
Making Refugee Resettlement Work

Report on the Consultation on Refugee
Resettlement
19-20 April 2004 in Brussels, Belgium

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Churches' Commission for Migrants in Europe - CCME

Making Refugee Resettlement Work!

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Editor's note

In a two-days meeting in Brussels on April 19th and 20th 2004, delegates and members from 35 churches, churches related and other non-governmental organisations (NGO) discussed refugee resettlement, particularly with regard to the protection mandate of the United Nations High Commissioner for Refugees (UNHCR), and the present plans of implementation in the European Union. It offered the opportunity for a highly welcome exchange of knowledge, perceptions and experiences between the participants, both from the EU and from countries beyond, as well as from regions of high refugee influx (e.g., Lebanon, Romania) or from countries where in the past considerable numbers of refugees had been accommodated (e.g., USA, Canada, Norway).

The collection of contributions to the conference and of the detailed discussions of the issues in this booklet offers a rather

comprehensive overview to the substantial problems encountered with resettlement programmes envisaged by EU policies and the demands from churches and NGO committed to the humanitarian task and obligation of refugee protection.

While texts of speeches and presentations identified with the authors' names, in Parts I and II, are almost verbatim reproduced – just shortened to make better reading – their sequence has been changed. First you find the overview on the UNHCR refugee resettlement programme as one of the durable solutions for persons in need and the historic development; this is followed by the presentation on the feasibility study and the actual EU debate. The intermittent discussions are regrouped around some recurrent focus issues which were taken up also in the three workshops.

Part III thus consists to quite some extent of the rapporteur's résumé.

Heimo Claasen/Doris Peschke

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The Issue – Introduction

There has been no EU resettlement policy – yet

Doris Peschke
CCME/Brussels

Refugee resettlement is hardly known any more in Europe these days – although it is an important instrument at the global level. In Europe, we have forgotten about it since the mid-seventies. Persons engaged with refugee work, when invited to this gathering, asked what this is about: Return policy? Or resettlement within a country? The recognition of resettlement as an instrument of refugee protection is in fact not really well known in Europe.

We are very privileged to have a wide range of participants in this conference with a large range of background experience to help us identify the conditions, instruments, chances and limits of refugee resettlement..

Thus we are very glad to have participants from other regions - Middle East, North America - , as well as from Catholic partner organisations experienced through work in other parts of the world like ICMC, with whom we regularly co-operate, to share considerations about the various instruments, about how we could approach the issue in view of the EU's contemplation of new regulations regarding the use of this instrument in Europe.

We are grateful to have been granted support through the European Refugee Fund of the EU. UNHCR has been very helpful in involving us in the debate on international protection and refugee resettlement. A special thanks is extended to the Canadian delegation to the EU, which has facilitated the participation of a Canadian church representative to share their experience. We have to thank also other actors in Europe - the European Council on Refugees and Exile which has started the discourse on this issue, and other organisations of the NGO Platform on migration and asylum, with whom we are working here in Brussels on migration and asylum.

Our partners in this project are the Service for Migrants and Refugees of the Federation of Protestant Churches in Italy represented here by Annemarie Dupré, who is at the same time moderator of CCME; the Refugee Service of the Austrian Diakonie represented by Michael Bubik, the United Protestant Churches in the Netherlands represented by Geesje Werkman, and the Churches Commission for Racial Justice of the Churches Together in Britain and Ireland represented by Pat White and Naboth Muchopa. In all these countries, refugee resettlement has been more widely debated, indeed for political reasons, and thus, we are glad that our partners could participate in the preparation of this conference.

Learning from experience

Annemarie Dupré
CCME, FCEI/Italy

I want to point to some of the experiences I made when I started to work with refugee resettlement in the eighties - this was the period of large inflows of, and large programmes especially for the Eastern European refugees, linked to the end period of the Cold War, and to the large North American and Australian programmes.

The actual debate on resettlement in the EU context involves other actors and other expectations as well as other concerns. For instance:

- The European governments which are mainly focussed on the orderly entrance of refugees;
- the EU institutions;
- the world-wide international institutions like the UNHCR;
- the NGOs;
- and there are the countries in Europe and especially outside the EU and Europe, who need support for their handling of refugee influx..

Expectations are rather different with all these actors involved:

- There is a view that resettlement should allow a more orderly way of managing the arrival of refugees;
- there is the expectation that this instrument could eventually replace the asylum system;
- there are significant expectations, especially in the EU institutions, UNHCR, but also among NGOs, that this could be an instrument to live up to humanitarian responsibilities specifically of the EU as well as of the industrialised

countries vis-à-vis countries that have to bear with heavy burdens of refugee influx;

- there is a more practical consideration on burden sharing, linked certainly to the humanitarian issue. But I think we should keep these two aspects separated.

And there are concerns.

One especially heavy concern - by NGOs, but I also presume by UNHCR - is that the asylum system could be weakened by reviving the resettlement instrument.

There are concerns that this instrument could be used for political purposes which are not connected directly to the refugee issue - this reminds of a major concern we had with the resettlement programmes of the sixties to the eighties, where humanitarian commitments, certainly present, were overshadowed by political aims in the Cold War, which were among the decisive reasons to launch the large programmes of that time.

Other concerns are about the difficulties of implementation. Who decides on the "selection" of those people to be resettled? Will there be correct, and sufficiently efficient, procedures to appeal against negative decisions?

There is a risk of corruption - we experienced this with the earlier programmes. There were very high overhead and lateral costs - for personnel, transport, other expenses which would not directly benefit the refugees.

We hope that the present debate could advance our insight and contribute to find solutions for our expectations as well as for our concerns.

There are two conditions we are very dedicated to maintain: That the - by necessity always conditioned - resettlement

programmes must never replace the fundamental right for asylum, but should and could only be a complementary instrument; and we insist that the decision on the refugee status remains separated from any considerations related to resettlement programmes.

We hope that this resettlement instrument could help to offer assistance to refugees who are not covered by the conditions of the Geneva Convention.

We hope that this system will be of a high standard, and well controlled, so that

programme implementation as well as its standards are well monitored; and that the selection procedure is handled both in a correct and humanitarian way.

So these are some of the issues we have to debate, and on which we have to find new ideas and holdfast proposals for how to use this instrument which has given good results, but which needs very careful handling.

The Demands

Conclusions and recommendations of the conference

The conference concluded:

1. Worldwide, there are more than 17 million asylum seekers, refugees and persons of concern to UNHCR, as well as an estimated 25 million internally displaced people in 50 countries. The majority of refugees live in Africa, Asia and Latin America, hosted often by poorer countries close to conflict regions. The international community has the responsibility to provide protection for displaced persons and refugees.
2. International instruments for the protection of refugees need to be strengthened. While conflict resolution and subsequent repatriation are the preferred option, conflict resolution is often not achieved in short time spans. Enhancing international protection requires:
 - Strengthening the capacity for protection in the countries of asylum; and at the same time,
 - Increasing considerably the capacity for refugee resettlement to more countries.
3. Refugee resettlement, involving the granting of permanent or long-term status in a resettlement country, is important as an instrument complementary to asylum for providing international protection for persons in need of it. It cannot be a substitute for other forms of durable solutions for displaced persons, like integration in countries of asylum or repatriation. The United Nations High Commissioner for Refugees is the competent international organisation with mandated responsibility for international protection which must be recognised as central to refugee resettlement. The need exists:
 - For governments to strengthen UNHCR's capacity to develop and implement the instruments of

- protection, including more refugee resettlement;
 - To further strengthen the cooperation with and involvement of non-governmental organisations in resettlement activities.
4. Refugee resettlement should first and foremost provide protection to persons in need. However, as history shows, refugee resettlement is often linked to foreign policy considerations. As cooperation between various countries is involved, Foreign Policy departments ought to be involved. However, humanitarian principles of protecting persons have to be the priority and foreign policy aims need to be balanced with the objective of providing protection. Promoting the ratification and implementation of the Geneva Refugee Convention by more countries constitutes an important element of foreign policy approaches.
 5. The information provided on the European Commission's plan for EU involvement in refugee resettlement is very much appreciated. The conference expresses the hope that the EU Council will decide quickly to
 - Establish an EU wide resettlement scheme, possibly with the creation of a European Resettlement Office;
 - Agree to flexible and appropriate targets for resettling refugees. Initial levels could be low, but in order to have real impact with regard to international responsibility sharing, they should significantly increase. Relatively consistent, or steadily rising numbers will be necessary to maintain operational capacity.
 - Accept broad and flexible criteria for selection of people for resettlement.
 - Strengthen the capacity for resettling particularly vulnerable groups, i.e. persons in need of medical treatment, single mothers with their children.
6. The conference appreciates the European Commission's intention to make refugee resettlement part of a broader programme which shall include strengthening the capacity of refugee protection in other regions. A comprehensive approach will however have to address
 - the global disparities of wealth and the necessary expansion of development cooperation to reduce poverty. Refugee protection schemes thus should not compete with but rather complement development schemes.
 - Enhancing protection capacities in other regions must be coupled with a considerable intake of refugees by the more wealthy countries to be credible and coherent. This point is of considerable importance as the debate on refugee resettlement for EU member states has been linked to its potential to reduce the number of asylum seekers in Europe. Particularly the debate in the Council on "safe third countries" and "first countries of asylum" raises concern about the sincerity of the fulfilling the international obligation to provide protection.
 7. From the experience of refugee resettlement shared at the conference, successful refugee resettlement requires:
 - Public awareness of the need of protection for displaced persons;

- Creating conditions for welcoming refugees and strangers.
- 8. NGOs can and should be part of refugee resettlement at various levels:
 - Post-arrival: After arrival of refugees, NGOs could be involved in providing a variety of informational, residential and orientation services to resettling refugees. Services could range from immediate arrival assistance to longer-term guidance and counselling to facilitate integration.
 - Selection: NGOs have proven to be reliable partners for UNHCR and governments for identification and selection of people for refugee resettlement. Therefore, for European NGOs working with refugees, involvement in the selection and determination procedures should be considered.
 - Orientation: After determination for resettlement and prior to departure, orientation and language courses for refugees have proven to be effective to facilitate integration. NGOs have extensive experience in providing such services.
 - Information: To create conditions of welcoming refugees, NGOs and
 - governments should jointly embark on information campaigns informing the public on the need and value of refugee protection.

RECOMMENDATIONS:

- NGOs could be part of a Private Sponsorship Scheme, as an additional and complementary instrument to the governmental resettlement programmes;
- CCME supports ECRE's proposal of the development/establishment of a European Resettlement Office to ensure closer cooperation between current and future European resettlement countries. This European Resettlement Office should include also NGO representatives of European agencies working with refugees as well as organisations of refugees.
- Governments and NGOs should develop mechanisms of thorough evaluation and assessment of the resettlement process which might be a powerful lobby and advocacy instrument. It is important that the NGOs push for an annual review of the programme at EU level to improve the programme.
- CCME should be part of the effort to publicise the concept of refugee resettlement and the related UNHCR and EU policies in European countries, and lobby and campaign for comprehensive resettlement programmes.

Part I

Refugee Resettlement and EU Policies

The basics of UNHCR refugee resettlement

Furio de Angelis
UNHCR/Geneva

I would like to limit myself to some basic principles of refugee resettlement as well as some selected practical and organisational issues, including the role of NGOs in the resettlement process. These are universal principles and general issues which are applicable to all resettlement operations and therefore valid for the European context as well.

CORE PRINCIPLES

To start with a definition: Resettlement is the process of selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them with a long-term or a permanent residence status.

The core principles that form the basis of UNHCR resettlement policies and operations can be summarised as follows:

The resettlement of refugees, as one of the three durable solutions to the problems of refugees (the other two being voluntary return and local integration), is a core element of the system of International Protection of refugees. It is therefore a UNHCR mandate responsibility to pursue

this solution, although it remains a discretionary act from the part of states.

Resettlement is a tool to provide international protection and meet the special needs of individual refugees whose life, liberty, safety, health or other fundamental rights are at risk in the country where they have sought refuge.

Resettlement is a durable solution for larger numbers or groups of refugees who have been in protracted refugee situations, either in refugee camps or in urban areas.

It is also a tangible expression of international solidarity and a responsibility-sharing mechanism, allowing States to help share each others burdens, and reduce problems impacting the country of first asylum.

Resettlement is an exercise of partnership, more precisely of tripartite partnership, where the international community (UNHCR), sovereign states, and civil society (NGOs), all play a distinct but synergic role for a humanitarian outcome, which is to find solutions to refugee problems.

Resettlement being part of the international protection system means that it should not be seen in isolation from the other durable solutions available to refugees, i.e. voluntary repatriation and local integration. On the contrary, the complementary nature of the three durable solutions allows them to function simultaneously, in the framework of comprehensive protection and durable solution strategies to refugee problems. A recent example of this approach is the position adopted for the Afghan refugees, which asserts the primacy of voluntary return for the majority while advocating with States to continue to provide resettlement to specific vulnerable categories of refugees.

NO HIERARCHY OF DURABLE SOLUTIONS

Neither the Statute of UNHCR, nor any other international instrument relating to refugees, sets out a hierarchy of durable solutions. Resettlement, as part of the comprehensive range of responses available to States and to UNHCR, is of equal importance with the other solutions, although the use of one or another of the solutions can vary greatly depending on its appropriateness, desirability and feasibility under the circumstances.

Alongside these positive elements, it is equally important to underline what resettlement is NOT, and let us be very clear about it:

It should not be seen as the solution for all problems affecting asylum systems today, particularly those related to widespread illegal migration. More and better resettlement opportunities will not alone combat illegal migration and secondary movements of refugees.

Resettlement cannot and should not serve as a substitute for effective protection in the country of first asylum. National refugee protection systems must be able to discharge effective protection, only in this way illegal migration can be regulated and secondary movements can be reduced. The right to seek and enjoy asylum from persecution must remain the central element of asylum policies.

Resettlement cannot become a system to profiling refugees in accordance to their nationality or religion in order to create more or less valuable categories of refugees. Resettlement is based exclusively on the protection needs of the refugees.

POLICY DEVELOPMENTS

Important policy developments affecting resettlement have originated from the Global Consultation Process and the Agenda for Protection which was adopted by the General Assembly in 2002. The document recognises the need to expand resettlement opportunities and to use resettlement more strategically and thereby achieve durable solutions for more refugees. The Working Group on resettlement was tasked to explore ways how resettlement could be used in a strategic manner and it produced a paper in June 2003 which defines The Strategic use of Resettlement as the planned use of resettlement in a manner that maximises the benefits, directly or indirectly, other than those received by the refugee being resettled. Those benefits may accrue to other refugees, the hosting state, other states or the international protection regime in general.

How can we achieve this?

Some key words for the use of resettlement in a strategic manner are burden sharing and comprehensive approach to durable solutions for large groups of refugees. For instance,

- Burden sharing with host countries is a demonstration of solidarity and it may produce positive changes in attitude and practice in asylum policies as these countries are relieved of some of the pressure caused by refugee populations. Resettlement can be used strategically to encourage countries of first asylum to continue to offer effective protection when crisis erupt in the region. Some examples are the reception of Vietnamese boat people in the 70s and 80s in response to a crisis; the continued resettlement from Turkey

for many years has contributed to maintain the borders open to asylum seekers.

- There are many protracted refugee situations around the world which have the potential to develop into complex and even dangerous situations due to the frustration of the refugees and the lack of solutions for long standing problems. The offer of resettlement can achieve various and important strategic benefits, including the reduction, to some extent, of onward or secondary movements of refugees in search of protection and resettlement opportunities with the risk of being caught in the network of smugglers and traffickers.
- In any protracted refugee situation, there are refugees who could return home, others who may be able to locally integrate while there would be certainly certain profiles of refugees for whom resettlement will always remain the only viable solution. If resettlement operations target the latter group but in a comprehensive planned manner, benefits may be seen in the effort to secure the other two solutions. An example of this would be the situation in which the resettlement of a particular faction in a possible civil conflict may help the peaceful resolution of the conflict itself. Similarly, there could be instances in which the vast majority of refugees could be able to integrate locally, provided some minor groups of refugees, which could be seen as a destabilising factor, are resettled.

Following the launching of the Agenda for Protection, the High Commissioner introduced the concept of "Convention

Plus" to explore innovative ways to expand protection through multilateral agreements between states.

The Convention Plus initiative includes these new approaches to resettlement. It is been considered an area of activity which lends itself to possible Convention Plus agreements, the other two being Secondary Movements and Targeting Development Assistance to achieve durable solutions.

The Forum on Protection was then convened by the High Commissioner in June 2003 to pursue the Convention Plus initiative. As regards the resettlement strand, there is a Core Group of States representing various regions which are finalising a document called Multilateral Framework of Undertakings on Resettlement, containing the essential elements of Convention Plus agreements on resettlement.

Within this approach, it is most important to achieve a more flexible use from the part of the resettlement countries of the criteria to determine the need for international protection, that is, a flexible determination of refugee status: The provision of resettlement opportunities for prima facie refugees or refugees who cannot demonstrate an individual fear of persecution. Refugees who do not meet the 1951 Convention may still be in need of resettlement and should be resettled. The basic requirement should be the UNHCR Mandate refugee status which is the guarantee of the need for international protection. This will surely make the use of resettlement more effective.

The criteria on the basis of which resettlement is considered the best durable solution, then, must inform and guide UNHCR's and states' decisions on resettlement cases.

The resettlement criteria are contained in the UNHCR Resettlement Handbook (chapter 4) and were endorsed by the EXCOM in 1996.

The criteria are defined on the basis of the protection needs of certain categories of refugees or typologies of refugee situations for which resettlement is deemed the only available durable solution. They are the following:

- 1) Lack of legal and physical protection,
- 2) Survivors of violence and torture,
- 3) Medical needs,
- 4) Women-at-risk,
- 5) Children and adolescents,
- 6) Family reunification,
- 7) Elderly refugees,
- 8) Lack of local integration prospects.

While UNHCR recognises the value of "integration potentials" for achieving a quick and successful resettlement, it is important to maintain the supremacy of protection criteria in the consideration of resettlement cases. We are seeing in European resettlement countries an increasing focus on this integration potential for the selection of refugees.

Another area of policy development is the UNHCR's methodology for group processing. It builds on the concept of increasing the use of resettlement as a durable solution and on the effort to maximise resources and provide more resettlement opportunities to refugees.

The methodology is a procedural system for identifying and processing groups of refugees. This is a major departure from the traditional resettlement processing which is based on the protection and resettlement needs of individual refugees. The basic idea underlying the concept of group resettlement is that refugees who

have common characteristics and share similar protection and resettlement needs need not to be individually processed but rather identified as homogeneous groups and processed as such.

Finally, it must be stressed that any strategic use of resettlement or Convention Plus agreement or group resettlement does not substitute the first and foremost purpose of resettlement which is to provide individual protection for those who cannot be provided secure asylum in the country where they reside as refugees.

SELECTED PRACTICAL ASPECTS OF RESETTLEMENT

THE RESETTLEMENT QUOTA:

Resettlement countries establish annual quotas of resettled refugees in accordance to their regulations and financial allocations. UNHCR strives to ensure that quotas maintain a strategic balance with respect to global resettlement needs and respond to particular protection problems. UNHCR identifies global resettlement needs through an annual exercise of collection and analysis of data gathered by UNHCR Field Offices world-wide. The resettlement needs covering the following year are presented at the Annual Tripartite Consultation on Resettlement in June to all resettlement countries and they form the basis for the subsequent negotiations with UNHCR on the size and the geographical composition of the quota.

UNHCR encourages States to establish resettlement quotas in accordance to the following principles:

- The quota should be established in close consultation with UNHCR and all other relevant partners, such as NGOs and local resettlement operators;

- The quota should be a flexible tool for implementing the resettlement programme. It should respond to criteria of diversity by including protection cases as well as individuals or groups of refugees for which resettlement represents a durable solution;
- The quota should be responsive to the needs of particular vulnerable categories, such as medical cases, women-at-risk, unaccompanied minors for whom appropriate sub-quotas may be created;
- The quota should contain dedicated places for emergencies for which priority procedures should be established.

RESETTLEMENT PROCESSING:

This is a continuum of activities which starts from the identification of cases within a protection context to the successful integration of the resettled refugees in the new country.

Identification and referral is a crucial phase of resettlement, it is a phase where partnership with NGOs is essential.

