two official languages is provided to adult immigrants and refugees through the Language Instruction for Newcomers to Canada (LINC) program.

Children generally develop their language skills through regular attendance at school, with supplementary instruction as required.

14.7 Education

Elementary and secondary schools fall under provincial jurisdiction. All across Canada, immigrant and refugee children are welcome to attend provincially-funded public schools.

Post-secondary education is not free in Canada to anyone, but neither is it restricted to the wealthy. Entrance to colleges and universities is based on a person's educational abilities, as demonstrated through high-school grades, and sometimes through equivalent work experience.

14.8 Vocational Training and Employment

Human Resources Development Canada (HRDC) administers many programs and services to assist unemployed workers in entering or re-entering the labour market. While many of HRDC's programs are available only to clients who are eligible for Employment Insurance (EI), all residents of Canada, including newly arrived immigrants and refugees, have access to the National Employment Service, which includes labour market information, the electronic Labour Exchange, and the national Job Bank. Furthermore, all unemployed Canadians have access to the services offered through community organizations that have been contracted under the Employment Assistance Services (EAS) support measure.

Through the local planning process, local Human Resource Centers of Canada will work with provinces, other federal departments, and other partners to identify gaps in service, collaborate on alternative means of serving immigrants and refugees, and encourage the community to share in providing support to those individuals who are not eligible for employment benefits.

Services include assistance in obtaining required certification of education and/or trade documents, and job finding clubs which hold sessions on intensive job search techniques, including resume writing, interview skills and use of the telephone.

15. Reference Materials

The following documents may be obtained through Canadian visa offices:

- Immigration manual chapter OP4 Processing Refugees (draft).
- Immigration Act and Regulations.
- Immigration and Refugee Board Guidelines on Women Refugee Claimants Fearing Gender-related Persecution.
- Resettlement Assistance Program Partner Handbook (available in Canada).

COUNTRY CHAPTER - DENMARK



DENMARK

by the Government of Denmark



1. Resettlement Policy

According to section 8 of the Aliens Act, Denmark accepts a number of refugees to be resettled in Denmark in agreement with UNHCR or other international agencies.

Since 1978 the Danish Parliament has every year accepted a budget in the Finance Act to cover the expenses of reception and integration of the refugees received for resettlement.

The resettlement system is operated through a quota system. The exact size of the quota is fixed annually and has for several years been 500 places, made available to UNHCR.

2. Criteria for Refugee Status Eligibility and Asylum

After the Danish Immigration Service has received a submission a decision will be made. Refugees accepted for resettlement are granted a residence permit as a refugee (Convention status) under the quota and will receive the answer from UNHCR locally through the closest Danish representation. The representation issues upon authorization an entry permit in Denmark and, in case of lack of travelling document, a laissez-passers.

3. Criteria for Resettlement

In general the Danish Immigration Service accepts UNHCR's recommendations regarding the determination of status.

At the beginning of each year, the Quota Committee (the Danish Ministry of Foreign Affairs, the Danish Immigration Service and the Danish Refugee Council) allocates a number of places to each category based on a recommendation by UNHCR. Information as to how the quota has been allocated to the categories will then be forwarded to UNHCR. Adjustments within the quota can be made according to needs during the fiscal year, which corresponds to the calendar year.

4. Resettlement Allocations / Processing Priorities

The quota is divided into categories: five geographical categories cover the nationality of the refugee to be resettled and five special categories: Two categories cover stowaways and special cases; one category covers refugees in need of special medical treatment under the UNHCR programme Twenty-or-More with a fixed number of 20 places; and one category covers refugees in need of urgent resettlement. The refugees under these four categories can be of any nationality. The last category For later distribution is allocated a number of places at the beginning of the year in consideration of an unforeseen event or mission during the year. These places will normally be allocated to the geographical categories or the emergency category later in the year.

5. Admissibility for Resettlement

No special constraints are given beforehand.

A refugee who is physically or mentally ill and in need of special or long-term treatment should be categorized by UNHCR as a Twenty-or-More case. These cases are reviewed by the health consultant of the Danish Refugee Council to clarify the possibilities within the Danish care system in order to evaluate whether the needs for treatment can be met and the overall situation of the refugee improve. This evaluation will be used to prepare the reception of the refugee.

Refugees with minor needs for treatment are put under the "normal" quota for geographical areas.

6. Submissions and Processing via Dossier Selection

6.1 Case Documentation

Only UNHCR's Resettlement Registration Form is used. In cases with close links to refugees in Denmark, it is recommended to add the registration number used by the Danish Immigration Service (the Danish Aliens No.) as names can be difficult to trace. In special cases a Social Assessment is appreciated.

6.2 Routing of Submissions

The Danish Immigration Service

The dossier is forwarded by the Resettlement Section of UNHCR in Geneva to the Danish Ministry of Foreign Affairs, the Secretariat for Refugees (StF4), in order to be presented to the Danish authorities in charge, i.e. the Danish Immigration Service. A copy is forwarded simultaneously to the Asylum Department of the Danish Refugee Council by the Resettlement Section.

Having received the case, the Immigration Service will register the refugee by an alien's number. This number is the reference number of the head person (IC). The case is then categorized under one of the quota categories. The case will now await the submission from the Danish Refugee Council before a decision is made.

The Danish Refugee Council

The Asylum Department of the Danish Refugee Council will review the resettlement dossier in consultation with the Council's specialists in integration matters in order to ensure the best possible reception and integration. In case of links to Denmark, these will be contacted beforehand. A submission will be forwarded to the Danish Immigration Service in each case.

6.3 Decision-Making Process

The Danish Immigration Service is the authority which makes the final decision for acceptance and rejection.

Rejection

When the Danish Immigration Service rejects a case, the Resettlement Section in UNHCR will be informed accordingly through the Ministry of Foreign Affairs.

6.4 Recourse Processing

There is no appeal instance, but there is a possibility for resubmission. The case must then be presented with new and updated arguments.

6.5 Processing Times

A decision will be made within a few months.

7. *Submissions and Processing via In-Country Selection*

7.1 Case Documentation

Apart from UNHCR's submission forms, and possibly country notes, none.

7.2 Routing of Submissions

If a larger group of refugees is in need of resettlement, the Quota Committee, after having consulted UNHCR, may decide to send a mission in order to interview the refugees. These missions are composed of the Danish Immigration Service and the Danish Refugee Council.

Interviews

The Danish delegation interviews the refugees selected beforehand on a dossier basis. The decisions are made on the spot and UNHCR will be informed accordingly. Upon return, UNHCR will within a few weeks be informed in writing through the Danish representation. Thereafter the refugees can be informed by the staff of UNHCR.

Interviewing will normally take place on the premises of UNHCR by a team of the Danish Immigration Service and the Danish Refugee Council, with the help of interpreters employed by UNHCR.

The UNHCR Field Office will be asked by UNHCR Geneva to submit a certain number of cases to a Danish representation. Categories for selection of cases decided by the Quota Committee will be given beforehand. These can be families, singles, refugees with links in Denmark or single parents with children or medically at-risk refugees.

7.3 Decision-Making Process

The same as in 6.3

7.4 Recourse Processing

The same as in 6.4

7.5 Processing Times

The same as in 6.5

8. *Emergency Cases*

Submissions of refugees in need of urgent resettlement can be dealt with within hours. UNHCR can, in these cases, fax a dossier to alert the Danish Immigration Service. If necessary, the Danish Immigration Service is usually able to make a decision very quickly, in hours.

9. *Special Categories*

All accepted refugees receive the same social services as Danish citizens.

9.1 *Survivors of Violence and Torture*

The Danish Rehabilitation and Research Centre for Torture Victims provides special treatment.

10. *Family Reunification of Refugees*

10.1 *Policy concerning Family Reunification of Refugees*

According to the Danish Aliens Act, refugees residing in Denmark have the right to be united with their nuclear family.

10.2 *Criteria for Family Reunification*

Residence permits for Denmark can be given to:

- spouses who have reached the age of 18;
- children under 18 years of age;
- parents who have turned 60 years of age;
- all residence permits granted on the basis of family reunification may be subject to the condition that the applicant can and will provide for the family members. This requirement will normally only apply to the reunification of parents.

10.3 *Allocations for Family Reunification*

Nuclear family reunification is not counted within the resettlement quota.

10.4 *Routing of Applications*

Nuclear family members to the refugee (IC), i.e. spouses and minor children who do not fall within the mandate of UNHCR, are kindly referred to apply for a residence permit in Denmark through the Danish representation. They could also be of the nationality of the country of first asylum/residence of the IC. Upon arrival, after the IC has been resettled, these family members are referred to the Danish representation whether they are to be considered as refugees or not. Other close family members in special circumstances such as a single parents or a minor brother or sister might also fall under the criteria of this embassy procedure. Please consult the Danish Immigration Service or the Danish Refugee Council for advice before submitting the case.

10.5 *Verification of Relationships*

Relevant documents such as marriage certificates and birth certificates are required if available. If

documentation is not available an explanation must be given.

10.6 Processing and Decision-Making

As mentioned in 10.4

11. Medical Requirements

No specific requirements. The Danish authorities pay all expenses in connection with the refugees' travel to Denmark, such as medical escort personnel, but do not pay for pre-departure treatment. No counselling is done except in connection with selection mission.

12. Travel

The Danish State pays for all travels arranged by IOM.

The Danish Refugee Council informs UNHCR, Geneva of the decision and at the same time instructs IOM about the travel arrangements as well as the reception centre in Denmark. Refugees arriving in Denmark through this resettlement programme will be met by the Danish Refugee Council and soon thereafter start an integration programme in the Danish society.

13. Status on Arrival

Refugees accepted for resettlement under the UNHCR quota are always granted status according to the 1951 Convention. This comprises all the family members included in the submission and accordingly the acceptance. The persons in question will hold the Convention status until they apply for citizenship, which they may do after 6 years in Denmark. During the first 3 years in Denmark the permit must be prolonged, but if prolonged then the permit becomes permanent. A time-limited refugee permit may be revoked, if the grounds referred to in the application or permit were not correct or are no longer present. If the permit has been obtained by fraud, it can be revoked at any time. A refugee may repatriate at any time. If the refugee chooses to repatriate, any travel costs and a reasonable amount for re-establishment will be granted by the Danish State. If the repatriate regrets his/her return to home country within the first 6 months, re-entry in Denmark will be granted.

14. Domestic Settlement and Community Services

14.1 Actors

The Danish Ministry of the Interior is responsible for the reception and integration of refugees. The Danish Refugee Council or the local municipalities provide for an 18-month integration programme on behalf of the Government. The programme is financed by governmental funds.

14.2 Orientation

Refugees in Denmark are offered an 18-month integration programme. The objective of the programme is to ensure the development of each individual refugee on the basis of his or her personal, social and cultural background. Furthermore, the programme aims at giving the refugees the necessary knowledge of Danish society to be able to benefit from its social, educational, cultural and other facilities. In this way the refugees might have the opportunity to manage within the political, economic, social, religious, and cultural life, on equal terms with other citizens and with due respect for the values of the Danish society.

14.3 Reception

The refugees will be received by the Danish Refugee Council somewhere in the country according to an overall agreement between the Government, the Danish municipalities and the Danish Refugee Council concerning distribution of refugees in the country.

The 18-month integration programme will start right from the reception.

14.4 Housing

The Danish Refugee Council is responsible for settling refugees in the country's 275 municipal districts. Every effort is made to ensure an even distribution, geographically and numerically, over the years. However, special consideration is given to the individual municipality's capacity to integrate refugees, e.g. access to education, training and employment opportunities in the light of the number of refugees and immigrants already living in the area.

The Danish Refugee Council takes into consideration any family links the refugees may have in the area and the opportunity to come into contact with people of their own nationality. Networks of this kind have been found to be important for a successful integration process.

Often, the refugees will have temporary accommodation during the first period after arrival.

Refugees who can find accommodation of their own are allowed to settle wherever they wish in Denmark. Refugees are allowed to travel outside Denmark.

14.5 Health

Refugees have the same access to the national health system as Danish nationals. This entitles them to free medical and hospital treatment. Under the Social Assistance Act, discretionary grants can also be given towards the cost of essential medicines, dental treatment, spectacles, physiotherapy and psychological treatment etc.

14.6 Language Training

The local authorities are required to provide Danish language tuition for both refugees and immigrants. Courses are available in private language schools (including those run by the Danish Refugee Council) and education associations, and are free of charge. On the average, refugees are offered 15 hours of language tuition per week. National guidelines on language tuition exist, but many local authorities also have guidelines of their own. Where the Danish Refugee Council is responsible for integration, attendance of Danish language classes is a precondition for obtaining social assistance.

14.7 Education

School System

All refugee children have access to the normal Danish school system.

Children who cannot speak sufficient Danish when they start school may be placed in special reception classes before they start normal classes. They may continue to receive special language lessons if necessary. Some local authorities employ bilingual teachers who teach some subjects to foreign children in their mother tongue for a number of hours per week.

Bilingual children have the right to mother tongue tuition in addition to their ordinary schooling, provided there are at least 12 children with the same language in the municipality.

Access to the Adult Education System

There are no restrictions on refugees' access to the Danish education system. In order to promote refugees' educational opportunities and job prospects, special courses have been arranged for refugees.

Some are of short duration aimed at finding actual work, whereas others are aimed at enabling them to receive further education.

Refugees who have been accepted by an educational institution are entitled to the same grants as Danish citizens. In addition, they may apply for special help under the Social Assistance Act, which contains a special clause providing financial assistance during educational and vocational training for persons who find it difficult to manage for health or social reasons. This clause can be applied to refugees who have educational or employment problems for linguistic or cultural reasons.

14.8 Vocational Training

Refugees with technical experience are offered vocational training in order to maintain their work capacity and help them adjust to Danish conditions.

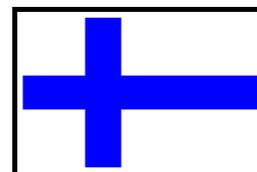
14.9 Employment

The refugees received under the quota programme are permitted to work. They have access to the labour market in Denmark as from their entry in the country. However, owing to the high unemployment rate in Denmark, very few refugees manage to find jobs in the first few years after arrival.



FINLAND

by the Government of Finland



1. Resettlement Policy

Finland has been receiving refugees on UNHCR's proposal since 1979. During the past few years, the Finnish refugee quota has been 500. In 1995 and 1996, an additional 500 person quota was reserved for refugees from ex-Yugoslavia. The Finnish refugee quota will increase to 600, subject to Parliamentary approval of the budget, in 1998. In the Government Programme on Immigration and Refugee Policy from October 1997, it is stated that the objective is to raise the annual quota gradually to 1.000. The size of the quota will be evaluated again in the course of 3-5 years. Following the previous practice, the 1997

quota was used mainly to resettle refugees from Iran and Iraq. Almost all selections are based on the cases offered to Finland by UNHCR. Pre-selections are made on the basis of personal data forms sent by UNHCR, used for the selection of the cases personally interviewed by the Finnish selection delegations.

2. Criteria for Refugee Status Eligibility and Asylum

A foreigner who has spontaneously entered Finland and applies for asylum may be granted asylum if he meets the requirements of Article 30 of the Aliens Act. No special provisions exist pertaining to persecution based on gender.

Article 30, paragraph 1 of the Aliens Act reads as follows:

"An alien may be granted asylum in Finland if, owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside his country of nationality or habitual residence and if, owing to such fear, he is unwilling to avail himself of the protection of that country."

Besides, refugee status may be granted in Finland for a foreigner who has been admitted through the quota, and for a foreigner who has been issued a residence permit because of family reunification.

This question is covered by article 35, paragraph 1 of the Aliens Act, as follows:

"A refugee is an alien who:

- 1) has been granted asylum in Finland;
- 2) has been admitted to Finland as a refugee recognized by the United Nations High Commissioner for Refugees;
- 3) is a spouse of an alien as specified in sub-paragraph 1 or 2 or a person who cohabits with such a person and who has received a residence permit because of family reunification;
- 4) has received a residence permit and is the minor child of an alien as specified in sub-paragraph 1 or 2 above;
- 5) has received a residence permit and is the father, mother, minor-aged sister or brother of a minor alien as specified in sub-paragraph 1 or 2 above."

3. Criteria for Resettlement

The objective of the Finnish refugee policy has been to meet the resettlement needs in accordance with the UNHCR priorities. When choosing quota refugees, Finland takes into account the need for replacement on different continents caused by the refugee situation. If the number of asylum seekers differs some year from the estimation included in the budget, the number of quota refugees may be changed by a supplementary budget decision. If the appropriations budgeted for the reception of refugees cannot be used some year, due to a decrease in the number of asylum seekers, the funds will be used via international organisations to support refugees in their neighbouring areas.

As concerns the selection of individual refugees, the decisions are made by reconciling different selection criteria; not only the gravity of the refugee's background, but also humanitarian reasons play a role, as well as the refugee's expected adaptation to Finnish society. Special attention has been paid to the resettlement needs of families with children, the chronically ill and disabled, as well as single parents and single women. The objective is to form ethnic groups with as balanced age, sex, family and education structures as possible.

4. Resettlement Allocations / Processing Priorities

The Finnish Parliament confirms the refugee quota in the annual State budget. The Ministerial working

group on refugee matters will take a joint decision later about how the annual quota will be used during 1998.

5. *Admissibility for Resettlement*

The applications of all the persons whose admission within the quota has been proposed are examined individually. Attention is paid to security aspects and to the possibilities of integrating into the society, as far as possible. The provisions of the Aliens Act provide guidelines for the examination of the applications. The humanitarian selection criteria are described above in Section 3.

6. *Submissions and Processing via Dossier Selection*

Dossier selections are exceptional.

