



ARRA

Australian Refugee Rights Alliance

"No Compromise on Human Rights"

Draft Discussion Summary Paper

Making Resettlement Work

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Comments Invited

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Background including full references at www.crr.unsw.edu.au or www.refugeecouncil.org.au

This paper aims to examine gaps in existing resettlement policy. In analysing the policy it is important to view the process of resettlement as one where refugees endure many stages. This usually includes flight from persecution, life in a refugee camp, before resettlement in a safe third country. Resettlement policy and solutions need to be holistic from the moment of identification through to successful settlement and integration in a third country. In particular this paper seeks to emphasize the need for resettlement to be provided to those *most vulnerable* and *most in need*.

Resettlement can serve as a protection tool, a durable solution and an expression of international solidarity and burden sharing.

There are 4 identified gaps in resettlement policy

- Inadequate identification criteria
- The need for better pre-embarkation preparation
- The need for extending resettlement support beyond immediate arrival
- Inadequate coordination of the overall resettlement process

Inadequate identification criteria

Resettlement is aimed to accommodate those most in need of protection. The ExCom conclusion on resettlement article 85 (LXXXV) 1996 *'reaffirms the continuing importance of resettlement as an instrument of protection...and calls on states and UNCHR to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at risk, minors, adolescents, elderly refugees and survivors of torture.'*

Resettlement programs of individual States often 'rely on selection criteria established by law and that reflect domestic interests'ⁱⁱ, as integration is a central concern for many states. Currently the most skilled and educated refugees are being selected by host countries for resettlement as opposed to criteria based on those most in need. This approach has a twofold impact: leaving the lives of vulnerable refugees at risk with no other viable solutions, and significantly reducing the capacity of refugee camps to function effectivelyⁱⁱⁱ.

The lack of a universal identification and implementation tool means that those at risk are falling through the gaps. While under development The Heightened Risk Identification Tool will exist and have the capacity to facilitate the identification of those most at risk and in need of resettlement for protection. The tool will aim to 'enhance UNHCR's effectiveness in identifying refugees at risk by linking community-based/participatory assessments and individual assessment methodologies...the tool should be used comprehensively and not alone for resettlement identification^{iv}.'

The adoption of a "Conclusion" or "soft" law on Women at Risk by the Executive Committee of UNHCR in September 2006 outlines new commitments from member states. This important and operational Conclusion affirms the importance of identifying those most at risk and in need of resettlement.

The lack of internationally recognised resettlement criteria is detrimental, leaving governments to identify those for resettlement based on their own domestic regulations and interests. An emerging issue is that those with skills are given preference in resettlement, often leaving camps decapacitated. The significant reduction of skilled workers as a result of resettlement means the health, education and camp administration sectors have reduced capacity.

The need for better pre-embarkation preparation

In order for resettlement to be an efficient means of protection for those most in need, the information refugees receive about their host country prior to departure and on arrival is pivotal. Refugees accepted for resettlement often come straight out of camps and have little, if any, knowledge of the societal and economic practices of the resettlement country.

The provision of cultural orientation (CO) reduces anxiety that refugees may feel by providing them with more realistic expectations for what awaits them. Pre-embarkation information and cultural orientation 'equip refugees with coping skills to deal with the unfamiliar, and helps them shape attitudes towards life in their new society...it also provides an opportunity to establish links between the country of origin and the country of destination, as well as an opportunity for the receiving community to learn more about the culture and profile of these new members of their society'.

CO is an ongoing process which occurs both formally and informally. CO should 'commence in the country of departure or immediate post arrival period, extends from the reception period in the early resettlement period, continues through resettled refugees' ongoing contacts with systems such as health, education, social services and employment placement services^{vi}. ' Understanding cultural orientation as ongoing recognises the fact that resettled refugees have different needs at different stages as well as different capacities to retain and contextualize information.