Traditionally UNHCR has been the major actor in the identification and referral of refugees to resettlement countries, sometimes operating through NGOs as implementing partners. UNHCR referrals are particularly important for the resettlement programmes of the Nordic countries and the Netherlands which consider cases only if referred by UNHCR. The US, Canada and Australia have different systems that also foresee referrals from different entities.

In recent years individual NGOs and resettlement countries have shown an interest in involving NGOs more directly in resettlement submissions and

processing (direct referral). The impetus for direct resettlement referrals from NGOs to resettlement countries is due in part to the perception that UNHCR lacks the capacity to meet resettlement needs existing in the field.

UNHCR supports the greater involvement of NGOs and international organizations in protection delivery in general and in resettlement in particular. Given their specific areas of expertise and knowledge of the refugee population, NGOs are particularly well placed to make an important contribution to the identification of vulnerable cases and individual refugees facing protection problems. Examples of such cooperation are numerous in the field.

However, a core element of this NGOs partnership model should remain the central role of UNHCR in the resettlement process. As the internationally mandated agency for seeking solutions to refugee problems, UNHCR should maintain responsibility for analysing the protection context in which to operate to ensure that resettlement is integrated into a larger protection and durable solutions strategy. NGO partnerships in resettlement need to be coordinated in order to be effective, to prevent fraud and malfeasance, to ensure a consistent application of resettlement criteria and to ensure that refugees' expectations do not result in protection problems in the field.

Without a well coordinated procedure, resettlement shopping by refugees will result and the resources will be wasted in trying to avoid duplication and other complications. Furthermore, the work of NGOs providing other vital services to refugees could become compromised if they are seen to be in a position to make final decisions on resettlement submissions.

To this end, it is UNHCR's view that the most preferred and effective model for the greater involvement of NGOs and other international organizations is one where resettlement referrals are made through the UNHCR country office.

This will require that UNHCR offices establish clear operating procedures and specific training programmes in advance of any engagement of an NGO or international organization in resettlement submissions.

THE SELECTION PROCESS OF RESETTLEMENT COUNTRIES:

States authorities may select resettlement cases

- 1.) on dossier basis in their respective capitals,
- 2.) by travelling to asylum countries for selection missions, or
- 3.) by selecting through immigration officers posted in the countries of asylum.

Resettlement countries employ one or more of these systems in accordance to their legislation and practice.

In all instances, the selection is made on the basis of dossiers prepared by UNHCR or other referral agent in the country of asylum.

UNHCR encourages States to make the selection of resettled refugees as close as possible to their place of residence. By the presence of immigration officers in the country of asylum or by selection missions, State authorities are able to appreciate better the real conditions in which refugees live, their protection problems and their need for resettlement. Close field contacts with UNHCR and resettlement operators are also conducive to better adjudication, to the gathering of relevant information on the country of

asylum and origin that may be useful in resettlement countries' asylum systems.

THE URGENT/EMERGENCY SUBMISSIONS:

UNHCR strongly encourages resettlement countries to operate special procedures responsive to urgent and emergency resettlement needs. A specific number of places from the existing quotas should be offered for emergency resettlement. Urgent submission can be processed under the existing regular quota.

UNHCR uses a strict categorisation of resettlement priority. Emergency resettlement must be used selectively and on the basis of a thorough examination in order to preserve the credibility of the process. Emergency cases are defined as those cases in which the immediacy of a security or medical threat faced by the refugee requires an evacuation from the country of asylum in a matter of hours or few days (max 5 days). Emergency submission should benefit from a special procedure which is implemented exclusively for these cases.

There are also refugee cases which require an expeditious resettlement but not in the strict timeframe of the emergency cases. Resettlement countries should ensure that urgent cases be given priority over regular cases within the existing resettlement procedure.

Emergency procedures should be channelled through UNHCR HQs in order to maintain close co-ordination and maximise processing time. In exceptional circumstances, Field Offices may proceed with emergency submissions, after prior consultation with HQs. The majority of the resettlement countries already require emergency procedures to be submitted through UNHCR HQs.

THE NEED FOR A TRANSPARENT AND CREDIBLE PROCESS:

There have been incidents in the past with respect to fraud and malfeasance in the resettlement process. This is in part unavoidable given the human aspect of the process and the enormous stakes which are involved. However, UNHCR has taken the issue in the most possible serious way and put in place responses and mechanisms to reinforce the internal system of accountability and to introduce checks and balances aimed at creating a more reliable and transparent resettlement process.

The internal procedures were reviewed in the summer of 2002 and included in the Resettlement Handbook. Local offices were instructed to create Standard Operating Procedures for all phases of the individual processing, from access to UNHCR to durable solutions and departure arrangements. Internal systems of monitoring were reinforced by introducing tracking tools and monitoring missions. Training programmes were also developed which include dedicated sessions on the management and the accountability of the resettlement procedures.

UNHCR is presently working on a plan to address fraud in the processing of individual cases, including resettlement. Mechanisms, tools and managerial recommendations will be provided to Field Offices for increase their capacity to prevent and respond to problems of fraud.

PRE-DEPARTURE ARRANGEMENTS:

After the selection decision, refugees to be resettled remain under UNHCR's responsibility until landing in the country of destination. In almost all field situations, the operational aspects of the departure are carried out by IOM which

take care of medical screening, travel documents, transportation and different departure formalities which differ from country to country. UNHCR monitors the process and follows up with the resettlement country as needed. In exceptional circumstances, depending on the presence of IOM in the field, UNHCR may also operate departure arrangements.

CONSTANT AND EFFECTIVE COUNSELLING:

As counselling is a constant feature of refugee processing, also the pre-departure phase needs to be accompanied by individual and accurate counselling. This may also take the form of language training or cultural orientation courses to provide the refugees with basic notions of the country in which they will live. UNHCR encourages resettlement countries to provide, either directly or through resettlement partners such as UNHCR, IOM or NGOs, orientation and accurate briefings which would facilitate their arrival and settlement in the new country.

STATUS ON ARRIVAL:

As resettlement is one of the durable solutions available to refugees under the present system of International Protection, it is indispensable that resettlement countries provide resettled refugees with a legal status of a permanent character. Some countries refer directly to the 1951 Convention Status while others grant permanent residence status. In all instances, relevant legal provisions must ensure the durability of the resettlement solution.

INTEGRATION OF RESETTLED REFUGEES:

For UNHCR, the integration of resettled refugees must be seen as the last step of the continuum in the resettlement process,

from the identification of resettlement needs to the full integration in the new society.

Naturally, resettlement countries are responsible for all the activities and the resources necessary for the successful integration of resettled refugees. Since the Annual Tripartite Consultations on Resettlement of 1999, UNHCR and its resettlement partners have contributed to these efforts by promoting an international forum for the exchanges of ideas and practices on refugee resettlement among the traditional and the emerging resettlement countries. The initiative resulted in the organisation of the International Conference on the Reception and the Integration of Resettled Refugees that took place in Sweden on 25-27 April 2001. The Conference endorsed 15 general principles that should serve as a guide to resettlement countries and operators to promote refugee integration and launched the initiative to compile a Handbook on

integration ("Refugee Resettlement: an International Handbook to Guide Reception and Integration"). UNHCR encourages all resettlement countries to adhere to the principles laid down in the Conference and to make full use of the notions and experience contained in the Integration Handbook. The Integration Initiative is being developed further by a project undertaken by the Canadian Council for Refugees on behalf of the Annual Tripartite Consultation on Resettlement. Under the project title "An Inventory of Needs and Opportunities in the Integration of Resettled Refugees" it aims at creating a mechanism through which resettlement partners may share information, offer resources and seek assistance on refugee resettlement and integration with the goal of enhancing their national resettlement efforts and thereby increasing resettlement capacity globally. A report on the Inventory will be presented at the ATC in June 2004.

Historical Roots of Present-Day Problems

Protection and International Solidarity:

The evolution since World War II

Christina Oelgemöller
Berlin

Some 17 countries presently co-operate with UNHCR and provide annual resettlement quota for almost 100.000 refugees for all regions of the world. Third country resettlement or refugee resettlement, as one of the three UNHCR promoted durable solutions, is a

distinctively different process from local integration in the first country of asylum or voluntary repatriation, as a permanent solution for refugees in need. Defined as the "least preferable solution", even by UNHCR staff, its potentialities were underestimated for a long time due to historical developments.

European Refugees

European refugees - an estimated 11 million people in the wake of the Second World War - had to be assisted. For this purpose the United Nations Relief and Rehabilitation Administration (UNRRA) - from 1948 the International Refugee Organization (IRO) - was created.

One of the major problems was the provision of temporary shelter and the organisation of permanent settlement. As temporary housing for these displaced persons, the Allies used military bases, abandoned training areas, and numerous other establishments as e.g. some concentration camps, including Bergen-Belsen and Dachau.

By September 1945, 6 million displaced persons were successfully repatriated, but planners at the time had not anticipated that hundreds of thousands of people might not wish to be repatriated as many found that they could not re-establish their lives in communities that no longer existed. Thus many Jews of Italian, German, Austrian and Hungarian background, as well as Lithuanians, Estonians, Latvians, Poles, Ukrainians, Yugoslavs and other Europeans, were in need of other solutions. Displaced persons lived in the 370 camps of this type in Germany, 120 in Austria and 25 in Italy, where they gradually had the chance to re-think their future. Eventually, Great Britain agreed to admit some of the Jewish refugees to Palestine, from 1948 on, others were resettled to the Americas (USA, Canada, Argentina, Brazil and Venezuela), to Australia, and to some European countries (Belgium, UK, the Netherlands and Norway). These European refugees were perceived as easy to assimilate because they shared the same cultural roots and other characteristics with those already residing overseas. Likewise they were viewed as adding to growth and prosperity of these countries. As humanitarian motivations also played part in shaping policies, restrictive immigration regulations in some of the receiving countries, notably the US and Canada, were relaxed particularly with regard to

criteria affecting handicapped refugees and the uniting of refugee families.

Fleeing the Soviet Union

Resettlement policies in the aftermath of World War II became subject to strategic purposes in that the industrialised West (particularly North America) engaged in the cold war with the communist East, driven by a "policy of destabilisation and isolation against th[is] regime." The policy was based upon immigration criteria and foreign policy considerations, the latter particularly evident in the response to the approximately 200.000 refugees who fled to Austria and Yugoslavia in the aftermath of the Soviet invasion of Hungary in 1956.

"There was a feeling of revulsion throughout the Western world at the turn of the events in Hungary, and there was a distinct feeling of guilt that more had not been done to assist the Hungarian people in their struggle for democracy." By the end of 1958, more than 15 states had offered resettlement places to refugees who were eventually resettled in these countries.

Likewise in 1968 about 40.000 Czechoslovak refugees had to be resettled out of Austria and in 1971 there was a significant wave of Jewish refugees fleeing the Soviet Union who were assisted through the resettlement programmes. Even if it became considerably more dangerous to flee the former Soviet Union, refugees continued to arrive in numbers during the decades following the 50's - and still after the Berlin wall was sloped.

Beyond the Front Lines of the Cold War

By the early 1970s, a gap had opened between UNHCR - which was looking at resettlement exclusively in terms of its

protection mandate - and those resettlement countries where policies were primarily concerned with domestic and foreign policy questions. This contradiction is still present today.

However, the focus on human rights was increasingly sharpened in the international community's strengthened motivations to "rescue" the "innocent victims" of repressive regimes not delimited by the front-lines of the Cold War. Examples driven by these motivations were the resettling of more than 40.000 Ugandan Asians facing expulsion by Idi Amin and of well over 5.000 Latin American refugees following threats posed through refoulement by the military regime in Chile in 1972 and 1973 respectively.

Hence, programmes founded on a broader mix of motivations – utilitarian approaches, i.e., demographic or labour market considerations, as well as humanitarian approaches, historical ties, the sense of obligation or guilt, of fairness, or of urgency and/or the desire to bolster first asylum opportunities - were shaped more clearly in countries developing more sophisticated resettlement policies.

Traditional European resettlement countries, like Denmark, Finland, Sweden and the Netherlands, as well as ad hoc resettlement countries, such as Great Britain, and some central European countries focussed more on refugees' protection needs than on integration concerns. These latter were usually referred to by strict separation between immigration and asylum.

Reasons for this varied. The stronger public focus on forced migration understood the trauma of being uprooted as well as Europe's historical heritage of emigration and still current narratives of the indigenous.

Resettlement Fatigue

Another challenge - again, rooting in the logic of the Cold War - was a change in war methods, in targeting civilians instead of the enemy's army and thus influencing the quantity and composition of refugee caseloads.

For instance, in the mid 70's through to the 80's the Malaysian response to Indochinese refugee flows illustrated the challenge UNHCR and the international community had to face. Malaysia was overwhelmed by a sudden massive influx of refugees which were ethnically related to the Malaysian minority and therefore threatened to destabilise the receiving country. In effect Malaysia refused entry to the country. The situation was not much different in Thailand.

These Indochinese refugees were resettled as *prima facie* refugees, thus everyone who stated to belong to that group fell under the resettlement programmes without any further questioning. This practice however lent itself to fraud and to subsequent frustration within the international community. During this time resettlement came to be defined as the "least preferable solution", even by UNHCR staff.

Most European countries reacted to this by granting first reception and temporary protection and started to restrict permanent settlement. For instance, some of the comparably many refugees from Iran in the late 70's and Iraq in the late 80's were granted temporary or subsidiary forms of protection and only a few of them asylum; resettlement was admitted only in the Nordic countries and overseas.

Governments that focused primarily on political interest and less on humanitarian imperatives could do so because resettlement had not been a reasonably

clearly defined process of selection and regulation of movement of refugees in need of protection to a third country, where they were to be received and integrated in a fairly controlled manner. Instead, resettlement was seen as a vulnerable process both by governments and refugees.

The Kosovo crises gave a clear illustration. Macedonia, just as Malaysia some decades before, refused entry into the country, as it faced not only the difficulties of a newly emerging democracy struggling for stability, but also mass influx of refugees at their borders, mainly Albanians, which posed a threat to Macedonia's stability. The international community, especially the United States of America negotiated plans for relief within days. In the end those refugees were dealt with by a confusing mix of mandatory and discretionary resettlement as well as other solutions, which turned out to be more temporary than permanent and led again to increased confusion, frustration and fraud.

The imperative of assisting and protecting these refugees seemed to have been lost in a struggle between political interests by states and an inflexible UNHCR that placed emphasis on the unconditional protection of refugees over a strategy of incorporating protection and meeting understandable fears of the receiving state.

European Commitment

Pressures of international globalisation, changing political structures and persistent humanitarian crises have had direct impact on the policy systems relating fundamentally to nation-states' actions. The concept of resettlement has evolved in the context of this changing environment and has gained renewed

importance within the governance structure concerning refugees.

Resettlement, as part of a range of responses available, is one of the ways UNHCR fulfils its mandate to secure a safe and dignified future for refugees and to ensure that their need for international protection is met. However, the responsibility to ensure legal and physical protection lies foremost with states.

(1) As for the European Union, Denmark, Finland, Sweden and the Netherlands have since the 1970s set annual quotas to select (via UNHCR), receive, and permanently resettle, varying numbers of refugees (with little NGO involvement):

Denmark has offered resettlement on and off since 1956. It formalised its resettlement policy in 1978 and since 1989 has a permanent annual quota of 500 places available for resettlement. Family reunion is outside of this quota.

Finland has offered resettlement since 1979. The government of Finland plans to raise its annual quota gradually to 1000. Finland plans to build larger refugee communities on local level and, in order to find continuity, resettles refugees mainly from Iran and Iraq, but also from Afghanistan and Sudan.

Sweden conducts resettlement since the 1950's. It was engaged in all major relief and protection situations and makes available an annual quota of 1.800 places.

The **Netherlands** have resettled on an ad hoc basis prior to 1977. From 1979 on, annual quotas were given, since 1987 the number was fixed to 500 resettled refugees.

(2) Other European Union Members have started resettlement programs since 1998, with Great Britain being the latest in 2003:

Ireland conducts resettlement since 1999 with an annual quota of ten cases.

Spain has no formal agreement to resettle refugees but has responded to UNHCR appeals quite flexibly under UNHCR's Humanitarian Evacuation Programme.

Great Britain has offered small scale resettlement on and off for the past decades, mainly through the medical Ten-or-more-Plan. It formalised its resettlement policy in 2002 with 2003 being the first year of receiving refugees and it has a permanent annual quota of 500 places available.

(3) Three additional members of the EU accept refugees for resettlement on ad hoc basis: Belgium, France and Germany.

Policy developments have focused on the various benefits of resettlement, such as resettlement as a tool for international protection, a durable solution and an expression of international solidarity and burden sharing. Partners have recognised that benefits are most effective when resettlement is approached strategically and supports broader strategies of protection and durable solution. For its part, "UNHCR has sought to enhance the role of resettlement by pursuing it, not as an isolated activity, but as an integral part of a comprehensive range of responses."

The history of the past more than five decades has shown that resettlement in itself can only provide a durable solution for a very limited number of refugees. It is essential, therefore, to employ resettlement strategically and complementary to other sources of relief and assistance.

But while there had been positive developments regarding policies of

resettlement, actual resettlement activities have been confronted with significant challenges in the last years.

One of the issue revolved around management, fraud, and the credibility of resettlement programmes. The terrorist attacks in the US on 11 September 2001, then resulted in cuts in resettlement, especially to the US Resettlement Program (USRP). Given that the USA resettled more refugees per annum than all other quota resettlement programmes combined, the impact is significant.

And finally, certain practical procedures of a number of states in fact redefined resettlement as a tool for migration management rather than a tool for international protection.

In conclusion, it needs to be stressed again that resettlement should not be used as a substitute to other protection efforts but must be considered as a complementary means.

Over the past decades it has proved most effective when it was combined with efforts to address causes of flight, the conditions in countries of asylum, and the pursuit of other durable solutions. Guiding principles for resettlements should be founded on a combination of a rights-based approach and a genuine commitment rather than being driven exclusively by political considerations. States have to be cautious not to restrict their asylum procedures, thus creating a two-tier system of "good" and "bad" refugees.

As already Abraham has discovered: After all, you could be hosting angels!

The EU Resettlement Feasibility Study

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What is resettlement?

In essence, it is the organized movement of refugees who have been identified, and selected to travel to a particular destination state while they are still outside that state. This makes it very different from asylum. The refugees' movement to their final destination is planned, and they will have permanent status on arrival, and be welcomed into communities as long-term residents, and probably new citizens over time. This makes it very different from either temporary protection or from arrival with a humanitarian visa to seek asylum, the protected entry procedures set out in the 'sister' study by Prof. Gregor Noll and colleagues.

14 states conduct planned (rather than ad hoc) resettlement programmes at present. Six of these are EU Member States: Sweden, Finland, Denmark, the Netherlands, the UK and Ireland. The three largest programmes worldwide are those of the US, Canada and Australia. I will refer to details of several of the programmes in discussing the elements of a resettlement programme and the suggestions made in this study as to how the EU collectively, or Member States separately, might proceed in thinking about enlarging their resettlement capacity.

General policy goals in conducting resettlement include the primary motive, which is humanitarian - offering protection and a durable solution to those in need. Goals of resettlement

programmes include those offers of protection and a durable solution and the demonstration of solidarity with states in the region of origin. Resettlement policies also frequently serve additional functions for states, such as foreign policy functions. Should the EU Member States decide to pursue a collective resettlement policy, the minimum that we suggest they could do together is to develop broad goals in resettlement – with potentially significant room for different practical approaches.

Levels setting: Existing resettlement countries set "ceilings" (in the US, an upper limit, rarely if ever met); "quotas" (which European states with programme have - meaning a fixed figure, to be filled but not exceeded) and "targets" (the Canadian model - with a range of numbers, which they aim to come close to).

I suggest that a target is the most useful mechanism. It is useful because if you say we will resettle between 10.000 and 12.000 refugees next year, and you bring in 9,500, it looks close enough. If you resettle 12,500, it looks like you did a good job - and obviously if you fall between 10.000 and 12,000 you have totally succeeded. The appearance of success is important: if you have a quota of 500, and resettle just 200 it can look like you failed. If you have a ceiling of 70.000 and resettle 28.000 - as happened in the US last year - it looks like you failed, and gives rise to big discussion. In the US these discussions have taken a very political turn. Besides a review of the US programme conducted recently on behalf of the State Department, there is high level political pressure on the Bush administration to ensure they near the 50.000 admissions ceiling for this year, with Senator Ted Kennedy taking a lead.