6.1 Routing of Submissions

The documents of UNHCR arrive at the Ministry of Labour in Finland. From there they are sent to the Directorate of Immigration. The Directorate of Immigration requests a statement from the police.

6.2 Decision-Making Process

The Directorate of Immigration gives a statement to the Finnish mission abroad on the issuance of a residence permit. After this, the decision on the residence permit is made by the Finnish mission.

6.3 Recourse Processing

A decision on residence permit cannot be appealed. According to the general principles relating to administrative law, nothing prevents from retrying the same case. In practice this has not happened as far as the quota selections are concerned.

6.4 Processing Times

The estimated average processing time is about one month.

7. *Submissions and Processing via In-Country Selection*

7.1 Case Documentation

Pre-selections are made prior to the selection delegation interview trips on the basis of the UNHCR submissions. It is important that already at this stage the forms contain the data of all family members so that the family entity's ability to adapt to the new environment can be assessed. In order to make legitimate selections, it is vital that the information given is comprehensive and reliable. In the selection delegation interviews, the information contained in the forms will be further completed and defined. The Finnish selection delegation does not use its own national forms.

7.2 Routing of Submissions

As from 1 March 1997, UNHCR will send the submission forms directly to the Ministry of Labour which will forward copies to the Directorate of Immigration and further to the Security Police. The Ministry of Labour and the Directorate of Immigration representatives participating in each selection delegation will review the forms and jointly select the cases for personal interviews. When necessary, a doctor is consulted to verify the treatment needs and possibilities as regards ill and disabled persons. The

Directorate of Immigration requests a statement from the police.

7.3 Decision-Making Process

The Directorate of Immigration gives a statement to the Finnish mission abroad on the issuance of a residence permit. After this, the decision on the residence permit is made by the Finnish mission.

7.4 Resource Processing

There is no right of appeal from a decision concerning residence permits. As a rule, a case rejected once will not be re-examined. Re-examination is only possible if new, significant information about the refugee's background or circumstances can be presented or if considerable deterioration has taken place in his/her health.

7.5 Processing Times

It takes about 3 weeks to pre-select the cases to be interviewed on the basis of the UNHCR submission forms. After the selection journey the Directorate of Immigration normally gives an answer within two months.

8. Emergency Cases

As concerns the cases presented as medical emergencies, the Ministry of Labour consults with a physician to establish the treatment possibilities in Finland and assigns the refugee to a municipality which can offer the respective treatment. Otherwise the procedure is the same as in Section 6.

9. Special Categories

Finland has no separate quotas for special categories but they are included in the normal quotas.

When the refugees in Finland are appealing on behalf of their relatives' acceptance on some special grounds, the relatives are always advised to contact the respective UNHCR office in the country of their residence and ask if their case could be submitted to Finland by the UNHCR. Finland does not ask for these cases but the submission should always come from the UNHCR.

9.1 Refugees with Medical Needs

It would be desirable to obtain as accurate and up-to-date medical statements as possible in order to be able to estimate whether these cases can be treated in Finland. For instance, there are numerous people waiting for organ transplants, and such factors can limit the acceptance possibilities of certain cases since treatment cannot be guaranteed in sufficiently brief terms. The refugees in need of immediate medical care are hospitalized on their entrance to Finland.

9.2 Survivors of Violence and Torture

The UNHCR submissions forms should be more explicit as concerns the refugee's eventual mental disturbances as a result of violence or torture, so that the preparations for his/her referral to correct treatment could be made as early as possible. The normal municipal mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims provide special services for them.

The normal health care system provides the medical treatment and rehabilitation needed in case of physical traumas caused by violence and torture.

9.3 Women at Risk

Single women and single mothers are received in localities where they already have possible connections, or they are placed in other communities where they can get support from other women but not become objects of special attention.

9.4 Children

As a rule, the children resettled in Finland have entered the country either with their parents or with other relative families. Among the quota refugees, Finland has received only a few minors without accompanying parents. At the initial stage of their resettlement, the children have been placed in family community homes. Through family reunification, efforts have been made to bring the parents of these children to Finland as soon as possible. Children under 18 are eligible for family reunification.

9.5 Elderly

Most of the elderly arriving in Finland among the quota refugees have come among larger family entities, a fact that makes it easier for them to adapt to the new environment. However, their language skills often remain insufficient for active contacts with society outside the family.

The elderly refugees are not entitled to receive the pension immediately after their arrival, since the pension is dependent on the period of stay in the country. However, they can receive the corresponding living allowance from their municipality of residence.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

The principles of the Aliens Act apply to the issuance of residence permits to the family members of a refugee. Article 18, paragraph 1, sub-paragraph 1 reads as follows:

"A fixed-term residence permit may be issued if:

1) the alien has a close relative who resides in Finland."

According to the motivation for the bill, a close relative denotes a person belonging to the nuclear family. Even another relative who is completely dependant on his/her only close relative permanently resident in Finland may be granted a residence permit on the basis of family reunification.

10.2 Criteria for Family Reunification

See Section 10.1

10.3 Allocations for Family Reunification

Family reunification cases are not included in resettlement allocations.

10.4 Routing of Applications

An application for a residence permit on the basis of family reunification is lodged by the family member abroad to the Finnish mission. The Finnish mission submits the documents to the Directorate of Immigration for statement, and requests, via the local police, a statement from the family member in Finland and the municipal social authority, and then returns the documents with its own statement to the Directorate of Immigration. The Directorate of Immigration issues a statement to the Finnish

mission, which makes the decision.

In exceptional cases, the application for a residence permit on the basis of family reunification may be lodged to the local police by the family member in Finland, on behalf of the applicant. This is possible if the family member abroad cannot come to the Finnish mission. In these cases, the Directorate of Immigration makes the decision.

A decision on a residence permit cannot be appealed. The same case may be retried on application.

10.5 Verification of Relationships

The applicant must present an adequate evidence of his/her identity and family connection. The Directorate of Immigration decides what kind of evidence may be regarded as adequate.

10.6 Processing and Decision-Making

The Directorate for Immigration issues, on application, a statement to the Finnish mission, which makes the decision. (See also answer in Section 10.4). Once the Directorate for Immigration has given a positive family reunification statement, the Finnish Red Cross will contact IOM for the travel arrangements and will organize the reception of the arriving family members in collaboration with the receiving municipality.

11. Medical Requirements

The processing of the cases and the preparation of the reception at municipality level is facilitated if the information about the health situation and eventual surgical operations undergone by the refugees is as up-dated as possible.

No general medical control is necessary prior to the admittance.

12. Travel

Once the Directorate of Immigration has given its statement about the residence permits, the Ministry of Labour will inform UNHCR and the respective Finnish diplomatic mission about the municipalities in which the refugees are resettled and the timetable in which the municipalities are prepared to receive them. IOM will make the practical travel arrangements and invoice later for the flights. The Finnish Red Cross will receive the refugees at the airport and will be informed about the timetables by IOM.

When necessary, the respective Finnish diplomatic missions will issue the temporary (group) travel documents and stamp the residence permits.

13. Status on Arrival

All persons admitted within the quota on a proposal by UNHCR are issued refugee status in Finland. A member of the family is normally issued the same status. If a member of the family is of another nationality, he may be issued another status. Changes in residence permits are possible in situations provided by the Aliens Act, if the ground for residence changes.

Citizenship may be granted on application after five years residence in the country. If the foreigner is married to a Finnish citizen, citizenship may be granted after three years residence in Finland, if the marriage has lasted for two years.

The application of the cessation clause is provided by article 36 of the Aliens Act which reads as follows:

"A person ceases to be a refugee if he:

- 1) voluntarily re-avails himself of the protection of the country of his nationality;
- 2) having lost his nationality, voluntarily re-acquires it;
- 3) acquires a new nationality and is able to enjoy the protection of the country of his new nationality;
- 4) voluntarily re-establishes himself in the country which he left or outside which he remained owing to fear of persecution; or
- 5) evidently no longer stands in need of protection as the circumstances which caused him to be a refugee no longer exist."

The Directorate of Immigration makes decisions on the cessation of refugee status.

A refugee may not be returned from Finland to his country of origin, unless the refugee status has ceased. In the very few cases, where it has been stated that the refugee status has ceased, the person concerned has been allowed to stay in Finland with a different residence permit, because of his/her now existing ties to Finland. According to the Act it is possible to deport, for example, a foreigner who is found to be guilty of a serious crime and whose refugee status has ceased. Cases like this may not have appeared. All the cases are decided individually, and all the details that have appeared in the case are weighed in their entirety.

14. Domestic Settlement and Community Services

14.1 Actors

In collaboration with the regional administration, the Ministry of Labour will settle the selected refugees to the municipalities that have made a reception decision. At the municipality level, various administrative sectors collaborate to organize the practical reception, and various voluntary organizations serving both nationals and immigrants take part in the initial reception in the municipalities.

14.2 Orientation

Since it is Finland's objective to receive the accepted refugees as soon as possible after their selection, orientation takes place mainly in Finland. However, preparatory courses were organized in the Al-Tash and Rafha camps. The courses include general knowledge of Finland as well as teaching of the illiterate refugees. The experiences from these courses have been encouraging.

14.3 Reception

On his/her arrival in Finland, the refugee will be directly settled in the municipality. The refugee will undergo an entrance interview whereby his/her integration potential will also be discussed. Together with the authorities, the refugee will elaborate on his/her personal study and employment plans. The refugee's social and health situation as well as the respective reception requirements will also be reviewed on that occasion.

14.4 Housing

In the municipalities, the refugees will settle directly in the dwellings assigned them, normally rented apartments in apartment buildings. Large family entities are housed in various apartments in one building or in individual houses.

14.5 Health

Refugees will use the normal health care services.

14.6 Language Training

Immigrant training includes Finnish language studies. There are special, longer language courses for the illiterate immigrants.

14.7 Education

The refugees are entitled to a one-year immigrant training which includes language and civic skill studies, as well as vocational guidance and employment training.

14.8 Vocational Training

After the immigration training, the refugees have the opportunity to receive vocational training compatible to their personal abilities. There is a clear need for long-term vocational training organized especially for the immigrants.

14.9 Employment

In Finland, the general employment situation is rather poor, as compared to the 1980s. This has also weakened the refugees' employment rate considerably. The unemployment rate of certain groups is as high as 60 to 80 percent. However, many innovative projects to employ the refugees have been initiated.



The NETHERLANDS

by the Government of The Netherlands



1. Resettlement Policy

Prior to 1977, the number of refugees invited to resettle in the Netherlands was fixed on an ad hoc basis

within the Cabinet. In 1979 a new regulation was introduced allowing a fixed number of 750 to settle every year. This figure comprised 550 resettled refugees and 200 individual refugees (asylum seekers). However, with the subsequent increase in the number of asylum seekers and the emergence of the problem presented by the Vietnamese boat people, it became impossible to restrict the numbers and in 1984 a new quota of 250 resettled refugees was laid down.

In 1986, following a request from the UNHCR and in response to a motion put before the Lower House of Parliament, it was decided to double the quota of resettled refugees to 500 with effect from 1 January 1987. To date, this figure has remained unchanged despite the considerable influx of asylum seekers.

Dutch quota policy focuses on people who cannot return to their country of origin and for whom resettlement in the region of the country of origin is not an option either: - people who are caught in a trap, as it were. Recognized as refugees by the UNHCR, they are generally accommodated in refugee camps while awaiting possible resettlement. By offering resettlement places within the quota, the Netherlands is supporting the policy of the UNHCR, which aims to find lasting solutions to the refugee problem. In this regard the preferred option is the voluntary return of refugees to their country of origin. If that is not possible, an attempt has to be made to resettle refugees in the region, since this offers them the best opportunities for social and cultural integration and facilitates repatriation, should the possibility arise. If this option proves impossible, the UNHCR can propose refugees for resettlement in the Netherlands.

Although the UNHCR prefers the Netherlands to fill its quota by directly admitting its own recommended cases, the Netherlands reserves the right in addition to assess all aspects of resettlement, including the determination of refugee status, in the light of the Geneva Convention and the Aliens Act. Besides admitting its quota of resettled refugees, the Netherlands has also participated in special UNHCR programmes, such as:

Rescued at Sea Resettlement Offers (the RASRO programme)

The RASRO programme, which came into effect on 1 May 1985, was intended to guarantee the resettlement in participating countries of Vietnamese refugees rescued at sea. The Netherlands undertook to accept for resettlement each year up to a maximum of 100 Vietnamese boat people over and above the quota figure. It terminated its participation on 30 June 1989.

Comprehensive Plan of Action (CPA)

In June 1989 the UNHCR organized an International Conference on Indochinese Refugees (ICIR) in Geneva in order to find a more durable solution to the refugee problem in South-East Asia. The Conference, which was attended by countries of origin, countries of first asylum and donor/resettlement countries, led to the entry into force of the CPA. The Netherlands adopted an active stance within the ICIR and declared its willingness to accept a total of 1,000 Vietnamese refugees between 1 July 1989 and 30 June 1992. Of this total, 700 were taken within the annual quota; the 100 additional places that had become available following the termination of the RASRO programme were used to absorb the remaining 300. As the Netherlands had more than fulfilled its obligations under the CPA, it was decided with effect from 1 January 1994 to admit no more Vietnamese refugees as part of the resettlement quota.

2. *Criteria for Refugee Status Eligibility and Asylum*

Any person wishing to be considered for resettlement must be a refugee within the meaning of the Geneva Convention and the Dutch Aliens Act. In this regard special consideration is given to persons persecuted for their political activities and to victims of torture. Where necessary, particular attention is also paid to the exclusion grounds laid down in article 1F of the Convention relating to the Status of Refugees.

3. Criteria for Resettlement

In order to be considered for resettlement in the Netherlands, refugees proposed by the UNHCR should comply with the following criteria:

Refugee status

See Section 2 above.

Integration

Persons wishing to be considered for resettlement must be deemed reasonably capable of integrating into Dutch society. Factors relevant to the assessment of suitability include level of education, work experience, initiative, resourcefulness and the possibility of finding accommodation in the Netherlands.

Consideration is also given to the humanitarian side, with attention focused on single women (Women at Risk), single women with children, and refugees with medical problems (disabled persons). Persons in the disabled category are subject to the following additional criteria:

- they must fall into one of categories laid down by the UNHCR, namely Medical at Risk (MAR), Disabled (DIS) and/or Victim of Torture (VOT);
- their condition must be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement;
- there must be a reasonable expectation of their being able to function satisfactorily in the psycho-social sense following medical treatment in the Netherlands.

4. Resettlement Allocations / Processing Priorities

A maximum of five hundred refugees are invited to resettle in the Netherlands every year. This annual quota extends from 1 January to 31 December of each year and is divided into the following sub-quotas:

Group sub-quota: 380 places

These places go to groups of refugees invited for resettlement. Most are filled by means of selection missions, though a number of places are reserved for individual resettlement applications submitted by UNHCR/Geneva.

Twenty or More (TOM) sub-quota: 100 places

This total comprises 35 places for disabled people and 65 for their family/relatives. Places are filled by means of selection missions and/or individual resettlement applications submitted by UNHCR/Geneva.

Emergency Cases sub-quota: 20 places

This category covers individual emergency cases (where applicable, relatives or family members come under the group quota above). Places are filled solely on the basis of applications submitted by UNHCR Geneva.

The Interministerial Committee on Refugee Policy's subcommittee on quota policy is responsible for filling and implementing the quota. The subcommittee is composed of representatives of the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Health, Welfare and Sport. Other ministries can send observers, if this is considered necessary. With effect from 1 January 1995 the quota has been filled on a six-monthly basis, the aim being to ensure a more effective response to changing refugee circumstances through the world. If necessary, the subcommittee can modify the composition of the 500-place sub-quota in line with the refugee situation as it applies at any given moment.

In October every year the UNHCR publishes its Assessment of Global Resettlement Needs for

Refugees, which the subcommittee uses as a basis for planning how to fill its quota for the first six months of the following year. Each of the three ministries represented on the Interministerial Committee submits the plan separately to the ministers responsible. Once the Cabinet has given its approval, implementation can start. The same procedure applies to the plan drawn up for the second six-monthly period.

5. Submissions and Processing via Dossier Selection

Quotas are filled mainly by means of selection missions to countries of asylum. Places are also awarded on the basis of resettlement requests submitted in writing by UNHCR Geneva, with assessment (and selection) taking place in the Netherlands.

As a rule, the Netherlands deals only with resettlement requests submitted via UNHCR Geneva. The UNHCR may indicate priority cases. Resettlement requests are assessed on paper.

6. Submissions and Processing via In-Country Selection

Quotas are filled mainly by means of selection missions to countries of asylum. Places are also awarded on the basis of resettlement requests submitted in writing by UNHCR Geneva, with assessment (and selection) taking place in the Netherlands.

Selection missions are composed of representatives of the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Health, Welfare and Sport. Where necessary, they are accompanied by a doctor and an advisor. The UNHCR representative in the country to be visited is requested to forward refugee dossiers. Selection is made on the basis of a mandate, with the mission deciding who is to be interviewed. The doctor examines those refugees who have the prospect of meeting the Twenty or More (TOM) criteria. If necessary, the selection mission can request supplementary dossiers on the spot. Rejection is final, and rejected candidates are referred back to UNHCR so that they can apply for resettlement in another country. Refugees selected after interview are accepted under the group or TOM sub-quota and brought to the Netherlands as soon as possible in one or more groups.

7. Emergency Cases

This category covers individual emergency cases (where applicable, relatives or family members come under the group quota above). Places are filled solely on the basis of applications submitted by UNHCR Geneva.

8. Special Categories

For the purpose of the TOM scheme the Netherlands employs the following criteria for disabled persons:

- they must fall into one of the categories laid down by the UNHCR, i.e. MAR, DIS or VOT;
- their condition should be such that their coming to the Netherlands for treatment and supervision can effect a substantial improvement;
- there must be a reasonable prospect of their being able to function satisfactorily from the psycho-social viewpoint following medical treatment in the Netherlands.

