

FORCED MIGRATION

review

Issue 54
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Resettlement



Plus:
a mini-feature on
post-deportation
risks and monitoring
and
a selection of articles
on other aspects of
forced migration



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Forced Migration Review

(FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford.

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Front cover image:

This 15-year-old Syrian boy's family is hoping to be resettled in Canada and is in the final stages of assessment. They live in a two-room shelter in an informal refugee settlement in Lebanon. He keeps his suitcase packed. UNHCR/Sebastian Rich

Why have we pixellated his face?
See www.fmreview.org/photo-policy



From the editors

Resettlement is receiving greater prominence in the context of the recent surge in numbers of refugees. This traditional 'durable solution' – the managed movement of refugees to a safe third country – already affects many thousands of refugees every year, the communities they move into, the people they leave behind and the agencies that work with them. With the prospect that numbers will continue to rise, this is an opportunity both to try new approaches and to re-examine old ones.

This issue of FMR looks at some of the modalities and challenges of resettlement in order to shed light on debates such as how – and how well – resettlement is managed, whether it is a good use of the funds and energy it uses, and whether it is a good solution for refugees. Case-studies draw in particular on some of the countries that resettle the largest numbers of refugees.

While this issue of FMR was going to press, US President Donald Trump signed an executive order indefinitely banning all Syrian refugees from entering the US and suspending the country's broader refugee programme for 120 days. After this the programme would be much smaller, with the total number of refugees resettled in the US in 2017 more than halved – to 50,000 from 110,000. As the US has the largest refugee resettlement programme in the world by far, this would have a significant impact on global resettlement.

This issue of FMR also contains a mini-feature on **Post-deportation risks and monitoring** and a selection of articles on other forced migration topics.

Formats and languages: The full issue and all the individual articles in this issue are online in html, pdf and audio formats at www.fmreview.org/resettlement. FMR 54 and its accompanying digest (which provides introductions to all articles plus QR/web links) will be available free of charge online and in print in English, Arabic, French and Spanish.

If you would like printed copies of either the magazine or the digest, in any language, please email us at fmr@qeh.ox.ac.uk.

Please disseminate this issue through your networks, mention it on Twitter and Facebook, and add it to resources lists.

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Forthcoming issues and feature themes:

- FMR 55: Shelter in displacement (due out June 2017)
- FMR 56: Latin America and the Caribbean (due out October 2017)
- FMR 57: Non-signatories to the 1951 Refugee Convention (due out February 2018)

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Marion Couldrey and Maurice Herson
Editors, Forced Migration Review

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Practical considerations for effective resettlement

William Lacy Swing

Certain essential elements of resettlement programming benefit both refugees and the states undertaking to receive them. IOM believes that this holds true regardless of the type of resettlement scheme, the destination country or the profile of the refugees being assisted.

Resettlement is a vital tool for international protection and a durable solution for some of the most vulnerable people in the world. Though not an option for the vast majority of refugees, resettlement gives real hope and a chance to begin life anew to many who would otherwise have neither home nor country to call their own.

The number of persons resettled annually is on the rise, yet the number of places being made available is vastly disproportionate to global needs. States are therefore increasingly considering other pathways to provide protection to refugees who have compelling needs for international protection. Beyond classic refugee resettlement, more states are interested in or are carrying out humanitarian admissions, private sponsorship and other options such as academic scholarships and labour mobility schemes.

Since 1951, the International Organization for Migration (IOM) has worked closely with governments, the UN Refugee Agency (UNHCR), civil society and other partners to prepare refugees to resettle and prepare states to receive them. While IOM supports the development of alternative pathways, it believes that all such schemes should not only provide and safeguard legal protection but also foster refugees' integration and economic participation in new societies, whatever the legal nature of the scheme.

On the basis of sixty-five years of experience with resettlement, IOM recommends exploration of two broad approaches: refugee-centric programming, and planning and preparation. Underpinning both is the ever-present need for close, regular consultation with all concerned, and strong, informed partnerships; resettlement is complex and resource-intensive and must involve the synchronised actions of many partners within and outside the state.

Refugee-centric programming

Successful resettlement programmes are refugee-centric and have protection as their main driver. Resettlement programming should include a range of pre-departure and post-arrival services, and be designed and implemented to support refugees and counterparts at every phase of the resettlement process. This means ensuring that refugees move in a safe and dignified manner and that they are empowered, well informed and properly prepared for third-country resettlement and integration into welcoming communities.

The need to involve, empower and prepare refugees applies whether states are resettling one hundred people or one hundred thousand people. Refugees are eager to learn as much as they can about the resettlement process and what awaits them in resettlement countries (those countries offering to resettle refugees) with or without the intervention of official resettlement actors. This means that people seeking to be resettled can and do misconstrue or pick up inaccurate information which may influence their decision to undertake resettlement. Providing refugees with accurate, objective information about the resettlement process and the country of destination can help refugees to participate actively in the process and make an informed decision about resettlement.

Planning and preparation

Careful programming before departure lays the foundation for successful integration. During the planning phase, resettlement countries should engage with refugee-hosting countries early on to gain their support for programme objectives and should consult with appropriate parties to set realistic time frames and to develop a predictable and manageable refugee departure and arrival

pipeline. Government officials in resettlement countries should coordinate closely with receiving communities to ensure that sufficient reception capacity is available.

At some point – and better earlier than later – all stakeholders will need to consider the needs and concerns of each refugee, their health and well-being, arrangements for their safe travel, and the prospect of their meaningful integration.

States need to ensure timely, high-quality processing of resettlement applications. Hallmarks of successful case-processing services include: adherence to standard operating procedures; strict confidentiality and data protection standards; multi-level quality assurance controls; and robust anti-fraud measures. Case processing should also include information sharing with relevant settlement parties to provide them with an accurate account of refugees' skills, capacities and desires, and potential contacts in the receiving communities. This information can help the resettlement agency place refugees in a location which offers a better chance of successfully integrating.

Health assessments in the pre-departure phase of resettlement are increasingly recognised as an important tool for public health promotion and disease prevention. Health checks prior to resettlement and addressing refugees' health needs early on can also be cost-effective in reducing the demand for domestic health or social services in the destination country. Health-related assistance before, during and after travel is a key requirement to ensuring a safe and dignified journey for refugees with medical conditions or other health needs. Referrals for additional investigations or stabilisation treatment prior to departure, special travel arrangements and the provision of medical escorts are all important components in mitigating risk during travel. The efficient, timely exchange of medical information also allows resettlement agencies to prepare adequately for the arrival of refugees and ensure continuity of care.

Pre-departure orientation goes far beyond simply sharing information about the receiving country; it prepares refugees by helping them to develop the skills and

attitudes they will need in order to succeed in their new environment. It also addresses the psychosocial well-being of refugees, taking into account the social, anthropological, cultural and psychological aspects of resettlement. Orientation must address the real concerns of participants, and emphasise cultural adaptation, inter-generational communication, gender roles, changing family dynamics and other challenges.

Innovative approaches to pre-departure orientation can be used to reinforce the linkages between refugees before they leave and people in receiving communities. For example, the use of video-conferencing before arrival can add a reassuring human touch to the process by introducing social workers or previously resettled refugees who can act as mentors for refugees going to that same country. It builds trust between people and can help in managing expectations of refugees and address any fears they may have. In addition, the time between selection and departure can best be used to improve refugees' prospects for labour market integration by building their confidence, preparing them for interviews, identifying transferable skills and encouraging them to pursue both language and vocational skills training after their arrival.

Ensuring the safe and dignified movement of refugees is central to any resettlement operation. Many refugees are new travellers with little, if any, experience of air travel, and they require close assistance to find their way through formal procedures in preparation for travel, during transit and upon arrival at their final destination. IOM's experience is that moving individuals or groups, especially from remote and sometimes dangerous locations, requires a large network of experienced operations staff attuned to the needs of vulnerable travellers in order to guide and monitor movements in real time from take-off to landing.

Conclusion

The resettlement community is at a watershed not only because an increasingly large number of refugees are in desperate need of a third country solution but also because

the current international response is gravely inadequate. There is an urgent need for more reliable funding, more resettlement countries, larger and more predictable quotas and wider inclusion of beneficiaries.

IOM is pleased to see resettlement once again in the limelight. In the wake of the Leaders' Summit on Refugees in September 2016 and given current work to develop global compacts on refugees and migrants, IOM continues to urge states to exercise leadership with compassion, and generosity toward

refugees and vulnerable migrants in need of protection, including through resettlement.

Ultimately, resettlement is not about programming, processes or procedures; it is about providing sometimes life-saving but always life-changing international protection to fellow human beings in need. As resettlement practitioners, we need to do our best to help their lives change for the better.

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The resettlement of Hungarian refugees in 1956

Amanda Cellini

Around the 60th anniversary of the Hungarian uprising it is worth looking back on the efforts to resettle refugees to see that debates about how to help are timeless.

During the suppression of the uprising that took place in Hungary in October 1956, some 180,000 Hungarians fled to Austria and another 20,000 to Yugoslavia. The response to those who fled is considered one of the most successful demonstrations of international solidarity to find solutions to forced migration: nearly 180,000 Hungarians were resettled to 37 countries within three years.

Hungary had erected a so-called Iron Curtain along the border with Austria at the end of 1949, a deadly system of barbed-wire fences, watchtowers and landmines intended – at the start of the Cold War – to prevent Hungarian citizens fleeing to the West. Then between May and October of 1956, the physical border and minefield were largely dismantled by Hungary. The Hungarian uprising and the flight of Hungarians to Austria began within the next few days.

Austria showed openness and willingness to welcome the refugees, noting their *prima facie* status under the 1951 Refugee Convention. Concerned for his government's ability to handle the vast number of people suddenly arriving in Austria, Interior Minister Oskar Helmer quickly appealed to the United Nations and specific countries for assistance.

On 5th November, Helmer sent a telegram to the newly established UN Refugee

Agency, UNHCR, and the Intergovernmental Committee for European Migration (now the International Organization for Migration) specifically requesting financial support for Austria and expressing his hope that most of the refugees could soon be relocated to third countries:

FURTHERMORE EARLY TEMPORARY ACCEPTANCE OF AS GREAT A NUMBER AS POSSIBLE OF THESE REFUGEES BY EUROPEAN STATES IS URGENTLY REQUESTED STOP! THE FEDERAL GOVERNMENT APPEALS TO THE FEELINGS OF SOLIDARITY IN HELPING REFUGEES WHICH HAS SO OFTEN BEEN EVIDENCED IN THE PAST

On the same day UNHCR sent an appeal to the 20 member states of the UN Refugee Fund Executive Committee stressing the importance of showing solidarity to the refugees and to Austria:

IN OUR AND AUSTRIAN GOVERNMENTS OPINION EXTREMELY EFFECTIVE HELP WOULD ALSO BE PROVIDED IF GOVERNMENTS SYMPATHETIC TO THE TRIALS OF HUNGARIAN PEOPLE WOULD AGREE TO GIVE AT LEAST TEMPORARY ASYLUM TO GREATEST POSSIBLE NUMBER

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OF REFUGEES STOP YOUR GOVERNMENT IS THEREFORE URGENTLY REQUESTED TO GIVE CONSIDERATION TO THIS POSSIBILITY IN ADDITION TO FINANCIAL AID FOR THESE REFUGEES STOP SERVICES OF THIS OFFICE ARE AVAILABLE TO ASSIST IN SELECTION

The UN General Assembly – otherwise occupied with the Suez Canal crisis happening concurrently – also called for help but did not mention the resettlement of refugees specifically until 21st November. Appeals for assistance continued through November from the Austrian representative to the UN, through additional direct appeals via telegram by the UN Secretary-General and UNHCR, and through Resolutions in the UN General Assembly.

As early as 7th November, the French Red Cross flew a plane loaded with medical supplies to the Austrian capital Vienna and brought refugees back on the return flight. On 8th November, the first of many trains moved more than 400 refugees to Switzerland. Buses from Sweden and additional trains from Belgium and the Netherlands transported refugees on 9th November. By 28th November, a total of nine European countries had already resettled 21,669 refugees; by 31st December, 92,950 had been transported out of Austria. In total, 37 countries around the world resettled nearly 180,000 Hungarians.

Sweden was one of the first countries to respond to the call for solidarity, resettling Hungarian refugees from Austria just days after the uprising began. Sweden also had national politicians

campaigning in the UN system, urging other states to take more refugees, including the ‘harder’ cases. Norway, on the other hand, chose to watch, wait and see how the situation evolved on the ground before committing more than financial assistance to Austria.

Sweden

By 6th November, the decision to resettle Hungarian refugees was made by Sweden’s Minister of Aid and Immigration, Ulla Lindström. On the following day, camps in Austria were contacted to coordinate selection, and a Swedish delegation was sent. The Labour Board began planning the selection process as well as the process for reception of those resettled. On 12th November, 73 children and 30



Hungarian refugees in Austria taking a train to Switzerland, their new country of asylum, in 1956.

mothers went via train from Vienna to Malmö; on the following day, busloads of Hungarian men headed towards Sweden.

On 15th November, a new request for a larger quota came from UNHCR. Support from the public and newspapers also argued for a larger number of refugees to come to Sweden and on 21st November it was decided that another 2,000 should be resettled. Quotas were further increased on 7th December and 8th February 1957.

Interestingly, on 23rd November, Minister Lindström spoke to the UN about Sweden's refugee policy on the Hungarians, noting how it can be especially beneficial to take in the old and the sick. She noted that there should be motivation by all states to help with the harder cases as well as the need for Sweden to take in those who could easily be integrated into the labour market. "The best thing to give a resettled refugee", she argued, "would be a chance – and a job." By the end of 1958, more than 7,300 Hungarians were resettled to Sweden.

Norway

Norway was slower to allow resettlement compared with other countries, and preferred to wait and see if the situation evolved. Three days after the Soviet invasion, on 27th October, 70,000 Norwegian Krone was allocated for emergency relief for Hungarian refugees who had begun to appear in Austria. Through the first week of November, reports requested by the government from its permanent delegate in Geneva argued that the situation on the ground was still unclear; it was thought that the majority of refugees wanted to stay close to Hungary in the hope of eventual return. Despite acknowledging requests from UNHCR and the Austrian government to directly resettle refugees – and despite growing public opinion in Norway supporting the refugee cause – the government was advised to offer only financial assistance for the refugees where they were, in Austria.

Debates in the Norwegian parliament on 16th and 26th November revolved around how much funding to allocate to the refugee situation. All but one member of

parliament urged caution and restraint while waiting to see how the situation unfolded. After another direct appeal from UNHCR for resettlement, a debate on 30th November acknowledged the need to strike a balance between helping people in Austria and resettling them to Norway.

During a meeting on 6th December between the Ministry of Social Affairs and the newly established Board for the Resettlement of Hungarian Refugees to Norway, it was noted that Sweden was taking in 100-130 refugees a day, and it was hoped to bring 100 refugees to Norway by late December. By 13th December 1956, the first transport of Hungarians to Norway arrived. By the end of 1957, nearly 1,500 Hungarians had been resettled to Norway, including tuberculosis patients and their families.

The internal debates in Sweden and Norway in 1956 parallel those in 2015, when countries in Europe were attempting to respond to a sudden influx of refugees and asylum seekers. Sweden's reaction in 2015 echoed the speed of its response in 1956: along with Germany, it was one of the first and only European countries to let refugees and asylum seekers in before eventually pausing to question whether they had the capacity. Norway, by contrast, first held a large domestic debate pitting the merits of increasing the annual quota with specific spots allocated for Syrians against simply donating money to countries neighbouring Syria hosting large refugee camps, before deciding both to increase their resettlement quota and to donate money to the region.

As the experiences of Sweden and Norway demonstrate, the years may pass but domestic debates about solidarity and how best to respond to flows of refugees and asylum seekers appear to remain constant.

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1. 'STOP' was frequently used in telegrams at the end of sentences (in preference to a dot, which was anyway charged as a full word) to avoid messages being misunderstood. Telegrams were always composed and printed in CAPITAL LETTERS.

The internationalisation of resettlement: lessons from Syria and Bhutan

Carol Batchelor and Edwina O'Shea

There is clearly political will to engage more on refugee issues through resettlement. A defining feature of this effort is its internationalisation.

Broadly speaking, the internationalisation of resettlement means enhanced cooperation and coordination between states and UNHCR, the UN Refugee Agency, in three inter-related spheres: operational planning and experience-sharing between resettlement states, both traditional and new or emerging; increasing the numbers of resettlement places; and enhanced dialogue with hosting countries.

Established in the mid-1990s, the Working Group on Resettlement (WGR) and the Annual Tripartite Consultations on Resettlement (ATCR) are the principal multilateral institutions in which states, UNHCR and non-governmental organisations (NGOs) engage on issues specific to the resettlement of refugees. One result of the WGR and ATCR forums has been the agreement of resettlement states and UNHCR to create 'core' and 'contact' groups for resettlement cooperation for particular populations. Core groups are advocacy-, policy- and operations-oriented while contact groups are mainly operationally focused.

Core and contact groups are, in principle, state led, but UNHCR plays a catalytic role in bringing states together to achieve results. UNHCR is well placed to identify protection needs but it also plays an important advisory role and provides technical support for states in resettlement programme design, selection, adjudication and settlement. Implementing effective resettlement programmes through high-quality and efficient processing models with robust integrity safeguards and managing refugee expectations are key aims of internationalisation in resettlement.

Collaboration over Syria and Bhutan

The Syria and Bhutan examples emerged from very different contexts. The Bhutanese Core Group (BCG) was formed in 2005 following decades of displacement and

15 rounds of failed talks between Bhutan and Nepal on repatriation and local integration. The Syria Core Group (SCG) was formed in 2013, quite early in the emergency phase of the Syria response.

The Syria resettlement response resulted in the largest resettlement commitments in recent history and the fastest processing, for which new processing approaches were successfully tried. Tools were developed including counselling templates for responding to questions frequently asked by refugees about the process and a resources website, with a view to improving the provision of information to those seeking resettlement. The SCG has provided a forum for states to support each other in upholding respect for international protection principles in resettlement programme design and delivery.

The Bhutanese Core Group (BCG) supported several countries to process Bhutanese refugees in Nepal as members of a group which had been defined as in need of resettlement. This saved considerable time and resources. The BCG members also exchanged fraud prevention information and shared the purpose-built IOM transit centre in the Nepalese capital Kathmandu. Their dialogue led to operational and policy convergence and a willingness to work together on standards.

The SCG aimed to secure sustainable multi-year commitments from resettlement states, both traditional and emerging. Success to date has been impressive, with over 224,000 spaces pledged for resettlement and other pathways. The SCG involved NGOs in mobilising domestic support for increasing resettlement and complementary pathways by generating more political attention on the issues.

While the BCG did not garner as much political attention as the SCG, it did manage



Rwandan refugee resettled in Santiago, Chile.

to increase resettlement commitments over time. Ultimately, over 100,000 Bhutanese were resettled.¹ The BCG member states issued a communiqué announcing their collective resettlement commitments and called on Nepal and Bhutan to join them in the pursuit of other durable solutions.²

Host country involvement

Engagement with host countries aims to deepen understanding of resettlement processing and to sensitise host governments to the role that resettlement plays as part of a broader humanitarian response. This engagement recognises host governments' current contribution to refugee protection (for example, by keeping open borders or facilitating registration or providing access to schools or hospitals). It also raises awareness of the scale of resettlement and the resources involved, while gaining crucial support from the host country in order to help facilitate the resettlement process. UNHCR plays a critical role in enabling this engagement as it works with a range of host state agencies across security, public health, education, diplomatic and social services. Bringing these officials together can raise awareness of how their work can affect burden sharing through resettlement efforts. This is especially effective when emerging resettlement countries and donor countries join in with traditional

resettlement countries in the dialogue.

An SCG Host Country Resettlement Group was formed in Geneva with participants from Jordan, Iraq, Lebanon, Turkey and Egypt to raise awareness; SCG meetings also take place in regional capitals. Core group engagement in the name of over 20

countries lends weight in dialogue with host countries, which can serve to improve levels of facilitation or achieve a more cooperative approach; the host communities feel a sense of solidarity beyond financial support.

Conclusion

These core groups have taught us that internationalisation of resettlement requires strong state leadership and active chairing, building on UNHCR's broader relationship with host governments. In addition, harnessing civil society efforts to advocate for more robust responses to help refugees, including through resettlement, can garner much-needed political will and action. Perhaps most importantly, refugees themselves need clear, consistent and relevant information about the resettlement process in order to make informed decisions about their future. Common counselling products have gone some way to addressing this.

These internationalised efforts have brought important protection dividends in both contexts including the expansion of the protection space in host countries and the alleviation of pressures on critical health and social services by resettling the most vulnerable. The multilateral efforts generated a multiplier effect of more countries becoming involved and more resettlement spaces being offered. The

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internationalisation of resettlement provides the means to pursue more lofty goals like those outlined in the concept of the strategic use of resettlement.³ Internationalisation is about how we do things, not why we do things or what we hope to achieve.

Resettlement is often sidelined in broader debates about solutions because it is seen as too limited in scope to matter. But resettlement is a critical protection tool that saves lives and that must be accessible to those with protection needs particularly in instances where other solutions will not be possible. The attention paid to expansion of resettlement and other legal pathways

at the September 2016 UN Summit for Refugees and Migrants is encouraging.⁴

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1. See press release <http://bit.ly/BhutanCoreGroup-communicue>
2. https://nepal.usembassy.gov/bhutan_05-16-2007.html
3. See UNHCR (2013) *Great expectations: A review of the strategic use of resettlement* www.refworld.org/docid/520a407d4.html
4. See the New York Declaration <https://refugeemigrants.un.org/declaration>

Surge and selection: power in the refugee resettlement regime

Annelisa Lindsay

There is an imbalance of power – and a resulting lack of agency for refugees – in the structure of the current resettlement regime. The top-down process of selection also poses ethical dilemmas, as recent surges in resettlement operations show.

Of the three durable solutions, resettlement is often the last option advocated by the UN Refugee Agency, UNHCR, and the last option desired by refugees. Yet in many conflicts there comes a tipping point at which UNHCR works with states to seek resettlement for a select few refugees. Less than 1% of all refugees receive the option to resettle in a third country.

How does a refugee become one of the few? The answer is: refugees usually cannot choose. The current structure of the resettlement regime requires UNHCR to choose refugees first and then to refer them to states. States then decide whether or not to accept them.

The refugee resettlement regime is designed to identify and protect the 'most vulnerable' refugees. At its core lies the 1951 Convention definition of a refugee, which UNHCR uses to conduct refugee status determinations and register refugees in countries of asylum. Given limited resettlement places offered by receiving

countries, UNHCR has developed seven prioritisation categories to identify refugees with more serious or urgent protection needs. UNHCR sorts, filters and prioritises refugees in accordance with these categories to make referrals for resettlement to states. The resettlement referral selection process varies by region and UNHCR office, and protection officers may use participatory assessments, the Heightened Risk Identification Tool, or other referrals to identify the most vulnerable refugees for resettlement.

The *UNHCR Resettlement Handbook* states that selection "should not be based on the desire of any specific actors, such as the host State, resettlement States, other partners, or UNHCR staff themselves."¹ In reality, very few states accept refugees for resettlement on a 'dossier' basis, that is, without further scrutiny of individual cases or additional selection criteria. In fact, most states assert their own specific selection criteria, thus creating the final layer of selection in the resettlement regime. Often

underlying these additional criteria are societal and political desires. Some states choose refugees who already speak the local language or have advanced education and professional skills, with an interest in refugees' ability to integrate into society with little assistance. Other states prioritise protecting refugees with urgent medical needs. Some state-specific requirements correspond with political or fiscal calendars in order to meet campaign promises or to match allocated budgets. Some states have resettlement quotas or ceilings, which may be further defined by refugee nationality.

The *Handbook* also emphasises that UNHCR bases selection on the "refugee's objective need for resettlement and not on their subjective desire for it." That resettlement is not a right is often repeated to help convey this message, perhaps so as to reassure states of their sovereignty and to temper the expectations of refugees themselves. Refugees themselves have very little choice in the resettlement system. Refugees usually cannot proactively apply for resettlement. Even refugees selected for resettlement cannot choose to which country they will be resettled. Ultimately, the only agency that refugees possess in the resettlement regime is the choice **not** to resettle if they have been offered resettlement.

As a result, the resettlement regime currently empowers UNHCR and states and leaves refugees without much agency in the decision, despite UNHCR's promotion of self-reliance as a core goal of durable solutions.² This imbalance of power requires more scrutiny, a need that became even more evident in recent efforts for Syrian refugee resettlement.

Surges in resettlement of Syrians

Since 2013, UNHCR has referred over 242,000 Syrian refugees for resettlement or other forms of admission to third countries³ and has employed various strategies to quickly meet states' pledges to resettle Syrians. First, it prioritised sending refugees to resettlement countries with the most urgent resettlement windows. Several states were new to resettlement or had time-sensitive political

commitments, so UNHCR ensured that they received the first arrivals of resettled Syrians.

Several states, including Canada and the United States (US), implemented 'surge' resettlement operations – that is, expedited processing – to resettle especially large numbers of Syrian refugees in short periods of time. In late 2015, the Canadian government expedited the resettlement process for Syrian refugees in Jordan and Lebanon, culminating in the arrival of 25,000 Syrian refugees in Canada. In early 2016, the US followed suit, undertaking a similar surge operation in Jordan.⁴

As part of these surge operations, UNHCR and states applied additional selection criteria to further profile and expedite refugee referrals. The Canadian government prioritised "vulnerable refugees who were a low security risk, such as women at risk and complete families."⁵ The US government also focused on "particularly survivors of violence and torture, those with severe medical conditions, and women and children – consistent with our national security."⁶ Rationales for additional selection criteria ranged from reducing processing times by screening out refugees likely to be barred under exclusion clauses to minimising security risks by selecting families and children over single men of fighting age.

In response to these requests, UNHCR developed 'streamlined resettlement methodologies' to support expedited processing, including the Humanitarian Transfer Programme with Canada and the Simplified Identification Form with the US.⁷ Both governments deployed additional government officials to the surge processing locations to conduct final determinations of individual refugees' eligibility for resettlement.

In addition to the enhanced selection criteria in these resettlement surges, the time and place of the operations served as an additional and unintended selection factor influencing refugees' opportunity for resettlement. From autumn 2015 through summer 2016, resettlement opportunities for Syrian refugees in Jordan and Lebanon drastically increased compared to those

available to Syrian refugees in Turkey and Iraq. This caused a disproportionate increase in probability of selection for resettlement.

Conclusions

Examining power and agency in the structure of the resettlement regime and the use of 'surges' as a resettlement strategy is important in order to inform UNHCR's and states' resettlement policies. Just as states have previously used surge operations to meet exceptional need,⁸ states may continue to use similar strategies – especially as UNHCR plans to refer 170,000 refugees out of the 1.19 million that will need resettlement in 2017. However, the current selection process in the resettlement regime is in direct contradiction to UNHCR's policy of minimising the impact of state preferences on resettlement and of promoting refugee self-reliance as integral to all durable solutions. The resulting ethical question is: do the ends justify the means?

A pragmatic perspective would emphasise the need for selection criteria to narrow down the supply of refugees that is greater than the demand for resettlement from states. UNHCR's current selection criteria constitute the necessary process for the resettlement regime to function within these confines. This methodology is founded on international law and built upon by humanitarian imperative and morality. This selection process does offer a pathway to protection, self-reliance and increased agency for thousands of refugees, so the ends do justify the means.

An ethical analysis, however, reveals that resettlement is no exception to the stark imbalance of power that permeates most of humanitarian assistance. In reality, UNHCR and states reserve the power to choose which refugees are more worthy of resettlement. Refugees have limited or no voice in the decision-making process and no power to proactively apply for resettlement as an option for their future. Instead, their future rests on the political will of UNHCR and states.

UNHCR bears the difficult burden of balancing the interests of states and the interests of populations of concern, and the imbalance of power between the two is in critical need of further examination.

Instead of accepting the status quo because it yields results, resettlement stakeholders should ask how the process of selection can be improved to reflect the common goal of empowering refugees, while acknowledging the sovereignty of states.

As UNHCR and states work together to balance needs for resettlement and political will to welcome refugees amid increasingly antagonistic domestic political environments, they should also work to ensure that power is more evenly distributed. Refugees should no longer be left with such little decision-making power regarding resettlement in a third country. UNHCR should not sacrifice its participatory approaches for the sake of expedience. Instead, it could at least adopt more equal-opportunity strategies for initial selection, where refugees could have equal chances for consideration for resettlement. In recognition of the sovereignty of states, refugees selected for resettlement would still be subject to state-specific requirements; however, UNHCR should encourage states not to narrow selection criteria so much as to be at odds with the intent and purposes of the Refugee Convention.

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This article is written in a personal capacity.

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A 'successful' refugee resettlement programme: the case of Nepal

Bipin Ghimire

More than 100,000 Bhutanese refugees have been found homes in third countries. The other side to the story of this successful resettlement programme, however, is the failure to tackle the impact it has had on the remaining camp populations.

At present, the refugee camps in eastern Nepal are composed of both first-generation and second-generation refugees. Despite not being party to the 1951 Refugee Convention, Nepal has hosted refugees from Bhutan for more than two decades. In 2007, a group of eight countries – Australia, Canada, Denmark, New Zealand, the Netherlands, Norway, the United Kingdom and the United States – agreed to take their share of international responsibility for the Bhutanese refugees and resettle them. However, there are more than 10,000 remaining who are either ineligible for resettlement or not willing to be resettled in a third country; they remain in the refugee camps, living with the consequences of the resettlement programmes.

As the Bhutanese refugees and the host community of Nepal share cultural, linguistic and ethnic affinity, some people chose to marry outside the refugee community; the result is commonly known as a 'mixed marriage'. According to the prevailing resettlement standard operating procedure applicable in Nepal, a refugee man of a mixed marriage is eligible for resettlement whereas a female refugee of a mixed marriage is not, unless she is divorced. This situation reflects the Nepali Citizenship Act 2006 which states that a foreign woman married to a Nepali man can acquire citizenship but there is currently no provision for citizenship for a foreign man who marries a Nepali woman.¹

On the other hand, being female tends to offer better opportunities for being resettled. One of the categories for submission for resettlement² is 'women and girls at risk', giving priority to women and girls being submitted for resettlement over boys and men at risk. Cases of female survivors of sexual and gender-based violence and cases

of female-headed households are submitted as high priority, whereas male survivors are often overlooked in a patriarchal society like Nepal. The same is true for survivors of domestic violence, where female refugees have more chance of being submitted as 'survivor of violence and torture' than do male survivors of domestic violence.

Effects on the remaining refugees

It is generally older persons who are not interested in third country resettlement and are being left in the refugee camps, lacking family support and income and facing difficulties in reaching service centres for food rations and health services. When other family members get resettled these older people are isolated, which has led to an increase in cases of depression, suicide and substance abuse in the camps. UNHCR, the UN Refugee Agency, has launched suicide prevention projects, with psychosocial counselling, and the help of the local police force in controlling the supply and consumption of harmful substances, especially locally made alcohol and harmful drugs.