Can we envisage such a similar push in Europe to ensure that if the EU offers 50.000 resettlement places, close to, or more than 50.000 refugees will really arrive?

To return to the levels setting issue: A target would be a useful tool at EU level; if the Member States would decide to conduct a resettlement programme together, they could agree on an EU level target - and then each Member State could set a target which, when all 25 targets are added together, should fall within the range of the whole EU target. This would mean that those Member States with existing resettlement programmes could keep their levels, or perhaps raise them, but would not be caused through burden-sharing discussions, for example, to lower them. (An EU resettlement programme should not mean any diminution of existing resettlement places, after all). I will talk later about the NGO role, but flag here that this target-bidding notion would require NGOs to engage in active lobby work both at national and at EU level to seek appropriate numbers, reflecting both the potential for admitting refugees here in Europe and the global need for resettlement places.

Selection goals, criteria, methods and procedures:

In resettlement, the broader the selection goals, the broader the selection criteria beyond the need for protection can be. Narrow goals lead to narrow criteria. A significant resettlement programme situated within a comprehensive protection approach can probably work best for refugees and populations at large if it is broad - if it resettles the full

spectrum of participants in any community.

A Finnish interviewee put this to me well during the research, saying they sought to bring in community leaders, people with serious needs and vulnerabilities, and everyone in between, so that the resettled community could really be a community, and become quite self-helping within the broader society.

We often think European countries primarily resettle extremely vulnerable and especially needy refugees - and that has been a major part of their contribution, on the basis that the numbers were small, and so they would take those refugees who other resettlement countries were not so ready to include. By now, however, the major resettlement countries have large streams for vulnerable cases, women at risk etc. Meanwhile in all the European resettlement countries there seems to be a desire to move to broader, perhaps integration oriented programmes.

It has to be said here that no resettlement country uses economic criteria for resettlement - none at all. I know many people think the US, Canada and Australia do that, but it is a fallacy. The Somali Bantu and Lost Boys of Sudan, for example, were certainly not resettled on the basis of their advanced education - rather they were resettled because they had a strong protection need. Many of them will succeed in the US, but that is because of the integration programmes and orientation they receive, and not because of any selection related characteristics. Essentially, refugees are in need of protection even if they do not have significant trauma related needs, and if they are not single women with children.

I am not suggesting the vulnerable should not be targeted, rather that a balanced programme with access for all refugees in need of protection and durable solution would mean resettling functioning communities, who can do well in European societies, and with as many or more success stories as problematic cases. Many countries include family relationships as one criterion among many, in part because this promotes integration and helps identify new refugees for resettlement. Unless the scope of these relationships is very broad and open this is really the place in which fraud is most common - not necessarily that people who are not refugees try to enter, but that refugees who are not family members might lie about relationships in order to get the protection they need.

It should be possible for the EU either to establish collective selection criteria, or to all have separate criteria within a broad policy framework set out by guidelines as I mentioned.

The fact of a person being in need of protection is an essential criterion, of course. Many states use the Convention definition of a refugee in their determination of status for resettlement - the other criteria like family connection, or coming from a particular country are additional to that basic refugeehood. However, use of the Convention definition gives rise to problems in many states - perhaps most notably the US and the Netherlands where only about half of the UNHCR referred refugees are accepted for resettlement, because national decision-makers do not consider the candidates to actually be refugees fleeing individualised persecution.

UNHCR uses its mandate definition in deciding someone is a refugee - also

when they see the refugee needs resettlement. This means they include victims of war, for example - and people whose specific protection need in terms of their fear of persecution may be in the past, but who do not yet have a durable solution. The maximum benefit to protection needs globally could be made if states would include those in need of subsidiary protection in resettlement caseloads. Another point on which NGOs could conduct useful lobby work.

With regard to methods and procedures for selection: our research suggests that selection works most efficiently and effectively if interviews are conducted with all but the most urgent cases (whose lives might be in risk while they wait), rather than being decided on the basis of a dossier only.

The existing system for European resettlement programmes involves UNHCR field staff completing a Refugee Referral Form for each principal applicant with their family member.

These forms are sent to HCR headquarters in Geneva, where the staff of the resettlement section check them through, request additional details from the field if they think it necessary, sort the forms, and dispatch them to the European state they consider most appropriate for the candidate. Some thirteen staff do this for 3,500 places, and in general little more than 50% of the candidates are accepted, so there are probably 5 or 6,000 forms being sorted each year. The European states often complain that the forms are not adequately completed for their decision-making purposes. If the EU seeks to establish a resettlement programme, it will be necessary to consider ways other than, or complementary to UNHCR referral. Canada has provisions which

could allow it to accept from field-based NGOs; the US uses UNHCR referrals only for one strand of its programme - and has field-based contracted NGOs or IOM completing all the paperwork for all candidates.

Another suggestion we have made is for a European Clearing System for Resettlement. This would be an EU specific body, staffed by people seconded from Member States (and potentially NGOs) who would decide which of the Member States should consider a specific refugee claim - removing this burden from UNHCR. It seems to me that UNHCR has a strong role to play in saying who needs resettlement, but does not necessarily need to be concerned with deciding which country might offer that resettlement.

The post selection elements of resettlement may well be more important for ensuring the success of resettlement for the refugees and for our countries and societies than selection or numbers are. Some of these issues could be collectively organised, but the models we set out also show how these issues could, according to the subsidiarity principle, perhaps best be dealt with by each Member State and even region within a Member State.

Most resettlement countries conduct orientation programmes in the waiting period between selection and departure. Interviewees in the US and Sweden all indicated the great importance of these programmes in creating accurate and appropriate expectations among refugees. The US, for example, uses a specially developed video, which repeats in every section (on transportation, language, housing etc) how very important it is to find work in the US - how people who work are valued, and how you can learn English while at work and so on. This

stress after selection seems to work (as does the absence of welfare support in the US for anyone who does not qualify for regular welfare programmes) as 65% of resettled refugees have work in the US within a year of arrival - and within a year or two there is a higher rate of employment among resettled refugees than among the population at large!

Also while waiting, many resettlement countries conduct security and health checks. The security checks are more thorough since 11 September 2001 and may, of course, exclude people. The health checks are used to exclude diseases such as TB and HIV by some countries - but not by all. Several countries use health checks so that they can treat prior to departure, and continue appropriate treatment on arrival - and have assistance present at the airport, for example.

Transportation to resettlement countries is generally organised by IOM. Status on arrival is permanent or indefinite. This is essential: resettlement is a durable solution - refugees who have languished in difficult situations for years, or been in urgent need of protection are being removed to our countries to start their life again. They need safety and security.

Because the movement is organised, existing resettlement programmes include pre-planned housing in reception facilities, in private rental, or with the refugees' families waiting for them on arrival. States have various means of determining where a refugee who is being resettled will be accommodated on arrival - far more organization on location can be prepared than can be the case in relation to asylum seekers.

I thought you might be interested to hear about the system in the US.

There is a weekly Allocation Meeting of the 11 Voluntary Agencies, or NGOs involved in post-placement services. The representatives of these NGOs know in advance how many refugees can be taken care of by their various offices around the US. They are given a list of the people who will be arriving in a few weeks - including family composition and notes on any family (extended family) known to be already in the US. Each NGO is to take a certain proportion of refugees annually, according to their size and funding. They go around the table each week with each NGO in turn saying "The Catholic Conference will take case number 11; the Lutheran Services will take number 57; Immigration and Refugee Services of America will take case number 7" etc, until just a few cases are left, and then the 'fun' starts. In order to make sure every refugee has a place, some bartering must take place according to where the different NGOs have offices, where the refugees have family etc - so for example, the Lutherans might need to swap case number 11 which they had set for Nebraska, for another case with a bigger family - to even things out etc. It is a quite amazing experience to sit in on one of these meetings!

Integration programmes, tailored to the needs of people who are arriving with a long-term protection status, who may well become citizens and have known needs, can be planned in advance for resettlement - and there can be awareness of special cultural needs for specific groups. These can include planned steps moving through a close dependency type model at the time of arrival to greater independence, starting work, schooling, getting healthcare etc. Planning can go as far as the detail of something Canada does: providing winter coats, hats,

scarves, gloves and boots to those arriving in winter - and an allowance to purchase these items on time for those arriving in summer!

Integration programmes in Europe are, of course, shaped in large part by the welfare states systems, and the role governments have in providing services which in the US, and even in Canada, may be provided only by NGOs. Nonetheless, there are areas in which NGOs can play a major role. In Canada there is a quite sophisticated 'Buddy system'. This is not mentoring, as such (Finland among other EU states has a mentor system). Rather, a Canadian individual or family offers to befriend a refugee or refugee family, and is asked to make it very much a two-way relationship. Another function NGOs often play in Canada is in organising job-fares - advertising to potential employers that there are refugees in the community with skills and experiences the employers might find interesting, and bringing them together.

In the US and Canada, the governments have the resettled refugees pay back the cost of their transportation to the countries - on a non-interest loan, providing a revolving fund to pay for new refugees to come. Sweden has a furniture loan. There are ways of giving refugees dignity back by giving opportunities for them to borrow money for something related to their resettlement. Such loans might also make resettlement seem more acceptable to European societies.

A word about the six models according to "subsidiarity" which we sketched out in the study: These show how Member States or the EU could take a decision-making and implementation role in different elements in a resettlement programme. They range from the current situation of Member States each doing

their own thing, to a full-scale EU resettlement programme. In between we have models showing how the EU level could set general goals, and maybe also levels, but leave everything else to Member State decisions, and a model in which the EU level could see decisions on every pre-departure element, including selection, while everything affecting refugees after arrival is of a purely Member State concern. We saw these models as a kind of menu - and the EU could make new choices over time, dependent on experience and context.

A role for NGOs?

It would be remiss of me not to say something about the type of involvement NGOs can have and do have in resettlement worldwide, and to inform you of the suggestions which came out in the Feasibility Study. These suggestions cover 4 areas:

- Private Sponsorship
- Selection
- Post-arrival
- Policy evaluation, assessment and change.

PRIVATE SPONSORSHIP:

Canada's refugee resettlement programme has three streams, including Private Sponsorship which involves the sponsorship of refugees by private organizations or groups of five individuals. Organizations, such as Churches, but also a student sponsoring body, the World University Service - Canada (WUS-C), can make agreements (a memorandum of understanding) with the government at a national (Federal), Provincial or local level. These agreements permit the organizations to bring a certain number of resettling

refugees into Canada each year.

Otherwise organizations may make individual applications, as can groups of five sponsors.

In ninety-eight percent of cases currently, the private sponsor identifies the refugee in advance. The refugee might be the family member of someone already in Canada, and be sponsored by their local church group through the national church body. Or the refugee might be a student, who WUS-C selects in a refugee camp in Kenya or Thailand, for example.

Private sponsors agree to take on responsibility for the refugee's well-being for one year after arrival. This rarely goes wrong from the side of the sponsor, in part because the refugee is often a family member of someone already in Canada and known to the group sponsoring him or her, and also because for the sponsors, letting down their part of the agreement would mean no further possibility to sponsor.

The sponsors need to cover all the refugee's expenses for one year - or until the refugee can pay for themselves if that comes sooner. After one year, if the refugee does not have work, they enter the regular Provincial welfare system. Often parishioners will donate their services (e.g. the local doctor or dentist) to help out. Sometimes parishioners will help refugees find at least part-time work.

Private sponsorship in Canada emerged out of a desire expressed by community-based groups to actually and actively sponsor refugees and not out of a government-initiated programme. It was developed at the time of the Vietnamese boat people crisis, when community groups, many located in Ottawa, found the number of places offered by the government to resettle refugees was far

too small. The government had offered 4,000 resettlement places. The solution, put simply, was that if the Canadian public wanted to help more refugees, then they would need to help pay for them. The Private Sponsorship Programme is a little more than fifty percent of the size of the Government Assisted Programme in 2002, and often exceeds the target set by the Government. The Private Sponsorship system has given rise to policies to assist all refugees resettling in Canada, including the buddies for those resettled on the Government Assisted stream.

The US government tried to develop a private sponsorship scheme in the 1980s, but it failed. The same organizations which provide services to refugees in the absence of a strongly developed, government run, welfare state system in the US would have been the sponsors, and the motives may not have been as strong as those in Canada, given the different relationship between government and non-governmental actors.

SELECTION:

There are three ways in which NGOs are currently involved, or could be involved, in the selection process: referral, case preparation and determination. The strongest existing role for NGOs is in case preparation for the US programme.

Canada has opened the possibility for NGOs to be referral agencies under its 2002 Immigration and Refugee Protection Act. However, none have yet been designated. I understand that many NGOs are also cautious about taking on a referral role: a primary concern would be that other areas of an NGOs work in the field might become compromised by the perception that they offer a route out. As

I am sure many of you know, lots of refugees in protracted camp situations in particular, are quite eager, even desperate, to find their way onto resettlement programmes. Resettlement may be relatively unknown in Europe, but it is the first word on people's lips in places like the Buduburam settlement for Liberians in Ghana.

Another NGO role currently lies in the determination process. This is special to Denmark, where the Danish Refugee Council reviews all referrals sent to the Danish Immigration Service by UNHCR and offers an assessment of the case. This role is unique: and it was not totally clear to me, in talking with many people involved in the process, what exactly the weight is that is given to the DRC assessment.

The quantifiably biggest role for NGOs in selection currently is as overseas processing entities, contracted by the US Department of State to prepare the full paper work for all refugees referred by UNHCR or falling within the Priority Two categories of specific ethnic groups in specific regions. IOM has also been contracted in some places, but most often NGOs have this preparatory role. The case preparation is not a matter of coaching the refugee for the interview with the Department of Homeland Security Immigration Officers. Rather it is a service to both refugee and administration to ensure that all relevant information is down in the case file; that the Immigration Staff who conduct visits to various countries know who the refugees are, family by family, what their background is etc.

This system helps the large US programme to operate efficiently at the field end. It also provides NGOs with knowledge and information about the

ways in which the State Department views the programme, and how the Immigration Service staff are acting and reacting to different case types. That information can be well used in lobbying for changes in the programme, or for particular groups to be made into Priority Two category for a future year, for example.

POST ARRIVAL:

After arrival, NGOs are contracted in several countries to provide a variety of informational, residential and orientation services to resettling refugees. The UK government has contracted several NGOs to provide various services, from immediate arrival assistance through longer-term guidance in its new programme. I have referred earlier also to services in the US and Canada.

POLICY EVALUATION, ASSESSMENT AND CHANGE:

Regular evaluation and assessment of the programmes is an important factor for adjusting the programmes. Examples are the RCUSA (annual recommendations) and the Canadian Refugee Council. Exchange between NGOs is of similar importance to formulate recommendations. Annual review programmes at EU level would also be an excellent lobby opportunity.

IN CONCLUSION:

Resettlement can allow you to transform the debate on REFUGEE PROTECTION in the EU. I am careful here to say refugee protection, not "asylum".

All of the measures set out in the Amsterdam Treaty and the Tampere European Council Conclusions, deemed to be part of the basis for a common asylum system with common procedures,

could be sketched out essentially following the administrative and legal agenda of the EU, with no regard for the broader philosophical discussions of the last five years.

The way in which the European Commission and Member States have started to talk about new elements, such as resettlement and capacity building in regions of origin, it seems as if their intention is for all these elements to be part of one and a same Common European Asylum System.

I would suggest, however, that we all need to stop for a moment and think about the terminology. What is asylum?

According to legal and political documents through the ages, asylum is a matter of an individual arriving in a new country and seeking protection.

According to the Universal Declaration of Human Rights, everyone has the right to seek and enjoy asylum in a country other than his own. There is a movement involved - by the individual, at their initiative - to seek, to look for, asylum. And it is up to the state, presented with that individual, to judge whether or not they will grant asylum. The duty on the state is not to return/refoule the person to a situation of danger. Asylum is something states may or may not grant to individuals who have the right to seek it.

Resettlement, however, has no rights attached to it. Surely, the decision to select an individual for resettlement has legal issues attached to it - pertaining to residence rights etc. But the actual decision to resettle a particular person is purely administrative. And it is done before the person arrives in the destination state - by definition, resettlement is about prior selection and organized transportation to the

destination state. Hence, it seems to me to be semantically incorrect, politically undesirable, and legally hazardous to conflate asylum and resettlement and call the package of measures 'asylum'.

It gets even more problematic if protection, assistance and capacity building are also called part of an asylum system. Surely these three issues (asylum, resettlement, assistance and capacity building elsewhere) and indeed a fourth - temporary protection - are all elements of a refugee protection system, but all are distinct elements of that system. At the most, decisions on who to define as a refugee in the asylum system may have resonance in the resettlement system, for example.

Hence, I would suggest that a third sketch of how we could think about refugee protection in the European Union would in fact be most appropriate - keeping elements distinct; allowing a new common asylum system to develop in its own right, and separate from new systems for resettlement and for capacity building and assistance in regions of origin.

It would also show the world that the European Union acknowledges that asylum in the EU is not the one and only refugee protection issue with which it is dealing. Rather, it has different policy

approaches to global refugee protection, including both asylum and resettlement as means through which individuals can achieve the protection they need in the EU if that is the most effective solution to their long-term protection need. But again - protection within the EU Member States is not the only policy instrument the EU has for refugee protection - rather, it can also be an effective actor globally, offering assistance and capacity building support internationally: making it a leading global player in the refugee protection regime. Dealing with refugee protection broadly in this way could also provide an opportunity for governments and NGOs alike to lead the public away from an ever downwardly spiralling debate about 'asylum' as a generic term for all kinds of immigration, and back towards a humanitarian discussion about protection, including assistance to refugees in regions of origin, asylum and resettlement.

The European Commission's interest in exploring resettlement, and the interest in so many Member States seems very important: for reducing the refugee protection burden globally, important in re-organising the ways in which asylum, humanitarian assistance in regions of origin, and resettlement all work to make a Common European International Protection System.

Towards a common EU approach

Phil Douglas
European Commission/Brussels

This seminar is - certainly from the Commission's perspective - particularly

timely, ahead of our Communication this summer which addresses the invitation of the Thessalonica European Council to explore ways and means of assuring more orderly and managed entry in the EU; and I should say from the outset that the Commission views resettlement as addressing that particular invitation of Thessalonica quite directly.

In terms of the Communication of this summer we will certainly recommend that the EU launch a resettlement scheme, to be participated in by all member states. The nuances and modalities of that scheme are obviously for discussion and I shall say something about them this morning. But on the whole I think we got every reason to be optimistic on the reception of that recommendation.

Certainly the Commission has had a long awareness of resettlement that could play an important part in the asylum policies of member states. If we look at the Thessalonica conclusions it says, "ways and means of insuring more orderly and managed entry to the EU." Insuring more orderly and managed entry in the EU is probably the question which defines asylum policy and immigration policy in the EU. And as long ago as year 2000 in the Commission's communication on "A Common Asylum Policy" we spoke about the necessity to consolidate protecting capacities in the region of origin and the possibility of the treatment of protection requests as close as possible to needs, and the regulation of safe access to the European Union for some of those in need of international protection.

The communication of this summer will make recommendations to deliver in more operational terms on the Thessalonica mandate. But such an ambitious undertaking necessarily goes wider in its remit than purely immigration and asylum policies. And while the return of refugees is clearly the most desirable durable solution, the wider work of the EU must take action to address root causes which would facilitate that outcome. But we need to look at the other opportunities for durable solutions there, resettlement and local integration.

The Commission sponsored a seminar in Rome last October which discussed parameters on resettlements and at that seminar we presented a study which we had commissioned on the feasibility of an EU-wide resettlement scheme. Certainly that seminar showed that there was a lot of lack of knowledge what resettlement actually was; some participants in the seminar thought that it was to do with the UK's idea of early 2003 of actually moving refugees from the EU back into the regions of origin. So it is quite interesting that we are proposing a EU-wide resettlement scheme at a time when we are not entirely sure that everybody is singing from the same hymn-sheet.