Medical advice is provided according to a protocol which complies with Dutch legal norms and the rules of medical ethics as they apply in the Netherlands.

9. Family Reunification of Refugees

As stated previously, the Netherlands distinguishes between family reunification and extended family reunification. Family reunification comprises four categories:

- family reunification;
- extended (nuclear) family reunification;
- reunification of married couples;
- partner policy.

Family reunification

A refugee resettled in the Netherlands may under certain conditions be joined by his/her husband or wife and minor children (including children from a previous marriage). The conditions include the stipulation that the marriage must be legally valid and that the spouse/children must be de facto members of the individual family, and officially authenticated documentary proof to this effect must in principle be provided.

The sponsor in the Netherlands submits a request for family reunification to the Immigration and Naturalization Department of the Ministry of Justice or to the Aliens Police, which will decide whether or not to authorize admission to the country.

If the request is approved, the Ministry of Foreign Affairs assumes responsibility for bringing the family member to the Netherlands. Travel expenses are paid by the Dutch Government. On arrival in the Netherlands the family member is granted derived refugee status as it is called, if he or she possesses the same nationality as the sponsor.

The granting of derived refugee status is based on the principle of family unity, as laid down in Recommendation IV of the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, which adopted the text of the 1951 Convention relating to the Status of Refugees. In principle the members of a refugee's family are also designated refugees, even if they do not meet the Convention's definition of a refugee.

Extended family reunification

Other persons not included among the immediate family referred to in the family reunification category may under certain conditions be admitted to the Netherlands for the purpose of extended family reunification. These may be children who have reached the age of majority or, for instance, a grandmother who has lived with the nuclear family for years.

Reunification of married couples

Aliens may be admitted to the Netherlands if they are married to an alien residing in the Netherlands (who may already possess Dutch nationality). In the case of resettled refugees, the marriage must have taken place after the alien's selection for resettlement.

Partner policy

Aliens may be admitted to the Netherlands if they have a long-term relationship with an alien who has been admitted to the country (who may already possess Dutch nationality). The relationship must predate a refugee's selection for resettlement in the Netherlands.

In the case of the latter three categories, officially authenticated documentary evidence of family relationship, marital status or proof of cohabitation must in principle be provided. The conditions are listed in the Aliens Act implementation guidelines.

The sponsor in the Netherlands must submit a request for an authorization for temporary stay to the Immigration and Naturalization Service (IND) or the Aliens Police; the IND then decides whether or not to authorize admission to the country. If the request is approved, the Ministry of Foreign Affairs will inform the relevant Dutch mission and mediate in bringing the relative or partner to the Netherlands. All

expenses must be paid by either the relative/partner or the sponsor. On arrival in the Netherlands, the relative/partner is issued with a restricted residence permit bearing the words "residing with". It is valid for a year, and can be extended for periods of a year at a time.

Persons admitted to the Netherlands for reunification with resettled refugees within the framework of the above three categories do not form part of the official quota.

Other forms of extended family reunification

Sponsors may be joined by refugees enjoying asylum in a third country, who are members of the sponsor's extended family. A sponsor must submit a request to this effect to the Immigration and Naturalization Service. Requests of this type can be dealt with during selection missions to countries of asylum, or on paper by the Interministerial Committee on Refugee Policy's subcommittee on quota policy. In the latter case, the resettlement forms will first be requested from UNHCR. If the application is approved, the relative will be resettled in the Netherlands as part of the Group sub-quota.

10. Medical Requirements

Unless arrangements have been made with the local representatives of the International Organization for Migration (IOM) to check for TB by means of chest X-rays, refugees do not need to undergo routine overseas medical screening before coming to the Netherlands. Prior to their arrival quota refugees are treated no differently than ordinary newcomers. However, refugees proposed by the UNHCR who can be resettled under the TOM programme and who have medical problems are examined by a medical adviser attached to the selection mission; their cases are discussed with local doctors in order to evaluate the Dutch TOM criteria. The UNHCR proposal has to be properly motivated and focused. Refugees who have been proposed in writing are assessed on the basis of medical reports obtained by the UNHCR from local medical practitioners.

11. Travel

Travel expenses and the costs of visas and, where necessary, laissez-passers, are paid by the Netherlands.

12. Status on Arrival

Persons who are invited to the Netherlands to resettle as refugees are awarded refugee status.

13. Domestic Settlement and Community Services

In principle, all refugees are medically screened within two weeks of arrival in the Netherlands - in principle meaning that the procedure is voluntary. Refugees are made aware of this fact, and the purpose and relevance of the screening are explained to them, as follows: screening is carried out on public health grounds and in the context of care provision; it also aims to promote care accessibility and to provide socio-medical advice relating to education, employment and accommodation in the Netherlands. The screening consists of a medical examination, a check for TB and laboratory tests carried out by public health officers.

During the follow-up phase at the main reception centre and at municipal level refugees are provided with a comprehensive programme of preventive health care which includes health education, an extended immunization programme and information about mother and child health. Organized by public health officers, the programme is geared to the needs of care providers who assume responsibility for it once the refugees have finally settled in a municipality.

Refugees who are being resettled in the Netherlands are not provided with orientation courses prior to departure. Those arriving in the Netherlands for resettlement are taken first to a main reception centre

and then allocated residential accommodation in a municipality.

The refugees remain at the main reception centre for between 2 and 3 months. They live in private rooms and are responsible for their own housekeeping. They receive a weekly allowance to cover their personal expenses. It is at this stage that many practical matters are arranged, e.g. registration with the population register and registration for purposes of insurance and income tax. The refugees receive medical screening, and are given any urgent medical treatment they might require. They register for health insurance and are entitled to the same medical facilities and treatment as Dutch citizens. During the day the refugees attend a reception programme which consists of Dutch language lessons and information about living in the Netherlands. Children below the age of 18 go to school.

After this period at the main reception centre, the refugees are housed in a municipality in accommodation provided by central government. Until such time as they find employment, they receive a subsistence allowance. Children under 18 are enrolled in local schools. The local authority offers an extended reception programme generally lasting about one to two years. Dutch language lessons and information about Dutch society also form part of this programme, which is based on the concept of planned guidance tailored to individual needs. The local authorities are obliged to provide at least 500 hours of Dutch language lessons per refugee, and to guarantee a minimum level of language acquisition - the level needed for unskilled or semi-skilled jobs, following vocational courses or participating in mainstream education. In most cases, local language training institutes provide the linguistic training. It is funded mainly by central government, with the local authority taking full responsibility for its organization.

Refugees are entitled to the same educational facilities as Dutch nationals, provided their knowledge of Dutch is sufficient to enable them to benefit. They must also have the necessary basic qualifications for the courses they wish to follow. Refugees and members of ethnic minorities can also attend special vocational training centres which demand only a minimum knowledge of Dutch. Educational certificates obtained by the refugees in their country of origin are assessed in the light of the standards that apply in the Netherlands. Sometimes a refugee will have to take an additional course or to gain some practical work experience in order to have his or her certificate approved. This applies not only to refugees but to all foreigners who settle in the Netherlands.

Like most Western European countries, the Netherlands has to contend with a fairly high rate of unemployment, especially among ethnic minorities and refugees. Refugees who have been officially granted asylum are entitled to work in the Netherlands and enjoy the same rights and obligations as Dutch nationals. They can register at labour exchanges and use the services of job centres and other organizations.

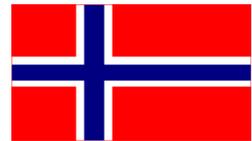
The Dutch Refugee Council plays an important role in the reception of refugees in the Netherlands. It advises municipal authorities and institutions and, perhaps more importantly, recruits and supervises Dutch volunteers who assist with reception.

The Council, which also provides the Dutch public with information about refugees, receives financial assistance from central government. In addition, refugees from various countries have organized their own voluntary associations, which hold meetings, publish magazines and provide advice. These associations, some of which are subsidized by central government, intercede with the Dutch authorities on the refugees' behalf.

NOR

NORWAY

by the Government of Norway



1. Resettlement Policy

Norway sets and allocates its resettlement quota on the basis of UNHCR's assessment of current resettlement needs and priorities. The actual resettlement is carried out in close cooperation with UNHCR, and the majority of resettlement cases are selected from UNHCR referrals. In 1992, in response to UNHCR's request for flexibility, the Norwegian Government decided that the quota would be extended over a three year period. This means that it *is* possible to exceed the quota one year, by taking quota places from the following year.

The Norwegian Parliament has set the quota for 1995 to 1997 at 3,000 refugees. In 1995, an additional quota of 500 places was established for refugees from the former Yugoslavia. The resettlement quota of 1997 is composed of 1,000 places.

2. Criteria for Refugee Status Eligibility and Asylum

Guidelines for the use of the refugee quota are decided by the Government and Parliament. The Government commissions the Directorate of Immigration (UDI) to implement the guidelines. The UDI is responsible for the selection of refugees, their arrival in Norway and their resettlement in a municipality.

When the authorities accept a refugee for resettlement in Norway, he or she is given an entry visa and a residence or work permit prior to entering the country. This applies to refugees accepted via dossier selection as well as in-country selection. A decision on the refugee status of the individual is taken after the refugee is resettled.

In order to obtain refugee status, the refugee has to fulfil the requirements in the Norwegian Immigration Act. A refugee within the meaning of the Act is a foreign national who falls under article 1 A of the Convention relating to the Status of Refugees of 28 July 1951 as amended by the Protocol of 31 January 1967. The same criteria applies to individual asylum-seekers and resettlement refugees. However, in cases concerning resettlement, it is given due weight to whether the applicant had reason to anticipate being treated as a refugee. As this normally is the case, a resettlement refugee is almost always considered to meet the criteria for refugee status.

3. Criteria for Resettlement

Norway holds the view that resettlement is essentially an instrument of protection. In line with that, individual need for protection outside countries of origin and countries of first asylum is deemed to be the basic criterion for resettlement.

Most resettled refugees meet UNHCR's mandate criteria. In addition, Norway puts emphasis on medical needs, family links and ability to integrate into society.

4. Resettlement Allocations / Processing Priorities

Within the quota of 3,000 refugees for the 1995 to 1997 period, the Norwegian Parliament has approved a Government proposal to set the 1997 resettlement quota at 1,000 places. Within this quota the Directorate of Immigration will resettle refugees in close cooperation with UNHCR. The Ministry of Local Government and Labour decides on the allocation of the quota based on the assessment of resettlement needs by UNHCR and the Directorate of Immigration. In 1997, the majority of places are reserved for refugees from the Middle East. For details on the composition of the 1997 quota, please see Annex A.

In addition, the Norwegian Parliament has decided that a lump sum may be transferred to the UNHCR Trust Fund for Enhancing Resettlement Activities in the course of 1997.

5. Admissibility for Resettlement

In order to be considered for resettlement in Norway, refugees presented by the UNHCR must satisfy the requirements for refugee status according to the 1951 Refugee Convention and the Norwegian Immigration Act. If the caseload presented exceeds the actual number of quota places, priority is given to persons identified as being in most need of protection.

Persons accepted for resettlement must be deemed reasonably capable of integrating into Norwegian society.

Medical condition, military activities etc. are normally not considered as constraints to resettlement. However, the exclusion grounds as laid down in article 1F of the 1951 Refugee Convention may be applied whenever this is considered necessary.

6. Submissions and Processing via Dossier Selection

Quotas may be filled by means of dossier selection or by in-country selection. In the first case, the dossiers have to be submitted by UNHCR Geneva. The Directorate of Immigration (UDI) makes decisions on the basis of information emerging from the dossiers. There are no special Government forms to be completed.

The UDI decides whether a person is accepted for resettlement or not. This decision is not subject to appeal. Normally, the reason behind the rejection does not appear from the decision.

The UDI notifies UNHCR Geneva about the decision. The Norwegian Embassy in the country of temporary protection is informed about every positive decision and is asked to issue the necessary travel documents.

Average time frames in resettlement cases are 6 weeks from the reception of the dossiers. Emergency cases are normally treated within 24 hours.

7. Submissions and Processing via In-Country Selection

Selection missions are composed of representatives from the Directorate of Immigration (UDI). When considered necessary, a psychiatrist accompanies the delegation.

Prior to the mission, the UDI informs UNHCR Geneva of the mandate. UNHCR thereby presents a number of refugee dossiers, exceeding the number to be selected by approximately 20 to 30 percent. The delegation interviews the refugees and decides on the spot who will be accepted for resettlement. A rejection is final and thus not subject to appeal.

During the interview, special Government forms must be completed.

Sometimes a decision is postponed in order to await information concerning possible medical treatment in Norway.

The UDI notifies the UNHCR of its decisions and asks the responsible Norwegian Embassy for assistance to issue necessary travel documents.

The UDI will start preparing the local communities for the reception of the selected refugees. When housing and other preparations are arranged, travel arrangements are made and the refugees are brought to Norway.

Normally, a refugee selected for resettlement will arrive in Norway within 6 months. However, due to difficulties in relation to exit arrangements, processing times are sometimes prolonged.

8. *Emergency Cases*

In situations where a refugee's life or freedom depend on urgent resettlement because of potential *refoulement*, deportation, physical threat to security or undue detention, the UNHCR may ask for an accelerated processing of the case. A decision is normally made within 24 hours.

In order to facilitate the processing, UNHCR Geneva should notify the UDI by telephone that an emergency case is being forwarded. When the papers are received by telefax, the case will be given priority treatment.

9. *Special Categories*

Cases concerning special categories are presented by the UNHCR according to normal procedures. However, when refugees with medical needs and victims of violence and torture require special treatment in Norway, available medical services in Norway are examined before decisions are made. If a person requires special treatment that Norway is not in a position to offer, the case will be rejected.

In order to be able to make a proper decision, the UNHCR must forward a recent, readable and complete report of the refugee's medical condition.

10. *Family Reunification of Refugees*

Family reunification with a refugee selected for resettlement in Norway may take place by using the annual refugee quota or according to regulations in the Immigration Act. In order to decide the appropriate line of action, applications for family reunification are generally divided into three categories:

- 1) the family members stay together in a third country, camp etc.;
- 2) the refugee is in Norway and the family members are in the country of origin;
- 3) the refugee is resettled in Norway and the family members are outside the country of origin and are accepted as refugees by the UNHCR.

The first category comprises situations when a whole family is selected at the same time by dossier selection or in-country selection. In these cases, family members of the principal more distant than spouse and minor children may be considered for resettlement according to the guidelines for the use of the resettlement quota. Each family member is included in the resettlement quota. The criteria for family reunification in the Immigration Act does not apply.

In cases where the refugee is resettled in Norway and the family is in the country of origin, family reunification is granted if the family members meet the requirements in the Immigration Act. Only the closest family members will be granted residence or work permits in Norway. According to the regulations, this mainly applies to spouses and unmarried children under the age of 18. More distant family members may in exceptional cases be considered. Family reunification are in such cases not included in the refugee quota.

The regulations in the Immigration Act likewise apply in cases under the third category. However, if the family members are accepted as refugees and are submitted by UNHCR for family reunification with relatives in Norway, the persons may be accepted for resettlement even if they are more distant family members, provided that allocations are sufficient. In such cases, the family members are included in the annual quota.

An application for family reunification can either be initiated by the refugee already resettled in Norway or by the family member in the first country of asylum or country of origin.

The Directorate of Immigration decides whether the regulations in the Immigration Act or the general criteria for the acceptance of resettlement refugees apply. In the first case, the decision is based on information given in special application forms. There is normally no need to interview the spouse and/or the minor children. Family members may be required to approach the closest Norwegian Embassy to clarify or provide additional information. In the second case, the decision is taken according to procedures applicable in cases concerning resettlement of refugees. Information given in the UNHCR registration forms and by the refugee in Norway will be decisive.

Medical screening is not required prior to acceptance in cases concerning family reunification.

If an application for family reunification according to the second category is turned down, the decision is subject of appeal to the Ministry of Justice. Such an appeal may be made by the refugee in Norway or the family member concerned. Most applications are turned down because the family member is not considered to belong to the immediate family as defined in the Immigration Act.

If family reunification is not accepted when the application is submitted, the decision is not appealable.

An application for family reunification will normally be decided upon within 4 to 8 weeks.

When family reunification is accepted, applicants of the second category will have to approach the nearest Norwegian Embassy to receive air tickets and necessary visas. Travel costs are paid by the Norwegian Government when the refugee in Norway is resettled as a quota refugee. This is also the case when family members are accepted according to the annual quota programme. Travel procedures are arranged in cooperation with UNHCR and IOM when the family members are resettlement refugees.

11. Medical Requirements

Medical screening prior to acceptance is not required. For persons requiring medical treatment upon arrival, please see Section 9.

12. Travel

Norway is one of the member States of the International Organisation for Migration (IOM) and makes use of its services. IOM arranges travel for refugees accepted for resettlement in Norway under the quota as well as for persons accepted for family reunification with refugees in Norway. Norway contributes to IOM's general budget besides paying for travel and other assistance.

The Norwegian foreign service missions issue emergency travel documents (*laissez-passers*) and visas to refugees before departure.

13. Status on Arrival

As mentioned under Section 2 above, the question concerning refugee status of the resettled refugee is decided upon arrival. When the principal applicant is granted refugee status, the family members are given the same status.

After three years of legal residence in Norway, the refugee may apply for a permanent residence permit. This will allow him or her to reside outside Norway for a period of maximum two years without losing the permit.

In order to obtain citizenship, the refugee must have stayed 7 years in Norway with a residence or work permit. Other requirements apply if the refugee is married to a Norwegian citizen.