Resettlement has also caused frequent turnover of the schools' teaching staff in the camps since it is the policy to recruit all the teachers from the refugee community itself. When a teacher is resettled, students frequently face long gaps before a new teacher, perhaps with new teaching methods, is appointed and both the teacher and students need time to adjust. The process repeats when another teacher gets resettled. Many students lose interest in education and drop out while they are waiting to be resettled³ and many young people doubt that the camp education prepares them



Older Bhutanese refugee in one of the refugee camps in Nepal.

well for resettlement anyway. To counter the high dropout rate, the schools in the camps have school counsellors to motivate the children. Drop-in-centres and 'youth-friendly' centres have been established to help dropouts to rejoin school and to prevent them from becoming involved in gambling, drug supply and abuse, thieving or fighting. The activities of drop-in centres have no doubt changed some young people but are not able to make a significant change to the overall camp situation.

The resettlement of the refugees from Nepal does increase the income of some families in the camps. Remittances from the resettled relatives enable some families in the camps to achieve a better standard of living, for the children to go to a good school, for the sick to get better health care, and for families to get access to modern technology such as smart phones and computers. Yet the same flow of money has also changed their life style; they no longer go to work but depend on the remittances. Conversely, there are many families who

do not get any support from their resettled relatives. Households headed by old people or women become more vulnerable after the resettlement of their relatives if they cannot work or do not have skills that will enable them to earn. In this situation they become dependent on the support of agencies.

Finally, asylum seekers from other parts of India or Nepal have started coming to the refugee camps in significant numbers – knowing that the resettlement process is open, that their children can have free schooling and that they can get free primary health-care services – and this has consequences for services and security in the camps.

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Putting refugees at the centre of resettlement in the UK

Michael Collyer, Rupert Brown, Linda Morrice and Linda Tip

There are growing numbers of refugees in the UK who have been through a resettlement programme. New research in four UK cities highlights opportunities to incorporate the refugees' expertise into programme design.

The United Kingdom's contribution to refugee resettlement has increased substantially in recent years, although from a relatively low base. This contrasts sharply with the highly restrictionist stance of virtually every other aspect of UK policy towards migrants and refugees, including asylum. In 2015, the government expanded the quota of 750 refugees arriving under the established Gateway Protection Programme (GPP) with an additional 4,000 refugees a year under the Syrian Vulnerable Person Resettlement (VPR) Programme. There are also a number of other programmes, mostly focused on resettling or relocating vulnerable children.

The first refugees resettled through the GPP arrived in 2004. There are now several thousand people in the UK who have been through a refugee resettlement programme, many of them now with long experience of life in the UK. The recent expansion of VPR, the introduction of new programmes and the continued refinement of the GPP provide a real opportunity to incorporate refugees' own expertise into the development of new programmes. There is no evidence at the moment that the UK government is considering this in any systematic way, though there are plenty of examples of how effective it can be, such as the SHARE Network's Resettlement Ambassador Programme.¹

Our research project, entitled Optimising Refugee Resettlement in the UK, set out to put refugees at the centre of resettlement research. The research involved 11 peer researchers – that is, resettled refugees – from the cities where the research would happen. At three intervals (one year apart) from 2014 to 2016, using a survey and interviews they investigated determinants

of well-being for resettled refugees who had arrived in the UK before 2010.

280 resettled refugees were involved, 180 of whom completed all three surveys, giving detailed longitudinal information on the well-being of refugees resettled to the UK, some time after their arrival.² Eight of the peer group researchers attended the final conference on the research findings. Four of the themes that emerged were:

- difficulties with education and employment
- the central importance of English language ability
- the role of pre-departure orientation
- the interaction between refugee status, citizenship and belonging.

Education and employment

Charles, a 28-year-old originally from the Democratic Republic of Congo (DRC), described his achievements in getting a job and subsequently receiving a degree:

"I applied for a cleaning job. Then I did an interview. I had a suit, you know. Then they said, right off, that I don't have experience – for a cleaning job! Then I said [to myself] this will be the first and the last time that I will apply for this type of job. I was really upset. ... I applied for another job. I managed to get a social care job. I got a job as a support worker. That was in September 2010. We arrived in March, and six months later I was working. Actually, I was the first person in our group to work."

"The only advantage really which I thought about getting to Europe [for] was education. I was saying, you know, this is a great opportunity. African [government] ministers, they send their kids to

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Europe to study. So I had this opportunity to go and study. All I had in my mind was education [but] no one really wanted to know what you wanted to do in terms of education, or in terms of your future career. That was not part of the package, because, you know, they see refugees as one big category."

Charles was able to overcome the barriers to education, eventually getting a degree. Nevertheless, he was concerned that the channelling of refugees into particular sectors has serious long-term implications:

"We have a problem which really hurts me a lot. Seventy maybe eighty per cent of refugees are working as care support workers. What is the future of this community? Who is the role model?"

English language ability

Even English language education was hard to access, beyond the two hours a week provided. Our research findings showed the fundamental importance of English language ability to refugees' well-being, so this is a particularly surprising omission. Those who were successful were those who were proactive in identifying and accessing other classes that were not provided specifically for refugees. Suzanne, a 36-year-old woman, originally from DRC:

"We started looking at other places like the Community Centre, where we can go and learn English. So we went on Mondays to the college because Monday is the day they give us to go and learn English. We went to another one in the Community Centre, and another one we found in [...] Castle Museum. We just went wherever [there] was English!"

Disappointment and frustration with the limited opportunities to learn English were common to most resettled refugees. This influenced attempts to find work and education more generally. Eremias, a 36-year-old originally from Ethiopia, had established a flourishing social enterprise, yet he was clear that this was contrary to the direction that he was initially pushed in:

"Some people come here as a doctor or a lawyer [or] a teacher. That is their background. They were respected! But they come here, and they have their

CV with those skills, but the Job Centre is telling them, "Go for a cleaning job, and clean the toilet."

He also expressed a real feeling of disappointment that refugees resettled to the UK when they are older, beyond standard university age, are not able to access the UK's further or higher education system in the same way.

Ali, originally from Somalia but who had grown up in Kenya, was confused about the recognition of his qualifications in the UK:

"My worst experience was the education system when I tried to attend a college, or access a course. I submitted all my papers from Kenya, including my advanced, first certificate diploma from Nairobi University... I submitted everything and they said to leave the diploma outside because they said it was unacceptable because they are not qualifications from an English university. I said, "What?!"

Pre-departure orientation

These things were not effectively explained during the pre-departure orientation. Over the years, the pre-departure orientation had progressively been dramatically cut, from the two full weeks provided when the GPP was first established to a mere three hours by 2016. Our research highlighted the importance of realistic expectations to well-being later on. Many refugees were bemused at the orientation they received; Suzanne remembered one particular piece of information:

"They told us about people who are here, what their culture is like. They showed some films. They taught us how clean it is here, [compared] to where we were in Africa. They even said "British people, they don't greet." Where we were, we greet everyone! And we welcome everyone! They said to just be aware, don't just go and greet or else you will be disappointed. So they said, "Just smile, so, you should learn how to smile!" And this teacher, I really remember her, she lined us up and tried to teach us how to smile."

All of the peer researchers highlighted how much help they thought they could give if they were invited to teach on these pre-departure sessions. The current total of three hours is only enough to explain what would



UNHCR/H Davies

English classes for refugees from Ethiopia who came to the UK in 2006 and were resettled in Brighton on the south coast under the Gateway Protection Programme.

happen on the flight whereas longer sessions have a demonstrable impact, even years after arrival. The opportunity to speak to someone who went through that experience a decade or more earlier would be of tremendous long-term benefit and yet is rarely even discussed.

Kess was the only peer researcher on the project who had come to the UK at school age. She had enjoyed relatively easy, direct access to the education system, simply because she was the right age, though there were still things that surprised her:

“Just little things like wearing a uniform and showing respect to the teacher. I’d never in my life heard someone speak back to the teacher. When they did it here, it was quite a shock.”

Refugee status, citizenship and belonging

Arriving at a younger age obviously makes it much easier to feel part of the UK. Unlike her parents, Kess speaks English easily and perfectly, with no trace of a foreign accent. Yet, even though she now has British citizenship, being a refugee remains relevant to her at certain moments:

“I think being a refugee is in the background – it’s part of your mind, of yourself. But, as far as I’m concerned, I don’t view myself as a refugee. So

when I’m out applying for jobs or university, I don’t go and say I’m a refugee. I just do whatever anyone is doing. But it’s quite hard to forget you’re a refugee sometimes. ... But no, I don’t view myself as a refugee, but I do view that as part of myself.”

In the UK, resettled refugees can claim citizenship after being in the country for five years. Our research, with the initial survey occurring at least four years after people had arrived and the final survey at least six years after, covered the time at which they became eligible for naturalisation. By the end of the research, the large majority had attained British citizenship, though opinions varied about the extent to which being a refugee still mattered. Charles suggested that it was at times when he was really struggling that he resented the refugee label, and when things improved, that changed:

“If you are going through a very difficult situation, like you can’t access education, you can’t pass the test about life in the UK, or your English is very poor, I think being a refugee would always be painful. But if things are going well, for me I’m proud to be a refugee. I’m really proud to be a refugee.”

Similarly, Eremias also recognised that negative associations with the status of

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refugee made it a more difficult status to claim:

“Not because being a refugee is bad, but being a refugee, or how a refugee is treated in terms of education or if you want to go to university, or if you want to be employed ... because you come from a different country, you know it’s not easy to get a job. For that reason, that mentality is in our mind, and for that reason people don’t want to be categorised as a refugee.”

For Eremias, everything was linked. The difficulties encountered in finding employment or education and struggles with learning English were inevitably tied up with how it feels to be a refugee. This was an important reason why he rejected the label. Yet he concluded:

“Most of the time, we – refugees – came here with empty pockets, but not empty minds. If we get a lot of support and opportunity, we can deliver a lot as well.”

It is still relatively unusual for research to recognise refugees’ expertise. There are even fewer examples of where refugees are placed at the centre of planning refugee resettlement programmes. Yet there are obvious benefits to doing so.

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1. <http://bit.ly/SHARE-Resettlement-Ambassador>
2. Initial results are available on the project website www.sussex.ac.uk/migration/refugeeresettlement. There is also a series of blog posts based on invited presentations at the final conference, held at the University of Sussex, September 2016.

Resettlement and humanitarian admission programmes in Europe – what works?

The European Migration Network has published a study on resettlement, humanitarian admission and private sponsorship programmes in the Member States of the European Union (EU) and Norway. It covers the period between 2011 and mid-2016 and includes cases from 24 countries. Despite the number of such programmes in the EU, however, the total number of resettled/admitted persons through these programmes is modest, ranging from over 5,400 in 2011 and 2012 to around 18,000 in 2014 and 2016.

UNHCR, the UN Refugee Agency, has a clear role in the selection process for resettlement or humanitarian admission, and in the majority of Member States the candidate first needs to have been recognised as a refugee by UNHCR. The majority of the Member States set annual or multi-year quotas, and all use their own criteria for prioritising or deprioritising candidates in the selection process. Most Member States grant the same or similar status to both refugees and other beneficiaries of international protection. In most cases, the rights granted include the right to family reunification and travel within the EU for short periods. The majority of Member States provide the refugees with information about their status and rights as well as the resettlement process itself,

by means of a leaflet, guide, cultural orientation training or workshops.

The challenges and good practices reported by the Member States predominantly concern practical issues in all phases, such as problems with documents, learning the language of the receiving country and organising early medical assessments. One of the challenges identified concerns refugees’ expectations of conditions in the receiving country, and the most pressing issues identified relate to the integration phase.

The results of the study show that, although numbers are as yet small, there exists a firm basis within the EU in terms of policy and practice for setting up and further developing resettlement, humanitarian admission and private sponsorship programmes as legal pathways of migration.

With thanks to Michiel Besters

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The report, entitled *Resettlement and Humanitarian Admission Programmes in Europe – what works?*, is available at <http://bit.ly/EMN-ResettlementReport>

Southeast Asia and the disenchantment with resettlement

Sébastien Moretti

While resettlement is nowadays considered as a solution to be resorted to only in exceptional circumstances, in Southeast Asia resettlement has always been, and remains, the most important durable solution for refugees.

There was a time when resettlement was considered as the 'preferred' solution for refugees. In the context of the Indochinese refugee crisis, from the mid-1970s to the mid-1990s resettlement played a particularly important role. The main countries of first asylum in the region – Thailand, Malaysia and Indonesia – made the provision of temporary asylum to refugees from Cambodia, Laos and Vietnam conditional on their rapid resettlement. Eventually approximately 1,315,000 people were resettled in some 30 different countries, to which should be added the 650,000 Vietnamese who were resettled in the United States (US) under the framework of the Orderly Departure Programme (ODP).

While resettlement undoubtedly played a key role in the protection of refugees and in the resolution of the Indochinese refugee crisis, the magnitude of the operations, according to UNHCR, the UN Refugee Agency, "proved costly to refugees and to some of the basic concepts of international protection".¹ In particular, the resettlement efforts undertaken by Western countries in the first years of the crisis played an important role in the phenomenon of 'compassion fatigue' which led to increasingly restrictive measures being adopted by those same states in the first half of the 1980s. In turn, without guarantees that the refugees hosted in their territory would be resettled, countries of first asylum in the region tended to close their borders, refuse to grant temporary asylum, push back arrivals by sea, or return refugees to their country of origin in violation of the principle of *non-refoulement*.

UNHCR came to the conclusion that the decision to adopt an across-the-board approach to resettlement in the region had in many ways "cast a long shadow over the

role of resettlement as a solution and a means of protection".² In UNHCR's opinion, the decision taken in 1979 to offer resettlement to the Vietnamese boat people arriving on Southeast Asian shores "acted as a 'pull factor', helping to create an unmanageable exodus of people, an increasing number of whom left their homeland for economic and social reasons, rather than to escape from persecution". In proposing a re-thinking of resettlement as a solution limited to specific protection cases, UNHCR noted that it would indeed "appear prudent to avoid the type of programme established for the Vietnamese" where efforts were made to resettle all the members of a particular refugee group. UNHCR considered that such measures would lead to traditional countries of resettlement adopting further restrictive policies.³ These developments contributed to a large extent to the shift towards voluntary repatriation as the preferred solution to refugee problems in the first half of the 1980s.

By the end of the 1980s, it was clear that what had started as a refugee exodus of people persecuted by the communist government in Vietnam had evolved into an influx of primarily economic migrants attracted by the prospect of quasi-automatic resettlement in Western countries. The Comprehensive Plan of Action on Indochinese refugees (CPA), adopted in June 1989 to put a definitive end to the exodus of Vietnamese boat people in the region, arguably represented the first international initiative designed to respond to a phenomenon of 'mixed migration'. The CPA instituted a Refugee Status Determination (RSD) procedure at the regional level, which aimed to differentiate between economic migrants and refugees for those who arrived after a

certain date. The objective of the CPA was actually to channel departures through the ODP and, for the rest, to “limit entitlement to resettlement of recognised refugees”.⁴

While the CPA is often referred to as a particularly good example of a regional approach to large movements of migrants and refugees, it has to be noted that the wider international community played a central role in the success of the initiative. Indeed, it was decided that all those who arrived in the countries of transit before the deadline dates, as well as those who arrived after but were recognised as refugees through the RSD procedure, would be quickly resettled. Those found not to be refugees were to be repatriated to their country, “preferably on a voluntary basis” according to the CPA, but other measures would be envisaged if necessary. In total, some 80,000 Vietnamese were resettled in the framework of the CPA.

The current situation

Although the number of refugees in Southeast Asia is far smaller than during the Indochinese crisis and despite the fact that some of the states in the region are now more prosperous, in Southeast Asia resettlement has remained the preferred durable solution. Local integration is generally ruled out, except for specific groups of people with close ethnic ties with the local populations, while voluntary repatriation is rarely conceivable. More than 100,000 refugees from Myanmar have been resettled from the refugee camps in Thailand since 2004 and as many people have been resettled from Malaysia during this same period, representing a disproportionate part of the global resettlement effort. Since 2009, the Philippines has been hosting one of the three Emergency Transit Facility mechanisms, that is, a transit centre where refugees who cannot stay in their country of first asylum for protection reasons can be accommodated pending their resettlement in another country. This mechanism is particularly important in Southeast Asia, with the countries belonging to the Association of Southeast Asian Nations (ASEAN) largely reluctant to offer asylum to people coming from other ASEAN countries, on the principle of non-

interference in the internal affairs of other states, a cornerstone principle in the region.

In the context of the so-called Bay of Bengal and Andaman Sea Crisis in 2015, Malaysia and Indonesia again made the granting of temporary shelter to people adrift at sea conditional on the provision of a durable solution within one year, that is their resettlement, in the case of approximately 600 Rohingya refugees who could not be sent back to Myanmar.

Interestingly, while countries such as the US or Ghana announced that they could resettle some of the Rohingyas, this option was not supported by UNHCR, in part because it was feared (based on experience from the Indochinese refugee crisis) that resorting to this solution would create a pull factor and potentially exacerbate the problem by encouraging additional departures. It was also considered that in the Southeast Asian context, and given the limited number of people concerned, more innovative solutions could be envisaged, such as the grant of migrant worker status in the country of asylum. This option, however, was ruled out by the countries concerned, leaving resettlement again as the remaining option.

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Portugal's position on resettlement: a view from the periphery of the EU

Lúcio Sousa and Paulo Manuel Costa

The evolution of European policy in recent years has shown how policy can be used to actively restrict the movement of people and as a mechanism for choosing what kind of refugee a particular country receives, with the interests of states prevailing over humanitarian needs.

A process called regional relocation aims to distribute recent refugees among the various Member States of the European Union (EU), according to national quotas that take into account a variety of factors such as each state's GDP, population size and unemployment rate. Given Europe's recent tendency to externalise its response to migration, it is no surprise that the European Commission is prepared to use resettlement as a migration management tool, taking advantage of recent events in Europe to submit a series of reforms that aim to consolidate a common European asylum policy. To some extent, these proposals have a federalist bent, seeking to eliminate specific national legal and procedural aspects – whether by establishing national refugee quotas, by strengthening the role of European agencies (such as the European Asylum Support Office) or by creating new agencies (such as the European Border and Coast Guard to control the common external borders).

Portugal has previously seen relatively few refugees settle in the country. Most asylum applications came during the first decades of the post-colonial period (after 1974) and were made mainly by Africans, in particular those from former Portuguese colonies. Only in the last decade has there been a consistent, albeit small, number of applicants from other places, including Ukraine, Guinea, Pakistan, Mali and Syria. Portugal's first asylum law was drawn up within the context of its post-revolution democracy and was relatively open and inclusive. When Portugal joined the European Community (now the EU), the asylum law was amended to bring national practices into

line with those of the EU, bringing in more restrictive European policies on these issues.

Within the context of Portuguese asylum policy, the resettlement of refugees, though rare, has always been of specific individuals or families. However, in 2006 Portugal established a resettlement programme that envisaged an annual quota of 30 refugees. Although there have been variations in the flow of arrivals, the resettlement of refugees (the majority from Africa) has been steady. In light of recent European proposals for refugee relocation, the Portuguese government stated its willingness to accept 10,000 refugees, unlike several Member States which refused to accept refugees and closed their borders. Portugal's willingness is rather unusual, especially considering the numbers involved and its previous experience. In contrast to similar events in the past (particularly with refugee flows from Kosovo in 1998 and Guinea-Bissau in 1999), Portuguese public opinion was mobilised and people organised to welcome refugees, with new private bodies taking on the role of interlocutor to deal with the state and those local organisations willing to host refugees.

That said, this is also an example of how pragmatic concerns and self-interest – managing migration flows, attracting human resources, offsetting demographic deficits – seem to take precedence over the humanitarian criteria normally associated with the process of resettlement and protection of refugees. Portugal's decision to host large numbers of refugees serves, first and foremost, Portugal's political, economic and demographic needs, particularly those associated with poor economic growth and net emigration. These are the obvious

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reasons for the break with the country's more restrictive policy and the modest numbers of refugees taken in the past.

More broadly, there is political pragmatism at play in the search for solutions that serve Europe's own interests and, as part of Europe's asylum and resettlement policy, this will allow the EU to strengthen the walls of fortress Europe,

making it even more difficult for refugees to reach its borders to claim asylum.

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Pre-resettlement experiences: Iranians in Vienna

Molly Fee

Refugees' resettlement experiences may be shaped in the stages leading up to their arrival.

For refugees going to the United States (US), resettlement begins long before they step off the airplane in their final destination. Those selected for resettlement must first undergo pre-departure processing, which typically includes cultural orientation, official government interviews and long periods of waiting.

For many refugees destined for the US, this preparation and processing may take place in the country of asylum where they have been residing. However, for one refugee group in particular, it requires an additional temporary migration solely for the purpose of resettlement processing. The Lautenberg Amendment allows members of religious minorities in Iran to apply for resettlement to the US; since the US government cannot conduct the processing of these cases in Iran, the US has established an agreement with the Austrian government to host these refugees while they undergo the necessary procedures to apply for resettlement. Following an initial application process from Iran that may take as long as three to five years, those who have successfully passed the requisite documentation review receive a short-term visa for Austria. They then travel to Vienna about one month later to begin the pre-resettlement stage that lasts from approximately three to six months.

At first glance these seem to be the ideal conditions for a resettlement programme, as these refugees avoid physical endangerment

and risky passage, and are in the country of asylum for less than one year. Some of the refugees also embrace their temporary stay in Vienna, seeing it as moment of respite between the stresses of leaving family and friends behind in Iran and the challenges that await them in the US.

Cultural Orientation (CO) is the most obvious way that refugees' resettlement experiences are shaped by the pre-departure phase. The CO classes in Vienna form the first part of what is called the 'orientation continuum' and are followed by post-arrival orientation in the refugee's community of resettlement in the US. For Iranian refugees coming through Vienna, CO consists of five days of discussion, activities and the occasional game that cover an array of topics ranging from employment to housing to cultural adjustment – and what will be expected of them in the US.

Most importantly, the instructors focus on preparation for the challenges that await the refugees in the US. One instructor talked of setting refugees' expectations low so that they would not be disappointed once they arrive in the US. Another instructor explained on the first day of class, "If you go to the US thinking life will be like the movies, you'll be disappointed. ... [The US] is a great place, but it's not easy." Many of the young refugees have their sights set on pursuing higher education in the US, and they are disheartened when they leave

CO with the message that “universities... are too expensive for refugees”. In addition to helping refugees begin to prepare for life in a new country, CO can also – paradoxically – contribute to the uncertainty and stress associated with resettlement.

Waiting for months on end can take a toll on the refugees’ mental and emotional well-being. Two frequently cited challenges in Vienna are too much time and not enough money. Refugees have no way of knowing whether their cases will be processed in three months or drag on for seven or even eight months. Under the terms of their Austrian visas adults are not allowed to work and children are not allowed to attend school. Consequently, their time is spent waiting. As one man explained, “The first month, the second month, is good. The third month, my money starts to go down and now I want to go. Five months here and I’m not working! We need the money!”

Long periods of idle waiting plant seeds of fear and anxiety that one’s case will ultimately be denied. One man who had been in Vienna with his wife and two young sons for about six months, still without news regarding his family’s case, said: “It’s too long. I don’t know what’s going on... I’m [usually] active but I’m idle here. I’m very depressed.” This man came to define himself by how long his family had been in Vienna in relation to the length of stay for those around him. For every other refugee who passed us during our conversation, he knew precisely how many days they had been in Vienna and who had received news of their date of departure. One young woman explained to me how she tried to hide her anxieties from her parents, forcing herself to appear happy in front of them so as not to create another form of stress for her family.

With little else to occupy their days, these refugees are constantly dwelling on the uncertainties of their lives. Not only are they compelled to wait but they are also unable to take concrete steps towards preparing for life in the US, particularly in finding employment or beginning school. During this time, children may miss a year of school and potential employment opportunities

may pass adults by. For example, a musician was offered an opportunity to play at an event in the US that would have given him good exposure and start off his career in a new country. Unfortunately this job offer came and went as he waited in Vienna.

Money becomes another growing source of anxiety. In addition to paying for their flight from Iran to Vienna, these refugees must cover their living expenses for the duration of their stay, including rent. The sizeable expenses associated with a six-month stay in Vienna mean that refugees may have already used all of their savings before arriving in the US or may even be in debt. Moreover, some of the refugees who come through this programme are elderly or have a range of chronic health issues. Because of rumours of the high costs associated with medical treatment in Vienna and fears that exposing a medical condition might delay or even preclude resettlement, people may put off treatment until they reach the US. As a result, a refugee’s health may suffer and medical conditions may have become more severe by the time they reach the US.

While acknowledging the numerous relative advantages that these refugees have throughout their resettlement process, and while resettlement provides a critical durable solution to refugees with few other options, it is still a difficult process that may present numerous obstacles along the way; an application for resettlement does not signal the end of a refugee’s struggles. A better awareness of the pre-resettlement context could help provide greater continuity of assistance for refugees as they take on the challenges that come with resettlement in a new country.

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LiechtensteinLanguages project

www.liela.li

In February 2016 Liechtenstein introduced the LiechtensteinLanguages project (LieLa) to help asylum seekers and refugees integrate more quickly in their new country. Based on the New Learning Method developed in Liechtenstein in the 1990s, this language teaching method focuses on speaking skills – so that participants learn how to make themselves understood in German as quickly as possible – and on reducing barriers to learning.

The focus is on making learning fun, varied and active. LieLa trainers include games and movement in the sessions, and the teaching materials are designed to enable as many learners as possible to be active at the same time. Initial experiences have been positive, and suggest that the method is effective in engaging participants from very early on, regardless of age, gender or circumstances. Sessions focus on topics of immediate relevance to the asylum seekers' situations, such as dealing with public authorities, health care, getting about in town, and other aspects of everyday life.

Throughout the classes, LieLa aims to promote a sense of self-worth and the values of peaceful co-existence.

Liechtenstein receives a significant amount of asylum seekers each year (154 in 2015) compared to its population size of 37,686 inhabitants. Many come from the Western Balkans, in part at least because Liechtenstein took in more than 1,000 displaced persons from the Balkans during the 1990s. Meanwhile, although not an EU state, Liechtenstein participates in the EU refugee relocation programme on a voluntary basis and took part in UNHCR's resettlement programme. Since 2014, 23 Syrian refugees have been resettled from Turkey. 43 asylum seekers will be relocated to Liechtenstein from Italy and Greece.

The main LieLa website is in German but a video in English introducing the methodology and showing classes in action is available at <http://liela.li/videos/>. For more information, please contact office@liela.li.

'Matching' refugees

In 2016, we published an article in *Forced Migration Review* called 'Choices, preferences and priorities in a matching system for refugees'¹ in which we argued that refugees to be resettled should be allocated to countries through a centralised matching system, using preferences of refugees and priorities of countries, similar to systems used around the world to allocate school places. The idea is now being discussed by the European Asylum Support Office as a possible approach in the search for solutions to the European refugee crisis.

We soon realised that an equally pressing problem is the allocation of refugees to local areas within a particular hosting country. There is a lot of empirical evidence that the initial location in which refugees are resettled matters a great deal in terms of how they succeed in areas such as education and employment. We have therefore suggested that matching systems should also be used at the local level. For example, two-sided matching could be used: by the United Kingdom to allocate 20,000 Syrians arriving

by 2020 under the Syrian Vulnerable Person Resettlement Scheme to specific locations; by any of the nine Voluntary Agencies that resettle refugees to the United States; by the Canadian government that has recently expanded its government-assisted refugee programme; or even by the Swedish Migration Board to allocate refugees who currently live in temporary accommodation to permanent housing across Sweden.

To this end, in September 2016 we launched a project called Refugees' Say (supported by the Skoll Centre for Entrepreneurship at Oxford) which aims to influence and reform public policy in the resettlement sphere. We welcome enquiries and hope to be able to design or redesign many effective matching systems for resettlement around the world.

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1. www.fmreview.org/destination-europe/jones-teytelboym

The secondary migration of refugees resettled in the US

Jeffrey Bloem and Scott Loveridge

More and more refugees are resettled in communities where they have no intention of living and then move on.

While the assumptions underlying the current refugee resettlement system in the United States (US) may have been true 35 years ago, the likelihood of an arriving refugee having no connections in the US diminishes every year. Every year the odds increase that an incoming refugee will have family or friends already living in the US, and advances in global connectivity have aided future refugees to keep in touch with former refugees. So incoming refugees, now more than ever, have strong connections and geographic preferences when arriving in the US. In recent years, homogeneous ethnic or cultural communities have begun to spring up all over the country, a phenomenon that refugee resettlement policy, which aims rather to 'spread the burden' of refugees across the country under a policy of dispersal in the initial placement of refugees, is actually designed to prevent.

It may seem unlikely that newly arrived refugees would spend their scarce financial resources on moving onwards when they have so many other challenging expenses. Refugees must repay a loan for the cost of their flight to their new home. Within six months they must begin paying rent. To do this they must quickly find a job. Picking up everything they own, again, and moving does not seem like something many refugees would choose to do. Yet, the data tell us, many do move.

In both fiscal year 2012 and 2013, the US accepted roughly 70,000 refugees; within a year of arrival, over 10,000 of the 2012 cohort and over 11,000 of the 2013 cohort had moved out of their initial resettlement community. However, these statistics only reflect what is reported to the US Office of Refugee Resettlement (ORR) and are probably underestimates of the true rates of secondary migration.

In some places secondary migration has massive consequences. For example, Minnesota accepted roughly 2,000 refugees in 2012 and 2013 but by the end of each fiscal year it had received over 2,000 more refugees through secondary migration, largely into the Minneapolis-St Paul metropolitan area.

Refugees move for the same reasons that any other person would move: to migrate towards increased job prospects, lower housing costs or better school systems; to live closer to friends or family members; or to take advantage of some geographical location or environmental amenity. It is rather the ways in which refugees differ from the average mover that make their secondary migration remarkable, as refugees generally have less wealth, initially do not have a full-time job, potentially do not speak English fluently, and have little knowledge about life in the US.

Finding out why refugees move on

When the US first began resettling refugees, the community in which they were initially assigned to live was as good as any other community in the country. Thirty-five years on, better alternatives exist – and refugees are increasingly aware of them. There are several factors in why refugees need to move on:

The incentive to remain silent: The most convenient time to gather information from refugees on their geographical preferences is during pre-resettlement interviews and meetings with them. There may, however, be an incentive for refugees to withhold information on their preferences due to a mistrust of bureaucratic officials or for fear of ruining their chances of actually being resettled in a third country. Remaining as amenable as possible may be a rational strategy for some refugees. Preferences may exist but the refugee may strategically

withhold it believing that moving after arrival may well be a safer option compared with the risk of possibly losing the life-changing opportunity of resettlement.