Certainly at that seminar the Commission put forward what we saw as being the advantages of a resettlement scheme, and the advantages more generally of that kind of managed arrival of persons. We said that they would constitute an efficient tool in combating sentiments of racism and xenophobia, as the public support for those positively screened outside the EU and then resettled in the EU is likely to be increased; but significantly different of the current situation of asylum where the majority of persons applying for asylum are not found to require any form of international protection. The lack of clarity in terms of public perception of this group threatens the credibility of the institution of asylum.

We can use an example of the humanitarian evacuation from Kosovo: Although protection needs were different there, and the situation was different, the reception of those displaced persons by the different countries of the EU and their public contrasts sharply with the uncertain and often hostile reception faced by many who arrive in the EU to-

day as applicants for asylum in irregular and difficult circumstances. The reasons for that difference are quite clear, the public had confidence that those who were evacuated were clearly in need of protection, and no such clarity exists at the moment.

The Commission also stressed at that seminar that in general the legal, orderly, and managed entry to the EU, particularly in the case of resettlement, would allow member states to anticipate the arrival of persons determined to be in need of international protection. That advanced notice could bring advantages in terms of planning, for housing, and the inevitable financial impact, and also the setting up of tailor-made integration programmes for specific categories of refugees.

Participating member states at the seminar viewed the idea of an EU-wide resettlement scheme - if strategically used as part of a wider, comprehensive approach - as a potentially very useful policy tool enabling, firstly, comprehensive solutions to refugee situations, in particular to those of a protracted nature, and secondly, the creation and enhancement of protection capacities of the regions of origin, and thirdly, the reduction or prevention of irregular secondary movements of those persons who cannot find effective protection in the country of first asylum, as well as of the criminal activities linked to that movements.

The seminar concluded that resettlement was an indispensable and essential part of the international protection system, the use of which has saved many lives; that it provided immediate access to protection, including in emergency situations, for those persons in need of international protection; and also allowed the identification of the most vulnerable and

needy cases, contributing to more orderly, and managed arrivals and enabled states to carry out pre-arrival security and help checks.

The communication of this summer will also outline what we consider to be the main features of an EU resettlement scheme. I think a targeted and comprehensive approach, and a specific and limited caseload, could have a significant effect, and it is within that context that the Commission is proposing the eventual setting up of an EU-wide resettlement scheme.

We envisage UNHCR involvement in the selection and referral of target caseloads, and we think that such a scheme would be an indispensable constituent in a comprehensive approach towards third countries in relation to asylum and migration.

In terms of legal bases it is likely that an EU resettlement scheme would be established by a legislative instrument which would provide a procedural framework based on Article 63.2.b. of the treaty establishing the European Communities, which has as its immediate objective to support and promote the efforts made by the member states in receiving and in bearing the consequences of receiving refugees and displaced persons. Although it is by no means certain that this will be the legal base, and already in discussions with the Council, we have had some demerrals from that view.

The basic premises of the application of an EU-wide resettlement scheme are those which strongly emphasised that resettlement was complementary, and without prejudice, to member states' obligations to determine asylum claims in fair procedures and to provide protection

in their territories in accordance with international law.

I think we would love to be able to say to the Council that, if you have an enormous EU resettlement scheme of two hundred or three hundred thousand people then your problems with illegal immigration and asylum will be ended. But that is certainly not the case, there is no evidence to support that and we think initially we should start with resettlement on its own terms for the reasons of providing protection for refugees.

Nevertheless we envisage the watchwords for an EU-wide resettlement scheme to be "flexibility", and "situation-specific". Such a scheme would only be offered by the EU where appropriate, and in partnership with the third country involved, given the particular circumstances of the targeted protracted refugee situation, or potentially refugee producing situation. And of course such a scheme, in terms of economy, scale and the political weight it has within a comprehensive partnership arrangement with a country in the region, would increase in line with the number of resettlement places offered.

Although we envisage all member states participate in an EU-wide resettlement scheme, that participation could by its very nature be flexible. Those member states who currently operate resettlement schemes could be encouraged to be prepared to reserve a certain number of places for use strategically within the scope of an EU resettlement scheme. Which of course would only be applied if appropriate as part of the multifaceted response to a particular refugee situation. Those countries who do not operate resettlement schemes could be encouraged to participate on an ad hoc, or even a once-only basis, thereby

possibly encouraging other member states to try their hand on resettlement. And as resettlement would be one element of a wider Community response to a particular situation, the added value of resettlement within that response would be a clear incentive to all member states to participate.

So just to clarify that - I do not think at this stage the Commission envisage an annual resettlement programme, a resettlement directive on its own; resettlement would be very much part of an approach to a particular situation. So, if you like, it would be invoked in response to a particular situation. It would not be the situation that there was an EU-wide quota, or an EU-wide target, and member states were obliged to meet that every year. It would be quite specifically targeted.

So the overall motive for the resettlement into the EU of persons in need of international protection flows from the humanitarian tradition in the EU and its member states to provide safety and shelter to those who flee persecution, and its main goal is to provide international protection, and so offer a durable solution. The overall impact of the scheme on the global international protection regime would of course be limited by the numbers involved. But used strategically, as part of a wider approach, we believe it could deliver durable solutions otherwise unavailable in a protracted refugee situation. And that value will give weight to other action taken in that situation in parallel.

So it is likely that in the future we will propose setting of targets rather than of quotas or ceilings. Targets have most potential for success, obviously being more flexible; such a target would initially be non-binding, and it would be up to

member states to establish their own resettlement targets within that. Similarly, financial assistance or the actual physical resettlement of persons by member states could be considered.

The message there is I think, that it is more important to get more member states involved in resettlement, even if it is just small numbers at first, than to immediately set an enormously high ceiling; which may, be frightening them off from resettlement altogether. Some members of the Council are - to be quite frank - "cooler than neutral" about resettlement.

We have to discuss criteria, and that is perhaps one of the most difficult issues. It would be logical for future schemes of criteria to use as a criteria certainly the Qualification Directive, the Council directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or persons otherwise in need of international protection. But it could also be envisaged that the EU takes some special responsibility for vulnerable groups of refugees, or those for whom there are integration difficulties in the third country concerned, e.g. victims of torture or sexual violence or human rights defenders or members of specific ethnic groups who are discriminated against in the host country for whom there may be more integration potential in a EU member state.

There are legal implications, too. There are two issues to be considered when we are deciding whether or not a person is suitable for a possible EU scheme: Are they part of a target group being suitable for selection; and, do they qualify for international protection? And how selection criteria are formulated in any future instrument would be a matter for

negotiation, obviously. But there must be legal implications to the application of these criteria: The question of how to deal fairly with the dissatisfaction of those not selected for resettlement, and the rationale for choosing one durable solution for one particular group of people and not for another when both groups are in similar situations.

That also has to be carefully managed; while bearing in mind that selection will also be focussed on a particular target group or caseload.

Selection criteria could be set as an EU collective selection criteria, or as member state specific criteria within a kind of much broader, more flexible EU level programme.

Certainly the view of the European Parliament has been quite positive. In the resolution of March 31st, 2004 - quite a recent resolution - the European Parliament urged the EU to consider to commit itself decisively to a new approach to international protection, based on the one hand, on better management of access for persons requiring international protection within the territory of the member states, and on the other, on the firm establishment of suitable responses to refugees' protection requirements in their regions of origin.

The European Parliament also took the view that in the light of the shortcomings of the current asylum system it is essential to examine new ways and develop a new approach to supplement them, which should be realised in the context of a real sharing of burdens and responsibilities to guarantee better management of asylum flows and arrive at better managed, more accessible and just asylum systems. And to that end the European Parliament said that a new complementary approach must

be based on the managed arrival of persons in need of international protection into the EU from their region of origin by means of a Community-wide resettlement scheme involving the transfer of refugees from the initial country of reception to the EU, for which purpose a legislative instrument should be devised and a specific financial chapter be included in the new European Refugee Fund.

That is a very, very positive development as far as the Commission is concerned, particularly in view of the future enhanced role of the European Parliament in asylum policy and decision-making.

To turn to the Council – there is still an amount of a kind of ‘pedagogical’ work to be done in terms of insuring that everybody understands the same things by resettlement. And the “Convention plus” core-group, I think, would certainly help in that area. But we also have to devise and be quite clever about how we present resettlement. I think a lot of ministers of the interior view asylum, view protection issues as parts of much wider immigration policies. So we have to be really careful about presentation: Their thinking may be, why should we resettle

50.000 people, why should the EU resettle 200.000 people, if it is not going to have any consequent effect on illegal immigration, on the abuse of asylum systems? And that is why the Commission’s view is to tie up resettlement with a much wider response to third countries in the region of origin, so that we can make resettlement one part of a much wider package which addresses root causes in countries of origin, which addresses the capacity of host countries to deal with large numbers of refugees on their territory, and the infrastructure building, the developments and all those other elements which are necessary for that.

So, resettlement could be part of a much wider approach which would contain things which are completely unrelated to protection. I think we have got to look at it on a very, very wide scale.

The Communication is due to come out this summer, we hope to produce it for the June European Council. The response of the Council will certainly be interesting but given the view of the European Parliament there is good reason for optimism, and discussions on what might be brought forward in legislative terms could take place as early as 2005.

A first round of discussion:

The first round of discussion was dominated by questions of clarification about the terms and concepts used in the introductory presentations. Thus, the difference between “refugee” (status) and “resettlement” (candidate) was not at all clear for all participants. One example quoted was the way refugees from

Kosovo were considered eligible for (temporary) refuge or (permanent) resettlement. Other questions aimed at the scope of resettlement programmes – would this comprise EU support for Zimbabwean refugees to settle in South Africa or Britain, for instance? There was need for clarification of the criteria and procedures used by UNHCR to select groups from refugees in first countries of refuge for proposals to resettlement elsewhere.

And already this first round of questions to speakers raised – almost inevitably – the issue of the relationship between resettlement and asylum and migration policies which became one of the prominent, recurrent issues of deliberations in the further discussions.

Furio de Angelis (UNHCR) again pointed to the basic sequence in the UNHCR procedures which would from the outset determine a person's refugee status – inside a region of first refuge – before engaging in any processing of resettlement procedures, and thus compounds the refugee's unalienable right for asylum, regardless of what further provisions, like resettlement, may be arranged for. "Being a recognised refugee, being in need of international protection, means that UNHCR and the international community has a mandate to find a solution, and entitles to one of these three solutions: One would be to go home, one solution is to stay, and a third one could be resettlement." Selection for resettlement thus implies, from the outset, that a refugee arriving in the recipient country would have the asylum status granted by virtue of the UNHCR reference or "referral"; in principle.

In this context, Phil Douglas (European Commission) underlined the positive effect this conditional sequence could have for public acceptance of resettlement programmes in EU countries. Where there is resentment to an inflow of asylum seekers who are widely perceived in public opinion not as legitimate refugees in need of protection, but rather as economic migrants, for instance, the broadly respected reference to UNHCR criteria would ease reception and integration of those selected in a framework of national participation in a resettlement programme.

However, there are subtle differentiations in the manner recipient countries proceed in respect to recognition of this UNHCR-referred refugee status, as Joanne van Selm explained. EU countries and Canada "in general" accept UNHCR referrals but nevertheless reserve their competence to assess a protection need – and thus, granting of asylum status – in their respective states. Admittance to the USA, on the contrary, is based from the outset on criteria for groups in need of protection established by the US government; while these group classifications pertain to selected sections of the UNHCR recognized people in need of protection (and resettlement), they may comprise even groups not considered by UNHCR.

A common EU system could, according to van Selm, even out eventual short-term changes of acceptance policy in individual EU countries and thus stabilise an overall EU achievement of targets set for reception.

A key for success of a common EU system would be "flexibility", all panellists agreed, and an essential element of this would be consultation between institutions involved – i.e., the EU Commission or an agency, and UNHCR – and between these and the NGOs active on the ground, both in regions of origins of refugees and in the communities of resettlement. This given, even group-selective orientations inside an overall EU scheme could be reconciled, with no detriment to the obligation to grant protection equally for all refugees, by taking care for considerations of refugee community and cultural ties, family reunion obligations or even language and skills related to traditional relationships, e.g. from former colonial connections.

Part 2 – Experiences of NGO involvement

A Middle East Council of Churches Perspective

Aline Papazian
MECC, Beirut

There are serious protection problems and issues today affecting the lives of refugees globally. If they are to save their lives or preserve their freedom and integrity, some people have to move and cross international frontiers, seeking asylum and thus becoming refugees. "If other states do not let them in and help them once there, they may be condemning them to death, or to an intolerable life in the shadows, without sustenance and without rights," says UN High Commissioner for Refugees Ruud Lubbers.

Giving asylum is protection, and resettlement is only one aspect of refugee protection which is extremely important particularly with regards to refugees in countries not parties to the Geneva Convention on the Status of Refugees, as is the case of Middle Eastern countries. These countries usually provide only temporary asylum and expect refugees to be either resettled or repatriated within a period of 9 to 12 months.

With the growing number of people on the move, resettlement has become even more of an issue with the growing confusion about who is a refugee and who is a migrant. As a result, refugees are

being increasingly treated as migrants, "with mistrust, even hatred and outright rejection".

The asylum and immigration issues and debates in Europe have, since the 1990s, gradually become more heated and confused. This was the result of the high numbers of asylum seekers arriving, many of them with the help of smugglers. Border controls are being strengthened constantly to keep illegal immigrants out, to prevent terrorism and put limits on immigration. However, the indiscriminate rejection of foreigners is increasingly affecting refugees for whom access to safety has become ever more difficult.

This situation has had a direct impact on resettlement. On the one hand, resettlement quotas have decreased, on the other, governments are choosing refugees for resettlement on the basis of their skills and capacity of integrating into the host community and on the basis of national interest rather than on their protection needs.

The Situation in the Middle East

For decades now, the Middle East region has known continuous political and military conflicts, causing displacement and human suffering. Violence, destruction, uprooting, and loss, have been the share of many nations in the region. Though the Middle East itself produces many refugees and asylum seekers, it also receives refugees and asylum seekers from other regions where political unrest, human rights violations and economic deprivation push people to seek safer havens and opportunities elsewhere.

Well known for its hospitality, the Middle East region has traditionally always given refuge to hundreds of thousands who

were forcefully displaced from their countries. There are today around 4 million Palestinian refugees in the region and close to 500.000 refugees and persons of concern to the UNHCR.

Since none of the Middle Eastern countries is party to the 1951 Convention on Refugees or the 1967 Protocol, this means that none of these countries are asylum countries - and they consider all asylum seekers or refugees as aliens, governed by rules and regulations governing all aliens. As a result, refugees cannot settle and integrate locally, work, and live a normal life in the first country of refuge, neither can they be easily repatriated since the conditions in most of the countries refugees originate from are not, or have not always been, conducive to repatriation.

Consequently, and for decades now, resettlement has been the only durable solution possible for all refugees recognized by the UNHCR in the region. Rejected asylum seekers, if caught and arrested, are detained and deported. Very recently, some repatriation initiatives have taken Iraqis back home and the peace negotiations in the Sudan will probably lead to repatriation initiatives of both Sudanese asylum seekers and refugees who have no chance for resettlement.

The Global Environment

Over the past two to three decades, Europe has ever more become "fortress" Europe, on the one hand reinforcing border control and on the other, restricting resettlement possibilities to the very few. The traditionally receiving countries known to the Middle East were and continue to be the United States, Canada, Australia and New Zealand. With the events of September 11, 2001 and the

US call for a "war on terrorism" - a war which seems to have become permanent - the global environment has changed. The world today has not only become a dangerous place for all to live in, but it has also become less humane, driven by motives of internal security to keep "others" out, and a place for more suffering for those who are already deprived from their basic rights for a life in safety and dignity.

The global community of the "uprooted" had been already facing serious asylum and protection issues for some time now. These events have added to the problem and had a detrimental impact on asylum seekers and refugees everywhere. Not only immigration detention has reached unprecedented dimensions globally, it has been applied, in some countries, indiscriminately to economic migrants, asylum seekers and refugees alike. Seeking asylum is a right, not a crime and should not be treated as such. Asylum seekers cannot be arbitrarily considered as threats to national security. Their need for protection is a reality which cannot be dismissed.

It is important to note that even before September 11, governments were working together in developing and implementing their policies towards migrants and refugees. Today, there are inter-governmental processes in the regions, where governments discuss (behind doors that are closed to NGOs) the "problem" of migration and asylum seekers. Churches everywhere are particularly worried about the "regional protection areas" based on the principles of balance of responsibilities and burden sharing for the transfer of spontaneous asylum seekers to a processing center outside the European Union, where claims would be studied. Here the

protection of asylum seekers is at stake since these regional protection areas may return rejected claimants, leaving them totally unprotected. Regional protection areas located in countries that are not party to the Refugee Convention are even more worrying.

The Case of Lebanon

In Lebanon, "illegal" immigration is punishable by law. All persons entering the country illegally are referred to court, arrested, detained for a period of one month, subjected to a fine of approximately US\$ 700 and deportation. This law is systematically applied to all illegal entries.

Despite the efforts of the authorities to control borders, it is difficult to ensure total control and the number of persons entering Lebanon illegally is very high.

There are two main reasons that attract migrants to Lebanon.

- The liberal fiscal legislation and work opportunities attract migrants. They are free to transfer remittances home, whereas this is not always true of other countries of the region.
- Lebanon presents possibilities for clandestine migration towards Europe. Despite the boat patrols established by different European countries in the Mediterranean, traffickers keep working for those who are determined to leave their home country at any cost.

Persons entering the country illegally are in general economic migrants, fleeing their countries for causes of deprivation, or asylum seekers/refugees fleeing persecution. They often arrive with light baggage and hardly any money in their pockets. If caught, both irregular migrants

and asylum seekers are arrested and detained. Unable to pay the fine, they remain in detention well over a month, sometimes up to a year, until arrangements are made for their deportation, as in the case of irregular migrants, or unless recognized by UNHCR as refugees, as in the case of asylum seekers. Coming from poor countries, their embassies are themselves often not able to either protect them, or cover the fines or costs of their repatriation.

For refugees recognized by UNHCR, the only durable solution has been their resettlement in a third country. They continue today, as per the stipulations of the recently signed (September 9 2003) Memorandum of Understanding (MoU) between UNHCR and the Lebanese Government, to be "recognized as persons seeking asylum in a country other than Lebanon and resettlement is the only durable solution for refugees under the mandate of the UNHCR in the country".

The MoU also underlines that "Lebanon does not consider itself as an asylum country due to several social, economic and demographic considerations, in addition to the problem posed by the presence of the Palestinian refugee population on its territory".

The MoU also stipulates that "no person having entered Lebanon illegally will be entitled to submit an asylum application to UNHCR following 2 months from his/her entry to Lebanon". Once the application is submitted there is close cooperation between the UNHCR, and the General Security's Special Categories Department is to register recognized refugees and issue them temporary circulation permits. "The temporary permit (3 months for asylum seekers pending determination and 6 months to

recognized refugees pending resettlement) does not protect asylum seekers or refugees awaiting status determination or resettlement from legal prosecution in the event of violation of the Lebanese laws or expulsion from Lebanon in case of a grave crime threatening national security".

"Furthermore, UNHCR is requested to inform the General Security of quotas set by resettlement countries and coordinates with the General Security in order to avoid exceeding the one year period of stay in Lebanon granted for refugees holding temporary circulation permits. Immediate resettlement is ensured for emergency and exceptional cases upon the request of the General Security".

The Work of the Middle East Council of Churches

The Middle East Council of Churches has two major regional programmes dealing with uprooted people:

- * the Department of Service to Palestine Refugees (DSPR) operational in Jordan, Lebanon, the Gaza Strip, the West Bank and the Galilee which addresses the needs of Palestinian refugees; and

- * the Service to Refugees, Displaced and Migrants (SRDM) which works with non-Palestinian refugees and addresses issues related to internally displaced persons and migrant workers in the region.

In addition to a MECC programme consisting of awareness and skill building, programmes in refugee and prison ministry, the promotion of inter-regional collaboration with churches in Europe, Asia and Africa, the support to churches' individual or ecumenical projects with and for uprooted people, the SRDM is the implementing partner of UNHCR since 1977 in Lebanon. Assistance

provided include counselling, educational and medical in- and out-patients services, subsistence allowances, group activities for men, women and children as well as support groups to the same, and services to refugees in prisons or detention centers. The SRDM is not involved in the resettlement process but tries to build skills and prepare refugees pending departure to the country of resettlement. IOM provides an orientation prior to departure.