A range of obstacles challenge the adequate provision of pre-departure orientation

- Factors such as age, gender, cultural learning styles, trauma, differing social and economic conditions, the level of family support available, literacy and education levels
- the nature of the content delivered pre-departure as well as the unfamiliarity of the service providers in regards to the content
- pre-embarkation services are delivered in a highly volatile environment to a highly traumatized population

The need for extending resettlement support beyond immediate arrival- The Australian situation

'If resettlement is to be a true durable solution for both resettled refugees and receiving countries, it is important that it is viewed as a continuum beginning with the identification and assessment of cases, extending to a reception on arrival and including longer term integration into receiving communities^{vii}.'

In Australia, a range of on-arrival support services are provided to resettled refugees, including vulnerable groups such as women at risk, under the Integrated Humanitarian Settlement Services (IHSS). While many of these services are excellent, they are often insufficiently resourced, rely heavily on volunteers and are unevenly spread across geographic areas. The additional settlement needs of these refugees once they arrive in Australia are rarely acknowledged in settlement service provision, in particular, the implications of sexual violence and subsequent pregnancies, trauma and disabilities. Many women and girls have experienced multiple incidents of sexual and gender based violence including rape, in their home countries, during flight and in the camps^{viii}. Many of these refugees face ongoing risks in Australia, and these generate additional settlement needs which are not currently met by service providers. Protection issues do not end for all refugees once they have been resettled. Resettlement can bring new risks and new protection challenges. The provision of the IHSS service for 6 months cannot adequately address the needs of all humanitarian entrants. The Refugee Council of Australia reports that concerns were raised that 'refugees were exited from the IHSS before they were ready and found the transition from "intense support" to "needs only support" extremely difficult.

Inadequate coordination of the overall resettlement process

Resettlement can be a durable solution available for very few. Resettlement under the auspices of UNHCR is strictly limited to mandate refugees who have a continued need for international protection. The reality is that resettlement is being used to give preference to skilled and educated refugees to the detriment of others. This practice undermines resettlement as a protection tool. Resettlement is not simply a migration issue, it is also a human rights and international protection issue. UNHCR, local NGOs and states providing resettlement must, in the spirit of protection and burden sharing, identify those *most* at risk as primary candidates for resettlement.

Recommendations

- Host countries must ensure that their identification criteria is consistent with that mandated by the UNHCR Resettlement Handbook. The implementation of the Heightened Risk Identification Tool is imperative in effectively identifying those most at risk
- An awareness of resettlement processes should guide the development of resettlement services. These services should map pre-embarkation, post arrival and long term integration needs. Liaison between NGO's in the field and settlement service in host countries is key for adequate service provision
- Greater civil action must be taken in host countries to quash myths and racism.
- Coordinated international action, officially through the UN, governments and civil society, is pivotal in providing a cohesive response to resettlement needs
- Stronger commitment in practice to the principles and spirit of resettlement is necessary

ⁱ 1996 Resettlement Excom Conclusion No. 85, *A thematic compilation of Executive Committee Conclusions*, 2nd 2005, p 359

ⁱⁱ NGO Comments on Strategic Use of Resettlement, International Council of Voluntary Agencies, November 2003
<<http://www.icva.ch/doc00001107.html>>

ⁱⁱⁱ Progress Report on Resettlement, Executive Committee of the High Commissioner's Program June 2006, p152

^{iv} Heightened Risk Identification Tool, Annual Tripartite Consultations on Resettlement, Geneva 28-30 June 2007, p1

^v 'Pre-Departure Orientation/Cultural Orientation', International Organization for Migration, 2004 p1

^{vi} Making sense of a New Country: Orientation Programs and Processes, *UNHCR Handbook on Reception and Integration of Resettled Refugees*, pg 146

^{vii} Putting Principles into Practice, Integration Initiative Handbook, UNHCR, 2002 p18

^{viii} Jefferson, L.R. (2004) 'War as in Peace: Sexual Violence and Women's Status' Human Rights Watch World Report, accessed 25 August 2005, <http://brw.org/ur2k4/15.htm>; Human Rights Watch (2003) *We'll Kill you if you cry: sexual violence in the Sierra Leone conflict*, v.5, January, No. 1(A) accessed 25 August 2005, <http://hrw.org/reports/2003/sierraleone/sierleon0103.pdf>;