Gains versus losses: Refugees make choices based on gains and losses. Prior to arrival in the US, preferences tend to be general. Safety and resettlement anywhere is a gain, while remaining in a refugee camp or in danger due to violence is a loss. After arrival, however, the relative gains and losses from living in different locations shift and inform the decision to stay or move on.

Updated geographical information: Refugees may know about the whereabouts of their friends or family but may underestimate the distances in the US. Prior to their arrival, incoming refugees may wrongly assume that they will easily be able to visit relatives and friends already living in the US, simply because they will reside in the same country. Upon arrival refugees may desire to move in order to be nearer to their friends and family – and they may only realise this once they arrive in the country.

Network decision making: Relatively large groups of highly networked refugees now call various communities home. Some of these groups make migratory decisions as a group but arriving refugees may not have any idea where the group is planning on moving until after they arrive.

State-shopping: Refugee resettlement programmes are extremely complex, with funds for assistance services coming from various budgetary streams, both public and private. Furthermore, eligibility for various services such as temporary assistance to needy families, Medicaid (the social health-care programme for families and individuals with limited resources) and employment assistance varies quite noticeably between states. This results in refugees engaging in so-called state-shopping in search of a location where they stand the best chance of becoming self-sufficient. In addition, stories and rumours circulate about where the best services and organisations are located. Friends who may have had a good experience with the services of a particular local resettlement organisation in a different

community may influence an incoming refugee to migrate into this organisation's service area in search of a similar experience.

Refugee policy

Any refugee resettlement practitioner will be quick to point out how important it is that refugees remain in their initial resettlement location for at least the first 90 days. Once a refugee moves, it is difficult for their services to be administered in the new community. For this reason most local voluntary agencies actively discourage refugees from moving soon after resettlement. Local agencies are acutely aware of the consequences of secondary migration on both the efficacy of the agency's services and the welfare of refugees themselves. Refugees are promised special services for up to five years after arrival and a failure to adequately handle secondary migration places resettlement communities and refugees at risk. Some federal funding is provided for voluntary agencies that are dramatically affected by secondary migration; formulas for allocating such funds, however, are based on numbers of historical resettlement patterns rather than on projections of future patterns and often fall short of local needs.

Efforts to improve the dispersal of refugees resettled in the US have been made in recent years. In 2010 the ORR enumerated a number of principles to guide its services; in the explanation of these principles, however, secondary migration is mentioned only twice. Firstly, it is stated that "Appropriate placement and services from the onset is [sic] seen as a preventative measure against the challenges brought by secondary migration" and, secondly, there is a reference to the intention to develop a data system that can track secondary migration on from initial placements. Better placement techniques and additional data-informed decision making are certainly welcome improvements to the US refugee resettlement system but innovations are needed.

One such innovation often used to combat this issue is to present incoming refugees with a contract. In signing the contract refugees agree to report any information about the



A distribution centre run by Catholic charities to help newly arriving refugees in Louisville, Kentucky, in 2013.

whereabouts of anybody they know who is currently living in the US. Additionally they agree not to move within the first 90 days of their arrival in the US under penalty of forfeiting their right to core services. This policy aims to change the incentives by rewarding refugees who share information but could penalise refugees who do not possess the information they might need in order to communicate what their geographic preferences will be once they arrive in the US.

The question that lies at the core of the challenges brought by secondary migration is whether the initial location should be a community where refugees are expected to settle or whether it is more of a receiving

location, a launch pad, where refugees simply receive initial core services. The many implications of the answer to this question must be carefully considered. Given the current reality of resettling refugees and their secondary migration, perhaps the answer is to redesign resettlement to be more dynamic and to account for changing preferences.

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The importance of legal counsel

Betsy Fisher

At each stage of the resettlement process, the presence of counsel – legal advocates – can help refugees to present their complete cases efficiently and avoid unnecessary rejections. This provides benefits to decision makers as well.

Legal advocates are particularly well suited to compile a refugee's narrative and explain why the facts of the individual's case demonstrate that the individual should be considered for resettlement. At each step of the resettlement process, legal advocates can assist and counsel individual refugees in how to present their narratives clearly – which also benefits those

officials, whether from the UN or resettlement states, making the decisions on refugees' cases. They can in addition provide input for ways to improve refugee processing.

The benefits of legal assistance in refugee status determination (RSD), the first step towards resettlement, are well established. Refugee advocates can operate in refugee

communities and build trust with vulnerable refugees, encouraging them to disclose the narrative of the entire refugee claim in advance of adjudication in their case.

If a case moves forward to resettlement consideration, advocates can also help refugees to assemble supporting documentation, evidence and Country of Origin Information. In preparing for adjudications, legal representatives can help refugees to understand the information and documents that adjudicators need to decide their cases, leading to more efficient processing. Moreover, advocates can advise refugees on timelines and next steps. This also benefits adjudicators, since refugees without a clear sense of when they can expect further information or processing may request frequent updates. And by providing competent and qualified legal assistance, advocates can limit the number of those seeking to exploit or misguide refugees in their applications.

Finally, counsel can provide legal advice and personal reassurance to refugees, and a refugee who knows what to expect is less likely to find the process re-traumatising. Highly vulnerable refugees may not be able to access UNHCR offices because of serious medical or safety concerns, and advocates who are active within refugee communities can identify and refer these cases for consideration of resettlement.

The resettlement state's processes may include complicated legal analysis. The assistance of counsel is crucial for highly vulnerable refugees, especially where in-person interviews are required. If an individual's case is rejected, counsel is then essential to preparing precise appeals, applying a client's facts to a set of legal criteria, and presenting evidence and arguments to support a refugee's credibility.

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Who will resettle single Syrian men?

Lewis Turner

Resettlement programmes for Syrian refugees severely restrict access to resettlement for single men, despite the conditions of vulnerability, insecurity and danger in which they live.

Resettlement opportunities for Syrian refugees are allocated to those who are deemed to be particularly vulnerable, and thousands of Syrian men, women and children have now been resettled. However, single Syrian men ('unattached' or 'unaccompanied' adult males) living in Middle Eastern host states face particular challenges in accessing resettlement.

Host states that offer resettlement places for Syrians regularly exclude or try to minimise the numbers of single men. In November 2015, it was widely reported that the Canadian government would not be accepting any unaccompanied men, unless they identified themselves as non-heterosexual. Canadian officials denied there was a blanket ban on single men but acknowledged that families, women,

children and sexual minorities would be prioritised. The British government consistently cites women and children as examples of the 'most vulnerable'.

These policies should be understood in the context of domestic politics in resettlement states. Firstly, excluding or minimising the number of single men reflects the widely held view that 'authentic' refugees are women and children, who are implicitly vulnerable and in need of external assistance. Secondly, with these policies resettlement states are responding to, rather than challenging, Islamophobic portrayals of Muslim Arab men as threatening, and as potential terrorists, rather than as victims and survivors of the conflict in Syria.

The timetables imposed by some resettlement countries also create difficulties

for single men seeking resettlement. For example, the new Canadian government promised to resettle 25,000 Syrian refugees by the end of February 2016. Canadian visa officers were allowed to presume that those fleeing the conflict met the definition of a refugee, unless there was evidence to the contrary, and their interview process therefore focused on “security risks, criminality and health”.¹ Knowing that single men are liable to receive much more extensive security screening from resettlement states made resettlement officers in host countries less likely to submit single men for consideration. Furthermore, knowing that they are under pressure to reach targets (which are often politically imposed) discourages resettlement officers from working on case files of individuals, in favour of large families, and large Syrian families have at times been prioritised for resettlement for this reason. For resettlement officers, it can become pointless to work on the cases of single men, as this is likely to waste the resettlement officers’ time and needlessly raise refugees’ expectations.

‘Vulnerability’

Working within whatever restrictions a resettlement state lays down (publicly or

privately), opportunities for resettlement are distributed according to how ‘vulnerable’ refugees are deemed to be. As it pertains to resettlement, the categories of vulnerability include women at risk, survivors of violence and torture, children and adolescents at risk, those with medical needs or legal and physical protection needs, and those lacking foreseeable durable solutions.

While determinations of vulnerability are typically presented as objective and neutral, they are in fact deeply subjective and political. Single Syrian men’s chances for resettlement are determined, in part, by the prevailing perceptions of vulnerability in the humanitarian sector. Throughout my research into how the humanitarian sector approaches its work with Syrian men, I encountered a widespread and deeply ingrained assumption, subject to little critical scrutiny, that refugee women and children were the ones who were (most) vulnerable.

This assumption ignores the conditions of vulnerability and insecurity that Syrian men face.² Single Syrian men in particular are often rendered vulnerable by their circumstances. For example, in Lebanon many single Syrian men live in fear for their safety, predominantly due to threats



UNHCR/E. Dorfman

A Syrian refugee, now living with his family in Lebanon, holds photos of his sons. He covers their faces to avoid recognition. Like other young Syrian men who have fled Syria, they fear they will be punished by the Syrian government or made to join the army should they be found.

they face from Lebanese authorities. Single Syrian men 'of military age' have been barred from entering Jordan since 2013, meaning that they were often forced to enter irregularly and may remain unregistered. This leaves them both vulnerable to exploitation and less able to access services.

NGO workers often assume that adult males could (or should) be working and therefore should be more self-sufficient than other refugees. Yet informal work entails the risk of arrest, forced encampment, or *refoulement* to Syria. Single Syrian men's vulnerability is reflected in data gathered by humanitarian actors, but this rarely translates into targeted humanitarian support or protection.

Two ways in which it can sometimes be possible for single Syrian men to be recognised as vulnerable and in need of resettlement is if they are either victims of torture or identify as non-heterosexual. Refugees whose cases for resettlement fall under the category of LGBT (lesbian, gay, bisexual, transgender) are recognised as a priority because of the persecution they might face. The number of valid cases for LGBT resettlement, however, far exceeds the number of places available, and LGBT refugees often encounter prejudice in their interactions with the humanitarian sector.

On the ground, resettlement officers understand that some countries of resettlement are more likely to be flexible than others; the United Kingdom, for example, has been fairly strict in its adherence to its strongly stated preference not to take single men for resettlement, while Canada did accept single men for resettlement on the grounds of an LGBT claim, severe disabilities or because they were victims of torture. Canadian private sponsors were also able to identify individuals for resettlement and were able to consider single men.

This means that there have been some limited chances for people to be resettled as individuals, rather than as part of families. According to figures released by the Canadian government, 9% of Syrian resettlement cases had a family size of '1'. While this percentage may appear quite

high, one must take into account that 22% of cases included between seven and 10 individuals, and 55% included between four and six individuals.³ This means that one would expect 100 cases to include around 500 individuals, of whom only nine would be resettled as individuals. Since the Canadian government does not release figures that provide a breakdown by gender and family size, it is not clear what proportion of these resettled individuals were male or female, although, given prevailing cultural norms, one might expect them to be predominantly male.

The notions of vulnerability employed in resettlement programmes and the short timeframes involved may be politically expedient but they come at the cost of ignoring a particular set of insecurities and threats that single male refugees face.

Additionally, while maintaining its focus on the conditions of vulnerability and insecurity that refugee women, girls and boys experience, the humanitarian sector needs to become more closely attuned to the conditions of vulnerability and insecurity that affect single refugee men (and adult male refugees more generally).⁴ This recognition would allow access to resettlement for a particular demographic group of refugees who are not typically thought of as vulnerable but who are often in danger, and would help humanitarian actors to engage more effectively with a group that is not ordinarily considered to be among its primary beneficiaries.

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2. Turner L (2016) 'Are Syrian Men Vulnerable Too? Gendering the Syria Refugee Response', Middle East Institute
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www.fmreview.org/syria/davis-taylor-murphy

How NGOs have helped shape resettlement

Amy Slaughter

NGOs have a rich history of involvement in case identification and referral for resettlement, and have helped to increase numbers, improve processes and make resettlement more equitable, and accountable, for refugees.

While one can easily grow impatient with resettlement's shortcomings, it is important to consider how far resettlement has come over the past decades and the role that non-governmental organisations (NGOs) have played in its evolution.

The involvement of civil society in resettlement pre-dates the creation of the UN Refugee Agency, UNHCR, and the establishment of formal resettlement programmes by receiving countries. Faith-based and secular humanitarian groups actively identified and assisted refugees to resettle prior to, during and after the second world war. With the Indochinese crisis in the 1970s and 1980s the United States (US) developed the Orderly Departure Program with the aid of the International Catholic Migration Commission (ICMC) to screen eligible applicants. UNHCR's role was primarily to broker the arrangement between Vietnam and the US rather than to identify the people to be resettled. Similarly, for Indochinese who fled to Thailand, NGOs such as the International Rescue Committee (IRC) identified and processed them for resettlement.

The other dominant caseload in the 1980s and early 1990s were Soviet religious minorities. As for the Vietnamese, NGOs were the frontline screening agents for resettlement, most notably the Hebrew Immigrant Aid Society (HIAS) in Vienna and Rome. In fact, prior to the mid-1990s, NGOs working closely with governments were responsible for the bulk of case identification and referral. Until that time, resettlement was seen largely as a foreign policy or immigration concern of receiving states, to be handled through their own channels with little involvement by UNHCR.

The shift to the greater role for UNHCR in resettlement that we see today came in

the mid-1990s following the end of the Cold War. In particular, the US changed its policy in 1995 to give priority to referrals submitted by UNHCR, as opposed to prioritising lists of specific groups of concern to the US that could access resettlement directly through one of the State Department's NGO partners. Intended to create a more equitable global system focused on humanitarian needs, the move had the unintended consequence of chronic referral shortfalls for the next twelve years as UNHCR did not immediately have the capacity to substitute for the cases historically generated by NGOs through the 'direct access' programmes.

Struggling to fill quotas

Responding to criticism over this and warnings that it could undermine UNHCR's credibility with resettlement countries, threaten future funding and result in reduced quotas,¹ UNHCR set about developing a 'rationalised' resettlement programme, with consistently applied criteria and professional, trained staff. It was at this point that the resettlement criteria we know today were codified and the first *Resettlement Handbook* was published in 1996. The first coordinating forum was created – the Annual Tripartite Consultations on Resettlement – with the original brief to strategise on closing the gap between referrals and quotas. It was also at this point that, in its effort to rise to the demands of resettlement countries, UNHCR focused intensively on building its internal capacity rather than building on partnership models with NGOs, as had been successfully employed by resettlement states. The partnerships between states and NGOs had existed in parallel with UNHCR's

referral system, meaning that UNHCR did not have a rich history of partnering with NGOs on resettlement on which to build.

The notable exception to this trend was the development in 1998 of a deployment scheme administered by ICMC to supplement UNHCR's resettlement staffing. Due to the scale of the scheme, however, it has not played out quite as envisioned, which was the temporary secondment of NGO staff. The high demand for staffing has resulted in the majority being hired specifically for deployment to UNHCR, sometimes without prior NGO experience.

There were experiments with other forms of partnership for case identification and referral during this time. Notably, in the early 2000s, IRC in Pakistan began a project to identify at-risk Afghans and refer them to UNHCR for resettlement consideration. The rationale was that the scale of the refugee crisis in Pakistan left UNHCR handling only those cases that self-identified for resettlement, whereas an NGO could focus on outreach to find the most vulnerable cases. IRC worked closely with local NGOs in the identification process and, not having to deal with the full enormity of the crisis as UNHCR did, could dedicate resources to conducting home visits and better verifying the merits of the cases.

In Kenya in 2002, in the wake of a corruption scandal that halted UNHCR resettlement activities, HIAS developed a resettlement identification and referral programme.² The US State Department, frustrated with the continued lack of sufficient UNHCR referrals to fill its annual admissions quota, offered a series of NGO trainings intended to result in NGOs authorised to refer cases to the US. This initiative was eventually abandoned, in part because the trainings resulted in few agencies signing on and few referrals from the ones that did.

For a new generation of resettlement professionals, UNHCR was the only referral agent known. And for many European countries, reliance on UNHCR and lack of NGO involvement had been the norm so the memory of significant NGO involvement faded. By 2003, total

UNHCR referrals to be divided among all resettlement countries were 35,000, equal to just half of the US's quota alone.

Resurgence of NGO involvement

Seeing the discrepancy between unused slots and acuteness of needs witnessed in the field, more NGOs felt compelled to find ways to shore up the operational capacity. Recognising that the crucial gap continued to be around staffing to conduct case identification and referrals, RefugePoint³ was founded in 2005 with the initial goal of ensuring that available resettlement quotas were fully utilised, particularly for African cases, which had historically fared poorly compared with other regions.

NGOs loaning resettlement staff to UNHCR has now become commonplace. With ICMC by far the largest provider, these 'auxiliary workforces' collectively produce around 60% of all resettlement referrals annually. Beyond deploying staff to UNHCR, international NGOs continue to work with and train national NGOs so as to expand the reach of resettlement to cases that otherwise would not gain access, using their unique position in refugee communities to identify the most at-risk cases and refer them to UNHCR for consideration. There is now an online Toolkit hosted on UNHCR's website intended to encourage NGOs to identify cases and, correspondingly, to encourage local UNHCR offices to welcome and process NGO referrals.⁴

While it is difficult to disentangle the various contributions that resulted in significantly expanded capacity and quotas being met, the fact that in recent years NGOs have become trusted, relied-upon sources of resettlement referrals – combined with UNHCR having adopted a more welcoming approach to partnering with NGOs – has undoubtedly served the programme well.

Beyond added capacity, NGO involvement has brought other benefits. While by necessity UNHCR must focus on generating sufficient referrals to respond to donor and resettlement country demands, NGOs are freer to focus on vulnerability and the merits of individual cases.

One of RefugeePoint's goals has been to ensure equitable access to resettlement, both in the sense of geographic distribution of resettlement opportunities and demographic distribution within those geographies; this has also been a stated goal of UNHCR and resettlement governments over the years. RefugeePoint has tracked the percentage referred country by country in Africa, for example, and what emerges is an improving picture. In 2005, refugees of 23 different nationalities were referred from 28 different host countries in Africa. By 2015, it was up to 28 nationalities referred from 34 host countries and referral numbers for those same years increased from 15,000 to nearly 39,000.

Conclusion

The increased involvement of NGOs in the identification and referral process over the past decade has brought with it a steady spotlight on issues of equity and accountability, which has improved and strengthened the resettlement programme overall. Leading up to the mid-1990s,

resettlement was an activity driven by a few resettlement countries for mixed humanitarian and foreign policy motives. In its next phase, resettlement became formalised and led by UNHCR. In its current phase, resettlement might benefit from greater accountability, with the time ripe for establishing common impact measurements around resettlement, beyond referral numbers. As a community we might develop measures, for instance, to answer the questions about how effective resettlement is as a durable solution, how equitably it is implemented, and whether it is reaching those who need it the most.

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3. Originally under the name Mapendo International
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Expanding the role of NGOs in resettlement

Melonee Douglas, Rachel Levitan and Lucy W Kiama

With global resettlement needs growing and more refugees living outside camps, NGOs are uniquely positioned to identify and interview vulnerable refugees and to play a larger role in refugee resettlement.

Camps, for better or worse, have been the backbone of global refugee resettlement, with most referrals coming from camp-based populations and submitted to resettlement countries (those countries offering to resettle refugees) almost exclusively by UNHCR, the UN Refugee Agency. With large refugee populations living in camps and registering to access services, UNHCR and its partners were easily able to identify and refer cases for resettlement. Resettlement countries were comfortable with the opportunity provided by camps for organised and systematic registration, refugee status determination (RSD), identification, referral and submission procedures.

As more refugees began to settle outside camps, the traditional identification and referral mechanisms that the resettlement programme relied on did not translate well from camps to urban settings and UNHCR was forced to identify refugees in need of resettlement mainly through data from registration and RSD. In host countries where registration and RSD data were unreliable, and where UNHCR was not able to effectively reach the most vulnerable refugee communities, identification became challenging.

In response to this changing refugee landscape, in the early 2000s Canada and the US approved two non-governmental

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organisations (NGOs) in the Africa region – RefugePoint (then called Mapendo International) and HIAS – to submit out-of-camp cases directly to them, creating a parallel structure to UNHCR’s resettlement process. These ‘direct referrals’, though few in comparison with the number of UNHCR submissions, in some years accounted for a significant proportion of the total submissions in Nairobi and Kampala, the two urban locations where they operate. This relatively modest direct referral programme continues to operate in Africa.

Despite increased demands by resettlement countries for cases, direct NGO referral programmes have not increased proportionally, either in terms of programme location or numbers of NGOs engaged. To meet the need, donors, resettlement countries and UNHCR should support and implement NGO direct referral programmes more widely, expanding the number of specialised NGOs engaged in case referral and increasing the overall number of appropriate, vulnerable cases referred.

The value of NGO direct referrals

In addition to increasing the overall numbers of cases submitted, there are other significant benefits of expanding NGO direct referral programmes.

First is the creation of parallel pathways in the resettlement system. This is more than just creating access; parallel pathways allow the programme to continue if one pathway breaks down or experiences a stoppage. For instance, if UNHCR must focus its efforts on submissions to one particular country to support an upcoming adjudication mission (thereby decreasing submissions to other countries), NGOs can assist in filling the gap so that no resettlement country has to experience a lull in submissions. Additionally, if funding for UNHCR submissions is cut, NGOs that have private funding designated for resettlement activities are well positioned to continue providing these countries with referrals.

Second, direct referrals from NGOs alleviate some of the pressure on UNHCR to produce submissions. In the Middle East,

for example, where resettlement caseloads are primarily urban, UNHCR struggles to produce enough submissions for resettlement. This is partly because resettlement approval rates for identified cases – many of whom are from Syria and Iraq – are as low as 50-60%, and partly because of higher than average drop-out rates. NGOs, often located in refugee neighbourhoods, with established relationships to vulnerable refugee communities, are well-positioned to identify refugees who fit the approval profile for specific resettlement countries. UNHCR does not always have the time or staff capacity to properly sort the cases according to where they have the best chance of being approved. NGOs’ more nuanced approach is an asset to the programme and part of the reason why their approval rates are so high.

Third, direct referrals increase access for particularly vulnerable individuals. For instance, most LGBTI (lesbian, gay, bisexual, transgender and intersex) refugees cannot live in camps because UNHCR is not able to provide them with adequate protection from the refugee community. Similarly, there are women at risk and sexual and gender-based violence cases who also are not afforded protection from other refugees in the camps. In general, these individuals feel less exposed and can access better protection in urban areas through NGOs’ services and programmes. Some extremely vulnerable refugees are reluctant to refer themselves for resettlement to UNHCR, having no established relationship with any of its staff. NGOs, by contrast, work closely with these vulnerable refugees by providing services over an extended period, and create environments that encourage them to disclose details of persecution based on gender, sexual orientation and gender identity. In some cases, these NGOs are the only agencies that more marginalised groups approach when they first arrive in a country of asylum.

Fourth, NGO direct referrals are cost efficient. For NGOs, outreach and identification of resettlement cases occurs daily through regular programme activities, which amounts to a subsidy of these resettlement-related services.

Best practice

While NGOs' role in identification and referral is welcomed by resettlement countries and UNHCR alike, the NGOs' role in submitting cases directly to resettlement countries – rather than to UNHCR – is controversial. Critics argue that this model can cause refugees to perceive direct referral NGOs as gateways to resettlement. To mitigate this, NGOs should only submit cases that are referred to them by external partners. If they deem a client to be in need of resettlement (a so-called internal referral), the case should be referred to UNHCR or to another agency approved to submit cases directly. As an added measure, RefugePoint and HIAS conduct regular case conference meetings with UNHCR, prior to submission, to verify family composition, mitigate fraud, prevent overlaps in service delivery and better ensure the integrity of the programme. In any case, all NGO submissions go through the same security checks by the resettlement country as the UNHCR submissions.

The current direct referral partnership model has been lauded as a best practice by resettlement countries, with each of the NGOs being encouraged to increase their respective submissions from Nairobi (RefugePoint and HIAS) and Kampala (HIAS) while the latest direct referral agency, International Refugee Assistance Project (IRAP), has been approved to submit cases from the Middle-East North Africa region. Despite the request for increased submissions from many countries since 2011, surprisingly only Australia has agreed to join Canada and the US in accepting direct referrals. Furthermore, IRAP is the only NGO that has been approved to submit cases to the US since that time. UNHCR has projected that there are 1,190,519 refugees in need of resettlement in 2017, and that given its current resources its target for actual submissions is 169,789.¹ While secondments and deployments from NGO partners are one option to increase submissions, submissions by NGOs provide an additional opportunity to increase resettlement numbers.

So far, to increase submissions, UNHCR and the resettlement countries have come up with creative solutions such as combining

RSD and resettlement interviews, limiting RSD to those being referred for resettlement, diversifying the NGO partners for the deployment scheme, and introducing shorter resettlement referral forms. However, for the most part, the response to the requested increase in quotas has been achieved through surge operations – which are not sustainable.

Resettlement countries that have employed surges readily admit that the associated costs are unsustainable and that the speed with which cases were processed led to integration difficulties and increased anxiety among refugees and caseworkers, and was one of many contributing factors to high dropout rates prior to departure. The most easily accessible vulnerable cases were identified for submission, which is not the same as prioritising cases based solely on vulnerability. In effect, the surges, while producing larger numbers of people for resettlement, have taken resources from more protracted caseloads, exacerbated tensions between refugee populations and created an imbalance between addressing vulnerable cases and achieving targets.

A new model for a new normal

A NGO direct referral system must play a larger role in assisting UNHCR to achieve growth while simultaneously prioritising vulnerability. To effectively expand the NGO direct referral system, the following steps are needed:

Approve more NGOs to conduct direct referrals: Just as UNHCR has implementing partners for the services it offers to refugees, so too should the resettlement programme have at least one NGO implementing partner for resettlement submissions in every location where there are resettlement operations. This NGO should be well-established in the host country, and offer other programmes and services. With UNHCR committed to actively pursuing alternatives to camps for refugees and with host countries increasingly choosing not to construct camps, the need to identify and refer vulnerable refugees in non-camp settings for resettlement is critical. The role of NGOs in such referrals is not disputed but there is a need for more

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NGOs to be approved by resettlement countries to submit cases directly.

Train NGOs to conduct direct referrals: An NGO training programme should be designed by UNHCR and the three current direct referral NGOs, with input from resettlement countries, and be offered on an annual basis. Currently, the direct referral NGOs train their partners on how to refer cases to them. However, there is no induction training available for new direct referral NGOs.

Increase the number of resettlement countries that accept direct referrals from NGOs: The US, Canada and Australia should promote this model to other resettlement countries and explain the benefits of NGO direct referrals. In particular, countries that accept referrals on a 'dossier' basis (that is, without interviewing the refugee before arrival in the resettlement country) could especially benefit from this programme if their goal is to reach the most vulnerable.

Fund direct referrals: The cost to the NGOs of the direct referral programmes has not just been financial. Because NGOs offer this service free of charge to resettlement countries, resettlement countries have little sense of responsibility to serve as a true partner. To grow the programme responsibly, NGOs need to be funded for their services, at least partially or on a matching basis. Most NGOs – particularly those based in refugee communities with deep ties to vulnerable populations – would find it extremely challenging to run a direct referral programme that does not receive the kind of funding from resettlement countries or UNHCR that other programmes do.

Strategically use NGO referral agencies to expand resettlement in specific locations: By expanding the number of NGO referral agencies and the number of resettlement countries willing to accept them, locations where the resettlement programmes are insufficient for the need could be strategically expanded. For instance, the resettlement programme in South Africa has remained stagnant for years, hovering at around 1,400 referrals a year since 2011. Currently, there is no NGO that is approved to do

direct referrals in South Africa. A simple model could be introduced whereby a resettlement agency could partner with specialised civil society agencies working with, for example, sexual minority refugees or refugees with disabilities to identify appropriate cases for referral. Targeting specific vulnerable populations in locations where, for whatever reason, resettlement has not kept pace with the needs would be a strategic use of direct referral NGOs.

While NGOs have a prominent role to play in the identification of vulnerable individuals and their referral to UNHCR for resettlement consideration, their role in the submission of cases directly to resettlement countries has been limited. With the shift to the majority of refugees living outside camps, operational modalities in most sectors have had to move away from traditional models and find innovative ways to adapt. The resettlement sector should do the same.

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1. UNHCR *Projected Global Resettlement Needs 2017*
<http://bit.ly/UNHCR-ResettlementNeeds2017>

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Resettlement as a protection tool for refugee children

Susanna Davies and Carol Batchelor

There is a need to ensure that new and existing initiatives to resettle refugee children at risk, including unaccompanied children, are better able to serve their unique protection needs in today's global context.

Today, more than half of refugees and asylum seekers worldwide are children under the age of 18. Displaced girls and boys leave behind not only homes and family members but also the safety and stability essential to their long-term development. In the face of forced displacement on a scale unseen in the recent past, resettlement is relevant not only for the protection of those in need but also as a mechanism for global responsibility sharing. A myriad of international agencies and the public at large have shown a surge of interest in resettlement, and resettlement of children in particular.

Prioritisation of children at risk as a category for resettlement dates back to the 1980s, when the United States (US) established its Unaccompanied Refugee Minor Program to support children among the 'boat people' fleeing Vietnam. Since then, other high-profile displacements, including that of the Lost Boys of Sudan, have led to an increased focus on unaccompanied children for resettlement. Other traditional resettlement countries, including Norway and Sweden, have established programmes to resettle and support unaccompanied refugee children. The United Kingdom (UK) established a new initiative in 2016 to resettle vulnerable refugee children from the Middle East and North Africa, regardless of their family separation status.

Currently the number of resettlement places is dramatically less than the needs of children for whom resettlement would be the most appropriate solution. Globally, the UN Refugee Agency, UNHCR, submitted nearly 4,500 children and adolescents for resettlement in 2015, representing 3.6% of global resettlement submissions. Significantly more of these children were

submitted for resettlement as part of family units and under other resettlement categories than under UNHCR's category of 'children and adolescents at risk'.

Current resettlement needs of children at risk

Globally, nearly 100,000 – or slightly less than 1% – of all refugee and asylum-seeking children are separated from their families. While these children are highly vulnerable without their usual parent or caregiver to support them, refugee children within family units can also face a variety of acute and sometimes life-threatening risks. As well



Where do you come from? Resettled refugee children in New Zealand share pictures of themselves and use a map of the world to show where they have come from. Mangere Refugee Resettlement Centre, Auckland, New Zealand.

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as unaccompanied and separated children, children at risk include survivors of sexual and gender-based violence, children who are recruited into armed groups, children who are exploited and forced to work in dangerous and harmful conditions, and other children facing violence, abuse, neglect and exploitation. Estimates based upon prevalence rates of the main risks could put the number as high as 1.9 million refugee children at risk.

Focusing on specific displacement contexts reveals different patterns and prevalence of risks facing refugee children. Among Syrian refugees in the Middle East, for example, some 10,000 children – or less than 0.5% of all children among this refugee population – are separated from their family. Far more children face other equally harmful risks including hazardous child labour and child marriage, especially as families face dwindling resources. Among South Sudanese refugees, on the other hand, approximately 44,000 children – or 5% of child refugees – are separated or unaccompanied. South Sudanese refugee children also face significant risks of

sexual and gender-based violence, including child marriage and sexual exploitation as well as child labour. There have also been reported cases of recruitment of refugee children into armed groups, with 12,000 children within South Sudan estimated to have been recruited.