The Impact of September 11 on Refugees Accepted for Resettlement

In 2001, close to 1800 mandate refugees in Lebanon were accepted for resettlement in different countries, with a majority accepted by the USA. Around 1300 persons had already departed until September 11, 2001. Overnight, around 500 persons who were listed for imminent departure found themselves, in a dramatic situation, having sold all their belongings, given up their housing and taken their children out of schools. Assistance provided by UNHCR had been interrupted while budgets had been already decreased for the following year on the assumption that a small caseload would remain after the departure of more than 50% of the 2001 caseload.

Ever since September 11, the entire resettlement process has become tedious and tiresome for both refugees and organizations working with and for them. The USA, which were supposed to resettle the largest number of refugees in Lebanon, stopped sending missions for the selection of resettlement cases. It is only in 2004 that a limited number of refugees accepted in 2001 have started departing after another round of checking and screening of refugees.

The whole resettlement process, from submission to selection and screening, all the way up to acceptance and departure, has become a very lengthy procedure today. Already accepted cases are being checked and rechecked, thus increasing refugees' anxiety, creating psychological pressure.

Refugees accepted by Canada in 2001 and whose departure was suspended after 9/11, left only much later in 2002, along with cases accepted by Australia. As for resettlement in Europe, only 2 persons departed to Sweden and 2 to the Netherlands that same year. In 2003, from the 1000 expected to be resettled, only 520 left, mostly to Australia and Canada, and around 100 of the 2001 already accepted cases to the USA, whereas only 3-5 persons have been resettled each to Sweden, Denmark and the Netherlands, and 1-2 persons to the United Kingdom. These figures show that European countries are still closed to resettlement cases from Lebanon and the Middle East in general.

Today, there are still 25 Iraqi families and 50 bachelors, a total of 200 persons who were accepted for resettlement by the USA prior to 9/11 waiting for a green light to depart. Life, pending departure, has become a heavy burden to these refugees living in a country where the cost of living is quite high, assistance almost inexistent and employment impossible.

A Middle Eastern Perspective

Europe has closed its doors to refugees in need of resettlement as well as to asylum seekers in need of protection. It has also closed its doors to many seeking job opportunities - opportunities which are inexistent in their own countries, either as

a result of economic crises, political conflicts and wars, or due to the human rights situation there.

Many Middle Eastern and North African countries are tremendously affected by the migration phenomenon. And people on the move, whether for economic reasons or otherwise motivated, including refugees who did not qualify for the resettlement, resort to the networks of traffickers providing opportunities to reach European countries.

European countries would like to see people stay where they are. But in order to reach this goal, inflexible immigration policies may be self-defeating or automatically encourage illegal entry and illegal work.

Whereas treating the root causes of economic deprivation and political intolerance may be the best way to prevent poverty, harassment and emigration, as well as of diminishing the wave of extremism and terrorism.

Suggestions and Recommendations

Addressing root causes of both regular and irregular migration and emigration from the Middle East means finding political solutions to the longstanding conflicts and wars and trying to ensure justice and peace for all. It means also addressing the various political and social issues in the area, such as the conflicts in the Sudan, i.e. civil war in the South and ethnic cleansing in the West, the turbulent situation in Iraq and the spectre of civil war. It means also, and above all, the peaceful and final resolution of the Palestinian problem.

It is important for European countries to have a plan to address these issues. Despite some development projects and grants provided here and there to

improve economic and social conditions, sustained development programmes in countries of origin need to be initiated and supported to indeed help people to stay where they are. The desired results will not be achieved however, unless long-term strategies take into account all aspects of social and political life in the developing countries.

Given the necessity for Europe of maintaining its humanitarian and

principled stance, making resettlement work becomes an imperative. Increasing resettlement quotas, strengthening UNHCR's role in the selection of groups and individuals in need of resettlement and supporting its assistance and resettlement programmes will contribute to enhance and sustain this proactive policy.

NGO Involvement in the US Resettlement Programme

Erol Kekic
IRP, CWS/USA

I will try to talk about different ways in which US based NGOs are involved in the resettlement process - domestically as well as overseas: NGOs are, and are continuing to be, a focal point of the whole process.

This process includes the identification, selection, referral processing and finally the reception and placement or integration activities in the United States. I will talk about each of these stages where NGOs are getting involved.

US NGOs have a very significant role as a watchdog. We try to keep the government in some kind of checks and balances; we do receive public funds for some of the activities we do but at the same time we try to maintain our independence as much as possible; and we are much more actively engaged in the whole process of resettlement as perhaps originally perceived. The advocacy role

played by the NGOs in the US seems to be pretty strong, it does influence policy indeed - it took me a while to assert believing that, but it actually works. To use another aspect of the example already mentioned here as an illustration: When the Kosovo crisis happened and the whole CNN effect was all over the place and people were asking, 'what is the government doing to make a difference there?', the US government decided to intervene by coming up with the brilliant idea of sending refugees to Guantanamo Bay, Cuba - that little stretch of land that they still own there; it is not precisely a happy place to be. It would not be too arrogant to say that it is only thanks to the US NGOs' heavy lobbying at the time that this did not happen.

We also try to understand a little better how NGOs in Europe relate to their government versus how we relate to our government. And we understand that some NGOs in Europe to a certain extent act as an extension of their governments in implementing some kind of program that the governments have outlined for them. What we do understand in this is that that is probable in part due to the fact that European countries actually do have social service systems in place which allow them to do

that. Basically there is a social safety net that will accept these newcomers, as opposed to the USA where early self-sufficiency and overnight employment are the only key to success.

But this is another theme. I will dive right into the description of the US resettlement program.

Resettlement as one of the durable solutions as outlined by UNHCR has been the one that the US government and many NGOs have embraced as the preferred one in situations when rescue and immediate assistance is necessary. But it is also used in the US as a tool of refugee protection and of burden sharing. Two examples would be the one for emergency resettlement from Kosovo and for the resettlement of Somali Bantu from the Darwin refugee camps in Kukuma/Kenya.

The system in place now which allows access to individuals, groups, and sometimes close family members of refugees or asylum seekers already residing in the USA represents a slight change from before, because then there were more categories eligible to be filed from their relatives than at present, including the US citizens and some other categories of immigrants.

Nevertheless, the process is in place and works with a priority system, for which some of the major points are:

- "Priority-1", usually refugees referred by UNHCR and by an US embassy or consular representative overseas;
- "Priority-2" are groups of special interest or special concern to the US government - I shall come to some details below; and
- "Priority-3" would be close family members of former refugees and asylum seekers who are now residing in the USA. This category changes every year, as the result of a consultation process that NGOs have with the government, following the yearly presidential determination that establishes a ceiling or quota for the admission to the US program.

"P-1" referral has traditionally been really miniscule for the US refugee program - UNHCR did not have enough means to be referring as many cases as the US would like, and then US embassy or consular representatives, or the refugee coordinators that each embassy has, did not always get an opportunity to meet with cases that are in need of protection, so these numbers cannot but remain rather low. The length and the complexity of the process that the US government has put in place after the 11th of September 2001 also have a lot to do with this.

So basically all the emergency cases that would have been referred to the US program end up in Canada, Australia, New Zealand or the Nordic countries because they would not be processed under the emergency guidelines if they wanted to go to the United States.

The "P-2" category is the groups of special interest or of special concern to the US government, groups like the Somali Bantu, or Sudanese youth - groups that can be easily circled around, that have something in common, e.g. the same refugee experience coming from a same area, or that they reached the camp at the same time and have stuck together for a long time; any of these groups could potentially become a "P-2", and this is where NGOs have a tremendous role to play:

Being in the field and delivering services, NGOs do find themselves in the middle of the process - whether they like it or not -, and they are in a best position to really know which cases are in need of either resettlement as a durable solution and which cases have perhaps more need than others. Resettlement, as we know, is often used as complementary activity to other durable solutions, and NGOs sometimes - whether they like it or not - have to be involved in this process of outlining cases that perhaps would benefit from resettlement.

For years, "P-3" has been a backbone of the US refugee program with several larger caseloads, dating back from the Indo-Chinese refugees, moving over to those from the former Soviet Union and groups from the Balkan. The pipeline was very healthy and families were kept together.

The problem started when these large caseloads expired and more small - ethnically and, if you want, culturally different - groups appeared on the "radar screen". All of a sudden the family reunification scheme became an issue. So the USA, while probably going to reach the goal of fifty thousand resettlement cases this year, does not have a "pipeline" to speak of in the years to come:

Basically, once we processed the people that are in the pipeline now the issue will become where to find the cases. To their credit, the US government have been doing extensive research around the world, looking into different groups, and indeed in consultations with NGOs, to try to figure out which groups would benefit from resettlement. Cases in point would be perhaps the Burmese in Thailand. They started looking at persons of concern or the urban caseload in Bangkok but also moved over to the

Mong who were stuck in camps, as well as other ethnic minorities along the Thai border with Burma-Myanmar.

All refugees to be admitted to the US, and regardless of the category under which they qualify, have to be registered with a "Joint Voluntary Agency", the JVA, or with an "Overseas Processing Entity", OPE.

In addition to the model used by other countries - in which NGOs are part of the selection team, that go out and look for cases and identify and refer cases to the refugee program -, and because of the sheer numbers the US is looking to admit, the US government funds NGOs to perform that basic task of pre-screening cases for future interviews with government officials; it is important to point out here that it is the government which makes the final decision on who gets to be a refugee and who not. But at the same time, the JVA or OPE play a very important role which is not just the one of processing cases but also in being very careful on how to present these cases to the federal government.

Obviously, such "entities" do not exist everywhere all over the world but in places which are rather hot spots for refugee influx, like East or West Africa, or in Vienna for those from the former Soviet Union, they are formed and stay in place until something changes. If JVA or OPE are not present on the ground and on particular locations, the US consular representative or an embassy assumes this role.

The name of the "JVA" originally came from the entity which was supposed to be working on behalf of all resettlement agencies in the USA, and it used to be staffed and run by all these agencies

together; "OPE" is a new name for the same thing.

There are nine such national resettlement agencies in the United States, each one of them with an affiliated network. The total adds up to 400 local offices insuring the geographical coverage in the USA.

The work of the JVA/OPE can be summarised by:

- Case preparation;
- pre-screening or preliminary interviews;
- case file preparation (the very important paperwork); and
- case presentation to the department of Homeland Security. The latter make the final decision as to who gets to be a refugee and gets into the USA.

It is important to mention here that each one of the refugees who will be admitted to the USA - and regardless of the category that they were referred under - has to prove a credible fear of persecution: Every single person, and even if a group referral has been made they still have to go through the complicated step of interviewing every single person and getting their stories down.

Evenly important it is to understand the official definition of a refugee in the USA: Refugee status is determined overseas, and if persons come to the US without refugee status determined beforehand they cannot possibly become refugees ever. They can be asylum seekers, immigrants of different categories, they can be "undocumented", but they cannot get refugee status. So it is very important that this is done overseas. And this, too, underlines the role of NGOs in the preparation overseas.

In the last two years - and since the admission of refugees to the US was so miniscule - a lot of advocacy has been done by the US based NGOs in the US in view of a direct referral through NGOs from overseas.

This needs a little more detail. NGOs are perceived to be coming from both sides of the political aisle and therefore are able to gain support from the political structures in the US on both sides of the spectrum. That generates a lot of interest in the refugee program; and even if costs are high to resettle a refugee, this is a program that works, thus government can claim credit very easily and very quickly because it's a "rescue operation", we "save lives".

One of the ideas for how to increase the number of admissions was to include NGOs which are operating in the field into finding and identifying and referring cases straight to the US government for processing. There are some issues here, e.g. with duplication of cases the UNHCR is referring, but nevertheless such an operation has started and two trainings by the US government were held, one in East and one in West Africa, and about hundred cases resulted as an outcome of this particular training. It is not very well defined yet but this is something to be looked at in the future.

To go back to the normal procedure of the JVA or OPE: Church World Service runs two of these preparation operations, one in East Africa and one in West Africa, and we are responsible for looking for all the sub-Saharan refugees. So we see about 35 to 50 thousand people a year, and present most of those cases to the Homeland Security Dept. for approval.

I have to say here that we do have a very good relationship with this department, and the approval rates are usually rather high. Certainly they vary from population to population, from place to place but in the end things work out more or less.

One of the tasks that JVA/OPE are charged with is to assist refugees in formulating their claim. This is not "coaching" them in what to say or how to say it – it is just to get their story straight: In some cultures, the precision of days and places is not all that important but in the culture of the Department of Homeland Security it is all that matters, thus if somebody cannot get the place and the date from their experience the case is likely to be disqualified. The JVA/OPE are there to assist people in understanding how important it is to get these things straightened out.

As NGOs we do continue in the meantime with a very healthy competition with IOM over who is to run these entities on the spot. NGOs feel that they should be the ones that run these instances for the simple reason that we actually have "constituencies" back home who received their relatives in the US who have been resettled there, and communities work with these refugees day and night, know their story and are informed about what happens with their family members who are still left behind. This is not just another contract force; they feel very strongly that we have a bit more of a moral ground to hold these offices than IOM perhaps does. Today, about half of these entities are run by IOM and half of them by NGOs.

After the case is approved for resettlement, a refugee must undergo a medical test and a Cultural Orientation program.

Medical tests establish merely if a person has a communicable disease, they are not automatically disqualified if this is the case; this includes HIV/AIDS, as since 1999 we have an official program that deals with HIV positive refugees. If some have a disease which is rather contagious they are quarantined for an appropriate length of time; an example had been an outbreak of chicken pox - or rather, as the Centers for Disease Control would like to have it labelled, a "measles-like disease" - which we had in Ivory Coast last year.

The Cultural Orientation program is something we are very proud of. This is a very extensive orientation program to the life in the United States, it's performed either by IOM or the NGOs and done for all US-bound refugees 16 years and older. It lasts for at least sixteen hours, sometimes it is three days a week and ideally it takes a whole week with eight hours per day. During this time refugees learn a little bit about what to expect there but perhaps the most important topic is "life in the US after 9-11" – it is indeed a different life. Basic themes, for the rest, are deficiencies of the social service system and lack of social service provisions and of health insurance coverage and, of course, the necessity of early employment. This is what is constantly repeated when talking to refugees - "you have to get ready to work, and once you get there you have to get ready to work", again and again.

Inside the United States

With a lot of hard work, patience, perseverance, and a little help from the Federal government and agencies like mine, refugees do make it: They integrate, they re-establish their lives, eventually - if

they chose so - they become US citizens with the same rights, responsibilities, challenges, frustrations and successes as any other American.

The way there, however, is perhaps somewhat different from what one could read about resettlement in the Nordic countries (in a report by Mette Honoré, for the Danish Refugee Council, published in September 2003): "Upon entering the country of resettlement, all refugees are offered thorough medical examination paid for by the state. All refugees are entitled to free health care on equal terms with the rest of the population."

In US terms, this would read a bit differently - "all refugees are NOT entitled to free health care or any other free service, for that matter, on equal terms with the rest of the population."

Indeed, resettlement in the US is another whole process, perhaps as complicated as the pre-screening and processing of the cases.

Resettlement is a "public private partnership" that the US State Department has with the NGOs in the United States. The NGOs provide reception and placement services to all arriving refugees (and to some immigrants). The emphasis is on "private" though.

The State Dept. [i.e. the US Federal Foreign Ministry] contracts with the nine national resettlement agencies. It provides a very small grant to all of these agencies, of 800 US Dollar per person, per resettled refugee. 400 USD have to be given to directly, or spend on behalf of the refugee (the other 400 USD can be spent on the administration or by the local affiliate); these 400 Dollar have to cover rent, security deposit, to hook up a

telephone, electricity, etc. It is a one-time assistance, there is nothing else after that.

Now try to imagine what happens to a single or couple that comes to New York City and must find an apartment there...

Six of the nine national-level agencies are faith based and grew out of work that churches, synagogues, mosques were doing since World War II, and before there was any formalised refugee program in the United States. The "Volags" - or "Voluntary Agencies" as we prefer to say, rather than NGOs - consider themselves not just mere contractors of services from the State Department or implementing partners of the government. But there is a strong, underlying, humanitarian and in some cases faith-based motivation for doing this work, and there is a very strong sense of mandate and of mission, and we do feel that this refugee resettlement is really done out of a calling. It is not just a rescue motivation - we are motivated highly by conviction that refugees are a great asset to the American society.

Thus the major part of our work time and activity is not funded by the State Department - in my case, the latter is 40 per cent and a mixture of public grants -, and we often advocate for more favourable, more generous immigration policy or for a particular group that is in need of protection and needs to be resettled in the US, and we are kind of proud of all that.

And it is perhaps worth to mention that NGOs represent the only mechanism for reception and placement in the USA - if NGOs were not involved, the resettlement program would not exist. The government does not have the ability to do that on its own, not even through states' governments, or through those social service agencies that do exist in the

states; these are really not very well equipped to deal with foreign-born people who do not speak English fluently.

Allocation of refugees among these nine national-level agencies is done in practice with a weekly meeting where each agency is represented. In a way it is as much an art as a science to match each individual case with the preferences and abilities of each of the agencies and their affiliates; but it works. However, the one thing in common between all agencies - even if we have disagreements occasionally who does what, or what of kind of motivation is behind some of these allocation procedures - is that we all keep the best resettlement for the refugee in mind. For instance, if we have a survivor of torture or violence they are likely to go to Denver or to Minneapolis because there are good centers for people with these particular needs. And in general we try to send them to communities that offer employment, which are welcoming and supportive, or where the housing is cheaper or affordable and available, where educational opportunities exist, both for adults and for children. This usually means that we have to avoid big urban centres like New York or Chicago where people have to compete with everyone else and their brother; and basically only family-linked cases go to these particular cities, as we do believe that family reunion is important.

Certainly all these decisions are made prior to arrival so that, for example, housing is available.

The altogether about 400 local offices assure almost complete coverage of the country. Some years ago, the Department of State and their Bureau of Population, Refugees and Migration - whom we work with most closely - tried to streamline this

whole process and to make it very transparent and very even across the country, because different agencies had different involvements with local communities there. Among other things they drew up a list of services and of things to be provided, which sometimes even includes items - for instance, a wash cloth, a wooden spatula, this long, and a wooden spatula, that long... Ridiculous? Yes. Necessary? Yes, too. So these are the core services which have to be provided:

1. Meeting the refugee at the airport;
2. providing housing for the first 30 days;
3. providing furnishings, food and basic household supplies for the first 30 days;
4. enrolling refugees in appropriate benefits programs (public cash assistance, Medicaid, SSI, food stamps);
5. helping refugees get social security cards (very important in the USA, needed for everything as there is no ID card);
6. ensuring that they receive a basic medical screening to look for communicable diseases such as TB (this is required) and appropriate medical referrals for any problems identified;
7. enrolling children in school;
8. enrolling adults in English literacy classes (if needed);
9. referring employable adults to employment services; 10. assisting refugees in obtaining employment.

This is not the total list but it covers the basics. Practical difficulties start with the first point - since September, 2001 it has

become kind of a problem to meet people at the gate at the airport.

The State Dept. program covers the first 30 days, and those 400 Dollars are meant to cover everything. This would include social service which in different states would be disqualified because of this grant of 400 Dollars - refugees would not be eligible there, therefore, to receiving public benefits; and this is linked to medical insurance too. But even if they do receive this medical insurance it would not last very long, a maximum would be 8 months. I know of just three people who had it granted for the full eight month, everybody else was cut off much earlier - because they have to go to work, and it is coupled to their income, or somebody else in the family goes to work, and it is still linked to their income. So there is no means to get rich on public assistance - that is why the constant battering on employment is an absolute necessity.

In fact it is rather impossible to do much with those 400 Dollars that are given to us. This is where NGOs have a tremendous role to fulfil, we link people to community services, to communities for: without that, this whole program would not be possible. We all reach out to our constituencies, be it churches, mosques, synagogues, volunteer pools, families, friends, and ask for help. This help is not always material but rather, "give us your time, your interest" - for example, teaching a refugee how to drive a car in the US is not always an easy process.

