

EXPERTS INITIATIVE ON THE GLOBAL COMPACT ON REFUGEES

On October 2-3, 2017, the Zolberg Institute on Migration and Mobility of The New School convened a meeting of experts on refugee law and policy to deliberate on, and to make concrete recommendations for, the Global Compact on Refugees (GCR). The meeting was convened with support from the Open Society Policy Center and held at the offices of the Open Society Foundations in New York City.

The following is a working paper prepared for the Experts Group.

Promoting Equity in Resettlement: A Proposal for the Global Compact on Refugees

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Problem

Resettlement is sometimes referred to as a golden lottery ticket. Not only is it available to relatively few refugees, historically its use has been far from equitable. Depending on the population and location, refugees have had radically disparate chances of accessing resettlement. Prior to the 1990s, resettlement countries named the populations that they would accept and the U.S., as the largest receiving country, set up its own hubs to process these populations of concern. Most resettlement took place near these hubs. In 1995, the U.S. radically redefined its eligibility criteria and shifted primary responsibility for the identification and referral process to UNHCR, designating any case of any nationality referred by UNHCR as a Priority 1 referral.

The new U.S. policy was a positive step towards expanding access to resettlement for populations that had not previously benefited. However, the expansion of capacity to conduct resettlement activities in more locations proceeded slowly. As UNHCR was expected to generate an ever-increasing number of resettlement referrals to fill the quotas of existing and emerging resettlement countries (and to make up for the decline of the large Indochinese and Soviet caseloads), an inevitable focus was often on potential high-volume locations with fewer logistical complications.

This may have been particularly true of Africa, the continent whose resettlement trends RefugePoint has studied most closely. A document prepared by UNHCR's Resettlement Service in 2000 reported that, "as recently as 1997, more than three-quarters of the refugees resettled from Africa were Somalis in Kenya."¹

Discussion

UNHCR and its partners have made commendable strides in ensuring that resettlement is now more equitable, with expanded access points in many more countries, and established criteria to identify those most in need. In 2016, UNHCR reports² that in Africa alone it referred 29 nationalities for resettlement from 34 countries of asylum, a record high on both counts, while simultaneously referring the highest number from Africa ever – 43,978.

While UNHCR now reports retrospectively each year on the number of nationalities and countries of asylum from which it referred, there are no forward-looking targets set around these numbers or any other proxy for equitable access to resettlement. The only targets that are routinely set by UNHCR and resettlement countries are "volume" targets – total numbers of refugees referred for resettlement overall and at regional levels.³

RefugePoint has proposed that UNHCR consider measures for equity to complement the measures of volume. One proposal has been to take as a benchmark the average of 1% of the global refugee population referred for resettlement each year. It seems safe to assume that at least 1% of any population is at heightened risk and cannot stay safely where they are. Applying this lens to each country of asylum would focus attention on the reasons that the countries are meeting, exceeding or falling short of the 1% benchmark. Reasons for falling short are often very valid, given the context and strategies employed in particular countries. But in some cases, this analysis can reveal gaps in resources, capacity, training or other issues that are solvable.

¹ UNHCR Resettlement Section, Background Note for the Agenda Item: Reflection on the Changing Nature of Resettlement and the Impact upon the Operational Environment, "Evolution of Resettlement Policy and Refocusing of Operations Worldwide." Prepared for the Annual Tripartite Consultations on Resettlement, Geneva, Switzerland, 3 July 2000 (on file with the author).

² UNHCR 2018 Projected Global Resettlement Needs (June 2017).

³ UNHCR's Projected Global Resettlement Needs document includes country-level resettlement targets but they are treated as soft targets and for the past several years (excepting the 2018 document) the report-back has only been on the "Top 10s," which has the effect of obscuring where there are challenges reaching the targets in the other 80 some countries from which some degree of resettlement takes place.

Without an indicator around equity to keep the resettlement community's attention focused on this, there is a risk of backsliding into a "numbers game" of filling quotas against urgent deadlines with easily accessed populations. We also miss the opportunity to tell a "good news" story by highlighting the vast improvements in equity that have been made since 1997. Finally, keeping an eye on equity is smart management of a complex resettlement system to maintain a steady "pipeline." It wasn't long ago that thousands of resettlement slots would go unused each year due to unforeseen blockages in the high-producing hub sites.⁴

Proposal

The Comprehensive Refugee Response Framework (CRRF) promotes equity on the receiving side of resettlement, i.e. equitable responsibility-sharing among states. We propose that equity issues on the sending side of resettlement not be overlooked.

The main language in the CRRF relating to resettlement is found in paragraphs 14-16. These paragraphs focus on "third countries" – existing and prospective resettlement countries – and what they are encouraged to do to expand resettlement opportunities. A corollary ask of UNHCR and its operational partners might be to expand access points to resettlement and ensure a measure of equity in the resettlement process.

A draft monitoring framework for the application of the CRRF created by UNHCR and circulated to NGOs in June (annexed here) includes a few proposed indicators around resettlement under "Objective 3: Expand Third-Country Solutions," namely:

- Increase in the number of countries with resettlement programmes
- Increase in the number of resettlement spaces made available
- Expansion of access to third countries through complementary pathways to admission

We propose that some measure of equitable access to resettlement be added, such as:

- Increase in the number of nationalities referred for resettlement and the number of countries of asylum from which refugees are referred

and/or

⁴ A stark example of this is the severe drop in resettlement referrals in 2012, due in part to security issues in the Dadaab camp in Kenya, which prevented resettlement processing at the high volume expected

- Increase in the number of countries of asylum from which at least 1% of the refugee population is referred for resettlement annually

Conclusion

With few resettlement slots available in relation to the global need, it is all the more incumbent on the resettlement community to ensure that the slots are used as equitably as possible, so that access to resettlement is not simply an accident of geography. A benchmark of 1% per host country would do much to help ensure predictable planning and would facilitate the annual process of setting country-level targets, with each UNHCR country office asked to rationalize its targets in relation to the benchmark. The “pull factor” of resettlement would also be mitigated if it were available in more countries. Secondary migration to resettlement hub locations depletes refugees’ assets and heightens their vulnerabilities.

Annex:

UNHCR: “Draft Monitoring Framework and Indicators for the Application of the Comprehensive Refugee Response Framework” (June 2017)