Resettlement may not be the solution in the best interests of all these children, however. In the majority of cases, refugee children receive support to address their protection issues locally, are reunified with family in refugee-hosting countries within the region and in some cases eventually return to their country of origin. The appropriateness of resettlement to resolve a child's protection situation would always be determined on an individual basis through resettlement screening and UNHCR's Best Interests Procedures.¹ However, the sheer number of girls and boys facing acute protection risks compared with the very limited number of places for resettlement reveals a wide gulf between the needs and the availability of solutions.

The recommended response

Any resettlement programme could usefully include a targeted focus on the category of children and adolescents at risk, including children within family groups and children separated from their parents or families. The UK's new initiative for children in the Middle East and North Africa is an important first step in this direction. Importantly, the children and adolescents at risk category avoids promoting negative coping mechanisms, as families have been known to separate on purpose in order to gain access to schemes which solely resettle unaccompanied and separated children.

Recognising that each child's needs, capacities and protection risks are different, an individual assessment or determination of their best interests must remain central to any resettlement decision and guide the resettlement process. Family unity, in particular, must continue to be prioritised in Best Interests Procedures and must also be recognised by receiving states as a primary consideration for the well-being of children, noting the pivotal



role that families play in children's protection and long-term development.

Prospects for family reunification should be a key factor in the decision whether to resettle a child, and steps should be taken to ensure that resettlement does not undermine or seriously hamper future reunion with their family. Following their arrival in a resettlement country, it is important for unaccompanied and separated children to be able to benefit from family reunification with both close and extended family members. Visa restrictions that prevent children from being reunited, after their arrival in the country of resettlement, with family members who are traceable present a significant obstacle to the resettlement of unaccompanied and separated children.

In addition, family reunification policies could do more to accommodate differing cultural family structures within law and policy. Most resettlement countries currently only allow for family reunification with the nuclear family. Such restrictions have posed challenges to finding solutions for children trying to reunite with family members in the context of the recent emergency in Europe. Furthermore, shortened waiting times and prioritisation of rapid processing of children at risk can help mitigate the long-term negative impacts of prolonged family separation on their development.

Finally, continued support upon arrival in the resettlement countries is crucial for children and their families. Children and adolescents at risk will require continued protection services and assistance to integrate safely in their new community. Psychosocial services, whether through counselling or local peer networks, will be essential to assist children at risk and their families to overcome past experiences and successfully embark upon their new life. Careful attention should also be placed on initiatives to encourage integration, especially those pairing refugee children and families with members of local communities and providing opportunities to form new support networks. Canada's current Settlement Workers in Schools scheme provides an excellent example of support provision for

children and families.² Resettlement workers are based in schools, assigned to work with individual children and their families, and provide ongoing counselling, home visits and educational advice and support.

The future

Our collective focus on addressing the needs of children at risk could be sharpened and new initiatives to respond to needs would be valuable. New programmes should consider all children at risk, avoiding the pitfalls of focusing solely on unaccompanied and separated children. At the same time, UNHCR could do more to ensure that children and adolescents at risk, for whom resettlement might be in their best interests, are identified proactively. In refugee operations where systems already exist for identifying refugee children facing risks and referring them for local protection services and support, these systems could be better linked with resettlement services.

UNHCR, its partners and states must continue to identify innovative approaches to protecting children on the move – whether through resettlement or other pathways to durable solutions.³ Importantly, any progress in keeping children on the move safe must include support to strengthen national child protection systems for the benefit of **all** children, as well as continued collaboration with states to ensure respect for existing principles and frameworks governing protection and assistance to children.

It is no surprise that countries of asylum struggle to meet the demand for good-quality child protection services in most refugee operations. However, resettlement will not be the solution in the best interests of the majority of the nearly 12.5 million refugee and asylum-seeking children globally. Most of these children and their families will remain in their countries of first asylum. To meet their protection needs, greater investment in long-term child protection and education programmes within refugee operations is sorely needed.

Resettlement has become an increasingly vital part of UNHCR's efforts to find solutions and advocate for more equitable

responsibility sharing for refugees. Within this focus, resettlement processes could be strengthened to better meet the distinct protection needs of children and adolescents at risk. Increased investment in protection and social welfare services for children in countries of first asylum and in resettlement countries will help refugee children in the search for long-term solutions.

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An unequal partnership: resettlement service providers in Australia

Niro Kandasamy

The relationship between government and government-contracted refugee resettlement service providers in Australia needs to be based more on autonomy and trust.

In September 2015 the Australian government announced that it would provide an additional 12,000 places to resettle refugees from Syria and Iraq, begging the question of how the government would facilitate their resettlement. In Australia, the government relies on Civil Society Organisations (CSOs) to fulfil its commitment to refugee resettlement but there was little said about providing enhanced support for CSOs to cope with the increased workload.

Australian CSOs are key agents for supporting refugees who are on the path to becoming citizens, by advocating for their needs as well as providing immediate and ongoing support such as housing, health and education. In Australia in the late twentieth century, CSOs were encouraged to adopt a New Public Management model that emphasised competition and privatisation. CSOs had to tender for government service contracts that have now become the norm in the delivery of refugee resettlement support and whose contractual obligations challenge the CSOs' autonomy and model of partnership with government.

Support for refugees immediately after they arrive into the country is contracted

out by government to a range of CSOs. Resettlement services provided by these CSOs include assistance on arrival, information, referrals (to government agencies that provide income, health care, etc) and housing services. After a period of six to twelve months, refugees can access the Settlement Grants Program (SGP) which is also contracted out to CSOs to assist refugees with a range of skills including driving and job development.

Resource limitations

Although the range of support to refugees is not homogeneous across all CSOs in Australia, they are all equally affected by resources determined by government contracts. Agency frontline workers struggle to meet the needs of their refugee clients because they cannot find appropriate venues for their refugee programmes and have too few staff to share the workload and fulfil administrative duties related to their contracts.

For example, a key challenge for frontline workers is having to meet the needs of their refugee clients with part-time staffing. In Australia, the traditional employment of part-time workers in CSOs has resulted in

many CSOs relying on volunteers to run their refugee programmes, a situation supported by the government's National Volunteering Strategy. On the one hand, government contractual arrangements leave a gap between resources and the needs of refugees by limiting the amount of resources available to CSOs to employ full-time workers and, on the other hand, the government conveys a sense of concern for the welfare of refugee communities by encouraging volunteering among civil society to fill these resource gaps. CSOs are being forced to devise innovative solutions to meet needs in what is clearly becoming an increasingly precarious environment for refugee resettlement.

It is becoming more and more difficult for CSOs to fulfil their responsibilities to refugees within the market-like structures of government refugee resettlement programmes. CSOs advocate for individual refugees' needs and at the level of government policy. However, advocating for refugees particularly at the policy level is difficult for organisations that are in a contractual relationship with government.

There is a common perception among CSOs that their contractual relationship with government takes away any opportunity for advocacy work. For example, the re-introduction of Temporary Protection Visas (TPVs) in 2014 prevents CSOs from providing the full range of support to refugees as those on TPVs are not allowed to access the same types of education and training that are available to other humanitarian entrants; furthermore, CSOs are severely limited in their capacity to advocate for these refugees, whose resettlement is uncertain and under review every three years.

Recommendations

While the Australian government characterises its relationship with CSOs as a partnership, this relationship is in fact unequal and the government shows little appreciation of the views and concerns of CSOs on the resettlement of refugees:

"...there exists a cultural, absolute and total disconnect between civil society organisations like

me and government, a total disconnect on the issue of refugees. There needs to be a shift in the way contracts are written, a shift in the relationships and this needs to be on an equal footing and a true partnership in the true sense of the word." (CSO manager)

Frontline workers and managers of CSOs recognise that a contractual relationship with the government is the norm; however, they also assert that this collaboration must revolve around the main goal of fulfilling the needs of all refugees, including those on temporary visas. To ensure that Australian CSOs are fully supported in their efforts to resettle the new refugees without compromising the government's well-established processes of contracting out refugee services, the following recommendations are proposed:

- Government contracts must prioritise the resource requirements of CSOs to fulfil their service delivery obligations to refugees.
- The government should utilise the expertise of CSOs in refugee resettlement, beyond conversations with contract managers, to encourage different perspectives on how best to support the resettlement of refugees.
- As rural areas of Australia are fast becoming key sites of resettlement for Syrian refugees, CSOs operating in these areas will need improved levels of infrastructure and social networks to support the resettlement of refugees.

Enhancing the responsibility of and resources afforded to CSOs has the potential to improve the outcomes for refugees as they settle in a new land. Respectful government-CSO relationships – a true partnership – would serve to strengthen Australia's resettlement strategies.

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Refugee resettlement and activism in New Zealand

Murdoch Stephens

From 2013 the Doing Our Bit campaign has been calling for New Zealand to double its refugee quota from 750 places to 1,500.

Until Canada's recent intake of Syrian refugees, New Zealand was the only country in the world that received more refugees through a UNHCR resettlement system than through asylum seeker applications. To make up for the fact that only 300 asylum applications are made every year, New Zealand seeks to do its fair share through a quota system. The limited number of 'quota refugees' welcomed into a population is based not on the claims made by asylum seekers based on rights, however, but on what public representatives think the public wants.

A rights-based framework asserts the rights of people to seek protection regardless of economic value. A rights-based framework is also useful for organisations representing quota refugees once they arrive in resettlement countries. However, democratic institutions – not simply politics and elections, but also the media, advocates, activists and government departments – can offer an additional avenue for the protection of refugees with the number of quota refugees welcomed into a population based not on the claims made by asylum seekers based on rights but on what public representatives think the public want.

In New Zealand, a lack of public debate about refugees meant that the size of the annual quota – 750 – did not grow for 30 years. In that time the country's population grew by 41% and real GDP per capita more than doubled. Those who advocated for a larger quota during this time, however, did so with only limited engagement with the wider public.

In 2013 I started the Doing Our Bit campaign to double New Zealand's refugee quota. The campaign began with no funds and no established public profile. That made social and alternative media the only way to begin. We also focused on friends in the arts, academic and activist communities

as a way to amplify our message to the general public. These connections led to our first meetings with sympathetic Members of Parliament from opposition parties and we were able to convince the major opposition party, Labour, to include an increased refugee quota in their election manifesto – a step in the right direction.

By February 2015 other advocacy groups also were campaigning to double the quota. In time we also drew in celebrity endorsements and the support of mayors and



Mat Grace

Campaigners protest outside government buildings, Wellington, New Zealand.

of other refugee service provision agencies. Engagement with the general public was pursued through public meetings, pamphlet drops and art exhibitions. Two years into the campaign, and before the migrant crisis arrived in Europe, one poll showed that 53% of New Zealanders were in favour of a quota increase. In September 2015 the government announced that it would provide 600 more quota places (for Syrians) over three years.

Despite our focus on democratic institutions, claims on the values of human rights were important for the campaign. However, human rights were used to make an appeal to the public via democratic institutions, rather than as a basis for a legal claim in court. Alongside human rights, the campaign was also based on narratives of fairness ('doing our bit') and driven by compelling statistics that compared our contribution with that of other countries. An important message for the campaign was that even though Australia, for example, treats asylum seekers terribly, New Zealand also shirks its responsibilities through having a tiny and stagnant refugee quota.

We, and refugee service provision groups, had been showcasing positive stories about resettlement outcomes and had framed the wider narrative around the lack of an increase in the quota. A campaign for higher refugee quotas can be made without creating a narrative where the quota becomes the only legitimate avenue for refugee protection, especially if advocates work with the mainstream media to clarify the two categories of refugee protection. In fact, a focus on the quota led to less traction for overblown, negative news stories about asylum seekers, and most discussions of security issues around bringing refugees to New Zealand are now based on the government screening of the refugees arriving through the quota.

Resettlement shortcomings

In New Zealand the refugee resettlement quota is planned at three-year intervals. This allows planning for incremental increases to the quota while avoiding narratives of chaotic intakes or 'floods' of refugees. So

while asylum seeker applications would be expected to fluctuate with changes in conflict and persecution, groups advocating on the refugee quota must mobilise public support around these moments of review as well as at elections. Though the international focus on the recent refugee crisis helped to speed up the increase in our permanent quota, we were confident we would achieve an increase.

In June 2016, the government announced that the refugee quota would permanently grow to 1,000 places from 2018, with developing opportunities for community sponsorship. That increase did not match what we and others had campaigned for; however, both main opposition parties have now adopted the policy of increasing the quota to 1,500 places, editorials in all major newspapers condemned the small growth in the quota, and public sentiment is still broadly in favour of accepting refugees.

There are four main challenges with New Zealand's resettlement intake of refugees. First, it is easy for states like New Zealand to prioritise certain kinds of refugees. Without the recent public interest in refugees, policymakers have picked refugees who they think will settle best rather than focusing on the most vulnerable. While categories were established for medical and disabled cases these have been substantially curtailed since 2009. The current government has also limited new quota refugees from the Middle East and Africa only to those who already have family in the country, in direct rejection of UNHCR's focus on the most vulnerable people.¹

Second, government selection and transportation of refugees through a quota system normalises a system that requires refugees to wait for places that are far fewer than the number required.

Third, the focus on refugee quotas in times of crisis can detract from other immediate needs such as aid to countries that host most refugees. Ultimately the calls for increased refugee quotas need to be tied to calls for increased aid rather than made in competition with those calls.

Finally, New Zealand is only just beginning community sponsorship programmes that would allow for public

sentiment to be more responsive at times of crisis. One reason why the success of the Doing Our Bit campaign was limited is that much of the initial enthusiasm from the public was squandered as the government tried to slow down its response so as not to alienate some of its supporters.

The New Zealand experience of trying to increase a long-stagnant refugee quota showed that a rights-based framework is necessary but not sufficient for a strong resettlement programme. An exclusive emphasis on resettlement can also

lead to a situation where movements of individuals seeking asylum are delegitimised and the rights afforded in the Refugee Convention negated. The function of a democratic framework is to push for protection measures beyond and in addition to a rights-based approach.

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Doing Our Bit campaign www.doingourbit.co.nz

1. UNHCR *Projected Global Resettlement Needs 2017*
<http://bit.ly/UNHCR-ResettlementNeeds2017>

Differential treatment of refugees in Ireland

Natalya Pestova

The Irish government makes considerable efforts to resettle Syrian refugees arriving through the UNHCR resettlement process but offers no support to those refugees – some of whom are also from Syria – who individually seek asylum under the international protection system.

In response to the war in Syria, the Irish government undertook to welcome 4,000 refugees. Civil society and the Irish people at large shared the feeling of solidarity for those who suffered in Syria and the cry ‘refugees welcome’ has been widely articulated over the last year. The Irish state is putting significant effort and assistance into supporting the programme for Syrian refugees resettled under the process organised by the UN Refugee Agency, UNHCR, as a part of their commitment to welcoming these refugees.

Between its beginning in 2000 and late November 2016, the UNHCR-led resettlement programme supported 1,705 vulnerable persons from 27 countries, including Iraq and Syria, to start a new life throughout Ireland.¹ Under its recent commitment to welcome 4,000 Syrian refugees, the government commenced resettlement planning for families based in refugee camps outside Syria. By mid-2016 several cohorts of Syrian people had arrived in Ireland and had been placed in a number of locations throughout the country. Financial resources are allocated by the government to support people through the first year of transition, to provide immediate assistance to the families to engage with

schools, health services, housing authorities and so on. Statutory agencies are mobilised to ensure adequate access for the refugees to services. Interpretation, child care or other immediate specific needs of refugees are taken into account and provided for where possible. Community engagement and integration are also a part of the resettlement support process. This well thought-out and practical approach to resettlement, although limited to possibly little more than one year, would be a credit to the Irish government, if considered outside the broader context of its immigration policy and practice.

At the same time as these refugees are being resettled, 4,209 asylum seekers – who have made their own way to Ireland – are awaiting decisions on their protection claims and are accommodated in open prison conditions under the system called Direct Provision under which asylum seekers are not allowed to work, study or cook for themselves. There have been 109 applications from Syrian asylum seekers registered in 2016 in Ireland.²

It can take up to ten years before a final decision on the granting of asylum is made by the authorities. No structured

support is afforded to those people who individually sought asylum under the international protection system and eventually did get recognition of their status. Former asylum seekers are left to their own devices to support themselves through the transition to independent living, and inevitably face poverty and hardship.

Government position on ‘balanced migration’

The new government elected in early 2016 laid out its position on migration in the Programme for a Partnership Government, in a section entitled ‘Ensuring a Balanced Migration.’³ The Programme commits to offering safe haven to, and ensuring integration of, refugees coming to Ireland under the resettlement programme. It does not speak in the same terms about refugees seeking protection through the system established under international refugee law. The government’s position on migration is heavily preoccupied with border-protection concerns. The repeated references to measures such as ‘tackling illegal migration’, ‘getting tougher on abuses’ by ‘bogus asylum seekers’ and to facilitating removals hardly represent a balanced policy.

The wording of the Partnership Government Programme implies that there are two categories of migrants – good migrants and bad migrants. Good migrants are welcome to Ireland and their needs are recognised, while bad migrants are not welcome and are to be removed. This approach fuels prejudice against asylum seekers and does not contribute to building an inclusive and equal society that affords migrants equal recognition, voice and opportunities.

With its preoccupation with border protection concerns, the Programme missed the opportunity to formulate a comprehensive and fair response to inward migration, and particularly to the reception conditions of people seeking protection in Ireland. The Programme acknowledged the negative impact of the Direct Provision system on the family life of asylum seekers but did not recognise that Direct Provision



Cover image from Mayo Multilingual Support Services Booklet
<http://bit.ly/MIApdf>

is detrimental to child development, personal freedom and dignified living.

Moving out of Direct Provision

To clear the backlog of applications from persons who had been awaiting their protection status determination for over five years, a significant number of asylum seekers received their status during 2015 and 2016. This was a major breakthrough and a ‘release’ for those trapped in the complexities of the Irish protection process for up to a decade or, in some cases, even longer. Even after the final recognition of their status, however, there is an almost complete absence of targeted support of any kind for a transition to independent living and settling of these refugees into communities – just a couple of token measures such as an information booklet (*Your Guide to*



Independent Living) and information sessions offered on a quarterly basis to the residents of the centres who received their status.

Refugees continue to live on an allowance of €19.10 per week and are expected to find their own way through intricate bureaucratic procedures such as applying for an immigration card and social welfare benefit, registering for social housing, finding private rented accommodation and negotiating Housing Assistance Payment. Refugees are expected to move out of the Direct Provision accommodation but are not even paid the costs of travelling to view houses, so they must try to fit the phone calls and travel costs into their €19.10 weekly budget.⁴ One refugee woman disclosed that she was granted €16 train fare to relocate with all her personal and household belongings from the Centre to another location. Families are left living in dire poverty, paying back

loans taken from friends or 'loan sharks' to cover their relocation expenses.

Comparative observations

The Programme for a Partnership Government sets the tone for immigration policy and practice and is currently sending out a divisive message to service providers and to the public. Its position underlines the differential treatment by the state, whereby the needs of resettled Syrian refugees are well taken care of while the needs of those moving out from Direct Provision appear not to matter. Such preferential treatment is an unfair policy, which deepens inequality in society and can trigger frustration or even conflict between different vulnerable groups. Syrian refugees who seek asylum in Ireland through the general system of international protection would find it hard to reconcile why their compatriots who arrived in Ireland through the UNHCR process are offered local authority housing and a range of other supports, while they have to struggle to find affordable private rented accommodation (in the context of the current severe housing crisis in Ireland) and to go through cumbersome transition process with no support.

Treating those who have sought protection on the basis of the Refugee Convention procedures differently from those who are resettled through the UNHCR process emerges as a worrying concern for those working in the sector. Concerns about the way the Irish state is treating refugees should be challenged by human rights agencies nationally and internationally alike. This disregard of equality, the core human rights principle, needs to be addressed in respect of national equality legislation and constitutional, European and international human rights law.

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1. <http://bit.ly/OMI-Ireland>
2. As at September 2016
3. Section 11.10 www.merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf
4. See Irish Refugee Council (2016) *Transition: from Direct Provision to life in the community* <http://bit.ly/IrishRefCouncil-Transition>

Towards a new framework for integration in the US

Catherine Tyson

The view of integration in US resettlement policy is currently disconnected from the views of integration held by refugees themselves.

Integration is a central challenge for resettled refugees if they are to establish themselves and succeed in their new communities. The United States (US) resettlement regime, founded on the Refugee Act of 1980, defines indicators of successful integration and resettlement.¹ However, the current US resettlement regime ultimately leaves some, maybe many, refugees struggling even after the official period of resettlement is long over. The consistent poverty and low incomes experienced by many refugee communities,² climbing rates of suicide among certain communities³ and accounts of frustration and isolation expressed by resettled refugees are only a few of the indicators that suggest that current US resettlement policy is ultimately not enabling broader, long-term success for the population that it is designed to serve.

From ethnographic studies of the Iraqi and Bhutanese-Nepali communities in Chicago in 2013 and analysis of US resettlement policies (primarily the Refugee Act), I found several clear points of divergence in ideas of integration between policy and refugee populations as well as some differences in integration between the two refugee communities.

Indicators of integration in US policy

Integration in US refugee resettlement policy relies upon neoliberal notions of a productive citizen, such as self-sufficiency and independence. The specific provisions made in the Refugee Act for federally funded integration activities, and the majority of activities funded by federal and state grants, are those that focus on basic English language acquisition and employment placement. It is clear that this approach establishes economic self-sufficiency as the primary indicator of successful integration. Indeed, footnote (1)(A)(i) of Section 411 of the Act⁴ specifically stipulates that the purpose of

the Office of Refugee Resettlement is to “make available sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible.”

English language acquisition is seen as important only in its role in helping refugees find employment and become economically self-sufficient. The Act specifies that English is to be taught to an adequate level to enable refugees to find jobs; there is no emphasis on learning English to fulfil social functions or even to allow further autonomy in navigating US infrastructure. The economic orientation of policy indicates that resettlement is much more about integration into the local economy rather than into the community at large. This particular insight proved a point of immediate and stark contrast with integration as perceived by the Bhutanese-Nepali and Iraqi refugees.

Indicators of integration among refugees

For the Bhutanese refugees, indicators of integration are English language acquisition, cultural visibility and cultural preservation, and for the Iraqi refugees, English language acquisition, relationships with Americans and socio-economic mobility, with a lesser emphasis on cultural preservation.

English language acquisition was clearly viewed as important in and of itself, rather than just as a facilitator of economic self-sufficiency. Iraqi and Bhutanese refugees recognised the need for English if they were to obtain employment and become economically self-sufficient but English language acquisition was also seen as central to the formation of social relationships and navigation of their new surroundings. Both Bhutanese and Iraqi refugees wished to become proficient in English rather than learning just enough to enable them to get a job.

Cultural preservation was seen by the refugees as providing a way both to establish and strengthen relationships within families and the wider refugee community and to feel more integrated as a result of being able to hold onto their culture in a diverse society. Activities related to cultural preservation also mitigate psychological stress associated with the resettlement process and, as such, undoubtedly diminish barriers to integration. While cultural preservation was an indicator of integration for both refugee groups, there is not a single mention of cultural preservation in the Refugee Act.

Economic issues did not loom as large in the Bhutanese view of integration but they were important indicators of integration to the Iraqi refugees, who were concerned with achieving economic self-sufficiency, even if they did not view achievement of that as marked largely by independence from public assistance. The Iraqi refugees were more concerned than the Bhutanese with socio-economic mobility as an indicator of integration, as demonstrated by their concerns with furthering their English language skills and pursuing other formal education that would enable them to access a wider range of employment options.

An interesting indicator of integration held specifically by the Bhutanese-Nepali refugees was cultural visibility. The almost universally conveyed feeling of being a relatively small and new community within Chicago contributed to a sense of alienation from the broader American population. Because Bhutanese-Nepali immigrants had not lived in Chicago prior to 2008, there were no pre-existing communal resources to facilitate their integration. However, the Refugee Act of 1980 does not provide a framework for the development or funding of programmes that could provide support for those without an established community.

Bridging the gap

Overall, there were only a few areas of convergence between the policy and refugees' views of integration and only one point – English language acquisition – featured within all views of integration. There were far more clear differences between the ways in which

each refugee population perceived integration and the way in which it was encoded into resettlement policy, indicating an important disconnect and a possible reason for less than desirable resettlement outcomes.

The current framework of US resettlement policy correlates public outcomes – such as obtaining a job that gets a refugee off public assistance and acquiring the bare minimum of English required to get that job – with 'successful' integration, leaving gaps between refugees' understandings of successful integration and the assumption in the policy.

In recent years, researchers and resettlement professionals have noticed the ineffectiveness of the current US resettlement regime. In order to offer more effective resettlement aid within the US, it will be necessary to establish a framework of resettlement that bridges the gap between policy and the lived experience of integration, taking distinct cultural considerations into account in the formation of new policies and practices. While creating resettlement policies for each refugee group may be problematic, it is still necessary to take into account the factors that allow refugees to feel integrated in order to serve them effectively.

If indicators of successful integration derived from refugee populations are taken into consideration during policy creation, long-term outcomes for resettled populations could be improved. Future research on how many resettled refugees consider themselves unintegrated and how this correlates with unsuccessful outcomes both by current policy indicators and refugee indicators might spur governmental action to amend current resettlement policy in the US.

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1. United States Public Law 96-212, 94 Stat. 102, (17 March 1980) <http://uscode.house.gov/statutes/pl/96/212.pdf>

2. Capps R and Newland K (2015) *The Integration Outcomes of US Refugees: Successes and Challenges*, Migration Policy Institute www.migrationpolicy.org/research/integration-outcomes-us-refugees-successes-and-challenges

3. Centers for Disease Control and Prevention (2013) *Suicide and Suicidal Ideation Among Bhutanese Refugees – United States 2009 – 2012* www.cdc.gov/mmwr/preview/mmwrhtml/mm6226a2.htm

4. www.acf.hhs.gov/orr/resource/the-refugee-act

How refugee community groups support resettlement

G Odessa Gonzalez Benson

Refugee community groups often fill in service gaps after resettlement but remain unrecognised and not fully incorporated in formal resettlement processes.

Very soon after the arrival in the United States (US) of the first Bhutanese refugees in 2008, they began forming small groups in nearly every city to address their community's most pressing needs. The community groups formed out of existing social networks from the bottom up, offering an effective means for broad outreach to the community and reflecting what is perhaps a fundamental drive in migrant communities to come together and to address shared difficulties. The leaders were those with higher education, English proficiency, and existing reputation and work experience, including leadership or teaching roles while in the refugee camps.

Because resettled refugees were often placed in close proximity to each other, it was easy for word to spread about these key individuals and it was relatively easy to reach them to seek assistance. The (unpaid) advice and guidance they provided sought to ease the emotional difficulties in the community's transition. They were also the go-to persons in times of crisis, such as medical emergencies. As a group, they organised informal public discussions, English classes, and celebrations of traditional cultural and religious events.

Locally based, grassroots refugee community groups have long been an integral part of the resettlement process in the US, complementing professional services and filling important gaps, while pursuing actions towards self-determination in other ways. At the official level, nine nationally based non-governmental resettlement agencies are contracted and funded annually by the US federal government's Office of Refugee Resettlement to provide professional services for refugees' transition, basic needs and self-sufficiency in the earliest phases of resettlement. These agencies are consulted by the government in

policy-making and planning resettlement processes, including determining appropriate placement in US cities.

Included – but not fully incorporated

Professional workers in resettlement agencies and leaders of Bhutanese community groups provided similar forms of assistance, particularly in the earliest stages of resettlement, but they differed in terms of legitimacy, resources and support received. Case workers also offered English classes, for example, as part of mandated services. Professional workers, however, often could not meet the diverse and immediate needs of all refugees, given limited resources and high caseloads. Also, federally funded case management services lasted only eight months generally, and only special cases were eligible for additional support. Furthermore, it was especially difficult for case workers who spoke only English to communicate with and assist those Bhutanese refugees who spoke only their native language. The leaders of the Bhutanese community groups thus stepped in to fill these gaps in resettlement agencies' services.

Indeed, resettlement agencies recognised the value of the community groups and their leaders, often hiring them for services and work written into grant-funded projects. Resettlement agencies also often consulted with group leaders to ensure culturally appropriate and effective service delivery and to gain community participation in projects.

Rarely did such employment and consultation evolve into more meaningful partnerships, however. Many Bhutanese community leaders felt they had no voice in planning resettlement and no access to the resources and institutional links available to their counterpart workers at the resettlement

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agencies. Over the years, few community groups gained sufficient technical and financial assistance to be able to strengthen their organisational capacity and there was little room for legitimate incorporation of community groups with resettlement agencies. Ownership of programmes and projects was rarely transferred or shared with community groups, despite their being actively engaged on the ground.

While efforts by Bhutanese community refugee groups complemented professional services in addressing more general social and practical needs, community groups also sought out new ways of attending to specific emergent needs and broader aims. In one city, leaders of the Bhutanese community group worked with a local advocacy group. A large number of Bhutanese families and their children were placed by resettlement agencies in an area that was just outside the zone covered by school bus transportation. Many Bhutanese children had to walk three miles to and from school along a busy road that was deemed unsafe. The community group teamed up with the advocacy group in organising public events, the largest one attended by hundreds of people, to raise awareness about the issue and gain broader public support. As a result, school administrators changed school bus zoning policies to better accommodate the needs of the newcomer families.

In another city, the municipal government emerged as a partner for the Bhutanese group. One of the projects in this case was a farming programme that was widely appreciated by the Bhutanese community, many of whom were traditionally farmers in their home country. Bhutanese were part of the planning and implementation teams along with city workers. As with conventional farm cooperatives, the team secured funding



Bhutanese refugees resettled in the US work in the community gardens they have developed with the help of NGO Citizen D. www.citizend.org

and a plot of land and organised workers and volunteers for planting, harvesting, marketing and administration. The farm not only yielded sufficient produce to sustain a small business but also produced engagement and a sense of ownership among community members.

In a third case, a Bhutanese community group in another city looked internally and then to new partners to address the issue of citizenship for Bhutanese elders. Gaining citizenship is important for political and symbolic inclusion, as well as for the economic stability that such membership offers. However, most elderly Bhutanese do not speak English and cannot pass the language requirements of US citizenship tests, thus remaining without citizenship and ineligible for much-needed public assistance that they would otherwise have received. The mainstream organisations that offered citizenship classes for immigrants did not effectively address the specific language needs of elderly Bhutanese. The community group thus developed its own curriculum and strategies for teaching elderly students, and offered citizenship classes in both Nepali and English taught by volunteer leaders. Community leaders sought out legal and medical experts for guidance and direct

assistance for obtaining waivers to citizenship examinations. Although they aimed not only to resolve individual cases but also to provide more comprehensive solutions, the lack of citizenship for elderly Bhutanese refugees remains a largely unresolved social problem.