One of the ironies in the whole is that the easiest cases for approval as refugee to be resettled - the vulnerable, tortured, women at risk, victims of violence - obviously present a challenge on the other end, particularly in the United States where employment is the major

operating word. However, the NGOs have developed strategies for dealing with this particular problem through lots of experience and they do provide additional assistance by connecting people to private institutions, foundations, to - again - churches, mosques, volunteer pools, communities. (Besides, there are very strict rules about conversion and proselytising, this is very well taken care of in the US.)

Nevertheless, there are some other government agencies which get involved after the first 30 days, and up to the first 5 years, e.g. the Dept. of Health and Human Services which provide additional Dollars for employment related programs, English (the second language - at work), childcare (at work). Refugees and certain asylum residents are eligible, recently victims of trafficking have been included, too.

After five years in the US a person can apply for citizenship, and that is another instance where our affiliate offices play an important role in filing the paperwork and following the processing.

I do not want to paint the picture either to cheery or too gloomy. Resettlement is a very individual experience. By and large, refugees do well. The first couple of years are often really rough, but after that, they tend to do well, buy homes, children do well in school, they make friends, they get better jobs, and they begin to feel comfortable. Some eventually go back to their own countries; which is great if it is feasible. But the vast majority remains in the U.S., which is probably the best testament to the fact that they consider it a better solution than either returning home or to their country of asylum. Most of our affiliate office staff and many at the national level are former refugees who have decided to give back to the

community and work with refugees of their own and other ethnic groups.

It is not easy: Many refugees - talking with them in the camps - feel that if they can just get resettled all of their problems will be taken away. What we often tell them is that this is true to a certain extent; immediate problems like water security, food security, health, perhaps would be lesser once they get resettled but at the same time, other problems start, like paying rent, making ends meet, trying to navigate through a totally different system in life. It is not a magic solution but for some cases which really need resettlement - and those are the ones we want to concentrate on - this is a good solution.

Briefly a word on the Refugee Council of the United States, with some 90 member organizations at present, nine of them resettlement agencies which are the core of it. Our strength lies in our diversity, we have organisations that are motivated by different factors and we all come together to make decisions on a consensus basis, and all those are definitively related to a

betterment of the refugee experience in the US. Thanks to the very strong effort of this organisation and some others the refugee program did not die a slow and painful death after "9/11".

This does tell a little bit about how much NGOs can help to change policies. To Congressional Committees and Joint Working Groups these NGOs are able to communicate their concerns and ideas; sometimes we have to go over the heads of the government agencies we have to work with. One of the things achieved recently was the formation of the Refugee Caucus in the House of Representatives which now has 60 members from both sides of the political aisles - NGOs are perceived as the representatives of the communities and we do have large constituencies: When these large constituencies start calling, their Representatives do listen - and need to do so for being (re-)elected. We feel that this is a very important step in gaining support for the refugee program.

The Canadian Private Sponsorship Program for Refugees

Bill Janzen
Mennonite Central Committee/Canada

The resettlement of refugees is important both in itself and because it can be one element in a larger effort to address the world's refugee situation. I am pleased for the opportunity to talk about one aspect of the Canadian experience, specifically the work of churches and other groups in the private sponsorship of refugees.

Canada's situation is different from that of many other countries. That Canada has a large territory means that we have room. That Canada's population includes many who remember their own immigrant and refugee background sometimes leads to a willingness to accept others, though Jews did not find any openness in 1939. That Canada is more remote from major "refugee producing" areas has meant at least until recent decades, that the pressures were not at our borders.

Part of the Canadian story can be told in numbers. Since World War II, Canada has admitted about 10 million

immigrants. Of these about 750,000 were refugees or people in refugee-like situations. This number includes 37,000 Hungarians in 1956, 11,000 Czechoslovakians in 1968, 7,000 Asians from Uganda in 1972, as well as significant numbers from Chile after the 1973 coup there, and from Lebanon after that country's civil war started in 1975.

Many of these movements involved extensive cooperation between the Canadian government and Canadian church groups, as well as other non-governmental organizations, but in a 1978 legal change that cooperation received a particular legal grounding. That was also the time when Canada was acting in other areas to develop its provisions for refugees, as distinct from those for immigrants. Until the 1980s, people who came to Canada and sought refugee status in accordance with the definition in the UN Convention, were dealt with by a Refugee Status Advisory Committee which advised the Minister of Immigration. The system worked, in part because relatively few "asylum seekers" found their way to Canada. Most of the refugees that Canada accepted were selected by Canadian officials in overseas settings.

In the 1980s the number of people who came to Canada to make refugee claims increased substantially; also, the Supreme Court ruled, in a case brought forward by the Canadian Council of Churches, that the government was obligated to give such people a hearing. This led to the development of a more elaborate "inland" refugee determination system. Over the past decade this system has admitted approximately 15,000 refugees per year. Operating that system costs about \$500 million per year. It is sometimes said that this is about three times as much per

refugee as the cost of the overseas selection system but there are different ways of calculating the matter. Whatever the comparative costs, the inland system is important both to protect people who are in danger and because of Canada's obligation under international law.

Our interest at this conference is in the overseas selection system, specifically in the private sponsorship element in it which, in the last 25 years, has brought about 185,000 refugees to Canada. Over the same period, the government has brought in nearly 250,000 via its overseas selection process. In total that is about 430,000, not counting the inland determination system. The 1978 legal change, which provided the initial basis for the private sponsorship system, stated that any five individuals could sponsor a refugee, if they assumed full liability for that refugee for one year. Later in 1978 when the Southeast Asian "boat people" crisis hit the news, many Canadians wanted to help, but they were afraid of assuming that liability. This led to "Master Agreement" (M.A.) arrangements whereby a broader church body would sign a M.A. with the government and therein assume the liability, while their individual congregations and parishes would do the actual work of sponsoring refugees. My organization, MCCC, was the first to sign such a M.A. but very soon other national church organizations as well as many dioceses signed them too. Over the next 18 months, private groups in Canada brought in nearly 35,000 refugees from Southeast Asia.

For Canada this was a major development. There was a lot of activity; much of it was "hands on" and local, involving thousands of ordinary Canadians. They had to find housing for the newcomers, arrange language classes,

get children enrolled in schools, help adults to find jobs, and provide personal support, friendship and counsel on many aspects of life in Canada. The media covered it extensively and sympathetically.

Of course there were disappointments. Communicating across language and cultural differences was a challenge. Not all newcomers adjusted in the way the sponsors hoped. There were stresses on family life. Small rural churches, of which there are many in Canada, found that refugees preferred cities where there were more services and where they could associate with other newcomers. Still, on the whole, the effort is seen very positively. Most newcomers soon became contributing citizens.

Despite being a positive experience, the number of privately sponsored refugees fell to around 5,000 for the years 1981 to 1986. From 1987 to 1991 the numbers rose again, exceeding 20,000 in 1989. Many of the refugees in these high years came from Poland and a significant number also came from El Salvador. Later in the 1990s a number of Kosovo refugees came, as did people from Sierra Leone and Liberia in Africa, from Colombia in South America, and Afghanistan. The number of privately sponsored refugees in the last ten years has usually been just over 3,000, alongside the 7,000 brought in by the government via its overseas selection process.

I would like to look a little more at the two ends of the private sponsorship program, the overseas end where refugees are selected and the Canadian end where they are resettled. Overseas, the people have usually been selected on the basis of certain "designated classes". Whether they come within the definition set forth in the 1951 UN Convention is not the primary

consideration for Canada's overseas selection work, though it is for the "inland" refugee determination system. One effect of using "designated classes", which in 2002 were renamed "Humanitarian Protected Persons Classes" is that this enables the government to designate a class quickly as a ministerial decision without requiring Parliamentary debate. Thus, Southeast Asian people who had fled their home country after a certain date became a designated class. There was also the "Political Prisoners and Oppressed Persons Class". Another designation in the Cold War years was the "Self-Exiled Persons Class".

Two current designations are "the Country of Asylum Class" and the "Source Country Class". Both are somewhat broader than the Convention definition and the latter, as the name suggests, allows people to be selected even if they are still within their home country. But even if people clearly fall within one of the approved classes, they will not necessarily be approved. In some cases, though certainly not in all of them, Canadian officials weigh applicants' "need for protection" alongside their "ability to become established in Canada". The latter, of course, favours people who have a significant education, language facility, job skills, good health, etc. with the result that the refugee program takes on some of the characteristics of an immigration program. There have been various efforts to ensure that the protection principle is not sacrificed. One involves the Joint Assistance Program (JAP) under which people with special needs are admitted with private groups doing much of the practical work and the government providing more of the extra funding that is needed. Another effort involves

initiatives such as the "Women At Risk" program. In a 2002 legal change, the principle of protection was given a clearer priority over the "ability to establish".

At the receiving end, in Canada, let us look first at who the sponsor groups actually are. I referred earlier to groups signing M.A.s. with the government. Now they are called Sponsorship Agreements and the groups who sign them are referred to as Sponsorship Agreement Holders (S.A.H.). At present there are about 90 S.A.H.s, though not all of them are active. About three quarters of the 90 are church groups. A few are national church bodies; most are dioceses of the Catholic and Anglican churches; some are individual Evangelical congregations. In addition, there are a few Jewish, Muslim and ethno-cultural groups. The high percentage of church groups among S.A.H.s also suggests something about the motivation of the private sponsorship groups. They often refer to the Biblical teachings about caring for the alien and the sojourner. A recent pamphlet put out by one S.A.H. simply quotes the words of Jesus in Matthew 25:18, "I was a stranger and you took me in ..."

Also to be noted is that the private sponsorship groups do not work in isolation. A sizeable "resettlement industry" has developed. There are newcomer centres in many cities. They serve a broad range of people, including people who have come to Canada via the several other refugee channels as well as immigrants. They provide a broad range of services including language classes, assistance with job training, seeking employment, housing and general counselling. The centres receive substantial government funding, but many also rely on volunteers for a portion of the work. In addition to such centres

there are a number of Refugee Houses in places such as Toronto that tend to serve asylum claimants. In addition, the government has recently started a Refugee Sponsorship Training Program (R.S.T.P.) to give people interested in private sponsorship an opportunity to learn about what is required. Host programs where private groups help to host government sponsored refugees should also be mentioned.

Private groups have also been involved at the overseas end. My organization had workers in the refugee camps in Southeast Asia in the 1980s. They would identify people likely to meet Canada's criteria and, once selected by officials, they would help to prepare them for life in Canada. Our workers in Texas and other southern states in the USA were similarly active when the wars in Central America caused people to flee to these areas. Our workers met the arrivals and helped them to prepare for the interview at a Canadian consulate office. If approved, the refugees would eventually get admitted to Canada.

Not everything in the private sponsorship program has gone smoothly. There have been many concerns, complaints and issues. I have already noted that new legislation, passed in 2002, gave clear priority to the principle of protection over the ability to establish. That law also improved the provisions for the reunification of refugee families, for the immediate entry of urgent protection cases, and for closer on-going relations with NGOs. Churches and NGOs, who had long pressed for these matters, welcomed the new law but some would say that the partnership with the government needs further work.

One issue relates to the question of finding a balance between sponsoring

refugees that are named by the sponsoring groups and those that are recommended by government officials. Another issue relates to the resources that the government allocates for the work of overseas visa officials. After all, no refugee can come to Canada, even if sponsored by a private group, if a visa officer does not approve his or her application. But are there enough visa officers? Are they in locations where refugee applicants have access to them? How much time do they have for individual cases? Can they communicate with a sponsoring group in Canada about a borderline case? Some people say that the shortage of visa officers causes the processing of applications to be so drawn out that sponsoring groups become discouraged. My organization, for example, works at the national level to

help address such issues and to assist local groups in the sponsorship work.

Despite these and other concerns, Canada's private sponsorship program is working. The fact of bringing 3,000 people to Canada per year is significant, first of all, for those people, but also because, when compared to the resettlement programs of the 18 countries who do it, only the government programs of the US, Australia, and Canada resettle a larger number. The private sponsorship program also helps to give Canadian groups a degree of ownership in the inflow of newcomers, as well as a certain credibility with the government when pressing other concerns on refugee policy issues. This credibility, if used wisely, could be strategically significant on a broader scale in relation to this massive and very tragic global reality.

Something completely different – the British approach

Naboth Muchopa, Pat White
CCRJ/UK

Delegates from the Churches' Commission for Racial Justice (CCRJ), a desk of the Churches Together in Britain and Ireland (Council of Churches), presented an overview of recent stages in drafting of the British government's design of a new policy towards admittance and settlement of aliens in Great Britain, the various steps of which address predominantly the arrival and admission of asylum seekers. However, those elements contained therein which nominally or in fact are related to

resettlement, put this evolving British system of laws and administrative provisions in a state of incompatibility with both the Geneva Conventions, the UNHCR resettlement programme, and the major principles of an envisaged common EU resettlement programme. Therefore, the CCRJ presentation concluded, the present British government is set to strive after the strongest restrictive limits that could be imposed in the ongoing process of drafting the whole array of EU regulations covering the (im)migration, asylum and resettlement areas.

There are two baselines governing the British government's approach in this: Firstly, resettlement - of recognised refugees - is now seen as an alternative to granting asylum; and secondly, the process of, and the procedures for

granting asylum are to be outsourced to "regions of origin", i.e. to EU-defined "safe third countries", or the countries of first refuge (or transit).

The key element for this on EU level, the so-called "UK proposals" of the British Home Office (interior ministry), including the one to establish "safe zones" for collection of refugees and asylum seekers – at best in the foreshore and beyond all EU borders and in any case as far off as possible from British coastlines – was done only late in spring 2003. However, they constitute more than just the closing stones but rather the foundation – both in legal terms and for practical procedures – of policies towards aliens and refugees.

With this concept on "collection" or "reception zones" (in fact, camps), a number of earlier British government regulations and proposals fall in place, among them the most recent, the "Asylum and Immigrants (Claimants) Bill". Many of them had direct impact on resettlement. Conceptual steps were announced as early as 2001 with a new resettlement scheme proposed by the minister of interior ("Home Secretary"), and its definition as "a new gateway" for people seeking to settle in Britain in 2002; consecutively, the "Nationality, Immigration and Asylum Act" of 2002 provided a new legal framework for resettlement, even including provisions on payments to be made to (non-governmental) organisations participating.

In Accra/Ghana, a first hub for operations of British "Overseas Resettlement Officers" (ORO) was established. While formally UNHCR referrals would select refugees, missions of these officers to collection points in the region, maintained by UNHCR or aid NGOs, were envisaged for one week

each in Liberia, Ivory Coast and Sierra Leone. According to the CCRJ presentation, one first mission of that kind took place in Sierra Leone in July 2003. (Nothing has been made known yet of the outcome.) The law of 2002 clearly defines a proper task of "selection interviews" for these missions.

The Act provides a number of preparatory and of integrative measures, as "appropriate services" at the spot for refugees selected for resettlement and after arrival in Britain, respectively. Among them, "cultural orientation programmes", literacy and language classes, "appropriate health care", and employment training/retraining. For NGOs contributing to such programmes, the British government would allocate funding from the European Refugee Fund.

The analysis was concluded by a list of statements and demands from the church organisation:

1. The UK's proposals would send out the message that refugees and people seeking asylum are an unwanted burden, rather than human beings equal in right and worth and seeking safety.
2. There is a moral duty and theological necessity to treat all human beings justly.
3. A de-politisation of asylum policy is required.
4. An effective immigration/migration policy is necessary.
5. Resettlement should not be used as a way of avoiding the responsibilities for providing
6. international protection that recognises the human rights and security of persons feeling

- persecution: There are limited and very restrictive routes to safety in the UK.
7. Resettlement should be viewed as additional to the UK current obligations to people seeking asylum and refuge.
 8. The UK should fairly share the responsibility for the world's refugees, and not leave the burden on underdeveloped countries.
 9. CCRJ believes that in all resettlement procedures, well trained and adequately informed personnel should deal with the process, and at all times treat refugees with dignity and respect.
 10. CCRJ further suggests that resettlement should be pursued with the full consent and agreement of refugees, with the provision of adequate translation facilities, and support mechanisms.
 11. Resettlement should be accompanied by consistent policies in other areas of public policy such as anti-discrimination and inclusive
 12. policies in employment, education, and public services.
 13. There should be consistent and regular consultation with the NGO sector, not least UNHCR.
 14. The selection process should be clear and open, with the appropriate appeals rights in place.

The Netherlands – The Dutch situation bears concerns for the future

Geesje Werkman
Kerk in Aktie/Utrecht

If I did what I have been asked to do - to talk about what has been said about resettlement in the Netherlands these last years – I would be finished within less than five minutes, because there has been hardly any word from our government on this item in these last four years.

Nevertheless, with other NGOs we spoke about it sideways in the context of the "Convention of Europe" where it touched the consequences of the "Convention Plus" of UNHCR and the proposals of the UK and the Netherlands in that respect. But I will try to give you

an impression of the Dutch policy on resettlement in the past and of what we think we can expect in the future.

I give you the comments of 'Kerk in Aktie' on the policy of our government and will mention the conditions 'Kerk in Aktie' sees for using resettlement as an instrument of protection.

Since 1977, the Netherlands work together with UNHCR on resettlement. Since then, our country took yearly up to hundreds of refugees with the resettlement programme. A special delegation went to the region and made the decision about groups of refugees to come to Holland. There was a special place of shelter in Apeldoorn; they stayed there for three months and had a special programme and within short time received their own accommodation to live, mostly with other people from their group in the same village or town. I remember a man from Iraq whom I met

first there in 1998 who was invited to come to Holland and stayed in Apeldoorn. The churches did a lot of work to provide shelter for these people. What you will hear from me about now-a-days is quite different. In 1999 the policy was changed by our government. The quota of 500 people per year was maintained but no longer was a Dutch delegation sent to the region; the special center in Apeldoorn was closed, and there were no longer any special programmes. Of the 500 persons yearly – including family members to be reunited –, a part are emergency cases. When refugees enter Holland they now have to fill in regular requests for asylum – thus it is not all set, when they arrive in Schiphol [the main international airport], they have at first to formally request asylum. It is not a big issue though, there is not the probability that they would get a negative answer on their request – this did not happen once yet –, but they have to comply with this formality. And then they have to go, like other asylum seekers, to one of the four reception centers established in the Netherlands. There are no special programmes for them any more, just some introduction to Dutch language, some information about the country, the same as for any other asylum seekers.

They then have to wait for permanent accommodation. There are some of them who had to wait up to two years for proper accommodation. This is quite some difference to what had been in place until 1999. Reading the newspapers I learnt that the government had found it discriminating against other asylum seekers to have the refugees being resettled treated better than asylum seekers who had arrived by their own means. A somewhat peculiar Dutch version of equality in these latest times –

if some have it bad, all the others have to get it like that, too.

Reuniting families is now subject to an application which has to be introduced within three months. If done later, the person already settled in Holland has to prove an income above 120 per cent of the legal minimum income and subsistence level of approx. 1.100 EUR. Thus if there are family members who could claim their right to join a resettled refugee, they have to do that within three months and through the resettlement office of the immigration and naturalisation department. This, too, is the same condition as for other asylum seekers. Even in this respect, there is no privilege for resettled refugees any more.

The UNHCR nominates refugees for resettlement but about 50 per cent of the cases are refused by the Dutch immigration department. This latter however, recurs to the Dutch laws on admittance of aliens the criteria of which are not congruent with the UNHCR's. This indeed gave raise to the most recent incidence of discussion about resettlement, as the opposition in parliament asked the government for the reasons of these over 50 per cent of refusals. The minister denied that criteria like low educative status or insufficient ability to speak English were the basis of refusals – however, checks of the pertinent data of the immigration department had produced this very result.

The effect of this was a steady decrease of admittances. For instance, in 2001 there were 116 cases with 284 persons, in 2002 there were 50 cases with 147 persons, and in 2003 there were 70 cases with 166 persons. The government argued that there was no decrease but an exceptional increase in 2000/2001 because of the Kosovo crisis. The Kosovo crisis did

happen, but this does not explain why there are no cases seen any more from Africa or Iraq, for instance.

The Dutch government announced a new decision about the number of resettlements but nothing has been seen of this yet; thus in theory the number should remain at the previous upper limit of 500 yearly. But in the annual report for the 2002/2003 period the minister mentioned just five sentences on resettlement. At this moment we do not see any evidence that resettlement will become more common again in the future. The way our country decides about refugees and asylum seekers gives reasons for our pessimistic view - but we see a chance that the discussions around "Convention Plus" and sheltering asylum seekers at the borders of the EU will renew the discussion in the Netherlands too: It would show difficult to drive these proposals through on the EU level, and the attempt to do so will certainly revive the Dutch domestic discussions.