According to Norwegian legislation, asylum may be revoked when the refugee no longer falls under the definition of a refugee, or if this otherwise follows from general rules in public administrative law.

Voluntary repatriation has only taken place in a limited number of cases, mainly by refugees from Chile. However, since the situation may change dramatically in the country of origin for a variety of reasons, repatriation may become a relevant option for a number of resettled refugees in the future. The Norwegian Government has established a voluntary repatriation programme where economic support is given to any refugee who has been resettled, granted refugee status or a residence permit on humanitarian grounds in Norway.

The rates are the following:

- 10,000 NOK per person upon departure from Norway;
- 5,000 NOK per person to cover travel expenses of personal belongings; and
- travel free of charge from place of residence in Norway to country of origin.

14. Domestic Settlement and Community Services

Immigration policy in Norway is based on genuine equal status for immigrants (including refugees) and Norwegians. This means that, as far as possible, immigrants are to have the same opportunities, rights and obligations as the rest of the population.

This objective also requires continued efforts to give immigrants the same opportunities as the rest of the population to acquire education and obtain employment. In addition it implies support for immigrant cultural activities.

The Ministry of Local Government and Labour has the overall responsibility for immigration and refugee policy in Norway. The Directorate of Immigration has the primary responsibility for implementing the policy. This includes immigration control, reception of asylum-seekers and resettlement of refugees. Other ministries are obliged to observe the rights of immigrants and refugees in their sectors of responsibility.

The municipalities are responsible for those who are allowed to stay in the country as refugees or on humanitarian grounds just as they are responsible for the rest of the population. The refugees have the same rights and obligation as others. This includes health, education, housing, vocational training, employment etc.

The NGOs in Norway have no specific responsibility for the integration of refugees. Many NGOs do participate in the integration process.

Quota refugees who come to Norway are almost always directly resettled in a municipality. Only rarely do they have a short stay in a reception centre.

Upon arrival in Norway the refugees will be provided housing by a municipality. The municipality will also provide the refugees with assistance in getting established and give necessary information.

The refugees get 750 hours of language training in Norwegian by the municipalities. Those unable to read and write can also receive training. The children may also get training in their mother tongue in kindergarten and school.

Schooling is obligatory in Norway. All boys and girls between the age of 7 and 16 must attend school. Most schools and universities are free of cost in Norway.

The local labour employment offices provide services to the unemployed. The services also include vocational training.

15. Reference Materials

- Act of 24 June 1988 concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Act).
- Regulations concerning the entry of foreign nationals into the Kingdom of Norway and their presence in the realm (Immigration Regulations), passed by Decree of the Crown Prince Regent on 21 December 1990.
- Various reports to the National Assembly on Immigration Policy.
- Various pamphlets giving relevant information on housing, education etc. to foreign nationals who are going to live in Norway.

Annex A: Current Resettlement Allocations

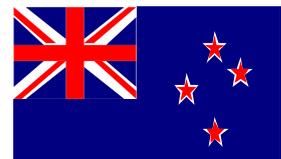
The Norwegian Parliament has approved a Government proposal to set the 1997 resettlement quota at 1,000 places. Within this quota the Directorate of Immigration will resettle refugees in close cooperation with UNHCR. Based on UNHCR's and the Directorate's assessment of the resettlement needs for 1997, the Ministry of Local Government and Labour has decided to allocate the Norwegian resettlement quota for 1997 as follows:

- 600 refugees from the Middle East, of which possibly up to 400 from the Rafha Camp
- 50 refugees from Africa
- 50 refugees from the former Yugoslavia
- 20 refugees on the Twenty-or-More Plan
- 30 refugees - Emergency cases
- 250 refugees of various nationalities



NEW ZEALAND

by the Government of New Zealand



1. Resettlement Policy

New Zealand has been accepting refugees for resettlement since the end of the Second World War. In 1987 the Government established a formal annual quota of up to 800 refugees which was divided into specific categories.

These categories originally reflected national, ethnic and religious groups, as well as refugees with special needs, such as handicapped, long stayers and rescue-at-sea cases. Since 1992 the categories have been revised to reflect worldwide refugee concerns in an effort to provide the Government with greater flexibility to respond to resettlement needs.

2. Criteria for Refugee Status Eligibility and Asylum

New Zealand is a party to both the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Persons in New Zealand who seek asylum as refugees are, therefore, assessed in accordance with the criteria for refugee status set out in article 1 A (2) of the 1951 Convention. Applications which are declined have the right of appeal to an independent appeal authority. These asylum-seekers are considered quite separately from, and in addition to, the UNHCR mandated refugees accepted for resettlement in New Zealand.

3. Criteria for Resettlement

All cases for resettlement are referred by UNHCR Headquarters or Field Offices to the New Zealand Immigration Service. New Zealand periodically undertakes selection missions to various parts of the world in response to UNHCR's referrals.

4. Resettlement Allocations / Processing Priorities

The quota programme year runs from 1 July to 30 June concurrent with the fiscal year. Consultations are held with UNHCR and with other relevant agencies in New Zealand to discuss resettlement priorities before the planned composition of the quota is set annually by the Minister of Immigration.

4.1 Composition of the Quota

The composition of the Refugee Quota of 750 places for 1998/1999 is as follows:

Women-at-Risk	75
Medical/Disabled	75
UNHCR Priority Referrals	600

4.2 Cases must be identified by UNHCR and must:

- fall within the 1951 United Nations Convention criteria;
- be in need of resettlement;
- fall into one of the three defined categories above;
- have the ability to adapt to life in New Zealand; and
- have a security clearance.

4.3 High Priority Cases

Refugees facing an immediate risk to their security, either through *refoulement* or deportation may be referred by UNHCR Headquarters for urgent processing.

4.4 Medical Cases

The medical/disabled category provides for the entry of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. In all cases where there is an apparent physical or psychological condition of any sort, full medical reports must be provided by UNHCR for referral to the relevant health authorities in New Zealand. The full disclosure of the condition and its effects are essential for planning purposes. Health authorities must give prior confirmation that suitable medical treatment is available before a case can be accepted.

4.5 Women at Risk

The women-at-risk category covers women who are at risk in their country of first asylum and would usually be outside the normal criteria for acceptance by resettlement countries.

4.6 Priority

These are all other cases submitted under the usual mandate some of whom will be identified as urgent cases.

5. *Admissibility for Resettlement*

The principal consideration in determining admissibility for resettlement relates to meeting the criteria set out in Section 4.2. No case is declined on medical grounds, however, if appropriate medical treatment is not readily available in New Zealand this is taken into account in the decision-making process.

6. *Submissions and Processing via Dossier Selection*

UNHCR is the sole referral source of applications for resettlement via the New Zealand Refugee Quota Programme. Documentation requirements are, therefore, standard regardless of the place of origin of the proposal for resettlement.

6.1 Case Documentation

Documentation required by New Zealand Immigration Service for consideration of a resettlement proposal is:

- New Zealand Immigration Service Residence Application Form;
- a signed declaration form for the Orientation and Resettlement Programme;
- completed UNHCR Refugee Registration Form (or bio data sheet);
- 3 photographs endorsed on reverse side by UNHCR;
- where appropriate, completed UNHCR social assessment and completed UNHCR medical form.

6.2 Routing of Submissions

Cases are forwarded by the UNHCR Regional Office in Canberra directly to the New Zealand Immigration Service's Refugee Reception Centre at Mangere, Auckland. If a New Zealand selection mission takes place, UNHCR will identify all cases for interview.

6.3 Decision-Making Process

All submissions are assessed for sponsorship availability. Medical cases are referred to the Mangere Branch Health Unit. Feedback from these sources is taken into consideration in the decision-making process. The decision on an application is made by two Immigration case officers.

6.4 Recourse Processing

There is no review or appeal process for those case submissions that are declined.

6.5 Processing Times

Length of time in processing applications varies according to category of referral, numbers involved and factors relating to country of origin. Providing the submission is complete and documentation is in order, processing time ought to be approximately six to eight weeks.

7. *Submissions and Processing via In-Country Selection*

No submissions are received by New Zealand Immigration Service outside of the UNHCR proposal process. See Section 6 for details of this process.

8. *Emergency Cases*

Refugees facing an immediate risk to their security, either through refoulement or deportation may be referred by UNHCR for urgent processing.

9. *Special Categories*

Special provisions within the Refugee Quota Programme include categories for medical/ disabled cases and women-at-risk.

9.1 Refugees with Medical Needs

The medical/disabled category provides for the entry of refugees with medical, physical or social disabilities which place them outside the normal criteria for acceptance by resettlement countries. The Ministry of Health must give prior confirmation that suitable treatment is available before a case can be accepted. Documentation required: see Section 6.1.

9.2 Survivors of Violence and Torture

There is no separate category for these cases. They would be considered under one of the three categories defined in Section 4.1.

9.3 Women at Risk

The women-at-risk category covers women who are at risk in their country of first asylum and would usually be outside the normal criteria for acceptance in resettlement countries. Documentation required: see Section 6.1.

10. *Family Reunification of Refugees*

This is no longer a special category in the Refugee Quota Programme. Such cases are considered under the general immigration provisions which take into account humanitarian considerations such as

family reunion.

11. Medical Requirements

Medical screening prior to acceptance for resettlement is not required.

12. Travel

The New Zealand Government pays for the travel of refugees to New Zealand and to centres within New Zealand where the refugees will settle after their 6 weeks at the Mangere Centre.

12.1 Arrangements for Travel

On acceptance of a case for resettlement the New Zealand Immigration Service notifies UNHCR, the agency arranging sponsorship and support and the Ministry of Foreign Affairs and Trade. The New Zealand Immigration Service arranges for the travel of refugees to New Zealand.

12.2 Travel Documentation

The New Zealand Immigration Service issues travel documents and visas and notifies UNHCR where the documentation will be sent.

13. Status on Arrival

Refugees accepted within the refugee quota have the status of New Zealand residents.

14. Domestic Settlement and Community Services

A range of social assistance/integration services is available to refugees on their arrival in New Zealand to assist them in the process of resettlement. The resettling of refugees within the community is done through sponsorships which are mostly coordinated by RMS.

14.1 Actors

The main agencies involved in the initial six week period of orientation are the New Zealand Immigration Service, which has overall responsibility for the Refugee Reception Centre campus; RMS, which assists with sponsorship and other support; the Auckland Institute of Technology School of Refugee Education, which provides an education programme during the period of orientation; and health authorities, which are responsible for medical and dental checks on arrival.

14.2 Orientation

Newly arrived refugees undergo a six week orientation programme at the Mangere Reception Centre in Auckland. The orientation course is conducted in the refugee's own language and provides general information about life in New Zealand, including the relevant institutions and services. The orientation course also aims to build basic social and coping skills required for their new life. Health, education and social work assistance are important components of the orientation programme. During this time refugees receive a social welfare benefit.

14.3 Reception

Refugees arriving in New Zealand under the Refugee Quota Programme spend their first six weeks at the Mangere Refugee Reception Centre. The Centre can accommodate up to 220 refugees at any one time.

Its facilities include accommodation blocks, a nursery, classrooms, facilities for medical and dental examinations and general living areas.

14.4 Housing

The RMS office at the Mangere Refugee Reception Centre provides practical assistance and advice to refugees and assists them, in conjunction with the sponsors, to find accommodation.

14.5 Health

While at the Reception Centre, refugees undergo medical, x-ray and dental checks. Immunisation is also carried out and medical treatment is provided for any medical conditions identified. Access to specialised medical services outside the clinic is also facilitated. Referral is made to appropriate health services for ongoing medical needs.

14.6 Language Training

English classes are provided during the six week orientation at the Mangere Refugee Reception Centre.

14.7 Education

Refugees between 13 and 17 years attend secondary classes where goals and skills are assessed by bilingual tutors for placement in the education system. Refugees above 17 who have lost years of their education may also attend secondary classes. Refugee children are also prepared at the Centre for their introduction into the New Zealand classroom. The primary classes they attend aim to prepare them for the national curriculum and to learn and understand basic English in a variety of contexts. Preschool children may also attend the Early Childhood Centre. Parents are encouraged to join in sessions and to converse with staff, who include mother tongue speakers.

14.8 Vocational Training and Employment

RMS has offices and representatives throughout the country who coordinate sponsorships and assist refugees with all aspects of their resettlement, including identifying and facilitating access to vocational training and employment opportunities.

15. Reference Materials

A substantial bibliography is contained in the publication *Refugee Women - the New Zealand Refugee Quota Programme* published in 1994 by the Department of Labour, New Zealand Immigration Service.

SWE

SWEDEN

by the Government of Sweden



1. Resettlement Policy

Since 1950, Sweden has accepted persons for organised resettlement in Sweden within the framework of a special refugee resettlement quota. This quota is used for transferring persons seeking refuge or others in particularly vulnerable situations.

The general guidelines on which application of the quota is based are established by the Government each fiscal year after approval by the Riksdag. The responsibility for the selection and transfer of quota refugees to Sweden rests with the Immigration Board. Transportation and other practical matters are handled by the International Organisation for Migration (IOM) as instructed by the Immigration Board.

Refugees are selected for resettlement in Sweden in close cooperation with UNHCR, and it is primarily on the basis of UNHCR's assessment that the Board plans its selection. In matters of overall policy, the Governments of the Nordic countries meet for regular consultations within the framework of the Nordic Council for Refugee Affairs (NSHF).

Starting in fiscal year 1993/94, the Riksdag established that quota funds could be used more flexibly. Consequently, funds should no longer necessarily be limited merely to the selection and transfer of refugees to Sweden.

For fiscal (calendar) year 1998, the Riksdag, as recommended by the Government, has allotted funds corresponding to the resettlement in Sweden of 1,800 quota refugees.

2. Criteria for Refugee Status Eligibility and Asylum

Under the Aliens Act (1989:529) a person has the right to asylum if he or she meets the definition of refugee spelled out in the Act. The wording of this definition is virtually identical to the definition in the 1951 Convention, omitting any territorial and temporal limitations. A recent amendment of the Aliens Act supplemented the definition with a wording encompassing the concept of agents of persecution. In the travaux préparatoires to the mentioned amendments it is stated that guidance can be sought in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and UNHCR's Executive Committee Conclusions.

The recent amendments in the Aliens Act also spell out other categories in need of protection having the right to receive a residence permit. These categories are:

- persons who risk execution, corporal punishment, torture, inhumane or degrading treatment or

punishment;

- persons who are escaping armed conflict or environmental disaster; and
- persons who risk persecution due to gender-related reasons or on grounds of homosexuality.

3. Criteria for Resettlement

Although priority is given to persons with a well-founded fear of persecution in the sense of the 1951 Convention, the quota reaches out to broader categories. The above shows Swedish legislation's categories of persons in need of protection. The resettlement quota has also been used for persons who have not yet crossed the boundary of their country of nationality thus not refugees in a formal sense. The Swedish quota policy will as of 1998 support UNHCR's endeavour to ascertain so called "Regional Resettlement" opportunities.

In line with UNHCR policy, durable solution through voluntary repatriation and local integration must have been ruled out.

Priority will also be given to persons who have family members already residing in Sweden. The principle of family unity is upheld in the Swedish policy on resettlement. The resettlement quota can include close members of family if they arrive at the same time or shortly after the person in need of protection.

Selection on medical grounds is permitted only in exceptional cases and provided that the proper form of treatment is available in Sweden. Persons with grave mental disabilities are normally not selected as part of the quota, although, generally speaking, illness is not in itself considered an obstacle to the selection of persons in need of protection.

Reasons not to accept a case for resettlement can be (not counting the exclusion clauses stated in the 1951 Convention) criminality, alcohol and drug consuming illnesses and reasons relating to ordre public.

4. Resettlement Allocations / Processing Priorities

For fiscal calendar year 1998, the Riksdag has allocated funds corresponding to the cost of resettlement in Sweden of 1,800 quota refugees. These funds may be used either for direct resettlement or as a contribution to projects designed to help solve refugee problems outside Sweden. The quota is general; it is not confined to certain nationalities only. Acting on the Government's instructions, the Immigration Board then initiates a dialogue with UNHCR on the principal areas for examination, and it is on this basis that the Board eventually determines where the quota is to be applied.

5. Admissibility for Resettlement

Refer to Section 3.

6. Submissions and Processing via Dossier Selection

The guiding principle for the selection of refugees within the framework of the Swedish refugee quota is that selections be made on the basis of investigations carried out by the Immigration Board itself (selection by delegation). If this is not possible, selections may be made on the basis of the findings of a Swedish authority abroad, UNHCR, or other suitable organisations (dossier selection).

UNHCR's submission for resettlement constitutes the basic material for the processing by the Board of the cases or cases reviewed in any given presentation. Presentations are usually given in Geneva, although material is sometimes received directly from UNHCR Field Offices as well. Dossier selection of quota refugees is almost always made on the basis of the documentation (RRF) included with UNHCR submissions for review. If the Immigration Board is to reach a decision, it is essential that all relevant details of the case be set forth in full in the RRF. And, to eliminate problems during the later stages of

processing, it is particularly important to ensure that the identities and photographs of the individuals and their families are correct. Likewise, particulars of any relatives of the husband or wife at home or abroad must also be provided.

The reason why the particulars given in the RRF must be complete and true is, of course, the fact that they will serve as the basic material for determination of refugee status. Since the Immigration Board will not normally undertake any further assessment or review of the case once a refugee has arrived in Sweden, any political activities in which the individual has engaged must be carefully reported, as must any other circumstances that may be relevant to the flight from the country of origin.

In the event that the basic material is unreliable or insufficient, supplementary information is obtained from UNHCR or some other suitable source, such as an embassy or NGO.

Occasionally, presentations may be submitted by organisations other than UNHCR, e.g. the Red Cross or a Swedish diplomatic mission.