Recognition of refugee community groups

These cases show what is possible outside the formal resettlement process, thereby also showing what is missing in the process. Turning to advocacy groups, local government and specialised professionals may usher in new ways of addressing new challenges and of moving beyond merely meeting the most basic requirements of resettlement. Disregarding such community-

led efforts seems to indicate not only a lack of support but an active 'taking from' the community's potential. Perhaps a first step would be recognition of the validity of existing community strategies and capacities, by way of public statements of endorsement and acknowledgement. A second would be to legitimise refugee groups and their services by financially compensating community-based assistance, mandating refugee leaders as part of planning teams, providing technical assistance for capacity building and, importantly, authorising refugee community groups as a formal part of resettlement policy.

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US refugee exclusion practices

Katherine Knight

The issue of 'material support' provided to an organisation deemed to be involved in terrorism has been fraught with contention in US immigration law circles, most often over the issue of support provided under duress.

The average time between a refugee being referred to the United States Refugee Admissions Program by the UN Refugee Agency, UNHCR, and when they arrive in the United States (US) is 18-24 months. During this time, a myriad of governmental agencies conduct security screenings, health clearances and interviews, all aimed at determining whether this particular individual is acceptable to admit into the US. Even with this multi-layered vetting in place, there have been repeated calls from US citizens and elected politicians alike to suspend the refugee admissions programme in the name of national security. The validity of the fear behind these calls is not statistically supported; an exceedingly small fraction of the hundreds of thousands of refugees resettled in the US have been arrested on terrorism-related charges.

Barring someone who has assisted a terrorist organisation appears to be a practical measure towards ensuring national security, but a deeper look at the definitions contained

in the Immigration and Naturalization Act (INA) reveals the flaws within this legislation. 'Engaging in terrorist activity' means committing an act "that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communication, funds, transfer of funds, or other material financial benefit..." to a terrorist organisation (or to a member of such an organisation). The Act's definition of 'terrorist organisation' covers 60 Tier I Foreign Terrorist Organisations¹ including ISIL ('Islamic State') and Boko Haram, Tier II individuals and organisations such as the Ulster Defence Association and the Real IRA, and Tier III organisations which consist of "a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in" terrorist activities.

Given these definitions, a Sri Lankan man who cooks, provides small payments and performs manual labour after being kidnapped by the Liberation Tigers of Tamil

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Elam has provided support to a terrorist organisation. So too have the Salvadoran man who avoided execution by allowing FMLN rebels to use his kitchen (and giving them directions when required) and the Colombian businesswoman who provided foodstuffs and supplies from her shop in response to threats by the Revolutionary Armed Forces of Colombia (FARC). Her shop and her hotel were indeed later destroyed by the FARC despite her acceding to their demands.² These three individuals were all deemed inadmissible.

In an effort to address the injustice of people being denied humanitarian protection despite posing no real threat to US national security – and in fact being victims of the same terrorist groups we judge as a threat – the INA permits the Secretary of State and the Secretary of Homeland Security to waive the terrorism-related inadmissibility grounds in certain circumstances. Since these waivers are solely discretionary, attempts to appeal Department of Homeland Security (DHS) decisions through the judicial system have been largely unsuccessful. In

2014 the vast majority of material support waivers issued – 816 in total – excused actions taken while the applicant was under duress or coercion. 652 of those waivers went to applicants for resettlement, only 14 to asylum seekers. With US immigration rhetoric so focused on vetting, screening and verifying migrants, it is perhaps unsurprising that where such waivers are granted it tends to be in the context of resettlement, **before** individuals enter the country.

In the event that the DHS declines to issue a material support waiver, the consequences may be much less acute for a pre-admission applicant who could be redirected for resettlement elsewhere. If an asylum seeker is denied a waiver after they are in the US, they cannot be granted legal admission even if their persecution claims are valid.

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1. www.state.gov/j/ct/rls/other/des/123085.htm

2. All actual cases, not fabricated for illustrative purposes.

Security practices and resettlement

A widely held misconception about the terrorist threat is particularly evident in refugee resettlement practices, where refugees are placed on a security continuum alongside transnational criminals and terrorists. Although refugee protection itself is inscribed in international law, refugee resettlement depends on the discretion of the resettlement country and since 9/11 the United States and major resettlement countries in Europe have increasingly deployed security risk management practices within the resettlement selection process.

Predictions and decisions about the risk a refugee presents are made on the basis of a 'virtual' identity assembled through an accumulation of any available electronic records of activities, affiliations and so on. This predictive capacity is highly dependent on technologies that are often

unreliable yet which fundamentally affect people's future mobility prospects. This arbitrarily assembled identity focusing on the possible security threat posed by any particular refugee obscures from view their protection needs as a refugee.

Rather than **being** terrorists, refugees sometimes have protection needs as a **result** of terrorism. Keeping these applicants for resettlement away from the West is likely to increase the number of people resorting to illegal means through which to find somewhere safe to live. Ironically, in this way security practices within the resettlement process are themselves likely to produce the so-called threat of 'illegal' migration.

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The Solidarity Resettlement Programme, and alternatives, in Latin America

María José Marcogliese

For more than a decade, the countries in the Southern Cone of South America have had a regional Solidarity Resettlement Programme. The region's states are also assessing alternative approaches to support refugee mobility within the framework of current migration agreements.

To mark the twentieth anniversary of the 1984 Cartagena Declaration on Refugees,¹ the Latin American and Caribbean States undertook a consultative process which concluded with the adoption of the 2004 Mexico Declaration and Plan of Action.² The document was a guide to action regarding the protection of refugees in the region for the decade that followed, and featured the Solidarity Resettlement Programme, designed as a protection tool and a durable solution for Latin American refugees (primarily of Colombian origin) who faced risks in neighbouring countries. The Programme also aimed to be a mechanism for international solidarity and responsibility sharing among the region's states, seeking to bring relief to those countries hosting the greatest number of refugees. Between 2005 and 2014, some 1,151 refugees – the vast majority Colombians – were resettled from Ecuador and Costa Rica to Argentina, Brazil, Chile, Paraguay and Uruguay in the Southern Cone of South America.

These so-called emerging resettlement countries primarily received technical and financial support from UNHCR for the design and implementation of their programmes and also from traditional resettlement countries, including Norway and Australia. However, the process of integrating the refugees in their new homes was clearly different for the emerging resettlement countries from that of the traditional countries of resettlement.

In the first place, the Programme was based on the states' commitment to provide refugees with residence permits, documentation, and access to rights equal to those of foreigners who resided in the territory. But it was simultaneously based on

the international community's commitment through UNHCR to finance the transfer of individual refugees or families and to contract local agencies and civil society organisations to implement the programme – that is, to manage the reception of and provision of lodging and food for the refugees, and to support the process of integrating them into the workforce. Local asylum authorities and the state should, however, have played a larger role in the integration process than they did.

In addition, while Colombian refugees who underwent resettlement are similar culturally and linguistically to people living in the countries of South America's Southern Cone, they mostly expected to be resettled to northern Europe or the United States, and the Southern Cone option was clearly perceived as the least desirable option. This disappointment, combined with the fact that the financial assistance and support differed from those that traditional countries could offer, in some cases led to a reluctance to integrate in a new society, and consequently to a refusal of the offer of resettlement or to their return shortly after arrival.

For those who accepted the offer of resettlement, structural difficulties typical of the receiving societies (relating to access to jobs or housing, income generation, public safety and so on) made the process of integration difficult.

Finally, geographic proximity to the countries of first asylum and to the country of origin led some refugees who were facing difficulties – albeit difficulties typical of the process of integration in any new society – to leave the resettlement country. According to a recent evaluation of the Programme, 78%

of the refugees who arrived in the Southern Cone through the Solidarity Resettlement Programme remained in the country of resettlement, while 22% left. The report noted that, “for the resettlement countries, the departure of many resettled refugees to return to their country of origin or to the country of first asylum, or to go to a third country, engendered the sense that the programme was failing, or that the resettlement was not the protection tool that the states thought it was when they originally committed to the Solidarity Resettlement Programme.”³

However, as a protection tool, the Programme clearly had and still has positive aspects. With effort and perseverance, the resettled refugees are able to overcome initial obstacles although how well they do so depends on a wide range of issues.

Alternatives

At the first regional consultation in preparation for the thirtieth anniversary of the Cartagena Declaration, the authorities of the States Parties of the Southern Common Market (*Mercado Común del Sur*, or MERCOSUR) and its Associated States declared that they “recognise the value of the regional Solidarity Resettlement Programme as a concrete example of responsibility sharing” and recommended to “evaluate its continuity and/or expansion, according to the possibilities and experiences in the respective countries, in terms of quotas, the inclusion of refugees from outside the region and more state resources in financing” and “urge countries in the region to discuss the possibility of joining the regional resettlement programme (...).”⁴

The conclusions and recommendations of that consultation and three other consultations that took place within the framework of the Cartagena +30 process led to the adoption of the Brazil Declaration and Plan of Action.⁵ One of the new programmes established in this Plan refers explicitly to the Solidarity Resettlement Programme and proposes various actions, including: the joint evaluation of the various national resettlement programmes “in order to identify obstacles and good practices during

the selection and profiling phases and in the integration process”; cooperation with the countries of the Northern Triangle of Central America, given their vulnerability to the activities of transnational organised crime; and demonstrating solidarity with international humanitarian crises.

The states proposed the consideration of alternatives to the Solidarity Resettlement Programme, on the understanding that “these alternatives may be applicable in the absence of options for local integration of refugees in the host country or as a solidarity measure to share the burden of a country receiving a large number of refugees, thus becoming a regional responsibility-sharing mechanism.”

The Brazil Plan of Action also includes the Labour Mobility Programme, which aims to facilitate the mobility of refugees within the scope of MERCOSUR’s migration agreements, thus allowing refugees (as nationals of the countries that make up MERCOSUR) who are facing difficulties in local integration to migrate within the region. Necessary protection safeguards would include: recognising the extra-territoriality of refugee status to respect the principle of *non-refoulement*; assuring confidentiality; facilitating the issuance of personal identity and travel documents; and respecting family unity, in addition to those safeguards associated with their status as refugees.⁶

In response to this proposal, UNHCR commissioned a study of the applicability of the Agreement on Residence for Nationals of MERCOSUR’s Member States to individuals with international protection needs in the region, and its compatibility with the standards of international refugee law.⁷ This study indicates that the vast majority of refugees hosted in the region originate from within the region, primarily from Colombia. Traditional durable solutions for the Colombian population – who are settled mainly in Ecuador, Venezuela and in some Central American countries such as Costa Rica and Panama – are faced with a series of obstacles; therefore, the possibility of refugees moving within the regional space, either temporarily or permanently, appears to be an interesting alternative and, as mentioned

in the study, could be “a complementary component to the classic durable solutions”.

Clearly, establishing this type of scheme would be an extremely interesting contribution from the MERCOSUR region, and from Latin America, to the debate on durable solutions for refugees.

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Private refugee sponsorship in Canada

Jennifer Hyndman, William Payne and Shauna Jimenez

For almost four decades, groups of Canadian private citizens have sponsored refugees for resettlement in addition to federal government resettlement programmes.

Until recently, Canada has been the only country that offers private sponsorship to refugees. Sponsors fund the first year of resettlement while the government covers health care and children's education; in the second year, refugees (who become permanent residents upon arrival in Canada) are eligible for means-tested government social welfare benefits.

Since 1978, more than 200,000 privately sponsored refugees have arrived in Canada. While civil society groups were involved in bringing refugees to Canada after both the first and second world wars, the 1976 Immigration Act provided a formal legal framework for the Private Sponsorship of Refugees Program (PSR). Two major movements of refugees define this private sponsorship. The first relates to the arrival of some 60,000 Vietnamese, Cambodians and Laotians in the late 1970s and early 1980s, including 29,269 privately sponsored refugees in 1979 alone. More recently, nearly half of almost 40,000 Syrian refugees who had arrived in Canada by the end of January 2017 were privately sponsored in whole or in part.

New restrictions on private sponsorship began after 2011. Sponsors' ability to support

refugees of their choosing was undermined by the introduction of limits on the number of PSRs and caps on those who could be sponsored from particular Canadian missions abroad, which has caused frustration for civil society groups hoping to sponsor refugees in Canada.¹ While the Blended Visa Office-Referred (BVOR) Program helped to bolster and make up for the limited spaces for PSRs and the reduced numbers in the government-assisted refugee (GAR) category between 2012 and 2015, the BVOR category restricts private sponsors' ability to choose who can be sponsored but still allows the federal government to fulfil its international commitments. It is important that private sponsorship is **additional** to government-assisted resettlement commitments, and not a substitute for them. However, this complementary protection stream can be put at risk if the government depends on it to fulfil its international obligations. In 2013, for the first year in many decades, the number of PSRs exceeded the number of GARs.

Over the past ten years, the repetition by elected federal government officials and the media of the phrase 'bogus refugees' and depictions of asylum seekers as queue

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jumpers and potential terrorists have led to a deterioration in attitudes towards asylum seekers and refugees. Nonetheless, the resettlement of refugees selected from overseas remains relatively popular with the Canadian public. And since the election of a new government in late 2015, Canadian politicians and civil servants have kept separate the politics of radicalisation and the question of Syrian refugee resettlement.

In March 2016, Canada's Minister of Immigration, Refugees and Citizenship outlined Canada's commitment to Syrian refugee resettlement. In addition to sharing knowledge and resources with other countries about private refugee sponsorship, he confirmed that Canada would continue to consider Syrian refugees as *prima facie* refugees until September 2017. In December 2016, the Canadian government, in partnership with UNHCR and the Open Society Foundations, launched a major initiative to promote private refugee sponsorship on a more global scale.

A side-effect of priority processing for Syrians, however, is that some files for refugees from protracted situations continue to languish in the backlog of other refugee

applications by sponsors of non-Syrian refugees who completed their applications before the Syrian crisis. In some cases, sponsors and applicants alike have been waiting years for processing to take place.

Private sponsorship and government sponsorship

Well before the October 2015 election pledge to bring 25,000 Syrian refugees to Canada by the end of 2015, civil society groups had already stepped up to privately sponsor Syrian refugees. New Syrian refugee-focused sponsorship groups formed, with Canadians signing up to sponsor Syrian refugee families. As of January 2017 45% of the total number of Syrian refugees coming to Canada were privately sponsored in some part, if one includes partially privately sponsored refugees (Blended Visa Office-Referred refugees – BVORs) in which the private sponsor provides half of the first year's financial support while the federal government contributes the other half.

Using *prima facie* refugee status determination rather than the more onerous individual refugee status determination for eligibility for private sponsorship has made



UNHCR/Annie Sakkeab

A Canadian sponsor plays with Syrian refugee children who have been resettled in Toronto under the Private Sponsorship of Refugees Program.

processing in regions of origin much easier and faster. Yet, at the Canadian end, the application forms to be completed for private sponsorship of non-Syrian refugees are longer than ever. In addition the recruitment criteria for Syrian refugee families in the government-assisted refugee (GAR) category prioritised refugee families that qualified as 'vulnerable' and therefore were unlikely to be seen as security risks. Single men were not selected for government sponsorship, though some did come through the BVOR category.²

Direct participation by civil society in resettlement has been the hallmark of Canada's private sponsorship programme, and a major element in its success. The majority of PSRs are supported by Sponsorship Agreement Holders (SAHs), who have formal agreements with the federal government, or by constituent groups that fall under the auspices of the SAHs. Some 75% of SAHs are faith-based organisations, and consist of 'constituent groups' of at least five sponsors who contract to assist a refugee family for twelve months. A smaller number of refugees are sponsored not by SAHs but by 'groups of five' – groups of individuals who sign a commitment of support for a specific refugee or refugees.

Private sponsorships have been mobilised to assist with family reunification. Canada's Immigration and Refugee Protection Act defines 'family' in nuclear terms: up to two adults and their non-adult children. Families – and particularly extended families – can therefore become separated through the resettlement process. The former federal government expressed concerns that private sponsorships were a *de facto* pathway for refugees to reunite with family members left behind in camps or settlements in the absence of alternative pathways to reunification. Research on SAHs shows that the personal connections to extended family members of sponsored refugees already in Canada become priorities for sponsors. This 'echo effect' is an expression of sponsors' willingness to assist family members left behind.

Since 1978, students at universities across Canada have also privately sponsored refugee students to attend Canadian universities.

More than 1,400 refugee students have come to Canada through World University Service Canada, an NGO that facilitates and supports student-run committees who welcome and guide the refugee students. The organisation announced that in 2016 its capacity would double, to fund almost 160 refugee students per year. Analysts have noted that this private resettlement pathway is especially attractive because it offers refugee protection and also an opportunity to access Canadian post-secondary education and to seek work experience.

Privately sponsored refugees (PSRs) to Canada are often compared with their government-assisted refugee counterparts (GARs). Of Iraqi refugees who arrived in Canada between 2009 and 2014, it was reported that PSRs slightly outperformed GARs in being in employment during the first three years in Canada. But fewer Iraqi PSRs were in employment and they had lower average earnings than non-Iraqi PSRs during the same period, despite higher educational levels prior to arrival.³ There was reportedly a high incidence of disabilities and mental health needs among the refugees from Iraq, without specifying whether or not this was a higher level than other refugee groups. Furthermore, while Iraqi PSRs from this group were able to secure a job more quickly than GARs in the first three years, other research has shown that early access to the labour market may have a negative impact on language learning. Federal government data in 2016 shows no major difference in income earnings between GARs and PSRs ten years after arrival in Canada, which is significant since PSRs arrive with much more education and official language ability (English or French) than GARs.

In an earlier study that tracked the resettlement experiences of both PSRs and GARs who arrived in Canada from Southeast Asia between 1979 and 1981, private sponsorship appeared to be more likely to lead to successful integration than government assistance. However, the same research also found cases of excessive intrusiveness of sponsorship groups in the lives of refugees, very slow overseas

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processing times, and unnecessary burdens created by government application processes. It was concluded that sponsors themselves need support.⁴ There are also some concerns that the work of supporting privately sponsored refugees depends too heavily on a few individuals and organisations.

A model for the future?

Since concerns were raised more than a dozen years ago, improved structures and practices have since been incorporated into the thinking of sponsors and the operations of SAHs, constituent groups, and groups of five. Improvements to private sponsorship in Canada at that time included greater involvement of refugees in shaping their own resettlement, the reconceptualisation of sponsorship as a partnership between newcomers and their sponsors, recognition of the importance of transnational linkages for newcomers, and the expanded use of places of worship for hosting widely used programmes such as health and employment services so that newcomers could access as many services as possible in one space.⁵

The primary benefit of private refugee sponsorship in Canada is not to reduce government costs or commitments but rather to increase protection space through increasing resettlement spaces. While the relatively new BVOR category may be a potentially useful resettlement stream whereby the government and private sponsors share costs in the first year, it cannot and should not replace the fundamental intention of the PSR category and programme – namely, that private sponsors are able to name specific refugees for sponsorship. A respectful partnership between government and citizen groups is at the core of private sponsorships, one that respects the voluntary work and decisions of a mobilised civil society and aspires to the fair selection and successful settlement of refugees.

At the UN Summit in New York in September 2016, Canada pledged to ‘export’ the private sponsorship model to other interested states. In December 2016, the Canadian government in concert with UNHCR and the Open Society Foundations

launched the Global Refugee Sponsorship Initiative to make good on the pledge. Both Australia and Britain have new private sponsorship schemes underway. There is no single private sponsorship recipe to follow, however, and the relatively positive public opinion towards refugee resettlement in Canada is somewhat unusual. Strong leadership by government along with civil society’s engagement is pivotal. In relation to Syrian refugees, Canadian civil society came out ahead of the government in active support of resettlement. More research on what the other most critical conditions and factors are is sorely needed.

Private refugee resettlement cannot be about the privatisation of states’ international obligations and related costs. In Canada, the principle of additionality ensures that private efforts **expand** refugee protection spaces by complementing government commitments to resettlement.

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1. In late December 2016, the Department of Immigration, Refugees and Citizenship Canada eliminated the caps on these Canadian missions abroad, a change that reversed the geographically and racially prejudiced management of potential refugees to Canada through private sponsorship. www.cic.gc.ca/english/department/laws-policy/protect-psr.asp

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The story of a small Canadian congregation sponsoring a refugee family

Shannon Tito and Sharolyn Cochand

Steps for private refugee sponsorship in Canada are not clearly spelled out for those seeking to be sponsors. While the process is rewarding, it is also challenging and sometimes frustrating.

Canada's Blended Visa Office-Referred (BVOR) programme affords the opportunity for private sponsorship groups to be paired by the Canadian government with refugees seeking resettlement. While the process is well established, each group undergoes its own learning journey. Our experience sponsoring a family illustrates aspects of this journey. The majority of us did not know how to connect directly with a refugee family to sponsor nor did we have direct experience with refugee families or know of any groups who were interested in pursuing this venture.

The members of the team we established to organise the sponsorship had differing motivations for becoming involved. One team member could not "fathom not having a safe place for [her own] children to lay their head at night." Another joined because his grandfather had arrived in Canada as a refugee. At the outset, there were many informal discussions between team members who wanted to "do something" to help refugees but an organised team approach with a designated team leader was required to get the project started. Despite significant misgivings in part due to a fear of being 'in the spotlight' and lack of leadership experience, one person took on the task. A formal information night was scheduled at the South Ridge Fellowship church to outline the BVOR programme, at which about 30 people turned up. Over the next few weeks, a core team of 15 people emerged, and the Fresh Start refugee sponsorship project was established.

Our first major task was to get official approval from the church for our refugee sponsorship in order to work under its auspices. The team was tasked with creating a proposal outlining what the roles of the

members of the group would be and a proposed budget. Once we received official approval from the church, we worked on a settlement plan and fundraising. About six months into the process, the team was matched with a refugee family from Syria who arrived five months later.

Successes and challenges

We are a group of people who previously did not know each other well, forming friendships and bonding with people whom we otherwise might not have got to know, coming together for a common task and working beautifully together to accomplish more than we had ever hoped would be possible.

When looking at the key tasks that a refugee sponsorship group must achieve, we were struck by the diversity of skills and abilities required. We formed subgroups of people to work together, letting them take initiative in areas such as fundraising, renovation of the family's future home and everyday support to work with the family.

We were matched with a family much sooner than we had been led to believe was possible. We had raised only about 25% of our budget at the time and had from a Friday afternoon to a Monday morning to decide whether or not to accept the family. After consideration, the elders of our church told us that if we could raise another \$6,000 that Sunday, we could accept the family, trusting that we would raise the rest in time for the family's arrival. In the event \$32,874 was raised on a single Sunday.

We found an amazing house in our desired area; it was run-down but the landlord was willing to offer it at an extremely favourable rent in exchange for our team undertaking the renovation. Then we

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were able to fully renovate it with donated supplies and volunteer labour. Finally we were able to fully furnish the house with donated goods in beautiful condition.

On the other hand there was major uncertainty in working with our Sponsorship Agreement Holder (SAH) – the body that has the formal agreement with the federal government and can authorise groups in the community to sponsor refugees under its agreement.¹ Both the government and the SAHs have been overwhelmed by demands for sponsorships. Limited information from the relevant government department has been frustrating; we waited for our family to arrive for three months, and had no information. This led to uncertainty and difficulty planning ahead. In late September 2016 we did get some information about our family including photos of the mother and father.

The lack of communication with the family means that we have only basic information about who they are; we have to make many decisions ‘blind’ and hope they are right for the family. It would have been nice to know ways that they would like us to prepare for them, and we would like to register their children in the local school, but cannot do so because we do not have their birth certificates. We know that we need to help our family in a way that does not create unrealistic expectations

and that fosters eventual independence but do not know exactly how to achieve this.

From our perspective as a small Canadian ‘community of faith’ group, sponsorship of refugees does not come with a clear road map. Although the good faith from our federal government has been there, unfortunately it has not helped clarify the process nor has it made it easy to progress smoothly with our sponsorship project. Lack of information from government agencies or ministries about the family we intend to sponsor, and the distance from and difficulty of timely communication with our SAH, have made our work complicated and challenging.

The inability to connect directly with our family as we planned for their arrival made it difficult for our team to lay down specific and essential groundwork for their resettlement and has required us to exercise considerable patience. We have, however, found tremendous support and overwhelming commitment, both financially and morally, from our congregation, the church leadership, local businesses and determined like-minded individuals.

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Rethinking how success is measured

Chloe Marshall-Denton

Despite the Canadian Private Sponsorship of Refugees Program being praised for integrating refugees into the job market faster than government-assisted refugees, there may be limited cause for celebration.

The application form for Canada’s Private Sponsorship of Refugees Program asks for the applicant’s ‘intended occupation’, to which the applicant is supposed to answer in half a line what he or she intends to do in Canada. This question is almost always met with a blank look. Most refugees have been living in their host countries for years, where they are either banned from working or only

have access to low-grade jobs. The freedom to choose, the ability to aspire to something different, has been out of reach for years or in some cases has never been in reach at all.

After careful deliberation, one father writes ‘accountant’ and the mother ‘nurse’, the professions they held before fleeing their country; for their three-year-old child, they select – with a smile – ‘doctor’. What



Ethiopian refugees in Hargeisa, Somalia, attend English language classes in preparation for resettlement to Canada.

is written in that box matters. It matters to the family, of course, and it matters to Canada, which tends to measure the success of resettlement by how quickly refugees become productive members of society.

By making employment, and how quickly it is obtained, the main measure of success in refugee resettlement, we reinforce the notion that refugees are a burden. We are saying that the sooner refugees are able to get a job the better: any job, as long as they are able to meet their basic needs. The experience of refugees previously sponsored to Canada emphasises this point. For example, a report published by the Canadian government established that if privately sponsored refugees tend to seek employment earlier, it is often out of a feeling of necessity!¹ One of the main

reasons cited by refugees is that they fear becoming a burden on their sponsors.

Despite employment being an important stepping-stone to integration, there are risks associated with refugees being pushed into employment too quickly. The report highlights that half the refugee participants surveyed by the government had not had time to engage in language training, mainly because they started working upon arrival. The participants furthermore indicated that the perceived urgency to work prevented them from learning new skills or upgrading their previous skills, and limited their ability to find employment in a field related to their knowledge and skills. It therefore comes as no surprise that, despite having 'successfully resettled' by virtue of having secured employment, these refugees earn much less than the Canadian average for some years after being resettled to Canada.

But, of course, resettlement is first of all about protection. When asked why they want to go to Canada, most refugees are quick to answer that Canada is a peaceful country, a country respectful of human rights and a place where all are treated equally. And protection is where the expectations of Canadians and of resettled refugees converge. Canada is offering a safe home to individuals in need of resettlement, corresponding to refugees' primary concern for short- and long-term safety. Ironically, while many refugees aspire to contribute to Canadian society and their communities, Canada does not actively stimulate the engagement and strengths of newly arrived refugees.

Canada's refugee resettlement programme stems from humanitarian considerations,

whereby refugees are selected based on their protection needs over their language skills, education level or overall ability to integrate. Canada does not expect resettled refugees to become the country's greatest contributors but neither does it sufficiently recognise refugees' respective strengths and experiences. Instead of solely trying to demonstrate the reduction of the financial burden on Canada, we must also consider and build on the myriad dimensions in

which the strengths and experiences of resettled refugees contribute to our society.

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Expectations of vulnerability in Australia

Alice M Neikirk

The ability of refugees to gain admission to Australia is increasingly based on perceptions of helplessness, suffering and 'deservingness'. One consequence is that men in particular are marginalised following resettlement.

The rhetoric and policies of Australia's major political parties have sought to differentiate between refugees and asylum seekers. Asylum seekers are depicted as 'fake refugees', particularly because they do not 'mind the queue'. Their action (getting on a boat) is framed as an indication that they are not the most vulnerable but are capable economic migrants and hence undeserving of sanctuary. Actively excluding asylum seekers is therefore considered a necessary measure in order to provide adequate humanitarian assistance for resettling 'genuine' refugees, who have become synonymous with those living for protracted periods in refugee camps and coming to Australia through a managed programme.

After more than two decades in camps, the Bhutanese resettling in Australia represent a global elite of refugees who can access resettlement opportunities. The ability of refugees to gain admission is increasingly based on perceptions of helplessness, suffering and 'deservingness'. These expectations have had an impact on the way resettlement organisations, local service providers and the general public approached the Bhutanese once they were in Australia. In particular, Bhutanese refugee men (and, in particular, able-bodied men) were seen as vulnerable due to the trauma

stemming from past experiences, while women were considered vulnerable due to their gender roles. Men were consistently seen as a barrier to be overcome in order to realise the transformation of vulnerable female refugees into empowered women. These understandings and assumptions regarding the social role of women afforded men few pathways to move beyond their status of vulnerable (but still problematic) refugees.

Trauma morphed into a central feature, with both positive and negative effects, of male Bhutanese refugee identity in Australia. First and foremost, trauma and suffering marked them as deserving refugees and thus welcome in Australia. Several men told me it was important that Australians knew their story, their experiences of torture and the protracted time spent in camps.

"It is really essential for people in Australia to know our history because they will not have information about our background... For example, I have been involved in discrimination on the street. As I was walking along the street someone from a car shouted at me using foul language and they said "you Indian, go back to your country" and made a rude gesture. Therefore it is important." (Male, in his 20s)

Male interviewees believed that it was through suffering that their admission

into Australia was made credible. There was a clear attempt to distinguish themselves from asylum seekers whom the popular press and some political groups speculated were, in reality, economic migrants. One Bhutanese refugee who worked with recent arrivals explained:

"The label refugee is very important. It is very important because it makes people understand we are from refugee camps. It also means more support, support for torture victims." (Male, in his 30s)

Here, suffering in a refugee camp, coming through the correct resettlement process and reflecting the appropriate attributes of a refugee are all identified as significant to legitimise their presence in Australia.

Though participants recognised the potential positive aspects of the refugee label, they also expressed concern that people equated 'refugee' with a lack of capabilities or education. One participant explained, "people won't recognise the skills that we are bringing... people just think refugees are poor people without any skills." (Male, in his 30s). In addition, however, the Bhutanese community also recognised that the label enabled them to access resources that other migrants could not. At a very practical level, being traumatised is a recognised disability that brought with it additional financial support.

In this context, the refugee label was both a help in fostering acceptance by Australians and a hindrance. Male refugees interpreted the expectations that they encountered as hindering their ability to contribute beyond their status as a victimised group and recipients of help. They worried that while the understanding of suffering, trauma and vulnerability was central to mediating their interactions with the broader Australian population (because it helped people understand their journey to Australia), ultimately it undermined future aspirations. They worried that being a refugee would mean little hope of them being seen as equally capable as their Australian hosts.

One refugee man felt that refugee status undermined his ability to fulfil his

obligations to his family. This man was in his forties, had the equivalent of a high-school education, spoke English proficiently, and had held leadership roles in Bhutan and in the refugee camps. He now volunteered for a local resettlement organisation and hoped to one day find gainful employment but did not think this was a realistic aspiration. He pinned his hopes instead on his daughter, who would outgrow her status as a refugee and be able to aspire towards being a contributing member of Australian society. He, on the other hand, found himself without a role beyond being "a refugee the government is helping".