The European Council on Refugees and Exiles

Ariane den Uyl

Dutch Refugee Council, ECRE

The European Council on Refugees and Exiles (ECRE) promotes the protection and integration of refugees based on the values of human dignity, human rights and an ethic of solidarity. ECRE's member agencies in thirty-one countries promote protection and provide assistance and advice to many of those refugees who seek asylum in Europe. This NGO network is uniquely positioned to bring together a vast pool of practitioners, lawyers, policy experts and advocates on refugee issues - and has

Kerk in Actie considers resettlement a good approach. Besides the humanitarian reasons beyond all questions, the procedure could contribute to a positive perception in the Dutch population of the honesty of requests from the refugees, and there are additional reasons for burden sharing.

But Kerk in Actie strictly persists on the condition that direct application for asylum in the Netherlands must always be kept open - and thus, resettlement should not be considered as an alternative.

Refugee checks in regions of first refuge should be unanimously followed up by all EU countries; if criteria are not sufficient now they should be graded up to allow for broader intake. It is essential that the base for these criteria must be the protection of people in inhuman situations, instead of how to control migration streams.

done so to formulate proposals outlining Europe's role in a global protection system, including some specific recommendations for the protection of refugees seeking asylum in Europe.

It has been recognised by the ECRE network, together with invited experts, that a change of approach in governmental policies is required. This must consist of a principled position that defines refugee protection as a human rights issue, whilst simultaneously arguing that the challenge to Europe is truly manageable. ECRE believes that Europe's current approach to refugee protection is flawed. It is based on erroneous presumptions about the scale of abuse in the asylum system and in response is moving away from providing

protection to those fleeing persecution. At the same time it seeks to shift its responsibilities to countries already hosting larger refugee populations with far less resources.

Way forward exercise

In order to address some of the current concerns with Europe's failure to protect those that seek its protection, ECRE has developed a set of alternative proposals for Europe's role in the global refugee protection system. Whilst the ECRE analyses envisages some common measures within the EU, most elements of the proposals apply to the national asylum systems of European countries individually.

ECRE acknowledges that, however attractive they may seem, there are no quick fixes for the asylum systems in Europe. Solutions are complex, long term and international. If serious progress is to be made governments will need to recognise that refugee protection is, and should always remain, a human rights issue, and that the only way forward is to agree to genuine responsibility sharing. Given these challenges it is envisaged that elements of our vision will only be achieved over a longer timeframe, whilst other elements must be achieved sooner.

On proposals specific to resettlement: ECRE has developed a draft paper, which was discussed at an expert meeting and with member agencies at the bi-annual meeting in March. This forms the basis for the presentation although the proposals on the shape of a EU Resettlement Programme are still under discussion.

ECRE on resettlement in Europe:

Europe should increase its engagement in resettlement. In the short-term, individual European resettlement countries should increase their resettlement quotas, continuing to focus on the most vulnerable refugees and those most in need of durable solutions

In the short to medium term increased European resettlement should be through closer coordination of individual resettlement programmes carried out by EU Member States and in the long term through a joint European Resettlement Programme.

Like UNHCR, ECRE encourages the exploration of creating additional resettlement opportunities in Europe and is ready to play an active part in that. However it is concerned that the interest from the EU should be about providing protection and responsibility sharing rather than shifting or replacement of asylum systems to process spontaneous arrivals.

The need for increased resettlement

The universally accepted functions of resettlement as a tool of international protection, as a durable solution and as a tangible demonstration of international solidarity and burden sharing with countries of first asylum should act as the guiding principles for any expanded resettlement activities in Europe.

Given that the majority of the world's refugees are currently found in protracted refugee situations, potentially eligible for resettlement, a significant increase in global resettlement numbers is required if the durable solutions function of resettlement is to be meaningful

It is important for the resettlement debate to recognise that increased access to Europe through resettlement is likely to have little impact on the demand for asylum and labour migration in Europe. Resettlement activities should not be viewed as part of a strategy for migration control or a substitute for the processing of asylum applications in Europe.

Expanded resettlement activities, coupled with the necessary capacity building in host countries, would thus

- serve as an important foundation for the development of future comprehensive solutions to protracted refugee situations,
- help respond to emergency situations of mass influx,
- provide more dependable and managed legal access to protection in Europe,
- and enhance Europe's role in the global refugee protection system.

Levels and Numbers

For resettlement to fulfil its functions as a meaningful demonstration of solidarity with countries of first asylum and as a useful component of a comprehensive durable solutions strategy, resettlement numbers need to be significant, and proportional to Europe's prosperity relative to countries of first asylum. At the same time, however, for resettlement to be well-managed, reasoned consideration needs to be given to the number of refugees that current structures can resettle in a given year, how these structures need to be developed to accommodate additional numbers, and through what process the level of resettlement commitment should be determined.

Having considered the different ways in which commitments for determining the levels of European resettlement activities could be expressed (levels, quotas, ceilings) and their benefits and constraints:

ECRE recommends that these should initially be expressed in terms of quotas for a given year as these are very useful for planning purposes providing a precise forecast of the number of arrivals anticipated in a given year.

At the same time we recognise the constraints:

- There is a danger that, once set, resettlement quotas may drive a resettlement programme and divert attention from other pressing protection activities.
- Quotas are inflexible to urgent or unexpected resettlement needs.
- Resettlement activities directed by numbers, instead of need or capacity, have raised refugee expectations and resulted in significant concerns about the credibility and viability of future resettlement activities.

While level-setting is an essential component of resettlement planning, achieving set numbers should not be pursued at all costs.

As the determination of resettlement quotas is more a political question, it should therefore be engaged as such. Arguments for increased engagement in resettlement should be phrased more in terms of ethical arguments, for greater solidarity with countries of first asylum, and in terms of need, based on the dramatic difference between the number of refugees eligible for resettlement and the total number resettled in a given year.

European resettlement quotas should be established progressively for multi-year commitments.

Resettlement numbers need to be significant, and proportional to Europe's prosperity relative to countries of first asylum. European countries should initially be aiming to meet UNHCR's recommendation of 100.000 European resettlement places.

More European co-ordination

Both economies of scale and the commitment to harmonise asylum policies, suggest that EU Member States should act in a coordinated fashion to enhance and expand their resettlement activities. Each Member State operating independently would be less likely to maximise the protection benefit of their resettlement activities. Unilateral or bilateral initiatives also risk causing confusion, multiple standards, and duplication of efforts in ways that often unwittingly contribute to fraud, corruption, and wasted resources. In contrast, coordinated European resettlement activities would not only likely increase available resources on behalf of refugees but would also have a greater impact.

To derive maximum protection benefit from individual national programmes, resettlement activities should be co-ordinated at the regional level, through a European Resettlement Office (ERO), and through European Refugee Co-ordinators (ERC) posted in regions of refugee origin.

A European Resettlement Office should be incrementally developed.

Even prior to the establishment of a European Resettlement Programme, a European Resettlement Office should be

established at the Brussels level to ensure closer cooperation between current European resettlement countries, encourage the development and consolidation of new resettlement programmes in Europe, and facilitate the development of the required elements of a European Resettlement Programme.

Following the model of a number of resettlement countries, the EU should deploy European Refugee Coordinators (ERCs) to hubs in regions of refugee origin. From these locations, ERCs would be able to more accurately assess the resettlement and other needs of refugees in the region, but coordinate resettlement activities more closely with other resettlement countries and UNHCR. At the same time, ERCs could play a role in coordinating other forms of assistance to refugees. The ERCs authority to commit resources or resettlement places would strengthen his or her ability to promote initiatives with local government authorities, intergovernmental humanitarian organizations working on behalf of refugees, and with NGOs, both international and local.

The most effective and efficient resettlement activities have been determined to be those that are based on close coordination and cooperation by a range of resettlement actors, including resettlement countries, the UNHCR, NGOs and refugees themselves.

The role of UNHCR

Any developments in European resettlement, either collectively through the EU or independently on the part of states, should be through the tripartite global resettlement efforts as coordinated by UNHCR. The best way of ensuring this harmonisation and cooperation is by

working through the current tripartite resettlement structures. Within the context of tripartite cooperation, UNHCR should continue to play a central facilitating and coordinating role in the planning and implementation of resettlement programmes. UNHCR's resettlement role could, however, be much more focused than it is at present: UNHCR's specific operational engagement in resettlement should be limited to refugee status determination and to recommending for or against resettlement.

Other elements of the resettlement process should be undertaken by other partners in close consultation with UNHCR

The role of NGOs

European NGOs could coordinate their response in an expanded refugee assistance and resettlement operation. Significant NGO involvement in a European Resettlement Programme could help ensure its success, and enable it to resettle more refugees while ensuring that the resettlement process remains focused on the protection needs of refugees. Important lessons may be drawn from the active involvement of some European NGOs in their national resettlement programmes; and the involvement of NGOs in various stages of the US Resettlement Programme, from level-setting, to the identification of refugees in need of resettlement consideration, the processing of resettlement claims, the facilitation of pre-departure formalities, and, most significantly, in the reception and integration of resettled refugees. NGOs could also play an important role in the resettlement process in regions of origin.

NGOs should consider playing an active role in facilitating pre-departure activities such as medical screening and cultural orientation and reception and placement in the EU member state of destination.

ECRE should be actively engaged with every stage of the resettlement process to ensure significant NGO involvement in European resettlement activities.

The role of refugees

The often-neglected partners in the resettlement process are the refugees themselves. Engaging refugee populations, as far as possible, in resettlement planning will ensure that resettlement expectations are more effectively managed, that more credible information on the functions and limits of resettlement will be transmitted within the refugee population and that instances of fraud and corruption are more quickly and credibly reported. Involving refugees in the resettlement process may also facilitate integration in the resettlement country, as possible links, family and otherwise, may be more thoroughly explored.

Countries of first asylum should be involved in the planning of large-scale resettlement activities to ensure that the process results in an alleviation of security concerns rather than an exacerbation.

Modalities for a European Resettlement Programme

Sharing physical resettlement responsibility

Of the different ways of determining who goes where ECRE is keen to further explore possible mechanisms through a process of voluntary bidding or pledging to meet the European resettlement quota.

Sharing fiscal resettlement responsibility

There are different ways in which the responsibility could be shared between countries. A common but differentiated responsibility approach would be one option it encompasses all Member States having a common responsibility to meet the physical and fiscal requirements of a European Resettlement Programme, but these may not be expected to be met in the same way. It is argued that some states may prefer to assume more of the fiscal than physical requirements, thereby making a higher contribution to the ERF and receiving fewer refugees. Conversely, some member states may be willing to receive a higher number of refugees and make a proportionately lower contribution to the ERF. However, there are clear dangers in such an approach. It could result in the richer European States paying off poorer European States to receive a higher number of refugees. It would also focus greater attention on the cost of resettling each individual refugee.

ECRE does not support a common but differentiated approach to the sharing of fiscal and physical costs.

Another approach is linking responsibility for asylum applications with responsibility for resettlement which could address the perception of an unequal distribution of responsibility among member states for the reception of asylum seekers.

However, linking the number of asylum applicants received and those recognized with resettlement quotas could result in states blurring the distinction between resettlement and the right to seek asylum as two distinct possibilities. Consequently, resettlement might be used as an excuse to further restrict the admission of so-called spontaneous asylum seekers. People will continue to need to seek

asylum in Europe and a European Resettlement Programme should not negate the right to seek and obtain asylum in Europe.

National resettlement quotas should not be linked to the number of asylum applicants arriving spontaneously.

Pitting resettled refugees against asylum seekers should also be avoided as it will create a good refugee versus bad refugee dichotomy, where asylum seekers are seen as queue-jumpers

A European Refugee Resettlement Fund (ERRF) as proposed by the EU feasibility study would be a very useful mechanism to facilitate the sharing of the fiscal resettlement responsibility. Contributions to the ERF should be received not only from member states, but could also be solicited from private donors, corporations, organizations or individuals.

There are existing examples of public-private partnerships being used to help meet the costs of refugee resettlement. Such additional private funds effectively create more resettlement opportunities.

While government support will be crucial to fund most of the costs of a European Resettlement Programme, other models of public-private partnership to supplement any government funded resettlement programme should be explored.

Building on the experience of existing programmes, and benefiting from increased regional co-ordination, a European Resettlement Programme (ERP) should be developed. Through consultations with EU member states, NGOs and UNHCR, the ERP would manage a common European resettlement quota, and a mechanism to equitably distribute the fiscal and physical responsibilities associated with large

resettlement programmes. Over time, individual resettlement programmes should be incorporated into the European Resettlement Programme.

Criteria on who gets resettled

Resettlement criteria should demonstrate the flexibility to respond to the protection needs of refugees who have been in limbo for many years and to *prima facie* refugees who have particularly pressing protection needs while they may not fulfil all the requirements of the 1951 UN Refugee Convention definition

The eight resettlement criteria, as contained in Chapter 4 of the UNHCR Resettlement Handbook, should serve as the basis for the determination of resettlement need.

For the protection function of resettlement to be effectively realised, considerations of the status of the individual need to be balanced with their vulnerability in the country of asylum and their need for resettlement.

The determination of refugee status should be broader than the 1951 Refugee Convention and broader than the scope of the forthcoming EU Directive on qualification for refugee status and subsidiary protection, in line with Chapter 3 of the UNHCR Resettlement Handbook.

The quota for a European Resettlement Programme could be divided into quotas for specific regions and functions.

Despite the relatively limited number of refugees currently involved in European resettlement programmes there is a complementary value of the European approach to resettlement which focuses on the resettlement needs of the most vulnerable.

Any expansion of European resettlement activities should remain focused on the protection needs of refugees in their country of first asylum and address the protection needs of vulnerable refugees who as a result of threats to their life, liberty, and personal security cannot remain in their country of first asylum and cannot return to their country of origin.

Minimum targets should also be specified for the resettlement of vulnerable groups and refugees with special protection or other needs, such as victims of torture.

Identification

In terms of referral mechanisms NGOs have played an increasingly valuable role in the identification of refugees in need of resettlement consideration. And this should be encouraged, as NGOs typically have a different quality of contact with vulnerable refugees in the field, and are often better situated to identify vulnerable refugees. For reasons of principle and pragmatism, however, UNHCR must remain the conduit through which refugees are referred to resettlement countries for their consideration.

Regardless of the referral options employed by a European Resettlement Programme, it is essential that mechanisms are developed to ensure that referrals are managed and treated according to established procedures for prioritisation.

Referrals should be received by the European Refugee Coordinator in the regional hub, entered into a case-tracking system, then forwarded to the appropriate agency for the processing stage.

A European Resettlement Programme should include provisions for the consideration of resettlement referrals

from UNHCR, overseas missions, organisations or family members already in the resettlement country, and from NGOs (via UNHCR) working in the region of origin.

In the interest of maximizing the durable solutions and international solidarity functions of resettlement, identifying groups in need of resettlement could play an important complementary role to ongoing resettlement activities with individual cases. Group resettlement is a positive approach, with the potential of meeting the needs of identified vulnerable groups. It must not, however, be undertaken at the expense of individual case identification.

Procedures should be developed as part of a European Resettlement Programme for the identification of groups of refugees in need of resettlement.

Basis of decision-making

The decision to accept a refugee for resettlement must be taken by a representative of the Member State, as only states can resettle refugees. The question of decision-making becomes

more complicated in the context of a European Resettlement Programme, where the decision to resettlement would, conceivably, be taken not by a representative of a Member State, but by an Officer of the ERP.

UNHCR's decisions should be accepted in principle, with the possibility for audit.

A European Resettlement Programme should include special provisions for pre-departure cultural orientation and language training to facilitate refugees' integration in the resettlement country.

In conclusion; resettlement is not a tool of migration management but a tool of international protection and should be used as such.

ECRE believes that its proposals go a substantial way to addressing the need for increased and more coordinated resettlement across Europe through the gradual development of a European Resettlement Programme which would create better responsibility sharing between countries and provide more access to international protection for vulnerable refugees around the world.

A key role for NGOs at the UNHCR

Annmarie de Winter
ICMC/Geneva

Since 1998, ICMC, the International Catholic Migration Commission has been involved in the UNHCR's task to find out and select refugees for resettlement. Annmarie de Winter of ICMC gave an overview of the important role that this

NGO fulfils there. This has grown out of the huge workload for UNHCR to handle emergency situations and to offer immediate protection which in effect left UNHCR's own staff with a lack of capacity for the very labour intensive task of selecting candidates for the resettlement programme; in addition, qualification requirements and deployment timeframes differ largely for this function compared with UNHCR's main tasks. Founded on thirty years of experience in the field with working for

the US government in Overseas Processing Entities (OPE, cf. the presentation by Erol Kekic), ICMC in cooperation with UNHCR developed a "Resettlement Deployment Scheme" (RDS) for recruitment and temporary posting of experts offering the requires skills from the NGO community at large.

ICMC thus assembles a pool - the "Roster" - of qualified NGO consultants who are placed at UNHCR's field offices, as experts on mission for UNHCR, to identify and interview refugees and prepare the paperwork - including the all-important "Refugee Resettlement Form" - on which UNHCR finally bases its submissions to prospective reception countries.

At present there are 144 NGO experts on this roster; from among them, 44 had been posted with UNHCR in 2003. Since initiation of the deployment programme in 1998, some 150 people of 27 nationalities have served on UNHCR missions to 25 countries. According to A. de Winter, about half of all resettlement cases since then had been processed based on the expertise of these ICMC deployees: "The majority of the persons that we have identified to deploy to UNHCR offices do come from North America. And that is simply because of the wealth of experience of those two resettlement countries and the numbers of persons they have that have resettlement experience. So we have from the US and Canada the bulk, more than 50 per cent of the people that we deploy. But we also have 22 persons from Western Europe on the roster, 6 of whom were deployed last year, from Australia we have 5 persons, one who is actually deployed afield, from Africa we have 10, and from Eastern Europe we have 6."

The usual time of deployment is from 6 to 12 months; there are few examples of longer term stationing, while short term missions, more common in the beginning, are almost phased out by now. "In 2003 and 2004 we are in 14 countries in Africa and we place 25 persons in UNHCR field offices. In central Asia we are currently in Tadshikistan, in Kirgistan where we each have one person. In the Middle East we are in Beirut, Lebanon, so when Aline Papazian talks about the UNHCR office in Beirut identifying refugees there is an ICMC deployee there working on that UNHCR team to assist in the identification and selection of refugees

for the purposes of resettlement," said Annmarie de Winter (cf. the contribution from A. Papazian.) "In Eastern Europe we are in four countries and we have four persons there in Georgia, Azerbaijan, we were most recently in Moscow, and in Ukraine. In Asia we are currently in Bangkok, Kuala Lumpur, and we were in Hong Kong until the end of last year. And in Latin America we are in Brazil, in Porto Alegre, assisting the Brazilian government in its nascent resettlement programme."

Besides of the main task of assisting UNHCR with identification and selection of candidates for resettlement among refugees, coordination of support for integration in recipient countries has emerged as a second important task with the Resettlement (experts) Deployment Programme. A third realm of work, though hitherto with a small number of missions only, consists of feasibility studies and explorative analysis in prospective or emerging resettlement locations. Examples mentioned by A. de Winter are Brazil - where only in the last years increasing numbers of refugees had

been received - as well as Burkina Faso and Benin which have agreed to join a pilot programme of UNHCR for "near", regionally located resettlement.

However, if the EU is to join the UNHCR resettlement programme even with small numbers of cases to receive

the existing bottleneck of selection and processing could become still more of an obstacle, and A. de Winter appealed to European NGO experts for active cooperation in the framework of the ICMC deployment programme. -(hc)

Part III – Discussion and Working Group Issues

Recurrent themes in the intermittent and concluding discussions of the two-day's conference can be grouped into three main clusters – demands and expectations regarding a future EU participation in the UNHCR's resettlement programme and its institutional setup; the role and relation of NGOs vis-à-vis governments, the EU and UNHCR; and NGOs' tasks in supporting resettlement and integration as well as their mutual cooperation.

Flexibility and more

Besides of the more technical questions regarding the UNHCR's programme (cf. the concluding discussion of Part I) there were a number of substantial issues debated which related to the scope and limitations of the present and recent realisation of resettlements, and based on that, demands and recommendations for a future EU participation.