The Immigration Board is the competent authority to take decisions regarding residence in Sweden.

Cases dismissed by the Immigration Board may be presented by UNHCR again if new facts have emerged or the Swedish admission criteria have been modified in some way. Furthermore, Sweden raises no objections to reviewing cases dismissed by some other country, although the reasons for dismissal should be clearly set forth in the accompanying documentation.

Decisions on selection as part of the quota are sent both to the appropriate Swedish mission and to UNHCR. To help prepare the practical details of the resettlement process, the IOM is also informed. If the refugees lack valid passports, passports are issued by the Swedish Embassy or Red Cross as instructed by the Immigration Board.

Quota cases are normally decided within 30 days.

7. Submissions and Processing via In-Country Selection

Before a decision is reached on selection by delegation, the matter is discussed in detail with UNHCR and the Swedish Embassy concerned with a view to determining the most suitable logistical approach, the scope of the selection, and various practical details of accommodation, transport, security, meetings, etc.

Selection by delegation is then made in close cooperation with the Swedish diplomatic mission and UNHCR. The Immigration Board assumes responsibility for preparation, staffing, practical implementation and any post-processing or follow-up that may be required.

To ensure that the work proceeds quickly and smoothly, good preparation is essential. This means, among other things, that all documentation (RRF) provided by the UNHCR should be made available at least one month before the planned date of departure. And to ensure sufficient scope for selection and avoid no-shows, presentations should envisage about 50 percent more persons than will actually be selected. Presentations should clearly indicate whether the persons recommended have relatives in Sweden, and, if so, should state their names, their degree of kinship, their place of domicile, and, to facilitate identification, give as many personal particulars as possible.

In conducting selection by delegation, the Immigration Board may itself initiate cases, which are duly reviewed and eventually lead to a decision. Such cases may be brought to the notice of the Board by a candidate's next-of-kin in Sweden or by persons in some way involved in the case in question. In cases of this nature, UNHCR is always consulted first.

Interviews are normally carried out in the presence of the entire family, the aim being to supplement the information provided in the RRF and hence to provide a sufficient basis for assessment of refugee status and a final decision by the Board. At the end of each day of interviewing, the delegation conducts a thorough review of the cases considered during the day. Once the interviews have been concluded, the delegation reviews each case once again, and only then will a final decision be reached. Occasionally, doubtful cases may be referred to Sweden for consultation and a decision at some later date. These are

known as pending cases.

In conclusion, the delegation provides the Embassy, UNHCR and IOM - together or individually - with an oral report on the course and progress of its work, naming those who have been awarded the right to settle in Sweden and those who have been rejected. Grounds for rejection are given orally, never in writing. Concrete plans as to the time and means of transfer of the refugees to Sweden and the practical details of their travel documents, etc., are also discussed during this meeting.

The length of time needed for selection by delegation depends both on the scope of the assignment and the size of the delegation. Excluding the preparation period and any follow-up that may be needed, two to four weeks may be considered normal.

8. *Emergency Cases*

Emergency cases are processed as quickly as possible, usually within a week (and often sooner). Such cases are initiated and processed in the same manner as the dossier selection cases described in Section 6. The basic selection criteria are as outlined in Sections 2 and 3.

To preserve the special status and processing routines applied to such cases, the Board recommends that considerable restraint be exercised in their presentation.

9. *Special Categories*

The circumstances qualifying an individual to settle in Sweden within the framework of the Swedish refugee quota do not entirely correspond to the categories listed under this heading by UNHCR. It is, however, important that the RRF indicate whether the person is in need of some special care or treatment that might be covered by one or more of these categories. For further details, see Section 14.

10. *Family Reunification of Refugees*

10.1 Policy concerning Family Reunification of Refugees

The Swedish policy on resettlement takes into account the principle of family unity. There is only exceptionally a distinction between refugees in the sense of the 1951 Convention and other aliens residing in Sweden with regard to the rules on family reunification. Relatives to refugees under the Convention who have been granted residence permit can be granted costs for the travel to Sweden under certain circumstances.

10.2 Criteria for Family Reunification

Residence permits may be granted to aliens married to or cohabiting with a person domiciled in Sweden or who is a holder of a Swedish residence permit. Any children of a parent living in Sweden or holding a Swedish residence permit are also regularly awarded residence permits provided that they are under 18, are unmarried, and are or have been living in their parent's home.

Relatives outside the immediate circle of the nuclear family are awarded residence permits only if they were members of the same household community as their kin in Sweden while in their country of habitual residence. Apart from membership of the same household community, they must also be able to demonstrate some form of mutual dependence making it difficult for them to live apart.

In rare cases on exceptional grounds, persons in need of protection residing in Sweden may be allowed to be joined there by a relative with whom they were particularly close even though they may not have been members of the same household community while in their country of habitual residence.

10.3 Allocations for Family Reunification

No upper limit has been set on the number of immigrants allowed into Sweden to join their next-of-kin. In principle, any person resident in Sweden is entitled to be reunited with his or her spouse, partner or unmarried children under the age of 18.

10.4 Routing of Applications

Applications for family reunification should be handed in by the applicant at a Swedish embassy or consulate in his or her country of origin or habitual residence. The appropriate staff then conduct an interview with the applicant to determine the origin and nature of the family ties referred to, their duration, and any plans which the applicant may have for his or her future. These findings are appended to the application in the form of a report, which is forwarded to the Immigration Board along with the actual application. Relatives already settled in Sweden may submit reunification applications direct to the Immigration Board if they can produce a power-of-attorney empowering them to act on behalf of the applicant. In such cases, however, the accompanying documentation is almost always insufficient and the Board is itself obliged to take steps to collect the extra information. This procedure should, therefore, not be encouraged.

10.5 Verification of Relationships

Applications for residence in Sweden should be accompanied by documents confirming the relationship, civil status and other particulars of the alien's personal circumstances (passport, national service discharge book, marriage certificate, etc.).

If possible, confirmation of identity should also be provided in presentations submitted by UNHCR.

10.6 Processing and Decision-Making

Upon receipt by the Immigration Board of the application and accompanying report, the Board contacts the person resident in Sweden and asks him or her to verify the particulars provided and supply any further information that may be needed. Decisions on residence permits, which also entitle holders to enter Sweden, are made by the Immigration Board. Residence permits are normally granted for one year at a time. Appeal against a decision to reject an application for a residence permit may be lodged with the Aliens Appeals Board.

Decisions on travel allowance for family members and next-of-kin are made by the Immigration Board. No appeal may be lodged against these decisions.

11. Medical Requirements

Sweden does not require UNHCR to perform a medical examination of the refugees or next-of-kin who have been granted permits entitling them to settle in Sweden. However, as mentioned above, it is still important to comment on an individual's state of health and to include the relevant medical documentation in the RRF. This will be a valuable source of information both for the refugee and for the municipal authorities who will be charged with his or her care.

The Immigration Board has occasionally commissioned IOM to check the health of refugees pending resettlement in Sweden. These check-ups were conceived as part of a special information programme designed to prepare the refugees mentally for their initial reception and resettlement in Sweden.

12. Travel

For many years, the Immigration Board has cooperated with IOM in arranging the transport called for by decisions on the resettlement of refugees in Sweden. Here it is desirable that communications between the Board, UNHCR and IOM function as smoothly as possible, since the travel process is a long one and demands good cooperation between all those involved.

As will be apparent from Section 14 below, a guiding principle of Swedish refugee policy is that quota refugees must be resettled directly in one of the municipalities. However, to ensure success, the timing must be perfect. Arrangements must be made to acquire acceptance by the local authorities, to obtain the necessary exit permits from the country or countries of origin, to issue passports and travel documents, to provide information on the final destination, to describe the route to be travelled, to draw up timetables, and much more besides. Clearly, coordination is of the essence.

13. Status on Arrival

Having arrived in Sweden, aliens are entered into the civil registry and are entitled to apply for a permanent residence permit, for a travel document and for official recognition of their refugee status (confirming, therefore, that Sweden has deemed them to be bona fide refugees under the terms of the Geneva Convention). In other words, official refugee status is granted not in conjunction with selection under the quota system but only after the individual has arrived in Sweden and applied for a travel document or declaration of refugee status.

Aliens who have lived in Sweden for five years (four years for Convention refugee) are eligible for Swedish nationality. Certain conditions are imposed before an alien can acquire Swedish nationality. These include an age requirement, a record of good conduct, and relinquishment of previous citizenship.

The Swedish policy on voluntary repatriation encompasses actions in the field of the general Swedish foreign policy promoting situations in countries of origin conducive to return in safety and dignity.

An allowance for resettlement in another country is available to persons awarded a residence permit on the basis of de facto refugee status or who were selected for immigration under the quota system. Re-immigration is also allowed, depending on the time spent abroad and the degree of personal attachment to Sweden.

14. Domestic Settlement and Community Services

14.1 Actors

Under the present system of refugee resettlement, introduced on 1 January 1985, the Immigration Board reaches agreements with individual municipalities on the reception and resettlement of refugees and certain other aliens. In other words, the system of refugee reception is based on the voluntary participation of the majority of Sweden's municipalities. The following table gives a statistical overview of the municipal reception figures of the last six years. Note that quota refugees are included in these figures.

Year	Municipal places		No. of municipalities
contracted	Actually received		
1989	8.297	21.173	76
1990	22.808	22.237	78
1991	22.077	18.961	277
1992	21.817	18.472	271
1993	21.400	25.300	271
1994	49.900	1.500	272

1995	22.380	5.917	273	
1996	11.010 (prel.)		138	240
1997	6.055	13.439		
	(including 1.854 quota refugees)	123		
	(with contract)			

14.2 Reception

As of 1991, the municipalities have been required to draw up plans for the introduction and integration of refugees into Swedish society on an individual basis. Each plan must be drawn up in consultation with the refugee in person and in partnership with the local employment office. The programme drawn up for the active, coordinated introduction of refugees to life in Sweden stresses the importance of maintaining a holistic approach to the problems involved and of ensuring widespread cooperation between the various authorities. In addition, it recommends that trade unions, employers and NGOs be encouraged to play a more active role than hitherto.

A state grant of 151,900 SEK is paid for each adult refugee resettled in a municipality; for children, the equivalent figure is 93,200 SEK (1998 figures). This sum is expected to cover the extra costs arising in conjunction with reception of the refugee in the municipality, including any financial assistance paid out under the Social Assistance Act, accommodation, Swedish tuition, child-care, education and training, interpreters' fees, administrative costs, etc. The grant is expected to suffice for all costs paid by the municipality during the entire introductory period, i.e. for up to four years after the refugee is first settled in the municipality. An additional grant is payable for elderly or disabled refugees and for unaccompanied minor children.

Official immigrant policy also encompasses a variety of measures designed to facilitate the integration of refugees and other immigrants into Swedish society - although one of its cornerstones is to afford the various immigrant groups the opportunity of maintaining a distinct linguistic and cultural identity of their own. Swedish immigrant policy is neatly summed up in the three main immigrant policy objectives adopted by the Riksdag in 1975. These are as follows:

The Equality Objective aims at ensuring that immigrants enjoy the same opportunities, rights and obligations as the rest of the population. All groups of Swedish society must be afforded equal opportunities of expressing themselves and developing proficiency in their own languages and of engaging in their own form of cultural activities.

The Freedom of Choice Objective aims at ensuring that immigrants can themselves choose the extent to which they wish to adopt a Swedish cultural identity or to preserve and develop a cultural identity of their own.

The Partnership Objective aims at establishing an overall partnership between immigrant groups and the majority population. This, of course, requires mutual tolerance and solidarity both between immigrants and the native population and between the immigrant groups themselves. By achieving this objective, we will be able to afford immigrants greater opportunities of playing an active role in Swedish politics and of engaging in cultural activities of their own choosing. Attention will also be drawn to the more positive effects of immigration on Sweden and Swedish society.

Most immigrants resettled in Sweden in recent years have been either refugees or their next-of-kin.

14.3 Housing

After resettlement in a municipality, refugees enjoy the same right to financial assistance from the local services as do Swedish citizens. Under the terms of the Social Assistance Act, refugees are entitled to

financial assistance if they are unable to support themselves by any other means. Before payment is made, a thorough review of the applicant's financial circumstances is carried out by the local social welfare service to determine whether the applicant is in fact entitled to such assistance. The amount paid out varies from one municipality to another.

Quota refugees are settled directly in a municipality, only rarely having to pass through a clearance or residential centre. Unless otherwise requested, the Immigration Board always attempts to locate a place in a municipality close to other relatives already settled in Sweden. Refugees are otherwise free to settle anywhere in Sweden, although if they need help in finding permanent accommodation they must accept a home in the municipality allocated to them. At present, most refugees are allocated a flat or other form of accommodation in a municipality immediately after receiving their residence permits.

A special home furnishing and equipment loan, administered by the National Board of Student Aid, has been available to refugees since 1 January 1991. These loans may be applied for by refugees and others who are at least 18 years old, who have been accepted by a municipality after registration at a refugee residential centre for asylum-seekers, or who are otherwise participating in the refugee reception scheme. The amount is payable as a fixed percentage of the current base amount as established for use by the national social insurance scheme. The maximum currently available to a single-person household is 21,000 SEK; for a family with two children, the maximum amount is 34,000 SEK. No interest is payable for the first two years after the loan is paid out. After this period, interest is charged at a rate fixed annually by the Government. The time allowed for repayment depends on the amount borrowed.

14.4 Health

Refugees enjoy the same degree of access to the national health services as do Swedish citizens. There is no qualifying period once a residence permit has been granted.

14.5 Language Training

Instruction in the Swedish language is an essential part of the introduction process. Indeed, proficiency in Swedish is vital to successful integration into Swedish society. The Swedish For Immigrants (SFI) programme is the oldest single measure for the linguistic education of adult refugees and other immigrants - and it remains the most important, for growing competition in the labour market is placing increasingly stiff demands on the ability to speak good Swedish.

All municipalities are under a responsibility to offer refugees and other immigrants an SFI course as soon as may be arranged, and no later than three months after the individual's arrival in the municipality. All such adult education courses are to be based on the fundamental values set forth in the 1994 curriculum for voluntary forms of training and education, and instruction is to be given in the form of courses which it is the student's right to attend. As of 1 July 1994, SFI has had its own syllabus, method of marking and standardised achievement tests.

All school-age children in the custody of a person or persons whose native language is not Swedish are entitled to tuition in that language at primary and secondary schools and at certain other schools as well. Home language classes are often held in the afternoon after other lessons. In practice, many municipalities are unwilling to organise such tuition unless they can expect at least five pupils per class.

14.6 Education

Swedish compulsory schools accept large numbers of pupils from abroad. The previous educational backgrounds and scholastic achievements of these students vary widely, but all children living in Sweden enjoy the same access to the school system and the rules on compulsory education apply to them all, whether they be native Swedes, immigrants or refugees.

Like Swedish citizens, therefore, refugees have access to the entire Swedish educational system and

are entitled to the same forms of educational assistance (i.e. grants and loans).

During the past few years, increasing numbers of children and young people under 18 have arrived in Sweden unsupervised by a custodian of their own. The responsibility for ensuring that these children also receive the care and protection of which they have need rests with the local social welfare services, and some criticism has been raised as to the form and content of the support provided in conjunction with their reception in a municipality.

After receiving their permits, half of the children are placed in foster-homes, 30 percent in juvenile accommodation and 20 percent in group lodging homes. However, although the form of reception of children and young people varies considerably from one municipality to another, it is thought on the whole to function quite adequately.

14.7 Vocational Training / Employment

Persons with official refugee status or who hold a residence permit on similar grounds are permitted to take up employment on equal terms with Swedish citizens.

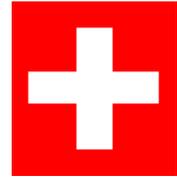
The entry of immigrants into the Swedish labour market is central to their integration into Swedish society as a whole, for a job brings opportunities for stimulating social interaction and the development of proficiency in Swedish. Unfortunately, however, statistics show that over the last few years the status of immigrants in the labour market has steadily declined. Today, unemployment among foreign nationals is about three times as high as among Swedish nationals (although it should be noted that current unemployment statistics do not differentiate between refugees and other categories of immigrants).

Efforts to bring refugees and other immigrants into the labour market should be undertaken within the framework of regular labour market policy. It should be remembered, however, that refugees and immigrants are particularly exposed to the risk of long-term unemployment. They may, indeed, risk permanent exclusion from the chance of a regular job, and to prevent them from being outcast entirely they should be afforded special priority in official labour market policy.



SWITZERLAND

by the Government of Switzerland



1. Resettlement Policy

Switzerland has accepted a large number of refugees since World War II, particularly disabled and handicapped refugees. Although Switzerland has participated in the past in almost every kind of programme (RASRO, DISERO, CPA) in South East Asia, the principal accent in the 1990s has been on European countries. Actually Switzerland plans to contribute to the UNHCR needs and priorities on a restrictive basis, due to increased costs and enormous difficulties of integration.

Switzerland is running its own operations in close cooperation with UNHCR. Cases are mainly selected from UNHCR referrals. Selection can sometimes be made through special missions, but is usually made on files in close cooperation with the NGOs.

2. Criteria for Refugee Status Eligibility and Asylum

The Swiss Asylum Law of 5 October 1979, which is going to be revised by 1998, determines under the following articles who can be recognised as a refugee and under which conditions:

Article 3: Definition of the term *refugee*

“ Refugees are foreigners who, in their home country or in a country where they have resided before, have been exposed to serious prejudices or fear in a legitimate way to be persecuted because of their race, religion, nationality, belonging to a determinate social group or political opinions.

These are considered especially as serious prejudices: the threat of the life, the body integrity or freedom, as well as the measures that lead to an unbearable psychological pressure.