The worries of this generation of men, roughly between the ages of twenty and sixty, also highlighted the different reception of men and women. Once resettled, women were expected to expand their social roles with the help of various service providers who ran numerous programmes with the explicit goal of empowering women. The Bhutanese women participated in a myriad of activities to improve their spoken English and take leadership roles in public situations, and were encouraged to pursue work outside the home. The implicit assumption



Bhutanese refugees resettled to Adelaide, South Australia.

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was that women were vulnerable due to the group's culture. While there were vigorous efforts by service providers to change the role of female Bhutanese, it was felt that men's vulnerability was due to past events and could therefore not be changed.

As women found themselves increasingly expected to be socially active and perhaps even employed (although generally in part-time or casual work), men became entrenched in the domestic sphere. Childcare is expensive in Australia and the cultural norms of the group necessitate a considerable amount of labour each day to prepare food. In this context, it is difficult for dual-earning households to function. One man in his early thirties explained his changing role:

"I used to be a teacher in the camps but here I cannot find a job. Normally, my wife would take care of the children but she found a job – our neighbour helped her. Now, I volunteer but I am mostly the house minder now. I take my girls to school and keep everything running." (Male, in his 30s)

For most men, this was a profound change from the camps where they dominated schools as teachers and the camp's internal management structure. Several men who were farmers reflected that before arriving in Australia, they had aspired to own farms akin to the ones they had in Bhutan. Owning a farm promised self-sufficiency, autonomy and status. Now they were living in Adelaide, however, they did not think owning a farm would be possible due both to cost and the urban setting. Others, particularly those with college degrees, hoped for employment commensurate

with their qualifications. A few men have been able to move into paid employment (mostly with organisations which facilitate refugee resettlement) but these were viewed as exceptional achievements.

Paid employment is not the only pathway towards social status either in Australia more broadly or for the Bhutanese specifically. However, the men I spoke to consistently highlighted the value of paid work. "Eating another man's sweat" through social welfare payments was not considered a desirable way to live. Further, without a robust post-resettlement programme to reinforce the positive aspects of men looking after the domestic sphere it is unlikely that these shifting gender roles will be straightforward.

Conclusion

While trauma can have a powerful legitimising effect, it also reinforces refugees' status as primarily victims and can thereby have a negative impact on their ability to engage with the broader population. By expecting widespread trauma, Australia effectively views a large section of the refugee population as impaired; as such, they are not expected to participate in Australia. Crucially, assuming that deserving refugee men are traumatised and thus incapable may function to transform them from political, economic and social actors, and potential participants in Australia more broadly, into semi-functional dependents.

This is not to suggest that refugees should stop receiving assistance. Rather, a strict migration policy that focuses on suffering and trauma leads to particular forms of assistance that, rather than integrating refugees into citizenry, may cause further alienation from mainstream Australia as dependent, lesser citizens. My interviewees saw themselves as much more capable than this.

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This article is based on research with Bhutanese refugees in Australia between 2012 and 2014.



Resettlement of refugee youth in Australia: experiences and outcomes over time

Celia McMichael, Caitlin Nunn, Ignacio Correa-Velez and Sandra M Gifford

Findings from a longitudinal study of long-term resettlement experiences of refugee youth living in Melbourne show that refugee experiences – both pre- and post-resettlement – continue to influence opportunities and outcomes many years after arrival.

Refugee-related services, policies and research in countries of resettlement typically focus on the early years of resettlement. Refugee experiences of resettlement, however, change over time, as does the resettlement context, with ongoing adjustments to policy, service provision, host society reception, and homeland and ethnic community politics.

There is inadequate understanding of the experiences of resettled refugees over time, in particular of the long-term settlement trajectories and experiences of resettled refugee youth. Refugees who resettle as young people have been found to face significant challenges, such as: disrupted education pre-migration and associated barriers to educational success post migration; extensive family responsibilities including caring for siblings and assisting parents; and experiences of discrimination in the host society. However, refugee young people demonstrate significant resilience and a great capacity to negotiate these challenges.

'Good Starts' was a mixed-method longitudinal study of refugee settlement and well-being that aimed to better understand how to support settlement for young people with refugee backgrounds.¹ In 2004, 120 young people from refugee backgrounds aged between eleven and nineteen years (55 female, 65 male) were recruited into the study; all had recently been resettled via Australia's Humanitarian Program. The young people came from 12 different countries within Africa, the Middle East and Europe, and their average length of residence in Australia at that point was six months. Qualitative and quantitative data on their psychosocial health and settlement experiences were collected annually for four years. In 2012-13, the participants were contacted again;

51 of the original 120 (25 female, 26 male) participated in an in-depth interview and completed a short questionnaire. These participants were by then aged between 18 and 27 years and had been living in Australia for eight to nine years.

Settlement outcomes

One young woman from Sudan recalled that "it took a bit of time for me to actually start to belong... I just started fitting in, then getting used to the language, and studying, and so on." In their first year, most young people (90%) indicated that they felt the Australian community cared about them, while 18% reported experiences of discrimination.

Eight to nine years after arrival, participants largely imagined and planned their futures as being in Australia. 96% now felt the Australian community cared about them, yet discrimination was still a problem for many. 27% indicated that they had experienced discrimination in the previous six months, including by the wider public, work colleagues and police. A young man from Sudan said, "some people ... they're happy to have diversity, they're happy to have different food and different clothes. And some people just hate, you know, as if we're stealing their future."

Participants reported that Australian citizenship provided a sense of security and a foundation for building a future in Australia. It offered insurance against further forced displacement, and it also allowed them to maintain transnational identities and attachments by facilitating overseas travel and return to Australia. As one young man from Ethiopia said, "I feel more comfortable now. If anything happens, I won't be going anywhere. I'm Aussie... I have that confidence."

More years of schooling prior to arrival, greater levels of self-esteem, not having moved house in the previous year and greater social support were factors associated with higher self-reported health status scores over time. A stronger ethnic identity was positively associated with happiness. Participants who had experienced discrimination scored themselves significantly lower in both health status and levels of happiness. Importantly, eight to nine years after arrival, social inclusion or exclusion continued to have a significant impact on health and happiness, with higher average levels of health and happiness among those who reported experiences of social inclusion (and vice versa).

Attending school and achieving an education is one of the most desired opportunities among resettled refugee young people. One young woman from Sudan stated, "I want to finish school and get a good job and make my family." There are, however, substantial barriers to completing secondary school for refugee youth. Eight to nine years after arrival, 62% of participants had completed secondary school. However, those who were older on arrival, had experienced discrimination in Australia or had experienced teen pregnancy and early parenthood were significantly less likely to complete secondary school. Importantly, young people who indicated that they had not experienced discrimination in Australia were almost five times more likely to complete secondary school than those who said they had.

There is no typical employment trajectory for young people with refugee backgrounds. In this cohort, according to the follow-up interviews in 2012-13, 45% of participants were employed, mostly in casual or part-time roles including in childcare, security, care of the elderly and retail. A similar number were simultaneously or alternatively completing further education, including both university degrees and vocational training. Others were caring for children or parents, or job-seeking. One young man from Ethiopia explained, "I don't want to be like the lowest people around me. Like for example, people

who are jobless...I don't want to be like that. I want to have a good quality of life."

In particular, due to pressing financial responsibilities to family in Australia and overseas, several young people reported taking on unskilled work – rather than pursuing further study – in order to generate immediate income. Eight to nine years after arrival, 90% of young women and 54% of young men said some or most of their income was sent to support family overseas.

Factors that helped young people to attain desirable employment included: emotional and practical support from family members; personal contacts such as teachers, both refugee and non-refugee peers, service providers and members of ethnic communities who acted as sources of information about employment pathways and opportunities; English literacy; and formal bridging programmes that helped them gain acceptance into university courses.

By 2012-13, one third of participants had made a return visit to their country or region of origin. Of those who had not yet gone back, 61% hoped to do so in the future, while the rest did not intend to visit. Reasons for return visits included tourism, to see family, to attend weddings, to connect with their homeland, and for marriage. One young man who was born in Sudan went to Eritrea, his ancestral homeland; he recalled, "to actually be in the country where I'm actually from, where my people are – it was a feeling that I'd never felt before, and it was good." Return visits provided a valued opportunity to renew and maintain connections to homelands. However, no participant expressed an intention to go back permanently, and return visits did not erode their sense of belonging in Australia.

Conclusions

Eight to nine years after arriving in Australia, most resettled young people in the Good Starts study demonstrated a positive and aspirational orientation to life in Australia, including a perception of being cared for, positive evaluations of their health, happiness and quality of life, and a commitment to becoming Australian citizens and pursuing a future in their settlement country. The

factors mediating these outcomes – as well as more practical outcomes such as educational and occupational attainment – relate to both pre- and post-resettlement experiences. Pre-resettlement factors supporting positive settlement outcomes include younger age on arrival and more years of pre-migration education; post settlement, strong networks and social support have a powerful impact, and strong ethnic identity is also valuable. Experiences of discrimination have the most significant adverse impact upon self-reported health and well-being and the pursuit of education.

It is therefore critical to address discrimination, increase the pathways through which refugee youth can access social goods and opportunities such as education and employment, and promote connections to people and place. This will increase the effectiveness of refugee resettlement programmes over the longer term, supporting young people with refugee backgrounds to achieve their aspirations and pursue positive futures.

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Rejecting resettlement: the case of the Palestinians

Anne Irfan

Palestinian rejection of resettlement was driven by political concerns. This case study shows the importance of engaging directly with refugees when devising durable solutions.

Over their seven decades as a large-scale refugee population, the Palestinians have been remarkably consistent in collectively opposing resettlement as a durable solution to their plight. Both the grass roots and later the Palestine Liberation Organisation (PLO) have repudiated any suggestion of third-country resettlement on the grounds that it would undermine the Palestinians' political and national rights as a people. Host-country integration was similarly spurned.

The Right of Return

The Palestinian refugees' vehement opposition to resettlement is explained

by their equally vehement attachment to repatriation. The right of return has been a central tenet of the Palestinian nationalist movement since 1948 when many Palestinian refugees left their homes believing that they would return shortly, as a result often taking only a few belongings with them. While events on the ground put paid to these immediate plans, they did not destroy the hope of eventual return in the future. On the contrary, the collective Palestinian desire for repatriation remained strong, buoyed by the United Nations' (UN's) formal endorsement of the right of return in Resolution 194. Calls for the realisation of this right became central to

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Palestinian political discourse, and Resolution 194 remains a popular and effective rallying cry today. When Palestinian President Mahmoud Abbas said in 2012 that he was willing to forgo his right to return to his hometown of Safad, his comments provoked outrage across the diaspora.

Palestinian opposition to resettlement must be understood within this context. Resettlement as a durable solution is by implication mutually exclusive with return. Many Palestinian refugees have feared, sometimes with good reason, that resettlement schemes are politically motivated and designed to undermine their political cause by 'solving' their problem once and for all. Resettlement was thus never seen as a purely humanitarian solution but was always politically tainted. The PLO institutionalised this widespread hostility to the idea by formally opposing any international plans for either host state integration or third-country resettlement.

Failed resettlement

The refugees' resistance to resettlement was fuelled by resettlement's perceived connection to the UN. Many Palestinian refugees were suspicious of the international community in general and of the UN in particular, which they perceived as biased towards Israel. The

programmes put forward by the UN with the unofficial aim of facilitating resettlement did nothing to allay such concerns.

In the first decade after 1948, the UN focused on attempting to resettle the Palestinian refugees into either the (Arab) host states or third countries (usually also imagined as Arab countries). This was in keeping with the post-war international preference for resettlement over return. Moreover, this seemed the most feasible solution for the Palestinian refugees in view of Israel's refusal to countenance their return. It was thought that resettling the Palestinian refugees across the Arab world would be straightforward in view of their shared linguistic and cultural ties.

On the world stage, both the United States (US) and the United Kingdom (UK) favoured this option. This was particularly significant as it was the US and the UK that championed and largely funded the UN Relief and Works Agency for Palestine Refugees (UNRWA), which had been established in 1949 as a specialist body for the Palestinian crisis. While its primary focus was on relief, in the 1950s it also became the focus for broader resettlement plans for the Palestinians. The 'Works' of its title referred to job schemes designed to facilitate the refugees' economic development and local integration. In 1952 the UN General Assembly even authorised a UNRWA Reintegration Fund for the precise purpose of resettling the refugees outside Palestine.

Such plans were overwhelmingly opposed and rejected by the Palestinian refugees themselves. Observing that the Works schemes presupposed their futures outside Palestine, the refugees largely declined to enrol and participate. Their intransigence, combined with the costly nature of the schemes, led UNRWA to eventually abandon the programme, switching its emphasis in the late 1950s to education. Yet the



Mural in a Palestinian refugee camp in the West Bank, calling for the right of return.

Works schemes' impact far outlasted their duration, and resettlement has remained a major source of tension and suspicion in the refugees' relationship with UNRWA. It is an early example of the lasting damage that can be caused when humanitarian planning fails to take sufficient account of the refugees' own expectations.

On similar grounds, the Palestinian refugees also resisted UNRWA's efforts to develop and stabilise the infrastructure in their camps in the 1950s. In the eyes of the refugees, these moves were another part of the same plan to permanently settle them outside Palestine. In response, they uprooted trees planted by UNRWA in the camps, sprayed structures with red anti-resettlement slogans, demonstrated and went on strike. Their opposition was so vehement that UNRWA was unable to implement its plans, another instance of the problems caused by inadequate engagement with the refugees themselves.

Hostility from the Palestinian refugees was not the only reason that resettlement was never implemented or seriously pursued. There was also a major obstacle in the form of opposition from the Arab states, both those already hosting large Palestinian refugee populations, and those who might be targeted for third-country resettlement schemes. With the possible exception of Jordan, these governments feared that resettlement would compel them to absorb large numbers of refugees as citizens. The Arab states consistently spoke at the UN against resettling the Palestinians, calling rather for return as the only viable and acceptable solution. Without Arab support, resettlement stood little chance and in 1987 the UNRWA Commissioner-General Giorgio Giacomelli stated that although the agency had been conceived with the intention of facilitating resettlement, financial and political factors had rendered this impossible.¹

Individual resettlement

The PLO too actively opposed resettlement, insisting that UNHCR, the UN Refugee Agency, not pursue this for the Palestinians. The PLO's opposition was grounded in the concern that resettlement would

fragment the Palestinian diaspora and thereby undermine their collective national rights as a people. Crucially, it explicitly requested that individual Palestinians refrain from applying for asylum in the West, fearing that any such moves might enable resettlement 'by the back door'.

Notwithstanding this, many individual Palestinians have successfully pursued third-country resettlement, acquiring citizenship in Europe, North America and Latin America. In the vast majority of cases they have done so while continuing to identify as Palestinian refugees and still favouring repatriation as a long-term solution for the exiled community as a whole.

Emigration to Western states received legal backing in 2012 from a ruling in the European Court of Justice, which created a precedent for Palestinian eligibility to claim asylum in Europe.² Even the PLO has reportedly softened its stance on individual resettlement, acknowledging that it is not necessarily incompatible with collective repatriation rights.

The issue of individual resettlement has taken on a new significance in the context of the Syrian crisis. Syria historically provided some of the best conditions and entitlements for Palestinian refugees in the Arab world, a situation that has been grotesquely inverted by the current war. Since 2011, more than 100,000 Palestinians have fled their homes in Syria, becoming second-time refugees. As first Jordan and then Lebanon have closed their doors to Palestinians from Syria, some are now looking to Europe for refuge.

The plight of Palestinians fleeing Syria has highlighted some of the long-term problems facing Palestinian refugees in general. Their affiliation to UNRWA rather than UNHCR places them at a unique disadvantage, rendering them ineligible for the large-scale resettlement programmes organised through the latter. Instead, they must make individual asylum applications, and often do not qualify as political refugees or even as stateless persons. Their legal vulnerability means that Palestinians can be denied the protections afforded to other refugees, including regarding resettlement.

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Conclusion

The Palestinian refugee situation is in many ways exceptional. Its longevity, scale and institutional uniqueness all distinguish it from most other refugee situations. It can nevertheless offer valuable lessons, not least when it comes to resettlement.

In the case of the Palestinians, resettlement not only failed but barely got off the ground. While the refugees' opposition to it was driven by political concerns, the situation was not helped by the failure of international humanitarians to engage with them directly. The result has been lasting mistrust and suspicion that have continually plagued the refugees' relationships with UNRWA in particular, and the UN in general.

The suspicion felt by many Palestinian refugees towards resettlement was also due to the perceived implications of the solution's permanence. This is certainly not exceptional, in view of many refugee groups' continuing preference for repatriation over

other solutions. If people wish ultimately to return home, they are less likely to embrace measures that they fear will undermine their ability to do so. It is therefore worth exploring ways of re-constructing the 'three durable solutions' so as to allay such anxieties. The Palestinian case shows that if resettlement can be devised and fashioned so as not to undermine the possibility of eventual return, it may prove more palatable.

Finally, it is worth remembering that UNHCR itself continues to hold up voluntary repatriation as the preferred durable solution for all refugees, and resettlement as the last resort. On this the Palestinian refugees are firmly aligned with the UN.

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1. The full interview can be found in the UNHCR journal *Refugees*, September 1987.

2. El Kott judgement <http://bit.ly/Curia-ElKottjudgement>

The resettlement of Polish refugees after the second world war

Agata Blaszczyk

The passing of the Polish Resettlement Act and the creation of the different agencies related to it undoubtedly represented an unprecedented response to the challenge of mass migration in the UK.

When it became clear in 1945, at the end of the second world war, that the Polish forces and refugees abroad would not be able to return to their homeland, the British government took on responsibility for them. The first step was the founding of the Polish Resettlement Corps (PRC) in May 1946. Almost a quarter of a million Polish servicemen supporting the Western Allies found that they could not return home. Soldiers and airmen serving overseas were to be helped through the Corps to stay in the United Kingdom (UK) and settle into civilian life there. Service in the Corps was intended to be an opportunity for retraining and education; it was agreed with the British trade unions that prospective Polish employees could only be

recruited from the PRC and would be placed in 'approved' Ministry of Labour jobs.

The 1947 Polish Resettlement Act aimed to resettle political refugees in the UK, at a time when it was on the verge of an era of considerable population increase based largely on immigration. The Act provided Polish refugees in the UK with entitlement to employment and to unemployment benefit. The Act also laid out the responsibilities of several government departments to provide health services, pension entitlement and education for the Poles.

The Act was welcomed in parliament and considered to be an act of great statesmanship – an act that changed people's attitudes to the foreigners then arriving.



Agata Blaszczyk

Nissen hut in Northwick Park Camp, originally built in 1943 as an American field hospital and used from 1947 by the Polish Resettlement Corps.

The Act enabled Poles to integrate in the UK and thus contribute to providing the labour force needed by the British economy in recovering from the war. By the end of 1949, 150,000 Polish soldiers and their dependants had settled in the UK and their descendants continue to make up a large part of the UK's Polish community as it exists today. In due course, the Poles emerged as dedicated contributors to the reconstruction of the UK economy, and Polish refugees became one of the most prosperous immigrant groups in the UK.

This was the first time in the history of migration to the UK that this kind of legislation was brought out, directed uniquely at a refugee group. The Act demonstrated that by providing adequate resources and responding positively to the needs of refugees, the integration process into the host society can be significantly eased.

A good deal of the work linked to this Act involved the creation of the Polish Resettlement Camps. Former army and air force camps were utilised as temporary accommodation for the Polish troops and their families. By October 1946, some 120,000 Polish troops has been quartered in 265 camps throughout the UK. Over the years, wives

and dependants were also brought to Britain to join them, bringing the estimated total to over 249,000. The camps were generally in remote locations with Nissen huts or poor-quality dwellings each occupied by more than one family. The huts were equipped with electric lights and heated by slow combustion stoves but had poor natural ventilation and light. However, for the first generation of Poles they became a symbol of stability, and for the second generation the camps would remain in their memory as happy places, full of freedom.

Alongside the basic needs of the new arrivals in terms of accommodation, health, welfare and employment, there was a considerable demand for education. In 1947, the Committee for the Education of Poles

was set up, with all expenses to be defrayed out of funds provided by parliament. The Committee's principal aim was to "fit [the Poles] for absorption into British schools and British careers whilst still maintaining provision for their natural desire for the maintenance of Polish culture and the knowledge of Polish History and Literature."¹ This involved imparting to them an adequate knowledge of English and of the British way of life through education in appropriate British institutions in order to prepare them for resettlement either in the UK or overseas.

The annual expenditure of the Committee was estimated at about £1,000,000 during the first year of its existence, rising for 1948-49 to £1,500,000. During the seven and a half years of its existence the Committee's expenditure totalled nine million pounds.

Not surprisingly, for the first generation of newcomers the experience of settling down proved to be tougher and lengthier than expected. However, for younger Poles the route of adaptation, integration and even gradual assimilation was more of a natural process, and education provisions helped here enormously. Learning the English language became the basic step to be taken in pursuit of this ambitious plan.

From March 1948, the Home Secretary announced that applications for British citizenship would be accepted from Polish ex-servicemen and Poles were granted the right to become naturalised British citizens. In the end, the Poles emerged as dedicated contributors to the rebuilt British economy. Those who obtained secondary or higher education found profitable and sometimes prestigious posts in the British labour market and made successful professional careers. Their different culture and tradition, along with the shared traumatic wartime experience, slowly came to be seen as

assets contributing to community life. The Committee's aim of adapting Polish exiles to a new life was slowly being achieved. As one local newspaper article of the time said, "Their assets and pastimes may differ, but that very difference is an asset to the joint community of the town."²

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Resettlement: where's the evidence, what's the strategy?

Alexander Betts

The aims and objectives of resettlement are poorly specified and the outcomes are poorly measured. For resettlement to be effective, it needs a much stronger evidence base and it needs improved coordination at the international level.

Resettlement is an area of refugee policy that too often escapes scrutiny. It is often viewed as inherently benevolent and serves as a means for distant countries and progressive members of civil society to believe that they are 'making a difference'. And yet, relative to its historical and cultural primacy in major resettlement countries such as the United States (US), Canada and Australia, resettlement's purpose and outcomes often evade debate or examination.

Many of the more recent European resettlement policies emerged as knee-jerk responses to the European refugee 'crisis'. For example, the UK's Vulnerable Persons Relocation Scheme was extended to 20,000 Syrians for one reason alone: the day after the body of the Syrian refugee child Alan Kurdi was depicted on the front page of every British newspaper, resettlement had become the answer.

The purpose of resettlement is specified with surprising vagueness. It is supposedly a protection tool, a durable solution, a means to strategically leverage other durable solutions, and a form of burden sharing and

international solidarity. Yet the impact of resettlement is almost never measured relative to any of these putative purposes. Because aims and objectives are often so imprecisely specified, there are no benchmarks or metrics to hold governments accountable for their resettlement practices or to measure what resettlement actually achieves. It is no wonder that it is so challenging for politicians to justify to electorates.

A few provocative facts hint at why there are at least valid concerns to consider. Resettlement is consistently only available to the few: it is offered to less than 1% of the world's refugees. It is often not what refugees want: 70% of around 100,000 Syrian refugees approached by UNHCR about resettlement to Canada in late 2015 said they did not want resettlement to Canada. It leads to inequitable allocation of resources: we spend around US\$135 on every refugee in the West for every US\$1 we spend on a refugee in developing regions of the world.¹

So why do Western states persevere with resettlement? Why is it the default means by which a country like the US supports

refugees? There are many reasons. Some are cultural and historical, with some countries and regions having long-standing commitments to resettlement. But there is also an underlying political economy. The 'resettlement industry' is worth billions of dollars a year to the NGOs and civil society organisations that participate in it. In the US there is a significant amount of lobbying – much of it faith-based – in state capitals and in Washington DC to advocate for resettlement places, including for specific groups. Resettlement feels good and it feels cathartic.

But resettlement also increasingly serves an unspoken migration management function. It legitimates certain modes of entry for some refugees, and it delegitimizes others. It is no coincidence that it is in some of the countries with the strongest resettlement traditions where spontaneous asylum is regarded with the greatest scepticism. In Australia, for example, those who arrive spontaneously are referred to as 'queue jumpers'.

None of this is an argument not to engage in resettlement. Resettlement represents a potentially important part of the toolbox for protecting and assisting refugees. It potentially fulfils all of the functions that UNHCR associates it with. But what has been missing is a knowledge base that can empirically substantiate what it is that the umbrella category of 'resettlement' is achieving. Who is it actually helping – beyond sustaining the resettlement industry – and on what basis? As resettlement is gradually reconceptualised more broadly as 'pathways', these questions become ever more urgent.

Improving the evidence base

Compared with other areas of refugee studies, there has been a striking lack of research on resettlement. It is one of the least evidence-based areas of refugee policy, led more by belief, habit and culture. Too often resettlement policies are built on historical precedent and effective lobbying, rather than on clearly defined objectives and carefully understood pathways to impact.

Resettlement's detractors often resort to empirically unsubstantiated claims: that it is a 'pull factor', attracting migrants to

host countries in the region of origin, and that humanitarian assistance in the region provides a more efficient alternative to resettlement. Resettlement's proponents make claims that, for example, resettlement reduces spontaneous arrivals of asylum seekers beyond the region of origin and that it reinforces the commitment of host countries in the developing world's to asylum norms. Few of these claims – on either side – are necessarily wrong; it is just that they have not been tested.

Successive UNHCR documents have highlighted the range of functions served by resettlement. And yet there has been very little research to show whether, and if so when, resettlement actually fulfils these different types of objectives. But with research, these putative functions could be tested empirically. All of the goals of resettlement correspond to specific, testable hypotheses:

Function of resettlement + example of testable hypothesis
International solidarity and responsibility sharing : <i>influences host state behaviour</i>
Protection : <i>reaches the most vulnerable</i>
Strategic use : <i>leverages other durable solutions</i>
Public understanding : <i>leads to greater public support</i>
Addressing mass arrivals : <i>averts refoulement by host states</i>

To date, research on resettlement has focused mainly on three broad areas. First, descriptive accounts of the evolution of resettlement policy. Second, work on the social integration of resettled refugees. Third, cultural dimensions of the resettlement experience. The existing body of work has left key gaps in important areas. Methodologically, there has been limited quantitative or comparative research that can inform practice. Thematically, there are gaps. The politics has rarely been examined: how does the 'resettlement industry' function, and what are the power relations and interests that sustain existing practices, globally, nationally

and locally? The economics requires more work: what explains variation in outcomes for resettled refugees? Anthropologically, most of the existing work is country-specific rather than seeking to understand resettlement by tracing refugees' trajectories through the entire resettlement process.

Improving coordination

In addition, good resettlement policies require international collaboration if they are to be effective. Most countries' resettlement contributions are a drop in the ocean by themselves; collectively they have a greater chance of making a difference. Yet resettlement is not well enough coordinated at the international level. Beyond UNHCR's Annual Tripartite Consultations, most states make their resettlement commitments to UNHCR on a bilateral basis and fail to coordinate their resettlement policies. This means that the aggregate of contributions from resettlement fails to exceed the sum of its parts.

To be effective, resettlement cannot be conceived as a discrete element of the overall refugee regime but needs to be an integral component part of a wider strategic vision. It has to be a part of comprehensive responses to specific refugee situations around the world, considered alongside responses within host states in the developing world and within the country of origin. But until now, no such overarching strategy has existed, and resettlement conversations have been more about the politics of the resettlement country than about coherent responses to specific refugee situations.

The first thing that is needed is a collective purpose for resettlement. The most obvious and unique function of resettlement is as a route out of limbo. With the exception of the most vulnerable, it is arguably justifiable for refugees to wait in a neighbouring country in their region of origin for a certain period of time. But beyond a certain period – whether five or 10 years – it becomes cruel and inhumane. Within a comprehensive response, resettlement might be most appropriately used as part of that 'route out of limbo' function through which the international community coordinates an end to protracted refugee situations.

The second thing that is needed, though, is a more proactive resettlement 'broker'. At the moment, individual governments determine their resettlement priorities and UNHCR supports them in meeting these objectives. Far more coherent would be a UNHCR-led strategic vision for resettlement as a component part of comprehensive responses to specific refugee situations. A logical place for the elaboration of such a role might well be within the Comprehensive Refugee Response Framework² being developed as part of the Global Compact process.

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Mini-feature

Post-deportation risks and monitoring

People whose application for asylum has been refused are often deported, usually to their country of origin. Little is known, however, about what happens to them on that return journey, on arrival in the country to which they are deported, and during the weeks and months that follow. Deportees are generally out of sight, and therefore quickly out of mind. But many of them are vulnerable and face considerable risks after deportation. These risks include loss of belongings, lack of identity papers, homelessness, destitution, trauma, depression, suicide, extortion, detention, and inhumane and degrading treatment – indicators that deportation in some cases may in fact constitute *refoulement*.

The articles in this mini-feature examine four cases:

- failed asylum seekers deported to the Democratic Republic of Congo, Sri Lanka and Eritrea

- risks for formerly unaccompanied minors deported to Afghanistan
- failed asylum seekers deported to Uganda
- the fate of people returned to Turkey under the EU-Turkey deal

Based on insights from the ground, all four articles show the need for independent post-deportation monitoring.

The mini-feature is also available (in English) as a stand-alone pdf at www.fmreview.org/resettlement/post-deportation.pdf

We encourage you to use and disseminate it widely.

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Post-deportation risks for failed asylum seekers

Jill Alpes, Charlotte Blondel, Nausicaa Preiss and Meritxell Sayos Monras

What happens to people who are deported after their asylum applications have failed? Many who are deported are at risk of harm when they return to their country of origin but there is little monitoring done of deportation outcomes.