Quite a number of questions and comments illustrated the need for clear distinctions between the programmed and processed resettlement by UNHCR and other developments where sometimes resettlement took place or was admitted temporarily.

Therefore, Phil Douglas (European Commission) pointed out that "Kosovo was not a model", it was "an example of 'humanitarian evacuation' and thus, not an example for resettlement" in the EU. And Joanne van Selm added that she had very carefully used the term "humanitarian evacuation", too, "because

I wanted precisely to say that this was on temporary protection, this was not at all resettlement. We have to be careful [with this example] because it is a public image thing, and it is a recent event. But it was not 'resettlement' as far as Europe is concerned. However, the United States did resettle from Kosovo, as well as Denmark."

On the other hand, there is a temporary protection directive which the EU Council had enacted in 2001, reminded Phil Douglas. It has been designed in view of a sudden and massive influx of refugees of a particular nationality into a EU state; but it has never been invoked yet.

As resettlement under the terms of the UNHCR programme per definition aims at a "durable solution", temporary movements or time-limited permits would be outside the scope of this programme from the outset. But there is the "need of international protection" present in any case, too. According to Furio de Angelis (UNHCR), "being in need of international protection, being a refugee means that UNHCR and the international community have a mandate to find a solution. One solution could be going home, to return when it is safe again, another solution is to stay (in the place of first refuge), and one solution is resettlement."

The condition of a durable and legally reliable settling is both mandatory for the UNHCR programme, and it is a crucial condition for refugees too, it was stressed both by the UNHCR's speaker as by several of the participants. In addition, identification and recognition of a refugee for resettlement by UNHCR could be a helpful legal instrument of "international protection" precisely in countries of refuge which have not ratified the

Geneva Convention. Aline Papazian (MECC/Lebanon) mentioned the situation in Lebanon where refugees do not receive any protective status and can be expelled as "aliens" at any moment. However, there is a political issue implied with this as F. de Angelis explained that there is no legal status connected with the UNHCR's selection of a person for resettlement, and that at the same time, a present and actual lack of protection for this person indeed would be one of the selection criteria in the UNHCR scheme.

But there is not only the number of Middle East states where refugees are not conceded the legal status according to the Geneva Convention. "It is important to have a flexible and broader approach than what is now the case with respect to certain countries who are accepting for resettlement only those who are recognised on the basis of the definition of the Convention of 1951," F. de Angelis remarked. "This means actually that there are refugees which cannot prove their individual fear of persecution but may be refugees under the African Convention of 1969 or under the UNHCR mandate."

The need for flexibility of criteria for selection in a EU resettlement schema was underlined in the conclusions of all three of the working groups too. Furthermore, these conclusions took up a number of related and otherwise relevant aspects which should be considered with the regulation for an EU participation in the UNHCR resettlement programme:

An EU-wide scope: From the outset it should be a proper EU scheme and as such carried - by and across - all of the EU member states. This could even provide for means to stabilise the EU's overall participation if single member states, for whatever reasons, cannot receive cases for resettlement.

Consistency: More important than the number of refugees resettled, it was considered, would be a steady and reliable acceptance of whatever target number agreed upon by the EU. The recent and sudden changes in the numbers or cases accepted in some of the major resettlement countries (USA, Australia, Great Britain) has created additional stress for the processing capacity of the UNHCR programme.

Coherence: Three different aspects have been debated here. Firstly, equality and reliability of entry and status conditions in EU countries; at present there are legal as well as procedural differences between those EU countries which already participate in the UNHCR programme. But secondly, and perhaps more important, there are noticeable external effects - and perceptions - in present practices. Any EU resettlement scheme should therefore signal first and foremost support for the priority of the protection need, as this is mandatory for, and pursued with the UNHCR programme, regardless of considerations for geographical, ethnical, or religious backgrounds of refugee origins. And finally, EU measures of relevance for external relations can have negative implications - unwanted or unforeseen - for the situation of refugees in regions of origin.

Fairness: Procedural provisions, besides of allowing for flexibility in the application of selection criteria, should firstly be set at the EU level in order to avoid confusion and discrimination at national level between member states, e.g., with the very real risk of ultimately politically founded refusals to accept certain categories of refugees. Furthermore, some kind of appeal procedure should be installed, not only in

order to cope with borderline cases in a flexible way but also as an instrument of transparency and control of the scheme's application throughout the EU.

There was a largely shared concern to avoid any risk - through an institutional proposal or its political presentation - that an EU resettlement scheme would constitute or could be perceived as an alternative to granting asylum and to the absolute and unconditioned right to seek asylum. Seen the comparably small volume any EU resettlement scheme would possibly have, a rather modest institutional setup - a EU "agency" perhaps (J. van Selm) - would alleviate that risk of political misconception. Furthermore, according to a broad consensus among the conference participants, the EU scheme should be conceived as a supporting mechanism for the UNHCR's resettlement programme and capacity, it could not and it should not be more than an instrument of implementation, with UNHCR maintaining the leading role.

The issue of programme cost was evoked, with repeated questions by Annemarie Dupré, (CCME), among others, but could not be exhaustively answered. It emerged that due to the extensive field work and procedural factors implied, costs per case or per person resettled are considerable; a fact which was confirmed by UNHCR's Furio de Angelis. But, as Joanne van Selm pointed out, governments surveyed for her feasibility analysis could not provide precise data - though some gave the probably erroneous impression that their public expenses would be lower than those, per capita, for the integration of people granted asylum.

Logically in this context, the risk of corruption was mentioned - and it had been a real issue in earlier phases of the

UNHCR programme during the Cold War period, according to A. Dupré, who saw this incidence as the major reason for hesitations of some European NGOs, at the time, to get involved in the resettlement programme. F. de Angelis recognised that indeed, the role of gate keeping for the opening up of the resettlement opportunity creates sometimes strong social pressures on field officers, and even among (groups of) refugees. Here again, clarity of criteria and transparency of procedure are considered decisive for good programme "governance".

There had been a thorough standardisation and codification of the criteria, in the "Resettlement Handbook's" chapter 4, the last modification having been completed by 2003, assured F. de Angelis. But by now, UNHCR is taking the standardisation process a step further with "launching a world-wide registration programme to 'profile' registered refugees - for the first time a standardised registration in all offices over the world. This will enable UNHCR to 'profile' the refugees in a better way, which will have a possible impact on resettlement. We will be able to identify at an early stage those resettlement needs and vulnerabilities for which the refugees will have resettlement as the only viable solution."

Answering a question to this respect he said: "A strategic use of resettlement has been defined in [the UNHCR paper of] June 2003. In reality, the Indochina programme was already a strategic use of resettlement 20 years ago, it is now that we define it a little bit more precisely and use it consistently. But we have yet to find a situation in which a peace negotiation or conflict resolution would have been facilitated by the resettlement

of a small component of it; all the people who are working on it think that this is possible, that there is this potential to have a positive impact once we implement resettlement. So we have just to go on and test it. That is where all the resettlement operators are focussing on at the moment."

On a EU level, however, reflection on strategic aspects and those of external relations seem to be on a more preliminary stage. This pertains even to most general terms. "I would favour a kind of reordering of the language on 'asylum' and 'international protection'," declared the EU Commission's speaker. "I think it is probably in the future more important to talk about international protection, to focus on actual protection, rather than necessarily of where it takes place. Although of course, Europe has a very important tradition of asylum which it is very important to keep up. But these terms, at the moment, are certainly in play."

And then, on how to envisage a EU resettlement scheme, Phil Douglas explained: "It would be specifically targeted to particular protracted refugee situations, and it would be for the Council of Ministers to decide which particular refugee situations it was targeting at. That obviously would mean that how to target, and where to target, would be the real crucial points of the question. And I would hope that historical facts and issues such as colonial ties might of course been taken into consideration in some way, and in a spirit of fairness. But ultimately, it would be for the EU Council to decide where in particular such a scheme should be focussed. Although the Commission – I would hope – would take such

considerations into account in making any recommendations."

As this was in reply to specific questions on how the situation in Zimbabwe would be reflected in EU measures regarding refugees, and against the background of earlier British "white lists" or the present, controversial definition of "safe countries" (of first refuge), it indicated that the discussion on the institutional level between EU Commission and Council of Ministers - and inside the Council – still has to bridge significant problem fields.

As several participants observed, part of the problems seems to be the predominance of interior ministries and therefore almost necessarily a pre-eminence of political angles on security and social exclusiveness vis-à-vis "aliens", even in debates at the EU Council of Ministers. Which is why both in the discussion and in the conclusions of the working groups, demands for a more prominent role of foreign ministers were raised, regarding both the design phase of an EU regulation on resettlement, and subsequent implementation procedures.

Organisational involvement

Nevertheless, "discussions on resettlement in the EU are now in a particular stage where NGOs could really add value to the discussion and take a real part," according to the Commission's Phil Douglas, and: "It is quite clear that NGOs would be involved in the implementation stage, and I do not think they should not participate for fear of losing their critical voice" - a remark which reflected observations from US-American and Canadian participants regarding differences of the positioning of NGOs vis-à-vis governments and

intergovernmental instances (e.g., of the UN) active with resettlement issues. Or in the words of Joanne van Selm: "In the USA and Canada the governments have to listen to the NGOs because they have them as partners. I just wonder if the resettlement does not precisely offer to open up opportunities in Europe in that areas of partnership could be developed while the critical voice on the other issues is maintained. Partnership on resettlement, for instances, does not preclude the raising of the very important critical questions on asylum."

NGO involvement, both at the national and at the EU level, would certainly be needed to achieve the flexibility demanded for the selection criteria as well as for the application of an EU resettlement scheme. A strong NGO commitment would definitely be required to prevent any shift of an EU reception obligation to "third countries", that is to those dubiously defined "safe countries" of first refuge.

Equally strong attention should be maintained by NGOs - involved in whatever form of partnership with EU and national government instances - to watch over the core principle of the resettlement programme, family unity and reunion. As a new, and additional function though, the representatives of amnesty international's EU office proposed the perception of "early warning" of new vulnerabilities for groups of refugees to be taken care of by at least some of the NGOs participating, and the transmission of pertinent information through the framework of such partnership structures.

There was no ready-made recipe for what form a partnership between NGOs and EU instances would take. The salient point would be, according to Joanne van

Selm, "a consultation process whereby it is not the Council and the Commission alone, i.e. the decision makers who make things up among themselves, but a more open consultation process, either officially or informally, of NGO groups."

It is not a numbers game

Quite some attention was focussed on the possibility of misperception - and misconception - of a EU scheme in the political environment and the public at large. It was considered almost self-evident that any such scheme would have a rather modest volume, in terms of numbers and in comparison with both the refugee situation world- wide and the number of asylum seekers who arrive in EU countries spontaneously by whatever means.

Flowing out of this were different threads of discussions regarding the NGOs' roles, and which could be roughly grouped into "external" and "internal" considerations and a number of specific demands to be considered for a EU Commission draft proposal.

Firstly, and rather directly in response to populist discourses, it was perceived as important and urgent to develop and to sustain information campaigns throughout Europe; and that this was a genuine NGO task to take up. There is a solid potential for acceptance, in the population at large, for the UN programme, and for an eventual EU participation in it, it was felt, and one of the NGOs' tasks would be to raise awareness.

One of the means would be to pronounce and promote the - by all means, "positive" - aspect of resettlement as a durable solution: The largely recognized legitimacy of UNHCR

procedures reinforces acceptance, while the very nature of resettlement as a definite decision warrants against the perception of temporary social profiteering.

However, care should be taken in advocacy to avoid any impression or perception of the UN programme and its implementation in the EU to be an alternative to granting asylum.

On a practical and even local level, NGOs are seen to have a genuine task as intermediaries with employers, trade unions, and local authorities. In this respect, European NGOs could draw on the North American (US as well as Canadian) experiences and practice. While there is a more substantial social security groundwork given in Europe to build on – thus alleviating the need for material support for resettlement –, NGOs could have or gain a crucial role as facilitators in view of bridging bureaucratic gaps and of integrating the efforts of all parties involved.

In the same vein, this task of bridging is seen as essential to assert cross-party support on a political level without which one of the core aspects for resettlement – longer-term consistency in the numbers agreed to receive – could be at risk with any change of political representation, however unrelated with the issue.

Numbers of inter-organisational aspects – even in the wider sense, of relating to governments and the UN instances – have been debated in this context.

Thus, great need was expressed to liaise and to co-operate with the larger field of other NGOs and grassroots movements, for instance, the considerable number of local initiatives (e.g., for asylum seekers) and "diaspora" groupings in the "Northern" recipient regions, and

likewise with "Southern" (or Eastern) civil and human rights groups in regions of origin.

On the institutional level, NGOs should be involved both in the region of origin (selection) as well as in recipients countries (post-arrival). However, there was clear consensus that UNHCR in any event would be the lead instance, and that all participation – of NGOs as well as of EU and of EU member state official instances – would have to be perceived as support for implementation.

In line with this reasoning, NGOs participants stressed the need to increase the case processing capacity of UNHCR through supporting activities of cooperation like the deployment scheme with ICMC.

Specifically on the EU's role in this institutional setup, the debate produced a general preference of having a common set of (selection or acceptance) criteria, determined on EU-level, including the commitment to an overall reception number, in order to avoid disruptive shifts in acceptance to UNHCR referral proposals. At the same time, a "flexible" definition on the EU-level participation in the UNHCR resettlement programme could offer both the possibility to mobilise the diversity of capacities in the EU constituency to accommodate refugees to resettle, as well as to balance short-term fluctuations in member states' acceptance and material provisions.

Overarching political concerns though, were voiced with the unanimous objection to any attempts using the resettlement instrument as a means for migration policy. Any design of "migration management" – and already this term was questioned vigorously – could not and should not be applied to

the Resettlement Programme, both for practical reasons as the inevitably small volume could hardly have any significant impact on the overall migration patterns, as well as for fundamental humanitarian

and legal principles to warrant protection for people in need and for whom resettlement would offer the only durable solution.

An evaluating conclusion

In an evaluation of the two-day's conference, Mariette Grange noted two aspects, which were more than just elements of a technical nature regarding the consultation proceedings. The relevance of this observation may bear beyond the occasion of this conference, in that it signals a solid common ground to build on and to proceed, despite of the many technical, material, or even political obstacles discussed.

Firstly, a significant number of participants - all of them already familiar with "resettlement", be it by own activity or the own organisation's affinity - at the outset had clearly expressed the need of more, and more precise information about the fundamentals of the UNHCR resettlement programme and procedures.

This signalled that even among what could be reasonably called a circle of experts on refugee issues, the resettlement instrument had not yet been made known enough. By implication, this would indicate a lack of information among the public at large; which was reflected indeed in the common conclusion from all working groups that raising awareness would be one of the

tasks to be addressed not only, but specifically, by NGOs concerned with resettlement.

Secondly, the "evaluator" considered as significant not to have heard of any single instance of a fundamental objection against the use of the resettlement instrument. Seen both the level of expertise in refugee issues represented by the participants, and their familiarity with present situations in number of the EU countries - where populist anti-"alien" or even outright extremist resentments seem prominent in public opinion -, this could well be taken as a quite positive indication for the level of acceptance, and for the potential of commitment from NGOs concerned.

She concluded: "The Consultation was planned and conducted in a thoughtful; rigorous and information and objective-oriented manner and greatly benefited participants. It proved to be a very necessary and much appreciated building block for civil society and other stakeholders; in Europe's renewed interest in and current incremental approach to resettlement."

Appendix 1: Bibliography

Literature

As part of the project and in preparation for the consultation, a literature study was undertaken. As this may be useful for further work, we provide here the list:

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Appendix 2:

Programme of the conference 19-20 April 2004

Making Resettlement Work!

Identifying Conditions and Instruments, Chances and Limits of an EU Approach to Refugee Resettlement

Monday, 19.04.04

9.00 Registration

Session 1: Frame-Setting - Different Perspectives on Refugee Resettlement in the EU

9.30 – 11.00 Welcome, presentation of the programme, introduction
Annemarie Dupré, Moderator of CCME, Rome
Doris Peschke, General Secretary of CCME

A humanitarian perspective on Refugee Resettlement in the EU: the need for increasing involvement of the international community in resettlement programmes as an instrument of refugee protection and international burden sharing

Furio De Angelis, Senior Resettlement Officer, Resettlement Section, UNHCR

The perspective of the EU Institutions on Refugee Resettlement in the EU: current stage of the discussion on the implementation of refugee resettlement as a tool of EU asylum policies

Phil Douglas, Directorate-General Justice and Home Affairs, European Commission

11:30 – 13.00 An academic perspective on Refugee Resettlement in the EU:
Results of 'Study on the feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure'
Joanne van Selm, MPI, Washington
Panel Discussion:
Current conditions for the establishment of a refugee resettlement programme in the EU

Session 2: Historical review, current discussions in European countries and guidelines for a EU Resettlement Programme from NGO's point of view

- 15:00 – 16:30 Historical Review – European refugee resettlement in the 2nd half of the 20th century and current involvement of European countries in refugee resettlement
Christina Oelgemoeller, Alice Salomon Hochschule, University of Applied Sciences, Berlin
Refugee Resettlement and Related Issues in the UK
Pat White, Vice Moderator (CCME/CCRJ) and Naboth Muchopa, Vice Moderator (CCRJ) U.K.
Recent discussions on Refugee Resettlement in the Netherlands
Geesje Werkman, Refugee Worker, Protestant Church of the Netherlands, Utrecht
- 17:00 – 18:30 Concerns, expectations and proposals referring to an EU Resettlement Programme from NGO perspective
Ariane Den Uyl, ECRE/Dutch Refugee Council
Panel Discussion:
Guidelines for a EU Resettlement Programme from NGO's point of view

Tuesday, 20.04.04

Session 3: Best Practice Exchange: NGO Involvement in Refugee Resettlement

- 09:00 – 11:00 NGO involvement in the US Resettlement Programme: challenges and activities in the procedures of selection, preparation and integration of refugees
Erol Kekic, Associate Director of the Church World Service Immigration and Refugee Program, New York
NGO involvement under difficult political conditions in the Lebanon, a country of first asylum
Aline Papazian, Coordinator of the work with refugees and migrants, Middle East Council of Churches, Beirut
NGO involvement within the UNHCR-ICMC Resettlement Deployment Scheme
Ann Marie de Winter, Coordinator, UNHCR-ICMC Resettlement Scheme, ICMC
- 11:30– 13:00 Working Groups:
Concrete proposals referring to NGO involvement in an EU Resettlement Programme

Session 4: Conclusion

- 15:00 – 16:30 Presentation of the Working Groups' results, discussion
Presentation and discussion of the recommendations of the drafting team
- 17:00 – 18:00 Evaluation, Conclusion

Appendix 3:

Abbreviations

CCME	Churches' Commission for Migrants in Europe
CCRJ	Churches' Commission for Racial Justice of the Churches Together in Britain and Ireland
CEC	Conference of European Churches
CWS	Church World Service USA
ECRE	European Council on Refugees and Exiles
EU	European Union (formerly, European Community, EC)
EP	European Parliament
ICMC	International Catholic Migration Commission
IOM	International Organisation on Migration
IRP	Immigration and Refugee Program of Church World Service USA
JRS	Jesuit Refugee Service
MECC	Middle East Council of Churches
MPI	Migration Policy Institute
SRM/FCEI	Service for Refugees and Migrants/ Federation of Protestant Churches in Italy
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Commission

Appendix 4:

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Making Refugee Resettlement Work

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Churches' Commission for Migrants in Europe

Commission des Eglises auprès des Migrants en Europe

Kommission der Kirchen für Migranten in Europa

Making Refugee Resettlement Work!

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The conference was held 19-20 April 2004 in Brussels. This booklet provides the major parts of the presentations and discussions during the conference. It became apparent that the concept of refugee resettlement as an instrument of refugee protection is more or less lost in Europe, despite the fact that it was developed for this continent originally. So the correct title might be "Rediscovering refugee resettlement."

CCME is the ecumenical agency on migration and integration, refugees and asylum, and against racism and discrimination in Europe. CCME members are Anglican, Orthodox and Protestant Churches, diaconal agencies and Councils of Churches in presently 16 European countries. CCME cooperates with the Conference of European Churches and the World Council of Churches



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