These are recognised also as refugees, as long as no particular circumstances forbid it: the spouse of the refugee and their minor children.”

Article 4: Definition of the word *asylum*

“ Asylum is the protection granted in Switzerland to a person because of its quality of refugee. It includes the right of residence in Switzerland.”

3. Criteria for Resettlement

UNHCR may refer cases, along with other national or international agencies.

Cases must have been recognised by a first country of asylum or at least be placed under UNHCR protection. Cases must in positive way:

- 1) fall within the criteria of the Swiss Asylum Law under Articles 3 and 4;
- 2) be in need of resettlement;
- 3) be composed of complete families, single parents with children, isolated males or females or women at risk;
- 4) have a minimum of education and professional skills;
- 5) have a real ability to adapt in Switzerland; and
- 6) if physically disabled, have a real chance of rehabilitation

Systematically, Switzerland will reject any submission of cases:

- 1) which are considered as army deserters
- 2) when close relatives are living in one or several countries,
- 3) when the main part of the close family is residing in the home country.

4. Resettlement Allocations / Processing Priorities

Switzerland intends to plan a quota of about 100 people every year for whom no other durable solution as free repatriation or help *sur place* is suitable. This intention has to be confirmed by the Swiss Parliament.

Processing priorities are set up depending on the capacity of the integration centre in Switzerland to receive refugees at due terms. When entries are delayed because of the inability of UNHCR to process rapidly (that is Iranian refugees in Iraq), Switzerland has to burden the whole costs on its own.

5. Admissibility for Resettlement

As Switzerland accepts refugees on legal criteria and on a humanitarian basis, there are no formulated constraints to admissibility.

6. Submissions and Processing via Dossier Selection

6.1 Case Documentation

Switzerland owns its appropriated documentation on refugee situations in countries of resettlement. Besides basic UNHCR documentation there is a reference to selecting processing too.

6.2 Routing of Submissions

UNHCR selects cases on grounds of given criteria and forwards them to the Swiss Government as well as to the Swiss NGOs.

6.3 Decision-Making Process

Government and NGO's involved in reception and integration of the refugees establish a recommendation to accept or reject cases. The Swiss Government decides along the Swiss data requirements and notifies its decision to UNHCR.

6.4 Recourse Processing

According to the article 22 of the Swiss asylum law, there are no recourse or appeal possibilities against decisions of rejections in matter of refugees under quota.

6.5 Processing Time

Depends generally of the quality of the update of the files submitted through UNHCR Headquarters. In ordinary processing, 6 weeks from the reception of the files.

7. Submissions and Processing via In-Country Selection

7.1 Case Documentation

Switzerland owns its appropriated documentation on refugee situations in countries of resettlement. Besides basic UNHCR documentation there is a reference to selecting processing too.

7.2 Routing of Submissions

UNHCR selects cases on grounds of given criteria and forwards them to the Swiss Government as well as to the Swiss NGOs.

7.3 Decision-Making Process

Government and NGOs involved in reception and integration of the refugees are sent to interview, in collaboration with UNHCR, about ten families a day. Decisions are taken in the camp the same day by the Swiss team and communicated personally to the refugees by the end of the mission. UNHCR Field Offices receive a copy of the decision. Once in Switzerland, UNHCR Headquarters is informed officially of the decision from the Swiss Government.

7.4 Recourse Processing

According to the article 22 of the Swiss asylum law, there are no recourse or appeal possibilities against decisions of rejections in matter of refugees under quota.

7.5 Processing Time

Depends generally on the quality of the update of the files submitted through UNHCR Field Office. Ordinary processing is from 3 to 4 weeks.

8. Emergency Cases

Routing of submissions and processing are the same as Section 6. These cases are treated as urgent cases and an answer is given when the NGOs have given their approval to take care of the case.

9. Special Categories

Switzerland does not have special categories other than those mentioned.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

The idea of a multilateral protection of the family arose in the context of the legitimation and development of the international protection of human rights in 1948. At a national level, the European Convention on Human Rights of 4 November 1950 has been the pulse generator concerning Swiss policy. Following its humanitarian tradition, Switzerland promotes the reunification of families of the same nationality in order to regulate their common refugee status, especially for the *nuclear* family, consisting of husband and wife and the unmarried minor children.

10.2 Criteria for Family Reunification

Articles 3 and 7 of the Asylum Law of 5 October 1979 mention the eligibility in a general way. Regarding the reunification of family members that already crossed the Swiss border (article 3), refer to Section 2 above where the legal text is given. For the family members staying abroad article 7 is

applicable, as follows:

Article 7: Family Reunification

“ The marriage partners and their children under 18 will be granted asylum if the family has been separated in flight and wish to reunite in Switzerland. Article 6 does not apply.

Under the same provisos other close relatives of a person living in Switzerland may also be granted asylum, if special circumstance speak for reunification in Switzerland.”

10.3 Allocations for Family Reunification

Within the barriers of article 3 and 7 the number of accepted family reunification is unlimited.

10.4 Routing of Applications

For the most part the application is initiated by the relative in Switzerland through the intermediary of a welfare organisation as Swiss Red Cross, Caritas, HEKS etc. Nevertheless the beneficiary as well as every proxy of the person entitled may apply too.

10.5 Verification of Relationships

The family members are requested to support their relationship by documentary evidence (passport, marriage or birth certificate etc.). If no document is available, the Federal Office for Refugees applies to the Swiss embassy in the foreign country or tries to get more information out of the file.

10.6 Processing and Decision-Making

Once received by the Federal Office, the Section for Admission of Refugees and Projects examines the application form and decides whether an entry permit (for the relatives located abroad) or an asylum decision (for those located in Switzerland) will be issued or not. The entry permit will be sent to the local relevant Swiss representation, a copy to the welfare organisation and other offices as well as to the applicant in order to inform all involved persons. As soon as the family members arrive in Switzerland, they have to hand over the personal documents to the Federal Office and will receive the asylum decision and at the same time the refugee status.

11. Medical Requirements

The arriving refugees undergoes a medical check-up upon arrival in a main reception or transit centre. A medical screening prior to acceptance is not required. The beneficiaries of family reunification receive the same treatment as other categories of refugees.

12. Travel

The Swiss Government is not liable to pay the travel or entry costs of refugees and on no account for those able to pay themselves. It may nevertheless pay the travel costs for groups of refugees. Beneficiaries of family reunification have to finance their own travel expenses.

13. Status on Arrival

All categories of refugees to which Switzerland has granted asylum receive from the integrating canton a residence permit (permit B). After five years staying in Switzerland the permit B will be changed into a permanent residence (permit C). As a rule the family members benefit from the same status as the resettled refugee.

14. Domestic Settlement and Community Services

Persons admitted to Switzerland as refugees are eligible for assistance and services in order to help them live independently within the community. The authorised welfare organisations support the refugee and his family in organising their everyday life, consisting in shopping, housekeeping, communicating with people and offices etc., in a word in getting familiar to Swiss manners and customs. Resettlement assistance to refugees is provided primarily through governmental programs funded by the Federal Office for Refugees.

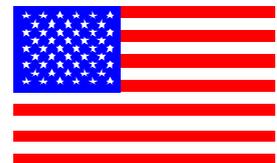
Refugees enjoy in domestic settlement matters as health, language training, education, vocational training and employment all the benefits and rights of other aliens in similar circumstances. For the most part they are treated the same way as nationals.

In cases of family reunification the welfare organisation takes care that a suitable flat has already been rented prior to the arrival of the family members. The other refugees stay for about 3 to 5 months in an integration centre before moving to a private flat.



The UNITED STATES OF AMERICA

by the Government of the United States of America



1. Resettlement Policy

The United States has a long tradition of granting refuge to those fleeing persecution. Since the Second World War, more refugees have found permanent homes in the United States than in any other country. Admission of refugees of special humanitarian concern to the United States as well as admission of those for the purpose of family reunification are important tenets of the U.S. refugee resettlement programme. In recent years the U.S. Government (USG) has modified its resettlement focus to give priority to cases identified by UNHCR, for example, in Africa, the Middle East and more recently, in the

former Yugoslavia.

At the federal level, the Bureau of Population, Refugees and Migration (PRM) of the Department of State administers the U.S. refugee resettlement programme in conjunction with the Immigration and Naturalization Service (INS) of the Department of Justice and the Office of Refugee Resettlement (ORR) of the Department of Health and Human Services (HHS). Non-governmental organizations also play a major role in U.S. resettlement - both in overseas processing and domestic resettlement activities.

2. *Criteria for Refugee Status Eligibility and Asylum*

A person must meet the U.S. definition of a refugee found in Section 101(a)(42) of the Immigration and Nationality Act (INA), which closely follows the definition in the 1951 UN Convention. The INA also defines as refugees, under certain circumstances specified by the President, certain persons who are within their country of nationality, or if they do not have a nationality, the country in which they are habitually residing (See Annex B).

3. *Criteria for Resettlement*

Applicants for refugee admission into the United States must meet all of the following criteria:

- 1) Meet the definition of a refugee contained in Section 101(a)(42) of the INA (see Annex B);
- 2) Be among those refugees determined by the President to be of special humanitarian concern to the United States;
- 3) Be otherwise admissible under U.S. law; and
- 4) Not be firmly resettled in any third country.

4. *Resettlement Allocations / Processing Priorities*

The Administration annually consults with the Congress on the U.S. refugee admissions programme. These consultations provide an opportunity for Congress and Administration representatives: The Department of State, the Department of Justice, and HHS; to discuss the international and domestic implications of U.S. refugee policy. These consultations are the culmination of a many-faceted, year-long consultative process that includes discussions with Congressional staff, representatives of state and local governments, public interest groups, international and non-governmental organizations such as the American Council for Voluntary International Action (InterAction), and others concerned with refugees. During the Congressional consultations, the President's proposed refugee admissions programme for the coming fiscal year is presented. This proposal includes information on refugee admissions levels, groups of refugees of special humanitarian interest to the United States, and processing priorities.

The processing priorities serve as guidelines to determine eligibility for access to the USG resettlement programme and as a tool to manage the refugee admissions process within the established annual regional ceiling. In recent years the processing priorities have been revised to reflect the USG's intent of focusing on resettlement of persons internationally recognized as refugees and in need of resettlement, relying to a greater extent on UNHCR and U.S. diplomatic posts to refer such individuals to the USG programme. These priorities have also been augmented by a list of discrete categories of other individuals of concern to the United States from selected nationalities. The following priorities are in effect for Fiscal Year 1998 (1 October 1997 - 30 September 1998):

Priority One

UNHCR-referred or Embassy-identified persons who are facing compelling security concerns in countries of first asylum, who are in need of legal protection because of dangers of refoulement, or who are in

danger due to threats of armed attack in areas where they are located, or former political prisoners.

UNHCR-referred or Embassy-identified vulnerable persons, including women-at-risk, victims of torture or violence, the physically or mentally disabled, and persons in need of medical treatment not available in the country of first asylum.

UNHCR-referred or Embassy-identified persons for whom other durable solutions are not feasible and whose status in the country of asylum does not present a satisfactory long-term solution.

Priority One refugees from any nation may be processed for admission to the United States at any refugee-processing post. (For certain groups -- to be determined before the beginning of each fiscal year -- prior consultation with the Department of State and INS in Washington will be required. Referrals of North Koreans, Libyans, and Palestinians currently require such prior consultation.)

Priority Two

Within designated nationalities determined annually, members of certain additional groups of special concern to the United States. In FY 1997 these designated nationalities include:

Bosnia - Former detainees who were held on account of ethnicity or political or religious opinion; victims of torture or systematic and significant acts of violence against members of targeted ethnic groups by governmental authorities or quasi-governmental authorities in areas under their control; surviving spouses of civilians who would have been eligible under these criteria if they had not died or disappeared in detention or as a result of torture or violence; and persons in mixed marriages of any ethnic background.

Burma - Certain members of ethnic minorities who have actively and persistently worked for political autonomy; certain political activists engaged in the pro-democracy movement.

Cuba - In-country processing of: former political prisoners, members of persecuted religious minorities, human rights activists, forced-labour conscripts, persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs or activities, dissidents, and other refugees of compelling concern to the United States.

Former Soviet Union (FSU) - In-country processing of: Jews, Evangelical Christians, and certain members of the Ukrainian Catholic or Orthodox Churches.

Iran - Iranian religious minorities.

Vietnam - In-country processing of: Former re-education camp detainees who spent more than three years in re-education camps subsequent to April 1975 because of pre-1975 association with the USG or the South Vietnamese Government; certain former USG employees and other specified individuals or groups of concern; returnees from camps of first asylum in Southeast Asia on or after 1 October 1995, who qualify for consideration under the Resettlement Opportunity for Vietnamese Returnees (ROVR) criteria; on a case-by-case basis, other individuals who have experienced persecution because of post-1975 political, religious, or human rights activities.

Africa - Specific groups (within certain nationalities) are identified according to an ongoing evaluation of refugee circumstances.

Priority Three

Spouses, unmarried sons and daughters, and parents of persons lawfully admitted to the United States as Permanent Resident Aliens, refugees, asylees, conditional residents and certain parolees; unmarried sons and daughters of U.S. citizens and parents of U.S. citizens under the age of 21. (Note: Spouses and children of U.S. citizens and the parents of U.S. citizens who have attained the age of 21 are required by regulation to be admitted as immigrants rather than as refugees.)

Priority Four

Married sons and daughters, siblings, grandparents, and grandchildren of U.S. citizens and persons lawfully admitted to the United States as Permanent Resident Aliens, refugees, asylees, conditional residents and certain parolees.

Additional Priorities by Nationality

All nationalities are eligible for processing under Priority One. In addition, the following nationalities can be processed under the indicated priorities:

Africa	<u>Priorities</u>
Burundians	2, 3
Ethiopians	3
Liberians	3
Rwandans	2
Sierra Leoneans	3
Sudanese	3
Togolese	3
Zairians	3
East Asia	
Burmese	2
Vietnamese	2
Europe	
Former Soviet Union	2
Bosnians	2, 3, 4
Latin America/Caribbean	
Cubans	2
Near East/South Asia	
Iraqis	3
Iranians	2, 3

5. ***Admissibility for Resettlement***

Section 212(a) of the INA lists grounds under which aliens may be excluded from the United States. Refugees may be excluded for the following reasons:

- 1) Health-related: Some communicable diseases, physical or mental disorders, and current drug abuse or addiction (Health-related denials may be overcome when the problem has been successfully treated, or upon waiver at the discretion of the Attorney General).
- 2) Criminal activity: Individuals who have committed crimes of moral turpitude, drug-trafficking, multiple criminal convictions, prostitution, murder or acts involving persecution or torture.
- 3) Security grounds: Espionage, terrorist activity, membership in Communist or other totalitarian

parties, Nazi persecution or genocide, or individuals who would present a serious security threat (A name check is required for all refugee applicants over the age of 16. In some cases, this requires administrative processing in Washington).

Waivers of certain grounds of inadmissibility may be available in some cases for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Requests for waivers for refugees (Form I-602) should be sent to the Officer-in-Charge of the overseas INS Office with jurisdiction over the case. INS has sole authority to determine whether or not to waive these ineligibilities for refugees.

6. Submissions and Processing via Dossier Selection

The U.S. refugee resettlement programme does not admit refugees by dossier selection.

7. Submissions and Processing via In-Country Selection

With respect to a person applying in a third country for admission to the United States as a refugee, an initial review is undertaken to evaluate cases based on the applicants' situation in temporary asylum, the conditions from which they have fled, U.S. national interest, and other humanitarian considerations. Applicants who claim persecution or a well-founded fear of persecution and who fall within the priorities established for the relevant nationality or region are presented to INS for determination of eligibility for admission as a refugee under Section 101(a)(42) of the INA.

7.1 Case Documentation

The situation of refugees often makes it difficult for the applicant to produce adequate documentation to verify a claim to a certain priority. Thus, while available documentation should be presented before a final decision is reached (including primary documents such as birth certificates, baptismal records or household registries or secondary evidence such as affidavits of relatives and friends), documents may not be required if the refugee's claim to processing in a certain priority appears credible.

Each applicant over the age of 14 must complete the following forms, available from Refugee Coordinators at U.S. posts which process refugees (see Section 7.2 below), some voluntary agencies, or INS:

- 1) Form I-590 (Registration for Classification as a Refugee);
- 2) Form G-325C (Biographic Information); and
- 3) Form G-646 (Sworn Statement of Refugee Applying for Entry into the U.S.).

Parents may complete these forms on behalf of their children.

7.2 Routing of Submissions

Refugee applicants must be interviewed by an INS Officer. In many locations, voluntary agencies, working under cooperative agreements with the Department of State, process and schedule cases for interview by INS and, for those approved by INS, for onward movement to the United States. Once a refugee applicant is approved by INS, a medical examination is performed and sponsorship with a resettlement agency is assured. Travel arrangements can be made after sponsorship is confirmed, provided there are no medical problems.

Processing depends to some extent on the country where the applicant is located. There are three categories of processing posts:

- 1) Posts which have INS officers present who may adjudicate refugee applications: Rome, Nairobi, Vienna, Moscow, Athens, Bangkok, New Delhi, Havana, Mexico City and Frankfurt.

- 2) Posts which do not have a regular INS presence but which are regularly visited by INS circuit rides: Cairo, Madrid, Riyadh, Ho Chi Minh City, Zagreb, Belgrade, and Ankara.
- 3) Posts in areas where there are significant numbers of refugees in first asylum situations, but no regular INS presence or circuit rides. At these, UNHCR and/or a voluntary agency, and the USG work together to identify suitable cases for interview and schedule a visit by an INS officer when sufficient cases warrant an INS interviewing trip.