People whose application for asylum has been refused are vulnerable when they are subsequently deported to their country of origin. In some places, simply claiming asylum in another country is viewed as an act of treason and exposes the applicant to serious risks. Former non-accompanied minors are vulnerable because of their lack of familiarity with the countries to which they are returned. Furthermore, cooperation mechanisms between immigration, police and intelligence services of deporting countries and countries of origin to facilitate emergency travel documents risk undermining the confidentiality of asylum applications.¹

The principle of *non-refoulement* prohibits sending asylum seekers or deportees back

to a country where their life and liberties are deemed to be under threat, yet several EU countries continue to send people whose applications have been refused back to countries where former asylum seekers have already been persecuted. A group of students at Sciences Po have developed a methodology to review existing evidence of the risks that rejected asylum seekers face following deportation and have found evidence of extortion, persecution and imprisonment in, among others, the Democratic Republic of Congo (DRC), Sri Lanka and Eritrea.²

On return to DRC, Sri Lanka and Eritrea

In the seven years to 2015,³ France deported 590 Congolese citizens whose application

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for asylum had failed. Claiming asylum in another country, however, may be treated by the Congolese authorities as an act of treason, and almost every returned asylum seeker monitored in 2011 by the organisation Justice First was imprisoned, tortured, forced to pay a ransom, raped or subjected to sexual harassment.⁴

A study by the British Home Office found that people who were repatriated to DRC were systematically summoned to the Congolese Bureau of Migration on their arrival at the airport and sometimes questioned by the National Intelligence Agency in Kinshasa. These people face multiple risks, from extortion involving sums from \$6,000 to \$25,000 to imprisonment without access to a lawyer and being held in poor conditions of detention. Some people had been forced to sign a document stating that they had left the airport without any difficulty but were then arrested at home a few hours later; when the UN mission MONUSCO tried – unusually so – to intervene, the Congolese authorities denied that there was any possibility of people having been detained.⁵

Sri Lanka ranks fifth for rejected asylum claims in France. In spite of reports published in 2012 by organisations such as Human Rights Watch, Action chrétienne pour l'abolition de la torture (ACAT) and Freedom from Torture which include accounts of extortion, arbitrary imprisonment and torture,⁶ France has sent 750 people back to Sri Lanka in the last seven years. The reports show that these people are often arrested, either at the airport or at home a few days after their return, and remain in prison for between a week and six months. ACAT has shown how deported Sri Lankan Tamils were tortured on their return with the aim of forcing them to confess to alleged links with the Liberation Tigers of Tamil Eelam; and the organisation Tamils Against Genocide confirms that the very fact of having spent time in a Western country in itself constitutes a risk in respect of the local authorities.

Although the situation for Eritreans changed in 2016 with an increase in the rate of acceptance of asylum claims in France and their inclusion in relocation schemes at

the European level, France has nonetheless rejected 2,250 asylum claims and deported 350 Eritreans over the last seven years. Studies by UNHCR and Human Rights Watch in 2009 and 2014 found that simply having left Eritrea exposes the migrant and their family to investigations, reprisals and mistreatment. The Eritrean authorities suspect that people who have sought asylum elsewhere will have cited persecution in Eritrea as grounds for seeking asylum, or suspect them of having encouraged opposition groups from abroad. At the same time, British sources maintained in 2011 that people who have sought asylum are also suspected by the authorities of having left Eritrea illegally, which provides a further reason for carrying out investigations and subjecting them to reprisals and persecution.

On their arrival, repatriated Eritreans are often held in overcrowded cells in poor conditions. Amnesty and UNHCR have reported arbitrary arrests, unjustified imprisonment and cases of mistreatment, torture and death. Cases of detention are numerous; people sent back from Malta in 2002 and Libya in 2004 were arrested on arrival and tortured, and some were very probably killed. According to the UN Special Rapporteur on Human Rights in Eritrea, asylum seekers whose claims are rejected “generally disappear on their return.”⁷ Knowledge of such human rights violations do not seem to prevent the European Union from cooperating with the regime under the terms of the Khartoum Process, which aims to make returns easier.

Return for migrants whose asylum claims are rejected is problematic in other countries as well. The French non-governmental organisation Anafé has recorded cases of arbitrary detention in Guinea Conakry and Chad; an Irish organisation and several British newspapers have confirmed that Sudanese deportees have been killed on their return to Khartoum; and other organisations have mentioned similar risks in Iran.

The need for monitoring

In some countries failed asylum seekers risk serious human rights violations upon return. The decision to deport can thus

constitute *refoulement*. Nonetheless, states and international organisations do not systematically collect information about the human rights situation of forcibly returned failed asylum seekers. Post-deportation monitoring can help improve refugee policy in at least three ways: firstly, by enabling the provision of support to asylum seekers who are deported; secondly, by helping to identify and document where the fears of forcibly returned asylum seekers are well-founded; and, thirdly, by providing valuable insights for Country of Origin Information reports.

An effective migration policy needs to be based on evidence. Today, policymakers do not know what happens with deportees after return to countries of origin. Even when post-deportation risks do not amount to the level of *refoulement*, deporting states have a political responsibility to avoid exposing people to extortion, confiscation of their belongings, interrogation, intimidation and arbitrary detention.

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1. See also Alpes M J and Sørensen N N (2016) *Post-deportation risks: People face insecurity and threats after forced returns*, Danish Institute for International Studies Policy Brief <http://bit.ly/DIIS-alpes-sorensen>
2. We acknowledge with thanks the involvement of Marie Conciatori, Suzanne Seiller and Janine Uhlmannsieck in the research project 'Airport casualties: migration control and human rights in countries of origin' (October 2014 to May 2015). For data, see (2015) 'Post-deportation risks: Criminalized departure and risks for returnees in countries of origin' under 'Resources' at <http://bit.ly/PDMnetwork>
3. EUROSTAT (2015) *Third country nationals returned following an order to leave – annual data (rounded) and First instance decisions on applications by citizenship, age and sex: Annual aggregated data (rounded)* <http://ec.europa.eu/eurostat/web/products-datasets/>
4. Ramos C (2011) *Unsafe Return: Refoulement of Congolese Asylum Seekers*, Justice First <http://bit.ly/Ramos2011>
5. United Kingdom: Home Office (2012) *Democratic Republic of the Congo: Report of a Fact Finding Mission to Kinshasa Conducted between 18 June 28 June 2012*, p33 www.refworld.org/docid/538871264.html
6. Freedom from Torture (2012) *Sri Lankan Tamils tortured on return from the UK* www.refworld.org/docid/505321402.html; Human Rights Watch (2012) *UK: Halt Deportations of Tamils to Sri Lanka* www.refworld.org/docid/50e8e8352.html
7. (28 May 2013) *Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B Keetharuth (A/HRC/23/53)* <http://bit.ly/HRC2013-Eritrea>

Risks encountered after forced removal: the return experiences of young Afghans

Emily Bowerman

New research has documented the outcomes for young asylum seekers forcibly removed from the UK to Afghanistan. Its conclusions highlight both the difficulties facing the returnees and the need for sustained monitoring.

Over the past nine years, the United Kingdom (UK) has forcibly removed¹ back to Afghanistan 2,018 young Afghan men who came to the UK as unaccompanied asylum-seeking children and spent their formative teenage years in the UK care system. They are returned to often precarious and dangerous situations.

A few years ago, preliminary research undertaken by the UK-based Refugee Support Network (RSN) revealed some of the key

challenges confronting this cohort of youth facing forced return.² These challenges were exacerbated firstly by the abrupt transition from being 'looked after' children one day to being failed adult asylum seekers with limited rights the next, and secondly by the lack of connections and joined-up approaches between the UK-focused refugee and asylum support sector while they are in the UK and the international development sector after their return to their country of origin. At one

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of the most precarious stages of their life trajectory, former unaccompanied asylum-seeking children found themselves cut adrift from support, facing an uncertain future.

In response, RSN set up its Youth on the Move programme to support former unaccompanied asylum-seeking children who had failed to secure refugee protection and now faced the possibility of forced removal to Afghanistan. The programme's overall, long-term goals were for no former unaccompanied minor to be left alone and unsupported in the face of potential forced removal to Afghanistan, and for research tracking the outcomes for these young people to bring about a better informed and more compassionate approach in the UK. Following an agreement announced in October 2016 between the EU and the Afghan government obliging the latter to receive many more refused asylum seekers, evidence about the reality on the ground for returnees is needed more than ever.

Researching the outcomes

For an 18-month period in 2014-15, RSN systematically monitored what happened to former child asylum seekers who had been forcibly removed to Afghanistan after turning 18, documenting their experiences and, for the first time, filling a vital evidence gap in assessment of their reintegration, safety and security, education, employment, health and well-being.³ We conducted 153 in-depth semi-structured interviews with 25 young people who had been forcibly removed from the UK.⁴

The first challenge experienced during the research process was establishing contact with the young people on return. 45 young people were referred to RSN's Kabul-based monitoring officer at the time of forced removal, yet 16 of these did not make contact and could not be contacted after return. It is not known why these young people either chose or were not able to contact the monitoring officer but it is of potential concern that it proved impossible to establish contact with such a significant number of young returnees (36% of total number referred).

The second challenge was remaining in contact with the returnees in order to facilitate multiple interviews throughout the research period. Six of the young people left Afghanistan during the research process, and an additional 12 moved away from Kabul. Where possible, in-depth telephone or Skype interviews were conducted with young people no longer in Kabul. In the case of 11 young people, contact ceased before the end of the research process because contact details held by the programme no longer worked, with their eventual whereabouts or well-being still unknown. Some may have deliberately withheld new contact details for reasons of security. Throughout the research, it was clear that many of the young people wanted to hide the fact that they had been in the UK because, for example, return was seen as a failure or associated with criminality and for their perceived westernisation which in turn affected their ability to secure work and housing and to reconnect with family. When travelling in Taliban-held areas in particular, they would not want to be heard speaking English or to be seen to have international contacts on their phone. The young people's safety is paramount and no pressure should be put on them to maintain contact if it would put them at risk.

Research findings and outcomes

In addition to identifying the significant number of young returnees who had again left Afghanistan, the research highlighted a range of interconnected challenges facing former child asylum seekers after forced removal to Afghanistan. These include:

- the impact of weakened or disappeared family and social networks
- fear of stigma and discrimination impeding the formation of new social networks, leading in turn to increased isolation
- challenges in accessing institutional support and reliance on ad hoc assistance from people in the UK
- generalised insecurity and victimisation due to issues related to the original asylum claim or to their identity as a returnee

- the near impossibility of continuing in education after forced return due to its cost, the prioritisation of earning money for survival, their lack of Afghan education, and the irrelevance of studies undertaken in the UK
- the difficulty of finding sustainable work and the impact of this on young returnees' ability to survive or remain in Afghanistan
- mental health difficulties and protracted deterioration in emotional well-being, with particular challenges where specialised care and medication were interrupted on removal
- limited access to essential support and health care.

Over three quarters of the young people monitored identified insecurity as a critical issue. Seven reported incidents where either they or other returnees close to them were targeted simply because they were a returnee. One young person was particularly distressed when he told us:

"I have just made one friend here. [...] He told me he couldn't stay, that he would go back to the EU. I told him not to go, but he was arrested by the Taliban on the way to Iran ... and they killed him because he had all his international papers and bank card on him. They killed him by cutting his head off and leaving it in the street."

Next steps

There is a need for more research on post-return outcomes in order to produce robust data about the realities around return for those who have spent time in the UK as asylum seekers. The value of such data is evidenced in the citation of the RSN research report *After Return* in the UNHCR guidelines for assessing Afghan asylum claims⁵ and in the report's use by solicitors representing individual former unaccompanied minors who have turned 18 but are still going through the UK asylum process.

Our hope is that due recognition will continue to be given to the persecution risks facing young people simply because they are returnees, regardless of the content of their original asylum claims. There is

currently a significant focus on bringing unaccompanied minors to the UK from Calais and other parts of the European Union. It is important that all those involved – policymakers, those lobbying for more unaccompanied children to be brought to the UK, and the solicitors representing them in their asylum cases – are aware that unless children get good legal representation in the first instance, the outcomes of forced removal experienced by young Afghans could be an outcome for them too.

It is also important to help young people at the end of the asylum process to access legal, practical and psychosocial support and to make contingency plans, where appropriate and when all options for remaining have been exhausted, for the possibility of forced return. Bringing together learning about supporting young people at the end of this process in the UK and about life on return, we have created a guide for other practitioners as one step in bridging the gap that separates UK-based refugee organisations and the international development sector, with a view to better supporting the young people who straddle these two contexts in their migration journeys.⁶

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1. The term 'deportation' is commonly used to refer to the state-enforced or enforceable departure of a non-citizen from the country. Deportation is, however, a specific term used by the UK government in reference to people whose removal from the country is deemed 'conducive to the public good', often in connection with conviction for a criminal offence that carries a prison term. 'Forced removal' is therefore the preferred term when referring to these young Afghans.
2. Gladwell C (2013) 'No longer a child: from the UK to Afghanistan', *Forced Migration Review* issue 44 www.fmreview.org/detention/gladwell
3. See Refugee Support Network (April 2016) *After Return: documenting the experiences of young people forcibly removed to Afghanistan* www.refugeesupportnetwork.org/resources/after-return
4. The interviews were conducted in Kabul by RSN's monitoring officer and three other staff members who made field visits to support the research process.
5. UNHCR (2016) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan* www.refworld.org/docid/570f96564.html
6. www.refugeesupportnetwork.org/resources/ARE-practitioner-guide

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A grim return: post-deportation risks in Uganda

Charity Ahumuza Onyoin

Neither the UK nor Uganda monitors what happens during and after deportation by the UK of failed Ugandan asylum seekers, despite evidence of violence and grave abuses of individuals' human rights.

While Uganda is often hailed as a source of stability in a troubled region, human rights violations are rife, ranging from violent arrests of opposition leaders and detention of journalists to torture of civilians at the hands of security agents.¹ And homophobia and persecution of sexual minorities remain high despite the annulment of the Anti-Homosexuality Act in 2014. Many Ugandans seek asylum abroad, including on the grounds of persecution for political opinion and sexual orientation.

Since 2006 the Refugee Law Project (RLP), a community outreach project of the School of Law at Makerere University in Uganda, has been involved in providing post-deportation support to returned Ugandans, most of whom are returned from the United Kingdom (UK). RLP is often alerted by organisations and civil society actors in the deporting country to the fact that an individual has been 'removed' or is scheduled to be removed.² The information will include the person's name and phone number, the airline and the scheduled time of arrival. In all cases, the individual's consent is sought before such information is shared and, where possible, RLP initiates contact with the individual before the scheduled departure. While Ugandan immigration officers were initially suspicious of RLP's role in the reception of deportees, it now recognises the crucial role that RLP plays and on occasion will even refer individuals to RLP for support.

The risks to deportees start on arrival at the airport – where they are vulnerable to abuse of their rights and to physical violence by state agents – and continue during their reunification with family and friends. During their integration back into Ugandan society, they may be vulnerable to social, economic and psychosocial risks, and continuing persecution.

Arrival at the airport

'Distressed' and 'disturbed' are two words commonly used by RLP and immigration officers to describe a deportee's appearance upon arrival. While many wish to arrive 'silently', the opposite occurs. On disembarking, a deportee – who may or may not be escorted by agents of the deporting state but who is often exhausted, traumatised and at times injured – is handed over to the immigration office for interview by immigration officers. Their personal details are registered and they are then subjected to what is referred to as 'routine interrogation'. During this process, details regarding their deportation and their contacts in Uganda are entered into an immigration database at the airport.

This process is deeply problematic. Firstly, it makes deportees – and their contacts – vulnerable to detention, torture and harassment, particularly where an individual's asylum application was based on fear of persecution for political or sexual orientation reasons.³ Secondly, it further traumatises deportees, the majority of whom have already been held in detention for weeks or months before deportation. Lastly, in the absence of legal representation, it is difficult to ensure that no force or coercion is used where an individual is unwilling to speak to immigration officials

Re-unification with family or relatives

After interrogation, the immigration officials often ask whether the deportee has any friends or relatives they would wish to contact – and will then get in touch with these contacts on behalf of the deportee. It is at this point also that the officials let the deportee know that there is an RLP representative at the airport with whom they can talk if they wish. Deportees are usually



Activists and human rights groups in Nigeria protest against deportations by Britain to Nigeria, January 2017.

reluctant to make contact with their families and friends, and some have even refused to meet with RLP staff despite initial contact and reassurances prior to their deportation.

The reluctance to contact family and friends often comes from fear of endangering or disappointing family or from fears for personal safety. One woman who fled to the UK having been attacked on several occasions after her family discovered that she was in a relationship with another woman was later deported back to Uganda. She could not return to her family and feared to contact her partner as this would again endanger them both. Additionally, she was deeply disappointed in herself because she felt she had let her partner down (her partner had arranged for her to leave the country). She subsequently lived in a remote area where she could hide her identity and only accessed psychosocial assistance from RLP when discreet transportation to and from her house could be arranged.

In several instances where a deportee sought asylum on grounds of their sexual orientation, their story has been publicised in

Ugandan newspapers and online by the time the deportation occurred. This not only poses a danger to them but also puts organisations and officers that provide assistance at risk.

In instances where the deportee does not give any contact or relatives live too far away to collect them from the airport, it is in theory the responsibility of the immigration office to arrange transport for them to their desired destination. However, in practice, funds are rarely available for this. In such cases, the deportee will be kept in police detention at the airport until funds are available. Keeping a deportee in criminal detention facilities is not only unacceptable but inhumane and degrading for the returnee.

Sometimes, deportees are returned in bad shape medically due to torture and assault suffered before and during deportation. When the violence has been dispensed by escorts from the deporting country, Uganda's immigration officers have unfortunately failed to reprimand the escorts – and there is no complaint mechanism available to deportees to report cases of disproportionate use of force during return flights. Worse still, there

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is no medical attention provided to such individuals. In one case, a deportee from the UK whose legs and arms were visibly swollen due to the tightly secured cuffs, whose lips were bruised due to beatings and whose hair had been pulled out due to the force used when dragging her was handed over to immigration officers and later to RLP staff. The immigration officers did not protest or reprimand the UK escorts at all. RLP was left to cover the medical bills while attempts to bring legal action against the UK escorts failed.⁴ The treatment by the departing country officials constitutes one set of violations, while the inaction by Uganda's state agents in such instances also constitutes a violation of the state's duty to fulfil its human rights obligations towards its citizens.

Reintegration

Reintegration into the community is in some cases extremely difficult, particularly for those who have no family support. Uganda does not have a state-supported post-deportation monitoring or integration programme, and RLP is the only organisation providing legal and psychosocial assistance to deportees. The immediate needs that deportees present include a place to stay, money for their daily sustenance, and medical assistance for those injured during removal and for those with pre-existing medical conditions. Some deportees suffer trauma and depression which can result in severe mental health problems if not attended to.

RLP and some civil society organisations in the departing country seek to maintain contact with the individuals and to provide necessary assistance. However, shortage of resources and security concerns for staff limit what is possible. For survivors of sexual violence and victims of torture, RLP has found that setting up support groups has yielded useful peer support and increased resilience; this approach could be explored for deportees.

For some deportees security concerns arise once again. On one occasion RLP ran into an individual at the airport who had been deported from the UK a month earlier and who was now heading to another country to seek asylum. The

fact that a person is willing to subject themselves once again to the gruesome process of seeking asylum and the risk of deportation reflects a much deeper story of the circumstances in which they lived before leaving the country and after their return.

Conclusion

For many deportees, the future is grim upon return to Uganda. The processes that they must endure on arrival further exacerbate this situation. RLP in Uganda and civil society organisations in departing countries provide a flicker of hope but this risks being extinguished by inadequate resources and security threats. Further, a number of cases go without support either because information is received late or flights arrive at night or simply because there is no information. While departing states maintain that those deported are not in danger of torture or other inhuman treatment, first-hand accounts show otherwise. Worse still, departing states often do not follow up on what transpires post-deportation, and Uganda has no official post-deportation monitoring mechanism to provide much-needed assistance to individuals. The practice of deportation and its ramifications need to be given the attention they deserve through continuous and systematic documentation. Otherwise, human rights violations in this sphere will continue unabated.

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1. Uganda Human Right Commission (UHRC) *18th Annual Report 2015*, p7 <http://uhrc.ug/reports> and October 2016 UHRC Universal Periodic Review report p6

<http://uhrc.ug/uganda-human-rights-commission-upr-report>

2. Usually through the Post Deportation Monitoring Network: see box on p87 and

www.refugeelawproject.org/post-deportation-monitoring

3. Dolan C, Schuster L & Merefield M (2012) 'The Impact of Deportation: Some Reflections on Current Practice' www.refugeelawproject.org/files/briefing_papers/The_Impact_of_Deportation.pdf

4. RLP would welcome information about good practice in this area, for example through establishing independent taskforces or involving regional/international bodies.

The EU-Turkey deal: what happens to people who return to Turkey?

Sevda Tunaboylu and Jill Alpes

People who return to Turkey under the EU-Turkey deal are detained and many risk onward deportation without access to legal aid and international protection.

On 18th March 2016, Turkey and the European Union (EU) made a joint statement. Political leaders agreed to the return to Turkey of people who had crossed to the Greek islands through irregular channels and also agreed to prevent the arrival of new asylum seekers via sea or land – in exchange for the liberalisation of EU visa requirements for Turkish citizens, financial aid, and a resettlement programme for Syrians from Turkey to the EU (based on ‘one in, one out’). The deal has been criticised by scholars and human right organisations for undermining access to fair and efficient asylum procedures. Its ability to curb irregular immigration has also been questioned.¹ Finally, no independent organisation has been tasked with monitoring the human rights situation of individuals who are returned under the deal.

People in Greece at risk of deportation

For most people in Greece who are at risk of deportation to Turkey, asylum procedures are still pending. Consequently, despite the symbolic importance of the EU-Turkey deal, by 9th January only 777 people (predominantly men) had been returned to Turkey from the Greek islands of Lesbos, Chios, Kos and Samos over nine months; the majority were Pakistanis (404), followed by Algerians (72), Afghans (64) and Syrians (42).²

Asylum seekers in Greece can be returned to Turkey in four cases: first, when they do not apply for asylum or withdraw an asylum application in Greece; second, when people on the move opt for an assisted return; third, when the asylum application has been decided upon negatively; and, fourth, when the asylum claim has been found ‘inadmissible’ on formalistic grounds in Greece – that is, on the grounds that Turkey is either a ‘safe first country of asylum’ (where

a person has been recognised as a refugee or otherwise enjoys sufficient protection) or a ‘safe third country’ (namely, that Turkey can provide protection to the returned person).

Although Greek authorities state that 39 Syrians had ‘volunteered’ to return to Turkey and that 521 non-Syrians were returned because they had not expressed a desire to apply for asylum (or had withdrawn their application), the UN Refugee Agency (UNHCR), Amnesty International, journalists and scholars have documented grave problems with people’s access to asylum in Greece. The legality of returns when an asylum claim is found to be ‘inadmissible’ is still being disputed in Greek courts. Asylum and human rights organisations have unanimously documented that Turkey should not be considered as either a safe first country of asylum or a safe third country.

With Turkey’s geographical limitation to its ratification of the 1951 Refugee Convention, Turkish law provides only temporary and weak protection for Syrian, Afghan, Pakistani and African nationals. Yet, even this is not effectively implemented and Turkey fails to respect the rights of both asylum seekers and refugees.³ Prior to the conclusion of the EU-Turkey deal, Amnesty and Human Rights Watch had furthermore provided evidence that Turkey was breaching the principle of *non-refoulement* by deporting Syrians back to Syria, shooting at Syrians who wanted to enter the country, and sending back hundreds of asylum seekers to Afghanistan, Iraq and Syria without due access to legal aid and asylum.⁴

During return operations from Greece, state officials and Frontex officers confiscate the phones of those who are returned to Turkey. Returnees under the EU-Turkey deal are therefore unable to communicate with the outside world and consequently little

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First readmissions to Turkey under the EU-Turkey deal arrive at Dikili port in Izmir province, 4th April 2016.

is known about their post-return human rights situation. Despite requests from several non-governmental organisations (NGOs), the Turkish government has not provided further information on the current status and location of people returned under the deal. From limited reporting by UNHCR, a European Parliament delegation, Human Rights Watch, Amnesty International, academic researcher Gerda Heck and several non-profit organisations in Turkey, it is clear that returnees have – among other things – struggled to access their belongings prior to return.⁵

Non-Syrians forcibly returned to Turkey

In the case of deported individuals who are not Syrian, questions arise over, firstly, their detention and lack of access to legal aid and protection in Turkey and, secondly, their onward ('secondary') deportation and *refoulement*.

Upon arrival in Turkey, police and Frontex officers transfer all non-Syrians to Turkish removal centres, primarily to the Pehlivan köy removal centre (located 50 kilometres outside the western Turkish border city of Kırklareli). After interviews

with returnees under the deal, a delegation of three European parliamentarians came to the conclusion that none of the refugees interviewed at Pehlivan köy had been given the opportunity to ask for asylum, either in Greece or in Turkey;⁶ returnees also said that they did not know what was happening to them and had received no information since their arrival in Turkey.

Despite the difficulty of gaining access to the removal centres, a Turkish NGO called the Bridging Peoples Association was able to document detention conditions in the Pehlivan köy removal centre.⁷ The doors to detainees' cells are opened only three times a day for short meal breaks. After each break, detainees are given less than an hour to exercise before they have to return to their cells. In their cells, detainees do not have access to means of communication with the outside world – no phone, TV, internet, newspapers or books.

Outside the cells, the means of communication and information are limited and mostly available only in Turkish. Moreover, returnees struggle with poor food, isolation and inadequate medical services. As the facility is run by a private

security company, detainees are often unable to access Turkish state authorities with complaints or information requests.

Access to lawyers and thus also to protection in Turkey has been patchy or wholly absent. According to Gerda Heck, a group of five Congolese asylum seekers who were deported under the deal were told by removal centre staff that they could not apply for international protection in Turkey because they had been deported from Europe. Since April 2016, Turkish human right organisations, such as Refugee Rights Turkey, Mülteci-Der and the Bridging Peoples Association, have only been able to gain very limited access to returnees. Turkish lawyers need to know the names of returnees in order to be able to visit people at Pehlivan köy. For returnees, the only communication possibility is a landline in the communal areas of their removal centre but since returnees are usually locked in their cells, it is very difficult for them to make phone calls.

The primary purpose of returnees' detention is the preparation of travel documents for onward deportation to their countries of nationality. 417 of all the individuals returned to Turkey have been deported from Turkey to their countries of origin.⁸ One Ivorian man, whose return from Greece to Turkey on 4th April 2016 was monitored by Gerda Heck, was deported onwards from Turkey on 19th May to the Ivory Coast. In Greece, Yusuf (not his real name) had registered with the Turkish police as wanting to apply for asylum but reportedly had his documents confiscated by Frontex officers prior to his deportation to Turkey; Yusuf had more access to information about protection mechanisms in Turkey than other returnees (through his contacts to a university researcher) but, nevertheless, was deported onwards by Turkey to the Ivory Coast without access to a lawyer and prior to a decision on his protection status by Turkish authorities.

A former Pakistani police officer – an acquaintance of a young Pakistani sent back under the deal – reported that young men are detained in Pakistan after their deportation from Turkey. 16 men deported from Turkey

on 22nd December 2016 were detained, then released on 2nd January 2017 after a payment of 10,000 rupees each (US\$95).

In the aftermath of the EU deal, Turkey started adding to its existing readmission agreements with various countries by opening up negotiations with Nigeria, Yemen and Pakistan. A Turkey-Pakistan readmission agreement was ratified only four days after the start of the EU-Turkey deal. The texts of these readmission agreements are not publicly available, which raises concerns about lacking legal safeguards from 'chain' refoulement.

Syrians returned

Syrian nationals who are returned to Turkey have so far been transferred to Adana, where they have been held in Düzici camp in the Turkish province of Osmaniye, 200 kilometres from Aleppo. Officially, the detention of Syrians is only for the purpose of identification and security checks. However, returnees have been detained at Düzici without being informed about the reason for and length of their detention, and without access to adequate medical treatment. Despite promises by Turkish authorities during the recruitment process in Greece that Syrian asylum seekers would be provided with identity documents within two to three days and that those with families in Turkey would be reunited with them, 12 Syrians (including four children) were arbitrarily detained for three weeks upon arrival in Turkey.⁹

For Syrian nationals detained at Düzici, access to lawyers and temporary asylum protection has been difficult. Despite amendments having been made to Turkey's Temporary Protection Regulation for Syrians, Amnesty International reported that some Syrians returned from Greece were denied access to a lawyer in Turkey and were not adequately provided with information about temporary protection in Turkey. While these returnees were released from detention and transferred to other cities in Turkey after a few weeks, the detention conditions in Düzici camp were so bad that one Syrian woman with four children asked to be returned to Syria instead.

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Monitoring returns

Besides the return of asylum seekers from Greece to Turkey, the EU-Turkey deal also paved the way for deportations of third-country nationals from other EU member states to Turkey. With no independent agency monitoring what happens, however, policymakers know little about what happens to people after forced and assisted return programmes. It is worth noting, for example, that of five monitored Congolese asylum seekers whom the EU deported to Turkey on 4th April 2016, four have found their way back into the EU. Without access to work or a permanent protection status in Turkey, these young women and men again risked their lives crossing the Aegean Sea. Evidence such as this calls into question part of the reasoning on which the EU-Turkey deal is based. Post-deportation monitoring by independent human rights organisations can help to assess the role that forced and assisted returns play in Europe's migration policies.

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Post-deportation resources

Post-Deportation Monitoring Network

www.refugeelegalaidinformation.org/post-deportation-monitoring

This project has three main goals: to protect and assist rejected asylum seekers after deportation; to document and report post-deportation human rights violations; and to use such reports to lobby governments in host countries to change their asylum policies. The project seeks to protect and assist deportees by connecting lawyers and NGOs in deporting countries with organisations in countries of origin. The network's online directory provides contact details. *If you or your organisation wish to be listed in the directory, please contact alessandra.dicaldo@gmail.com and provide a brief description of the support you can provide to deportees.*

Deportation Global Information Project

<http://postdeportation.org>

The Deportation Global Information Project (based at Boston College's Center for Human Rights and International Justice) gathers and makes accessible data and research regarding deportation and the challenges faced by deported and expelled persons and their families. Resources include academic research from a variety of disciplines (law, social sciences, psychology, etc) and reports issued by governments, NGOs, intergovernmental organisations and the media. *To submit papers or reports for inclusion, use the Submit Info tab on the website. Please send any feedback to pdhrp@bc.edu.*

Ensuring the rights of climate-displaced people in Bangladesh

Prabal Barua, Mohammad Shahjahan, Mohammed Arifur Rahman, Syed Hafizur Rahman and Morshed Hossan Molla

Five critical areas require urgent action with the threat of internal displacement as a result of climate change already severe and growing in Bangladesh.

Annual monsoon-related flooding, river and coastal erosion, tidal surges and tropical cyclones emanating from the Bay of Bengal are a frequent cause of displacement in Bangladesh. Between 1995 and 2015, Bangladesh suffered damages worth over US\$ 2.28 billion, equal to 0.73% of GDP, wrought by 185 natural catastrophes.¹ Already one of the most climate-vulnerable countries in the world, Bangladesh is set to become even more so as a result of climate change creating new drivers of displacement. Out of the 64 districts of Bangladesh, 26 coastal and mainland districts are already sources of climate-related displacement. The Government of Bangladesh is well aware of this looming crisis, claiming that 20 million people could be displaced in Bangladesh by sea level rise alone over the next 40 years.

But there is no comprehensive national policy in Bangladesh that specifically targets climate displacement. Through a combination of lack of political will and lack of financial and technical resources, there are currently no comprehensive mechanisms to provide support to people who have lost their homes, land and property as a result of climate change. As a result, the rehabilitation of displaced persons by both government and non-government sectors is, to date, very limited. Importantly, livelihood problems remain after the rehabilitation of displaced persons.

Because Bangladesh has signed and is bound to respect many key international human rights treaties that provide important human rights protections to climate-displaced persons, the government has clear responsibilities under both domestic and international law to provide rights-based solutions to such persons,

particularly relating to their housing, land and property rights. Further, given that the majority of persons displaced by the effects of climate change will be internally displaced, Bangladesh is bound to respect the UN Guiding Principles on Internal Displacement. Although they are non-binding, they reflect and are consistent with international human rights and humanitarian law which Bangladesh is bound to uphold.

Five key actions

Young Power in Social Action (YPSA), a national non-governmental social development organisation, has developed a five-point advocacy action based on applicable domestic and international legal standards and identified five key actions for the Government of Bangladesh:

Firstly, establish a climate displacement monitoring mechanism: While we know that natural disasters linked to climate change are causing forced internal displacement, there is no systematic collection of data on displaced persons or sustained monitoring of their situation and recovery. The Bangladesh Climate Change Strategy and Action Plan recommends that the government “develops a monitoring mechanism of migration of climate-change-affected people and monitoring of internal as well as external migration”.² However, no such mechanism exists yet. There are existing models for the design of a climate displacement monitoring mechanism³ and the government should establish one without delay. Among the measures this mechanism should take are registration of all climate-displaced persons, and documentation of any support or assistance they are receiving from the government or

other stakeholders. This information can then be utilised nationally to plan for and implement effective and durable solutions for all climate-displaced persons in Bangladesh.

Secondly, incorporate the rights of climate-displaced persons into existing climate change law and policy: The government has enacted a large number of laws and policies relating to climate change vulnerability and adaptation;⁴ however, none of them clearly addresses the challenge of climate displacement, including displaced persons' housing, land and property rights. It is essential that the rights of climate-displaced persons and the responsibilities of the government towards them in all phases of displacement – prevention, during displacement, and durable solutions – are incorporated into existing and future laws and policies. This will require a concerted effort by the government and civil society, with the support of the regional and international communities.

Thirdly, ensure that the distribution of state-owned land is effective, transparent and fair: Since independence, the government has enacted a number of laws and policies regarding the distribution of *khas* land – state-owned land that is often located in marginal areas along the coast and rivers. Article 53 of the Land Management Manual (1991) provides that any landless family is eligible to receive *khas* land. However, programmes to distribute it have met with mixed success due to illegal occupation of *khas* land, a lack of political will, inefficiencies in the local and national administration, and the absence of an updated, systematic and universally accepted source of information on land resource availability.

Currently, the state is estimated to control 3.5 million acres of *khas* land – of which 25% is agricultural, 50% is non-agricultural and 25% is covered by water – and it is clear that this land could play an important part in creating durable solutions for climate-displaced persons. Programmes for the distribution of *khas* land to landless persons should involve the participation of affected communities in their design, and the ability to review adverse decisions should be clear and accessible.

It is important that decisions about the distribution of *khas* land are made on the basis of genuine need, rather than political or personal considerations. Civil society representatives should also be part of the decision-making panels for land distribution. Furthermore, training should be provided to decision makers on climate displacement in Bangladesh and the need to ensure rights-based durable solutions for climate-displaced persons.

Articles 54 and 56 of the Land Management Manual (1991) provide that persons who are landless as a result of river erosion should be given first priority for the allocation of *khas* land. It is important that this Manual is updated to reflect the current reality that the vast majority of people who become landless will do so as a result of adverse effects of climate change. The law should treat all people affected by the consequences of climate change and natural disasters equally – whether victims of tropical cyclones, storm surges, flooding, droughts or landslides.

Fourthly, allocate non-agricultural *khas* land to climate-displaced persons: It is clear that domestic land solutions will play an important role in finding durable solutions for the current and future millions of climate-displaced persons in Bangladesh. However, it is equally clear that there is a severe shortage of land in Bangladesh, coupled with dramatic overcrowding in the major cities and slums. For this reason, it is essential that the government is able to utilise all land in providing solutions to climate-displaced persons. At present it is only possible for the government to grant legal title to agricultural land for landless persons. The government is restricted under the Land Management Manual (1991) to granting simple leases over non-agricultural land to landless persons.

With the effects of climate change decreasing the amount of available agricultural land, the need for policy and legislative change to allow the grant of non-agricultural land to climate-displaced persons is even clearer; the vast majority of the 1.75 million acres of non-agricultural *khas* land could be made available to climate-



People displaced by the effects of climate change have moved to Cox's Bazar, making temporary shelters on the government-owned beaches.

displaced persons with enhanced security of tenure.

Fifthly, develop and implement effective return, relocation and rehabilitation programmes for climate-displaced persons:

Currently, there are no comprehensive programmes in Bangladesh to ensure the effective return of climate-displaced persons to their homes or places of habitual residence, nor to facilitate their relocation to other parts of Bangladesh. There are also no comprehensive programmes to ensure the effective rehabilitation of climate-displaced persons upon return or relocation. Experience has shown that there are many critical livelihood and other challenges to such rehabilitation. It is essential that such return, relocation and rehabilitation programmes are designed in a rights-based manner and implemented immediately.

Conclusion

Although it is difficult to agree on the numbers of persons who will be affected by climate change-related displacement in Bangladesh, it is clear that Bangladesh must put in place a comprehensive institutional framework in order to meet this challenge and to ensure that the rights of all climate-displaced persons are protected. It is equally essential that different stakeholders in Bangladesh and in the regional and

international communities contribute to ensuring the implementation of an effective institutional framework – through financial and technical cooperation, as well as ongoing monitoring and evaluation of the legal and policy responses to climate displacement. Land lies at the core of any approach to resolving climate displacement – and meeting the need to ensure land for the current and future millions of climate-displaced persons requires action now.

Unlike many countries facing climate displacement, Bangladesh already has a system in place to distribute state-owned land to landless people. With a number of key improvements to the implementation of these laws and policies, the state-owned land distribution processes in Bangladesh could both provide an important component of more comprehensive solutions to finding new homes and land for those displaced by the effects of climate change and also provide a potentially useful model and interesting example for other countries to consider in formulating their own approach to land solutions to climate displacement.

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When money speaks: behind asylum seekers' consumption patterns

Jonathan Goh, Sophie Kurschner, Tina Esmail and Jonathan van Arneman

The goods and services purchased by asylum seekers who were given an unconditional cash transfer demonstrate how their consumer behaviour extends beyond the fulfilment of immediate needs to addressing broader desires for community and belonging.

Germany has witnessed a dramatic increase in numbers of asylum applications. Aid organisations' resources are stretched thin and they are unable to provide individualised – more targeted – assistance. So we developed a project using unconditional cash transfers to see if better understanding of refugee spending patterns could help aid organisations create more effective aid programmes.

Partnering with two language schools in Munich, we distributed €60 each to 30 participants of diverse demographic backgrounds to spend without constraint over a period of ten days. On average, participants spent about 40% of the cash transfer on clothing and shoes, the largest spending category. The second largest category was food, with average spending of 22%. The third largest was gifts, at close to 9%.

To better understand the nuances in our data, we divided our sample according to three monthly income levels: those receiving social welfare of less than €275, those receiving between €275 and €400, and those receiving more than €400. The level of social welfare received is determined by a recipient's country of origin, the size of their

immediate family within the country, and their employment status. For asylum seekers receiving less than €400 a month, the largest spending category was clothes and shoes. For those receiving more than €400, however, none of the transfer was spent on clothes or shoes. Spending on food was relatively even across all income levels, and there was spending on gifts across all incomes.

Out of the 30 participants, all had lived in camps upon their arrival in Germany but seven now lived in houses, 14 in temporary government flats, and nine still in camps. Furthermore, even though cooked food is provided in most of the camps, there was no significant relation between spending on food between groups.

Why clothing, food and gifts?

Clothing: Participants said that while clothing was not an immediate need, the process of selecting and buying clothes is an important medium for self-expression and empowerment. Many participants received one-off donations of clothing on their arrival in Germany. For some, these donations were essential because they had been able to carry very little with them on

their journeys. However, as the length of time spent in Germany increased, there was a greater need for different clothing options. Limited financial resources for necessities like clothing place a direct limitation on the ability of participants to navigate different settings such as job interviews or changes in the weather. Having to wear the same second-hand clothing every day, participants felt stigmatised and unable to divorce themselves from the label of 'refugee', thus considered in need of charity.

Most participants felt that they had little control over their lives in Germany; they could not control where they lived, worked, what they ate, what they wore or what they studied. In this context, the act of choosing their own clothes and being able to express some individuality takes on an almost exaggerated importance.

"I received second-hand clothing and it was a strange feeling. So the first thing I did was to go to [named store] and buy some clothes that I could choose and I can dress in and I can feel comfortable in and be happy with."

The decision of where to shop and what clothing items to buy allowed this participant to share the same fashion choices as people in local social groups, thus providing an opportunity for social mobility and an increased sense of belonging.

Participants expressed how, through purchasing their own clothes, they were given the choice of how they wanted others in the community to perceive them and their status. The stores where purchases are made can have an impact on this perception. For example, some participants spent their unconditional cash transfers at a higher-end clothing store.

"In my opinion, you always have to be your best self."

Food: Choosing what to eat and who to eat with represents one of the most accessible avenues for fostering community and attaining independence for participants. Yet asylum seekers living in camps have little control over the practices and processes of the food they receive. A key feature of

living in a camp is the catered food. Most camp residents are not allowed to cook for themselves and participants expressed distaste for the catered food because it is neither culturally appropriate nor appetising.

"We didn't have money, so we were just eating from the camps. And normally, they cook for everyone, not individually. ...I don't like lots of the food provided by the camp, so sometimes we didn't eat... We had doubts about the meat. What is it? Did they cook it in our way, like how we cook? If we had money at that time, we could cook for ourselves."

Issues like the uncertainty about halal meat fostered tensions between the catering staff and camp residents. The catered food in the cafeteria-style environment of the camp at fixed times of the day means that those who eat there relinquish control over who they eat with and how they regulate their eating schedule. When the participants elaborate on the meanings associated with food, a clear link between eating practices and mental health begins to emerge. In response, rather than eating food provided at the camp, many of our participants chose to use some of the cash to buy their own food.

Given the centrality of food in cultural identity formation, going to the grocery store is a pathway for asylum seekers to integrate and to feel independent. Cooking, and the independence that comes with it, is possible primarily for those living in flats and houses. The absence of this option is one of the many reasons why people would like to move out of the camp. The ability to choose food demonstrates resilience – and freedom from a form of dependency on the state.

Eating is also a social act, a medium used by many participants to form community ties. Participants in our sample used a significant amount of the money spent on food to cook with other people. Even those living in camps with catered food often bought supplies to contribute to communal cooking.

"I bought these groceries because then I can cook and eat with my friends. We all share... you buy, then I cook and you cook and then we eat all together. For Ramadan we cooked together."

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Communal food preparation and eating – but also cooking culturally appropriate food – are a source of comfort for a number of participants. Several participants had already identified specialty shops in the city where they could purchase ingredients that are not available in German grocery stores. Frequenting specialty shops promotes a greater sense of belonging in the city, while cooking familiar foods together cultivates a sense of mental and physical well-being.

Gifts: For the giver, the act of giving represents an expression of cultural and personal values while strengthening the connectivity the individual has with others. Some participants spent a portion of the unconditional cash transfer on gifts regardless of their income level. For example, Haroon explained that in Pakistan he would give his niece a present for her birthday but this year it was nearly impossible to do so. As an asylum seeker receiving social welfare, he is prohibited by law from sending this money or other items back to his family in Pakistan. To get around these restrictions Haroon used the cash transfer to buy a pair of shoes, which he then gave to his roommate, who then phoned his brother in Pakistan and asked him to send a doll to Haroon's niece on his behalf.

Gifts, whether they be a box of dates for Ramadan or a coffee-maker for a girlfriend, are an avenue through which they can foster supportive communities.

Recommendations

All the participants used the unconditional cash transfer to enhance individual control over their immediate surroundings, and this finding can inform recommendations for supporting successful integration:

Develop avenues for independent clothing purchases: For all asylum seekers with a monthly income of less than €400, donated clothes could be arranged in a

store-like setting and sold at discounted prices. Asylum seekers would then be able to make their own choices. The store could also be managed by asylum seekers. Vouchers to already existing clothing stores could also be an alternative.

Pair asylum seekers with local families: We met a number of asylum seekers in Munich who have connected with local German families. Through these relationships, asylum seekers find stability and guidance by spending time with the families in a location that is not the camp, and also improve their German language skills. The local families, in turn, are able to serve as mentors, learn about a new culture, and engage in dialogue.

More relationships like these could be created through a formalised 'host family' programme.

Support adaptation to the reality of long-term residence in camps: Many of the camps where asylum seekers live were originally designed as short-term reception centres. However, the reality is that the camp becomes a longer-term home and, as such, its physical infrastructure as well as arrangements such as catering should be adapted to this reality if asylum seekers are to maintain their physical and mental health. Service providers should, for example, recognise the dual roles of cooking, buying and eating food both as a way for maintaining previous cultural practices and simultaneously as a basic way for learning to navigate and belong in a new place.

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"I didn't come from poverty, I wasn't hungry. I am only fleeing because of war. ... We aren't all here just to eat. We want to do more with our lives."

(Hisham, from Syria, 25 years old)

Migrant, refugee or minor? It matters for children in Europe.

Kevin Byrne

The capacity of child-rights institutions and children's services in many European countries needs to be strengthened considerably if governments are to meet their commitments to refugee and migrant children.

Child-rights and migration and asylum agencies in the European Union (EU) are now working actively together to redress the acknowledged lack of child focus and gender mainstreaming in the initial responses to a steep rise in the number of children arriving in Europe. These rose from about 20% of all arrivals in 2015 to 35% by March 2016. But because EU provisions and safeguards for children are spread across different, often disconnected, directives and regulations, children in host countries can find themselves subject to a diverse and inconsistent set of national laws, policies and entitlements at different stages of the asylum and migration process, although their needs, interest and rights remain the same throughout.

Furthermore, the importance assigned by national legislation to the child's migration or asylum status in determining their entitlement to services is at odds with the proven effectiveness of the holistic, child-centred approach generally adopted by children's agencies.

The generic term 'migrant' is increasingly used in public discourse to describe children who crossed the Mediterranean to Europe in 2015-16 as part of the justification for this approach to children's rights. It not only reflects and reinforces a change in public attitude that enables a less compassionate response but also downplays children's experience of displacement and conflict and thus, by implication, their host countries' obligation to offer protection. Using 'migrant' as a blanket description also obscures their primary status as a child, with all that that implies in terms of their needs, rights and entitlements to the basic services required for safe, healthy development.

The principle of 'a child first and foremost' is still not being enforced consistently or comprehensively across Europe. Despite a supportive framework of EU legislation and policy, and numerous models of good practice in some countries, there are still chronic deficiencies in most European countries' migration, asylum and child-rights structures, systems and services. These deficiencies impede their ability to provide the support and protection that refugee and migrant children need and are entitled to under international and EU law.

For children, the distinction between 'migrant, 'refugee' and 'asylum seeker' is not just a matter of semantics. The accumulated legislation, legal acts and court decisions which constitute the body of EU law – known as the *acquis* – in the field of asylum and migration are open to an interpretation at national level that allows children to be streamed into categories that in practice confer different levels of legal status and entitlement. Placement in a particular category remains a major determinant of a child's access to health, protection and education services in their host country. As a result, families have to negotiate an unpredictable system of access to children's services as they move (or are moved) within and between migration and asylum processes, and their children are denied the kind of consistent, coherent and integrated support available to other children living in the country.

Education and health care

For instance, the right of all children to basic education is recognised under EU migration law but the amount, type and quality of schooling offered to refugee and

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migrant children depend more on where they are at in the migration or asylum process than on their educational needs.

In the case of asylum seekers, national education authorities can legally postpone children's access to school for up to three months after their application for asylum, and/or provide classes – that may not meet the same teaching standards as that provided by local schools – in reception or accommodation centres. The situation is even worse for undocumented children. Only ten EU Member States have explicitly recognised undocumented migrant children's entitlement to basic education, while five explicitly exclude them from schooling. In other States, their entitlement to education is uncertain. Access to non-compulsory education, early childhood education, vocational training, further learning and higher education is particularly difficult.

While refugees and migrants are guaranteed access to emergency health care all across Europe, access to general child health services tends to be ranked by legal status. Children of parents from outside the EU may have to acquire permanent residence before they can access health services, and even then their entitlement may be restricted.

Under EU law, Member States have to provide access for refugee and asylum-seeking children to appropriate health care on an equal basis as nationals but, again, this can be limited to 'core benefits'. Unaccompanied children are entitled to emergency treatment and medical care in 25 EU States but not necessarily to child health, development or vaccination services. Undocumented migrant children are also legally entitled to emergency health care in all EU States but only eight grant them the same level of health care as the children of its own citizens. Six restrict their entitlements to emergency care only and twelve allow undocumented migrants limited access to specialist services like maternity care and treatment of HIV and/or infectious diseases. Some countries also grant extra entitlements to certain categories of undocumented children but in others the legal entitlement to health care is de facto negated by health insurance

requirements or other administrative barriers. Housing and employment restrictions imposed on migrant and asylum-seeking families affect children too, and national social welfare systems frequently do not provide an adequate safety net.

States' duty to assure the effective protection of children implies a responsibility to adopt special measures and safeguards to that end but migrant and refugee children's differential entitlements to services based on their legal status leave many of them at risk. The EU has enacted measures in relation to cross-border crimes, specifically against violence, child pornography, child trafficking and forced labour.¹ But, despite their acknowledged vulnerability to violence, exploitation, sexual abuse and trafficking, migrant and refugee children are not classified as a particularly high risk group under EU child protection legislation (except for unaccompanied children), although all children are defined as vulnerable under the migration *acquis*.

Conclusions

The hardship, trauma and sometimes abuse suffered by children on their journey to Europe, and the continuing stress and uncertainty of their lives after arrival, should clearly qualify them for additional support and protection, but this needs to be translated into national child protection strategies and action plans. In principle, migrant and refugee children are not excluded from national child protection systems; however, the policies, regulations and resources are not always in place to ease their access to mainstream protection services. In most EU countries, for instance, shelters for the homeless are only accessible to those who have a residence permit or social security registration and this can leave refugee and migrant women and children trapped in violent or abusive relationships.

Despite some inherent weaknesses, the *acquis* provides a good option for promoting fair and equitable access to services for all children, regardless of their legal status. Although it was not specifically designed as a child rights framework, the *acquis* is

underpinned by the UN Convention on the Rights of the Child and the EU's own commitment to children's rights as laid down in the EU Agenda for the Rights of the Child.² It promotes and supports an integrated, coherent, consistent and child-centred approach to migration and asylum at the national level by laying down a series of minimum standards to be met, and by providing a framework of support and guidance in relation to development, implementation, enforcement and enhancement of child-related laws, policies, structures and practice.

Perhaps because it has not developed to date in a logical and coherent manner across the various policy domains or statuses that child migrants and refugees

pass through, the impact of the *acquis* has been fragmented and diluted. The options for establishing a specific child-oriented set of policies across Europe could include a significant rewrite of the present asylum and migration *acquis*, development of a separate asylum and migration framework solely for children, or incremental reform of the existing *acquis* through a planned, prioritised upgrade and expansion that target those areas where migrant and refugee children are most vulnerable.

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1. For full details of EU legislation in these areas see EU Agency for Fundamental Rights (2015) *Handbook on European law relating to the rights of the child* <http://bit.ly.com/FRA-child-rights>

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Statelessness determination: the Swiss experience

Karen Hamann

While a detailed law on statelessness determination is recommended by UNHCR and others, Swiss practice in statelessness determination has evolved without one. Despite this, Swiss practice has been shown to be rather progressive, at least in some areas of statelessness recognition, and includes better treatment of the stateless in comparison with refugees.

On 1st February 2014, a revised asylum law came into force in Switzerland, abolishing the right for recognised refugees to receive a permanent residence permit. This permanent permit is the most attractive residence permit that Swiss law provides for foreigners, attainable after five years of lawful stay in Switzerland. The Federal Council had previously expressed its intention to apply the same restrictions to recognised stateless persons; however, by some oversight, the restrictions for stateless persons were not established and as a result stateless persons retained their right to a permanent residence permit. As statelessness recognition also qualifies the person for the right to an immediate temporary residence permit under Swiss law, and because it is often more swiftly determined than refugee status recognition, statelessness status is currently more attractive for applicants in Switzerland than refugee status.

Another case with significant consequences for the number of statelessness applications followed in May 2014, when a landmark decision by the Swiss Federal Administrative Court paved the way for recognising Syrian Kurds (so-called *Ajanib*) as stateless as they could not be required to go back to Syria in order to apply for citizenship, although a 2011 presidential decree had opened up the opportunity for *Ajanib* to apply for Syrian citizenship. In this case, a recognised refugee of Kurdish descent was recognised as stateless too. With this decision, the Court opened up the opportunity generally for recognised refugees to apply for statelessness status, a request that had previously been denied. With the arrival of thousands of persons from Syria into Switzerland, hundreds of Syrian *Ajanib* have acquired the right to an immediate residence permit in Switzerland. In contrast, the majority of Syrian nationals

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applying for asylum in Switzerland are not recognised as refugees, and are therefore being granted temporary admission only.

Background

Until 2008, in Switzerland as in other European countries, a formal statelessness determination procedure did not exist, although Switzerland had ratified the 1954 Convention Relating to the Status of Stateless Persons. Some individuals were considered stateless by the migration authorities and were granted travel documents. There was, however, no procedure and no legal framework for the determination of statelessness, although the law that governs the activities of all administrative agencies including government agencies does lay out the basic (yet fragmentary) legal grounds for the procedure. In 1999 competence for the determination of statelessness was moved to the former Federal Office for Refugees (now the State Secretariat for Migration, SEM, the same entity that handles all asylum claims), yet the legislative framework remained fragmentary. Even today, aside from the rules on competence, the only legal provision dealing specifically with stateless persons is article 31 of Switzerland's Federal Act on Foreign Nationals, which provides for the right of the stateless person to a temporary residence permit upon recognition as stateless and the right to permanent residence after five years. In contrast to other countries with detailed laws on statelessness determination, there are no specific rules in place in Switzerland for the determination of statelessness. Therefore, the recent surge in numbers of cases happened in the absence of a clear legal basis.

The number of cases of statelessness determination had been very low for years; compared with the large number of cases treated in the asylum procedure, statelessness determination was of small importance for the migration authorities. A first surge in the number of applications was seen in 2013, even before the legal changes and the milestone judgment described above. The surge then became enormous and the numbers clearly show the effect of the legal changes and the

decision of the Federal Administrative Court. The numbers peaked in 2014 when, according to the SEM, more than 300 applications for statelessness recognition were filed, of which 66% were accepted. In 2015 there were about 250 cases and again the majority of cases resulted in statelessness recognition and the immediate right to a residence permit.

Procedure

A person applying for statelessness status in Switzerland is not required to have entered Switzerland legally or to prove some form of lawful stay in the country, a question that has been the subject of heavy debate in other countries, such as Hungary and Italy. This point is crucial for a stateless person who is largely unable to fulfil the conditions required to prove a lawful stay in the host country.

Applicants in the statelessness determination procedure also receive better treatment in comparison with individuals applying for refugee recognition when it comes to the right to appeal; whereas the Asylum Act limits the right to appeal in refugee recognition matters to the Federal Administrative Court, statelessness decisions may also be appealed against before the Federal Supreme Court.

There are also disadvantages to not having a detailed law on statelessness in place. The Federal Administrative Court has held that the standard of proof in the area of statelessness determination is higher than in refugee determination procedures. Whereas refugee status only has to be 'credibly demonstrated', individuals applying for statelessness recognition must provide full proof of their statelessness. It remains to be seen how this recent decision will affect statelessness recognition in Switzerland.

A crucial area of concern is that, to date, there is no clarification of the legal status of an individual with a pending statelessness determination procedure. For example, questions around whether a person has a right to stay, can work or is entitled to health and social security benefits remain unresolved. In the majority of cases this has not been an issue, as most applicants either enjoy a so-called procedural right

to stay under Swiss law because they are simultaneously applicants in an asylum procedure, or because they already enjoy either refugee status or some other form of subsidiary protection in Switzerland.

However, the issue becomes critical in cases where a person who has already received a negative decision in the asylum procedure – and is confronted with a deportation order – and then files for statelessness recognition. There is some concern that granting the right to stay during the statelessness determination procedure could result in a big rise in manifestly ill-founded applications. Statelessness determination could, in other words, be abused in order to evade a deportation order from a preceding asylum procedure. Despite this concern, the Swiss authorities have so far refrained from deporting such individuals. In most cases it will anyway be impossible in practice to expel the person because of lack of travel documents. However, there is no legal guarantee under domestic law that an expulsion order would not be carried out while the person is still in awaiting statelessness determination.

The protection that international law provides for the stateless person is also different from the protection that refugees enjoy. One of the most striking differences between the 1951 Convention on the Status of Refugees and the 1954 Convention Relating to the Status of Stateless Persons is that the latter does not include a *non-refoulement* guarantee. For now, the only protection available to the individuals concerned are

the human-rights based guarantees of *non-refoulement*, as for example in the European Convention on Human Rights. At a minimum, Swiss authorities therefore are required to assess whether the expulsion of an individual in a pending statelessness determination procedure would violate Switzerland's international human rights obligations.

Conclusion

The shortcomings described above certainly need to be fixed. The question of whether a person has a right to stay during a pending procedure needs to be clarified. Yet the fixes could be implemented by inserting provisions in the existing laws instead of advocating for a specific law on statelessness that might take away some of the advantages that stateless persons enjoy today.

Sceptics assume that it is likely that the Swiss legislature – in order to correct the defect – will abolish the right for a permanent residence permit after five years of legal stay for those recognised as stateless and thereby even out the legal outcomes of refugee determination and statelessness determination. Yet it is just as likely that potential applicants, legal representatives, UNHCR and NGOs will recognise the benefits of statelessness recognition beyond the right to a permanent residence permit.

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This article is written in a personal capacity and does not necessarily reflect the views of the Swiss State Secretariat for Migration.

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www.fmreview.org/resettlement**Colson lecture: Thomas Spijkerboer****10 May 2017, 5pm, Oxford**

The annual lecture in honour of Professor Elizabeth Colson will be given this year by Thomas Spijkerboer, Professor of Migration Law at the Vrije Universiteit Amsterdam.

International Summer School in Forced Migration**2-14 July 2017, Oxford**

The RSC's International Summer School enables people working with refugees and other forced migrants to reflect critically on the forces and institutions that dominate the world of the displaced. Now in its 28th year, and **restructured to fit into two weeks**, this intensive course combines Oxford University's academic excellence with a stimulating and participatory method of critical learning and reflection. The course is principally designed for policymakers and practitioners with several years of work experience in refugee protection and related issues. Fee: £3,050. Early-bird fee (apply and register by 31 March 2017): £2,950.

Architectures of Displacement: new research project

This new research project, led by Dr Tom Scott-Smith, will explore the lived experience of temporary accommodation for refugees in the Middle East and Europe. It brings together experts in forced displacement, archaeology, anthropology and architecture to study refugee shelter across six countries. The project is a partnership with Oxford's Pitt Rivers Museum and has been funded by the Economic and Social Research Council and the Arts and Humanities Research Council of the UK.

Refugees are Migrants: new research project

Dr Cathryn Costello has been awarded an ERC Starting Grant for the project Refugee Mobility, Recognition and Rights, to start in March 2017. This project will, firstly, re-examine refugee protection through a lens of mobility and migration and, secondly, bring scholarship on refugee law into conversation with the practices of the refugee regime, in particular to subject the latter to legal scrutiny. It will re-examine three key aspects of refugee law – access to protection, refugee status determination (RSD), and refugee rights – in light of the refugee regime's norms and practices on responsibility sharing and solutions. It will focus on protection in Europe, Turkey, Lebanon, Kenya and South Africa.

Refuge: Transforming a Broken Refugee System
New publication, due out late March 2017

Professor Alexander Betts (Refugee Studies Centre) and Paul Collier (Blavatnik School of Government) show how international policymakers can deliver humane, sustainable results that are better for refugees and host countries. Drawing upon field research and solutions that have already been successfully trialled, they outline a vision of how refugees can be empowered to help themselves, contribute to their host societies, and even rebuild their countries of origin.



For details on all the above, please visit www.rsc.ox.ac.uk

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Ministry of Foreign Affairs • Mohammed Abu-Risha • Norwegian Refugee Council • Open Society Foundations • Oxfam • RefugePoint • Swiss Federal Department of Foreign Affairs • UNHCR • Women's Refugee Commission

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Iraqi refugees in Spanish-speaking Californian communities

Ken Crane and Lisa Fernandez

Cultural orientation is necessary but needs to be appropriate for the realities of the place where refugees are resettled.

Many of the Iraqi refugees resettled in California are in areas where there is a dominant 'Latino' Spanish-speaking cultural environment. They have to meet the challenges of life by building bridges with their Spanish-speaking neighbours (as well as other ethnic groups), not just the English-speaking ones, in order to adjust to their new life. Success at integrating requires individuals to forge ties beyond their own group, and adults had a more difficult time achieving this than the youth, who quickly made a diverse set of friends and learnt both Spanish and English.

During cultural orientation in places like Istanbul, the refugees were told that although "not everyone in America will look the same", learning to master English was essential to their success in America. What they found however, was that the Spanish language was equally advantageous when it came to finding a job and they were frustrated with having to negotiate a Spanish-speaking community as well as an English one to find a job.

When I first came here, I went to some store, looking for a job. I thought: California, all the people are American, you know ...I'm looking for a job, and they said, "You speak Spanish?" so I said, "No, I'm living in California, I don't need Spanish." He [the employer] said, "No, here the first language is Spanish."

Some older adults felt it was a waste of time to go to English language classes where all the other students were Spanish speakers. Some complained about not being able to practise English with their neighbours – and were unable to communicate in Spanish with them. What they found problematic was not cultural differences but being economically disadvantaged in the labour market, because of both their lack of English fluency and their lack of ability in Spanish.

Young Iraqis in particular were quick to recognise that they had many things in common with Spanish-speaking students, who were also struggling to learn English. They recognised that Latinos were less conservative than themselves in their public demeanour but they did not see the cultural differences between them as insurmountable. Parents and older adults clearly had a more difficult time adjusting.

The resettlement agency provided cultural orientation to all new arrivals. However, these sessions tended to be poorly attended and focused primarily on the practical issues of dealing with social welfare agencies, securing a driver's licence, following immigration laws, setting up bank accounts, and so on. The cultural component was weak, only discussing generic notions of 'American culture' such as being on time for appointments; it did not address the actual social geography of the region.

The agency therefore requested help from a local university to develop a 'Latino cultures' component for their training. An important factor in creating a more culturally grounded orientation was the use of a 'bridge person' – a representative of those communities, trained in cross-cultural skills – who acts as a kind of cultural emissary between communities. Other agencies can learn from this experience but the challenge may still be that attendance for cultural orientation trainings has been generally disappointing.

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