Refugee applicants who are not in a location where the United States has a Category 1 or 2 processing post may be considered if first referred by a local UNHCR office or a U.S. Embassy as a Priority One case. (In Africa, all UNHCR referrals are to be routed to the Regional Resettlement Officer in UNHCR Branch Office Nairobi, Kenya, for onward transmission to the U.S. Refugee Coordinator in Nairobi, Kenya.) The U.S. refugee admissions programme is committed to frequent circuit rides to posts where there are sufficient numbers of UNHCR- and Embassy-referred cases or others who are eligible. Third category processing posts, however, cannot guarantee when, or even if, an INS circuit ride can be scheduled for a referred case. In these cases, UNHCR, in consultation with INS and the Department of State, may determine how the applicant can be interviewed.

Recent changes in the processing priority system have emphasized the involvement of UNHCR in the U.S. refugee admissions programme. All refugee processing posts may now accept Priority One cases of any nationality (except North Koreans, Libyans, and Palestinians) that are referred by UNHCR (or by an UNDP office in countries where there is no UNHCR presence) without prior authorization from the Department of State and INS/HQ. Voluntary agencies cannot independently refer cases for interview under Priority One but may do so under Priority Two.

Following adjudication, the voluntary agency (or consular section in locations where no voluntary agency is present) forwards the biographic information on approved cases to the Refugee Data Center (RDC) in New York, recording assurance information from sponsoring resettlement agencies in the United States ("sponsorship assurance") via the RDC, coordinating medical and other required clearances. The International Organization for Migration (IOM) is usually charged with ensuring travel arrangements for departing refugees.

7.3 Decision-Making Process

Section 207 of the INA grants the Attorney General the authority to determine who is admissible to the United States as a refugee. The Attorney General has delegated this authority to INS. INS makes the final determination as to admissibility and priority of a refugee applicant after the interview.

7.4 Recourse Processing

There is no formal procedure for appealing the denial of refugee status, although an applicant may file a "request for reconsideration" of his case to INS on the basis of additional evidence or information not available at the time of the interview.

7.5 Processing Times

The time required to process a refugee claim varies considerably based on such factors as the availability of an INS officer to adjudicate the claim, voluntary agency processing capabilities, type of security name checks required, and whether an applicant is admissible to the United States. A very rough estimate of the time from INS approval of a refugee's admission to the United States until departure is generally 3 to 4 months. Emergency cases may be expedited and have occasionally been processed in a very short time, depending on the circumstances. In general, a refugee should arrive in the United States within four months of approval by INS and completion of all other processing requirements.

8. *Emergency Cases*

The U.S. programme tries to be responsive to emergency cases, however, these cases must follow the same procedures outlined in Section 7 above, though processing may be expedited by INS in conjunction with the State Department.

9. *Special Categories*

9.1 Refugees with Medical Needs

Such cases may be processed under Priority One, following procedures outlined in Section 7. Refugees with medical needs who fall under other priorities are also eligible, except for limited instances where the medical condition is grounds for exclusion (see Section 5 above).

9.2 Survivors of Violence and Torture

Such cases may be processed under Priority One, following procedures outlined in Section 7. For Bosnians, these groups have been identified under Priority Two.

9.3 Women at Risk

Such cases may be processed under Priority One, following procedures outlined in Section 7.

9.4 Children

Unmarried children under the age of 21 who are accompanying or following to join a refugee parent are eligible for derivative refugee status. Unaccompanied minors may also qualify as refugees if they satisfy all requirements for admission to the United States as refugees. The U.S. refugee admissions programme works with UNHCR to determine whether third-country resettlement is in the best interest of the child. Unaccompanied minors may be placed in the priority for which their parents would have been eligible if the parents were prevented from applying because of imprisonment, death or other compelling reasons. Only certain authorized voluntary agencies can sponsor unaccompanied minors who are placed in foster care upon arrival in the United States.

9.5 Elderly

Age is not a factor in U.S. refugee admissions.

10. *Family Reunification of Refugees*

Family unity is an important element of the U.S. refugee admissions programme. This is reflected in the processing priorities discussed in Section 4, as well as in other refugee and immigrant admissions programmes detailed below.

10.1 Policy concerning Family Reunification of Refugees

Certain family members may join relatives in the United States by one of the following means:

- A UNHCR referral for the purpose of family reunification (Such referrals follow the procedures outlined in Section 7).
- An Affidavit of Relationship (AOR): An AOR is a form filed with a voluntary agency by refugees, permanent residents, or American citizens to establish a relationship in order to qualify for

consideration in one of the family-based processing priorities (Priorities 3-4). Individuals in Temporary Protected Status in the United States are not eligible to file an AOR for a refugee relative overseas.

- Visas 93: A resettlement authorization for the spouse and unmarried children under 21 of a refugee already resident in the United States.
- Visas 92: A resettlement authorization for the spouse and unmarried children under 21 of an asylee already resident in the United States.
- Regular immigration: Refugees may also qualify for admission under regular immigration categories if they have the requisite relatives in the United States. Persons classified as immediate relatives -- spouse, parent or child -- of a U.S. citizen over 21 years of age must be processed as immigrants rather than refugees.

10.2 Criteria for Family Reunification

Use of an AOR requires that the relative applying for U.S. resettlement establish refugee status in his own right and be otherwise admissible for entry into the United States, as determined by INS. An acceptable AOR permits an applicant to be considered under Priority 3 or 4.

A Visas 93 or Visas 92 applicant must establish proof of relationship (spouse or unmarried child under 21). While immediate family members do not need to qualify as refugees in their own right, they must demonstrate that they meet the required standards regarding admissibility (e.g., medical standards). These family members may still be in their country of origin.

10.3 Allocations for Family Reunification

All family reunification cases, whether direct applicants, UNHCR referrals or Visas 93 beneficiaries, count against the annual regional refugee admissions ceiling. Visas 92 beneficiaries do not count against the annual admissions ceiling.

10.4 Routing of Applications

UNHCR referrals for the purpose of family reunification follow the procedures outlined in Section 7.

AOR: A relative in the United States files an AOR with a local branch of one of ten voluntary agencies with a (resettlement) cooperative agreement with the Department of State. The voluntary agency forwards the AOR to a processing agency overseas which contacts the individual on whose behalf the AOR was filed for an initial screening. If determined to be eligible, routing then follows the procedures outlined in Section 7.

Visas 93: A refugee in the United States must file Form I-730 (Refugee/Asylee Relative Petition) with INS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship.

Visas 92: An asylee in the United States must also file Form I-730 (Refugee/Asylee Relative Petition) with INS on behalf of his/her spouse and minor, unmarried children, along with supporting documentation to verify the relationship.

10.5 Verification of Relationships

When the refugee applicant seeks resettlement in the United States based on family ties, such ties may be verified by a marriage and/or birth certificate, certificate of adoption or an approved Form I-130 (Petition for Alien Relative). If these documents are unavailable, a church record, school record or census record showing date and place of birth may be acceptable.

If the above documentation is unavailable, the applicant should present a notarized voluntary agency Affidavit of Relationship (AOR), sworn statements of persons who are not related to the principal applicant attesting to the relationship claimed, or, if necessary, such affidavits from persons related to the principal applicant. UNHCR need not request that an AOR be filled out when referring a case under Priority One.

10.6 Processing and Decision-Making

AOR: After initial screening of an AOR recipient by JVA, processing and decision-making generally follows procedures outlined in Section 7.

Visas 92 and Visas 93: After the Department of State receives an I-730 form approved by INS, the file is sent to the U.S. Embassy having jurisdiction over the beneficiary's place of residence. Approved Visas 92 and 93 recipients must be interviewed by either an INS or a consular officer and meet other admissions standards (e.g. medical) before departure. Upon arrival in the United States, Visas 93 recipients are granted refugee status while Visas 92 beneficiaries are granted asylee status.

11. Medical Requirements

Medical screening is mandatory for all refugees. Medical exams are performed by U.S. Embassy-contracted physicians or by IOM. The costs for medical exams are generally borne by the USG. Costs for medical treatment necessary to make a refugee ready for travel are usually paid by the USG. Medical exams are valid for 1 year and must be valid at the time of departure for the U.S. Screening is generally coordinated by processing voluntary agencies, IOM, or in some cases, UNHCR. Currently there is no specific provision for counselling for terminal diseases detected in the course of the medical screening, but medical needs should be noted on requests for sponsorship assurance.

12. Travel

Refugees approved by INS generally enter the United States within four months after approval. Travel is usually coordinated by IOM, or in some cases, by the processing voluntary agencies. Refugees may receive interest-free loans for the cost of their transportation through IOM. (A refugee is expected to begin incremental repayment of this loan 6 months after arrival in the United States, and the total amount is expected to be repaid within 3 years.) Refugees generally travel coach class and must pay for excess luggage.

The following documents make up the travel packet which the refugee must present to INS at the port of entry to the United States:

- 1) Form I-590 (Application for Refugee Status);
- 2) Immigration Officer's Interview Sheet;
- 3) Security name check cable;
- 4) Form G-646 (Sworn Statement of Refugee Applying for Entry into the U.S.);
- 5) Affidavit of Relationship, if applicable;
- 6) Form G-360 (File Transfer);
- 7) Form G-325C (Biographic Information);
- 8) Voluntary Agency Biodata Sheet;
- 9) All documents or affidavits proving family relationships, age, association; any locally produced family relationship forms, family trees, etc.;

- 10) Joint Voluntary Agency Pre-Interview Sheet, if applicable;
- 11) Form I-591 (Refugee Sponsorship Assurance);
- 12) Form OF-157 (Medical Examination);
- 13) Sponsorship Reaffirmation in some cases where medical problems exist;
- 14) Immunization Card;
- 15) Form DS-1810 (Selective Service Notification), if applicable;
- 16) Form I-602 (Waiver of Ineligibility), if applicable; and
- 17) Copies of relevant telegrams from INS, Department of State and Congressional offices, if applicable.

13. Status on Arrival

At the U.S. port of entry, INS admits a refugee to the United States and authorizes employment. After one year, a refugee is eligible for adjustment of status to lawful permanent resident. Five years after admission, a refugee is eligible to apply for U.S. citizenship.

Refugees who have not yet adjusted to Lawful Permanent Resident Status who wish to travel abroad must obtain proper permission to re-enter from INS in the form of a Refugee Travel Document. Voluntary return to the country of persecution or availing oneself of services of that country's Government (e.g. passports) may, under certain circumstances, be considered abandonment of refugee status. The USG does not impede voluntary repatriation, but USG funding is not available for refugees wanting to repatriate. Private organizations and UNHCR may be able to assist refugees who choose to repatriate.

14. Domestic Settlement and Community Services

The U.S. resettlement programme recognizes the desirability for public and private non-profit organizations to provide sponsorship, reception and placement services appropriate to refugees' personal circumstances and to assist refugees to achieve economic self-sufficiency as quickly as possible.

Sponsoring agencies are required to ensure that refugees' basic needs are met: initial housing, essential furnishings, food or a food allowance, necessary clothing, and transportation to job interviews and job training for a minimum of 30 days after arrival in the United States. Further, sponsoring agencies also provide orientation and information about services available in the community (employment opportunities, vocational training, education, language classes, and health care) for a minimum of 90 days after arrival.

14.1 Actors

Initial reception and placement of refugees is carried out by sponsoring agencies through cooperative agreements with the Department of State. Longer term resettlement resources are provided primarily through assistance programmes funded by HHS and local and national non-profit organizations. State, county, and local governments also assist in resettlement efforts. Private sponsors, such as relatives or friends of the refugee, may also assist with the refugee's resettlement.

14.2 Orientation

The U.S. resettlement programme strives to ensure that refugees who are admitted to the United States are well prepared for the significant changes they will experience during resettlement. Pre-departure cultural orientation programmes are available for refugees at many sites around the world. After arrival in the United States, the sponsoring agency provides refugees with community orientation such as information about public services and facilities, personal safety, public transportation, standards of

personal hygiene, and information about legal status, citizenship and family reunification procedures. Refugees may also receive materials in their native language which provide information about life in the United States to ease the transition to a new society and culture.

14.3 Reception

An IOM representative meets the refugee at his port of entry and when necessary, ensures he/she makes his onward travel connections. Sponsoring agencies meet the refugees at their final U.S. destination, transport them to their initial living quarters and assist them in obtaining initial housing, furnishings, food, clothing, and basic employment services for a minimum of 30 days.

14.4 Housing

Decent, safe and sanitary accommodation is made available to the refugee upon arrival, though the type of housing may vary from temporary (e.g., hotel or hospice) to permanent (e.g., apartment, shared housing, etc.). Refugees reuniting with family may spend some time at their relative's accommodation.

14.5 Health

Refugees receive a comprehensive health assessment upon arrival in order to identify and treat health problems which might impede employment and effective resettlement. This assessment is provided free of charge. Refugees are eligible to apply for Refugee Medical Assistance (RMA) or Medicaid to cover basic health care costs.

14.6 Language Training

English language ability is critical to a refugee's successful transition in American society. English as a Second Language (ESL) training programmes vary among communities. The local resettlement agency is the best source of information about the availability of such programmes.

14.7 Education

Public schools in the United States are operated by local governments so curriculum and facilities vary. Public school education is free for grades Kindergarten to 12 (approximately ages 5 to 18) and is mandatory for children ages 6 to 16. The resettlement agency will be able to provide more information about school registration and other educational resources in the community.

14.8 Vocational Training

Refugees should be aware that job mobility in the United States is great and that refugees frequently change jobs as technical skills and English ability improve. Refugees should also be aware that foreign job certification is often not valid in the United States and that further training, testing and/or certification may be necessary for some jobs. Vocational and technical schools train people for special skilled occupations, such as auto mechanics, computer programming and medical and dental assistants. These programmes require varying levels of English language ability and often require payment. The local resettlement agency will be able to provide more information about the availability and cost of such programmes.

14.9 Employment

Achieving economic self-sufficiency is the cornerstone of the U.S. resettlement programme and getting a job is the first step toward that goal. Many jobs available to newly-arrived refugees are entry-level jobs and refugees are encouraged to improve their language and job skills in order to move up the economic ladder. Refugees may receive assistance from the resettlement agency in finding a job, though it may

not be in the same field in which the refugee was previously employed. Refugees must have documentation authorizing employment such as a Social Security card (or approved application) and the I-94 form which they receive from INS upon arrival.

15. Reference Materials

The following materials are available from any U.S. Embassy that processes refugees or from the Bureau of Population, Refugees, and Migration at the U.S. Department of State.

- Center for Applied Linguistics (CAL). Welcome to the United States: A Guidebook for Refugees. 1996.
- Committee on the Judiciary of the House of Representatives. Immigration and Nationality Act, May 1995.
- U.S. Department of Health and Human Services. Report to the Congress: Refugee Resettlement Program. 1996.
- U.S. Department of State. Refugee Admissions Procedures: FY 1996, Processing Guidelines for Refugees. Department of State cable, reference number: 96 State 036155. 23 February 1996.
- U.S. Department of State, Department of Justice, Department of Health and Human Services. Report to the Congress: Proposed Refugee Admissions for Fiscal Year 1998. 1997.

Annex A: Current Resettlement Allocations

The following are the FY 1997 arrivals and FY 1998 allocations by region:

Region	Actual FY 1997 Arrivals	FY 1998 Ceiling
Africa	6,069	7,000
East Asia	8,590	14,0001(27)
Eastern Europe / Former Soviet Union	Bosnia: 21,357 FSU: 27,072	Bosnia: 25,000 FSU: 26,0002(28)
Latin America / Caribbean	2,986	4,000
Near East / South Asia	3,990	4,000
Unallocated Reserve	0	Unfunded: 3,0002(29)
TOTAL	70,085	83,000

Annex B

Section 101(a)(42) of the Immigration and Nationality Act (INA)

The term "refugee" means: (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of

the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control programme, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

ANNEX

1

**Executive Committee Conclusions
relating to Resettlement**

**CONCLUSIONS ADOPTED BY THE EXECUTIVE
COMMITTEE ON INTERNATIONAL PROTECTION
OF REFUGEES**

1991 (Executive Committee - 42nd Session)

**No. 67 (XLII) - 1991
RESETTLEMENT AS AN INSTRUMENT OF PROTECTION**

The Executive Committee,

Reaffirming the link between international protection and resettlement as an instrument of protection and its important role as a durable solution in specific circumstances,

- (a) *Calls* on governments in a position to assist, to establish refugee admission ceilings, in the context of international *burden-sharing*;
- (b) Requests States when setting refugee admission ceilings to include an adequate contingency provision which could be available depending on need to address rapidly evolving situations;
- (c) *Recognizes* that rapidly evolving situations can result in fluctuating resettlement requirements from one year to another and that admission ceilings should be adaptable to such developments;
- (d) *Recognizes* the need for rapid and flexible response to UNHCR resettlement requirements, in

particular for vulnerable groups and emergency protection cases, subject to refugee admission requirements of receiving States;

(e) *Acknowledges* the utility of close consultation with UNHCR in the resettlement activities of the Office;

(f) *Recognizes* that in reviewing UNHCR resettlement requests the protection element inherent in such requests should be taken into account;

(g) *Emphasizes* that UNHCR pursues resettlement only as a last resort, when neither voluntary repatriation nor local integration is possible, when it is in the best interests of the refugees and where appropriate.

1989 (Executive Committee - 40th Session)

No. 58 (XL) - 1989

**PROBLEM OF REFUGEES AND ASYLUM-SEEKERS WHO MOVE IN AN
IRREGULAR MANNER FROM A COUNTRY IN WHICH THEY HAD
ALREADY FOUND PROTECTION**

a) The phenomenon of refugees, whether they have been formally identified as such or not (asylum-seekers), who move in an irregular manner from countries in which they have already found protection, in order to seek asylum or permanent resettlement elsewhere, is a matter of growing concern. This concern results from the destabilizing effect which irregular movements of this kind have on structured international efforts to provide appropriate solutions for refugees. Such irregular movements involve entry into the territory of another country, without the prior consent of the national authorities or without an entry visa, or with no or insufficient documentation normally required for travel purposes, or with false or fraudulent documentation. (...)

b) Irregular movements of refugees and asylum-seekers who have already found protection in a country are, to a large extent, composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement;

c) The phenomenon of such irregular movements can only be effectively met through concerted action by governments, in consultation with UNHCR, aimed at:

- i) identifying the causes and scope of irregular movements in any given refugee situation,
- ii) removing or mitigating the causes of such irregular movements through the granting and maintenance of asylum and the provision of necessary durable solutions or other appropriate assistance measures,
- iii) encouraging the establishment of appropriate arrangements for the identification of refugees in the countries concerned and,
- iv) ensuring humane treatment for refugees and asylum-seekers who, because of the uncertain situation in which they find themselves, feel impelled to move from one country to another in an irregular manner;

d) Within this framework, governments, in close co-operation with UNHCR, should

- i) seek to promote the establishment of appropriate measures for the care and support of refugees and asylum-seekers in countries where they have found protection pending the identification of a durable solution and
- ii) promote appropriate durable solutions with particular emphasis firstly on voluntary repatriation and, when this is not possible, local integration and the provision of adequate resettlement

opportunities;

e) Refugees and asylum-seekers, who have found protection in a particular country, should normally not move from that country in an irregular manner in order to find durable solutions elsewhere but should take advantage of durable solutions available in that country through action taken by governments and UNHCR as recommended in paragraphs (c) and (d) above;

f) Where refugees and asylum-seekers nevertheless move in an irregular manner from a country where they have already found protection, they may be returned to that country if

i) they are protected there against refoulement and

ii) they are permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them. Where such return is envisaged, UNHCR may be requested to assist in arrangements for the re-admission and reception of the persons concerned;

g) It is recognized that there may be exceptional cases in which a refugee or asylum-seeker may justifiably claim that he has reason to fear persecution or that his physical safety or freedom are endangered in a country where he previously found protection. Such cases should be given favourable consideration by the authorities of the State where he requests asylum;

(...)

ANNEX

2

Selected Provisions from Universal Instruments related to Family, Family Reunification and Family Members' Status

Binding Instruments

Convention Relating to the Status of Refugees of 28 July 1951

Article 12: Personal Status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognised by the law of that State had not become a refugee.

Geneva Convention Relative to the Protection of Civilians Persons
in Time of War of 12 August 1949

- **Article 26:**

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

Protocol Additional to the Geneva Conventions of 21 August 1949,
and Relating to the Protection of Victims of International Armed Conflicts
(Protocol)

- **Article 74: Reunion of Dispersed Families**

The High Contracting Parties and the Parties to the conflict shall facilitate in every possible way the reunion of families dispersed as a result of armed conflicts and shall encourage in particular the work of the humanitarian organisations engaged in this task in accordance with the provisions of the Conventions and of this Protocol and in conformity with their respective security regulations.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating
to the Protection of Victims of Non-international Armed Conflicts (Protocol II)

- **Article 4: Fundamental guarantees**

(...) **3.** Children shall be provided with the care and aid they require, and in particular;

(...) **(b)** All appropriate steps shall be taken to facilitate the reunion of families temporarily separated;

Non-binding Instruments

Final Act of the 1951 United Nations Conference of Plenipotentiaries on the
Status of Refugees and Stateless Persons

- **B. Principle of the unity of the family**

The Conference,

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

Noting with satisfaction that, according to the official commentary of the *ad hoc* Committee on Statelessness and Related Problems (E/1618, p.40), the rights granted to a refugee are extended to members of his family,

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

1. Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country.

2. The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.

Conclusions on the International Protection of Refugees adopted by the
Executive Committee of the High Commissioner's Programme

- **EXCOM Conclusion No. 1 (XXVI): Establishment of the Sub-committee and General**

The Executive Committee,

(...) **(f)** Emphasised that, in keeping with the fundamental principles of family unity, members of refugee families should be given every opportunity to be reunited by being allowed to leave their country of origin;

- **EXCOM Conclusion No. 7 (XXVIII): Expulsion**

The Executive Committee,

(...) **(b)** Recognised that a measure of expulsion may have very serious consequences for a refugee and his immediate family members residing with him;

- **EXCOM Conclusion No. 9 (XXXVIII): Family reunion**

(a) *Reiterated* the fundamental importance of the principle of family reunion;

(b) *Reaffirmed* the co-ordinating role of UNHCR with a view to promoting the reunion of separated refugee families through appropriate interventions with Governments and with intergovernmental and non-governmental organisations;

(c) *Noted* with satisfaction that some measure of progress has been achieved in regard to the reunion of separated refugee families through the efforts currently undertaken by UNHCR;

- **EXCOM Conclusion No. 15 (XXX): Refugees without an asylum country**

The Executive Committee,

(...) **(e)** In the interest of family reunification and for humanitarian reasons, States should facilitate the admission to their territory of at least the spouse and the minor or dependent children of any person to whom temporary refuge or durable asylum has been granted.

- **EXCOM Conclusion No. 22 (XXXII): Protection of asylum seekers in situations of large-scale influx**

II. Measures of protection

B. Treatment of asylum seekers who have been temporarily admitted to a country pending arrangements for a durable solution

(...) **2.** It is therefore essential that asylum seekers who have been temporarily admitted pending arrangements for a durable solution should be treated in accordance with the following minimum basic human standards:

(h) family unity should be respected;

(i) all possible assistance should be given for the tracing of relatives;

- **EXCOM Conclusion No. 24 (XXXII): Family reunification**

The Executive Committee,

Adopted the following conclusions on the reunification of separated refugee families.

1. In application of the Principle of the unity of the family and for obvious humanitarian reasons, every effort should be made to ensure the reunification of separated refugee families.

2. For this purpose it is desirable that countries of asylum and countries of origin support the efforts of the High Commissioner to ensure that the reunification of separated refugee families takes place with the least Possible delay.

3. The generally positive trends in regard to the reunification of separated refugee families are greatly to be welcomed but a number of outstanding problems still need to be resolved.

4. Given the recognized right of everyone to leave any country including his own, countries of origin

should facilitate family reunification by granting exit permission to family members of refugees to enable them to join the refugee abroad.

5. It is hoped that countries of asylum will apply liberal criteria in identifying those family members who can be admitted with a view to promoting a comprehensive reunification of the family.

6. When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not *per se* be considered as an impediment.

7. The separation of refugee families has, in certain regions of the world, given rise to a number of particularly delicate problems relating to unaccompanied minors. Every effort should be made to trace the parents or other close relatives of unaccompanied minors before their resettlement. Efforts to clarify their family situation with sufficient certainty should also be continued after resettlement. Such efforts are of particular importance before an adoption -- involving a severance of links with the natural family -- is decided upon.

8. In order to promote the rapid integration of refugee families in the country of settlement, joining close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.

9. In appropriate cases family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.

• **EXCOM Conclusion No. 47 (XXXVIII): Refugee children**

The Executive Committee,

(...) **(d)** Stressed that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child as well as by the principle of family unity;

(...) **(h)** *Recommended* that children who are accompanied by their parents should be treated as refugees if either of the parents is determined to be a refugee;

(i) *Underlined* the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status, provision for their physical and emotional support and efforts to trace parents or relatives; and in this connection, recalled the relevant paragraphs of Conclusion No. 24 (XXXII) on Family Reunification;

• **EXCOM Conclusion No. 74 (XLV): General**

The Executive Committee,

(...) **(gg)** Urges UNHCR, in co-operation with Governments, other United Nations and international and non-governmental organisations, especially UNICEF and ICRC, to continue its efforts to give special attention to the needs of refugee children, ensuring, in particular, that arrangements are made for their immediate and long-term care, including health nutrition and education, and, in the case of children who are separated from their families, for prompt registration, tracing and family reunion.

Convention on the Rights of the Child of 20 November 1989

• **Article 3:**

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

• **Article 5:**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

• **Article 7:**

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in the field, in particular where the child would otherwise be stateless.

• **Article 8:**

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.

2. Where a child is legally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

• **Article 9:**

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedure, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents, or of the child, that State Party shall, upon request, provide the parents, the child, or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family, unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such request shall of itself entail no adverse consequences for the person(s) concerned.

• **Article 10:**

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further

ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances, personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of State Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognised in the present Convention.

• **Article 16:**

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

• **Article 18:**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

• **Article 20:**

1. A child temporarily or permanently deprived of his or her family environment, and in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or, if necessary, placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

• **Article 22:**

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her

family environment for any reason, as set forth in the present Convention.



Specimen Copies of the Resettlement Registration Form (RRF) and the Medical Assessment Form



Specimen Copy of the Family Reunification Questionnaire
To Follow



Guidelines for the Completion of Resettlement Statistics and Sample STAT2 Forms



Guidance for the Assessment of Cases of Women Refugees

ANNEX

7

Women-at-Risk Programmes

ANNEX

8

Organizational Structure of the Resettlement and Special Cases Section

RESETTLEMENT AND SPECIAL CASES SECTION

DIVISION OF INTERNATIONAL PROTECTION

Distribution of Responsibilities

Direct Fax No. (41 22) 739 7308

Section Telex Code: **RSOOXOPL**

Chief of Section Mr. S. Pitterman

Telephone: 739 8831

Secretary Ms. J. Mbuli

Ext. 8162

SUBJECT AREA*	OFFICERS RESPONSIBLE	Tel. Ext.
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Europe, Latin America, Southern and Eastern Asia Resettlement Handbook and Training	Mr. T. Albrecht	8332
	Ms. G. Giraud	8348
	Ms. C. Barnerias (until June 1998)	7707
Central and Western Asia, Middle East	Mr. M. Khezry	8046
	Ms. C. Gallotta	8063
	Ms. M. Ngoa Azombo	8051
Africa	Ms. C. Hamon	8127
	Ms. F. Van den Boomen	8025
Former Yugoslavia (Individual Cases)	Ms. G. Giraud	8348
Project Control, Resettlement Trust Fund Administrative Support Consultants, Field Staffing Tables	Ms. C. Sartre	8389
Voluntary Repatriation Project	Ms. I. Scherer	8324
Refugees with Special Needs Focal Point	Ms. F. Van den Boomen	8025
Travel Family Reunification Focal Point	Ms. J. Emmerson	8012
Statistics, Resettlement Data Base, Individual Case Files	Mr. E. Corlulu	8453
	Mr. L. Micco	8023

*Casework is managed according to the area of origin of the refugees in question.
1998

15 May

ANNEX

9

List of UNHCR Field Staff with Specific Responsibilities for Resettlement

ANNEX

10

Resettlement Statistics

INDEX

Acceptance.....	V / 46
Adolescents.....	IV / 23, V / 29, VII / 1
Adoption.....	IV / 27, V / 32
AIDS	V / 15
Assessment.....	V / 2
Best interests.....	V / 30, VII / 1
Children.....	
IV / 23, V / 29, VII / 1	
Combatants.....	VII / 11
Convention on the Rights of the Child.....	IV / 23
Convention status.....	III / 2
Counselling.....	VI
Criminal records.....	VII / 11
Criteria for resettlement.....	IV
Cultural orientation.....	V / 47
Departure arrangements.....	V / 47
Dependency.....	IV / 19
Detention.....	IV / 5, V / 4
Disabilities.....	IV / 9
Diseases.....	IV / 9
Durable solutions.....	II / 1

Elderly	IV / 30
Electronic submission process.....	V / 9, IX / 2
Emergency submissions.....	V / 42
Exclusion clauses.....	III / 5
Expulsion.....	IV / 5
Family reunification.....	IV / 16, V / 19, V / 34
Family unity.....	IV / 9, IV / 16, V / 31
Financial assistance.....	V / 24
Gender-related persecution.....	IV / 14
HIV/AIDS.....	V / 15
Human rights.....	IV / 6
Identification.....	V / 1
International Organization for Migration (IOM).....	X / 1
Interpreters.....	V / 6
Interviewing.....	V / 4
Irregular movers.....	VII / 6
Language training.....	V / 47
Legal protection needs.....	IV / 5
Local integration prospects.....	IV / 31
Local integration.....	II / 4
Mandate refugee.....	III / 2
Media	X / 8
Medical needs.....	IV / 8, V / 15
Medical preparations and escorts.....	V / 50
Medical processing.....	X / 3
Medical screening.....	V / 44
Multiple submissions.....	V / 40
Non-governmental organizations.....	X / 3
Nuclear family.....	IV / 20
Physical protection needs.....	IV / 5, IV / 26
Polygamy.....	IV / 20
Prima facie status.....	III / 4
Priority	IV / 9, IV / 19, IV / 33
Procedures.....	V
Processing.....	V / 44
Refoulement.....	IV / 5
Refugee status.....	III, IV / 13
Rejection.....	VI / 4, V / 46
Relatives.....	IV / 21
Reporting.....	IX / 1
Resettlement Registration Form (RRF).....	V / 11
Returnees.....	VII / 6
Security.....	V / 5
Selection missions.....	V / 41
Sexual violence	IV / 14
Special needs.....	V / 12
Specialist staff.....	V / 3

State decision.....	V / 46
Stateless persons.....	VII / 4
Statistics.....	IX / 1
Stowaways.....	VII / 11
Stress	VI / 6
Submission.....	V / 9, V / 40
Torture	IV / 7, V / 14
Tracing	V / 22, V / 32
Training.....	
XI / 1	
Transportation.....	V / 48, X / 2
Travel arrangements.....	V / 24
Travel documents.....	V / 23, V / 47
Travel expenses.....	V / 48
Unaccompanied minors.....	IV / 20, IV / 24
Updating of submissions.....	V / 45
Urban refugees.....	III / 5
Urgent submissions.....	V / 42
Violence.....	IV / 7, V / 14
Visa	V / 23, V / 47
Voluntary repatriation.....	II / 1, II / 6
Withdrawal of resettlement cases.....	V / 44
Women refugees.....	IV / 11
Women-at-risk.....	IV / 11, V / 17

Endnotes

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

¹ See Chapter 7.4 in this Handbook.

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

³ See UNHCR/FOM/58/96 dated 18 July 1996 on Guidelines for International Medical Referral of Refugees under Project VAR/LS/401.

⁴ For details see Chapter 5.5 in this Handbook.

⁵ See Annex 2 for additional references to relevant international provisions.

⁶ Article 74 of Protocol I Additional to the Geneva Convention of 1949. Reproduced in Annex 2.

⁷ See Annex 1.

⁸ These and other relevant articles of the CRC are reproduced in Annex 2.

⁹ One example is the Orderly Departure Programme (ODP) from Vietnam, where UNHCR was requested to undertake special programmes which may even benefit persons not within its mandate who are in need of assistance with family reunification.

¹⁰ The CRC is the treaty which sets the most standards concerning children. While the CRC is not a refugee treaty, refugee children are covered because all CRC rights are to be granted to all persons under 18 years of age (article 1) without discrimination of any kind (article 2). Selected articles of the CRC are reproduced in Annex 2.

¹¹ For details on the *best interests rule* see Chapter 7.1 of this Handbook as well as Chapter 8 of *Refugee Children: Guidelines on Protection and Care*.

¹² See in particular Chapters 10 and 11 of *Refugee Children: Guidelines on Protection and Care*.

¹³ UNHCR's policy on intercountry adoption is elaborated in UNHCR/IOM/59/95-FOM/62/95 on Adoption of Refugee Children dated 22 August 1995. This document also contains relevant articles of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the Recommendation concerning the Application to Refugee Children and other Internationally Displaced Children (1994) of this Convention.

¹ Sample copies of these forms are provided in Annex 3.

² In cases of group submissions, a number of resettlement countries accept less detailed documentation. The particular requirements need to be established on the basis of the specific circumstances.

³ See joint IOM/UNHCR Guidelines on the Management of HIV/AIDS among refugees in Thailand, June 1990.

⁴ See EXCOM Conclusion No. 24 (XXXII), paragraph 8; reproduced in Annex 1.

⁵ See Chapter 3 of this Handbook.

⁶ For details on the *best interests rule* see Chapter 7.1 of this Handbook as well as Chapter 8 of *Refugee Children: Guidelines on Protection and Care*.

⁷ In Africa, all UNHCR referrals are to be routed to the Regional Resettlement Officer in UNHCR Branch Office Nairobi, Kenya, for onwards transmission to the U.S. Refugee Coordinator in Nairobi.

⁸ Pre-screening of files at the capital is generally not required by Canada and the United States of America.

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

UNHCR/IOM/90/97-FOM/95/97 dated 12 December 1997

¹ UNHCR/IOM/39/97-FOM/44/97 of 27 May 1997 on Cooperation between UNHCR and IOM. This document governs the relations between the two institutions and provides the broad framework for achieving complementarity of the activities world-wide of UNHCR and IOM.

² The following UNHCR offices cover principal resettlement countries: Regional Office Canberra (Australia and New Zealand), Branch Office Ottawa (Canada), Regional Office Stockholm (Denmark, Finland, Norway and Sweden), Liaison Office The Hague (The Netherlands), Unit for Switzerland at Headquarters (Switzerland), Regional Office Washington (United States of America).

This figure includes Amerasians and their family members who enter as immigrants under a special statutory provision but receive the same as benefits as refugees.

In addition to the 75,000 admissions numbers that are funded under the President's Budget Proposal, we propose to make an additional 8,000 admissions numbers available if needed (5,000 for the Former Soviet Union and 3,000 for the rest of the world) and if necessary funding can be identified within existing appropriations for the Department of State and Health and Human Services.

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