Principles for a UK Resettlement Programme

This paper describes the background to the current debate around the idea of refugee resettlement to the UK sparked off by recent government announcements and proposes a set of principles to guide the development and implementation of a UK resettlement programme.

Background

In June 2000, Jack Straw, then Home Secretary, outlined his vision of the future of EU asylum policy at a European summit in Lisbon, Portugal. He proposed an EU-wide programme, large enough in scale to have an impact on the number of asylum seekers making their own way to Europe. The Refugee Council's views on an EU wide scheme are set out in our paper *Refugee Council response to 'UK Home Secretary's Lisbon Proposals on Asylum: a Discussion Paper'*, January 2001.

The Refugee Council broadly welcomed the proposal, providing that member states continued to meet their existing legal obligations to those who sought asylum in the EU, that it was established under the auspices of UNHCR and that people selected for resettlement should be only those most in need of protection. We noted that, according to UNHCR, the majority of people attempting to enter the EU illegally, who are faced with numerous barriers imposed by EU governments, are fleeing from countries producing large numbers of recognised refugees. We suggested that such people would welcome a safer way of reaching the European Union and supported UNHCR's view that a large-scale EU resettlement programme might reduce the impetus to resort to people smugglers. We also expressed a number of concerns about how such a scheme might operate, most of which are reiterated below.

We look forward to the publication of a study by the European Council for Refugees and Exiles of the likely impact of these and other policies of 'regionalisation', which is expected in July 2002. The European Commission has also commissioned a feasibility study for an EU resettlement scheme and asylum claims from outside the EU. Results are expected in early 2003.

The current Home Secretary, David Blunkett, has recognised that such ideas will take some time to implement. Meanwhile, he demonstrated in his statement to the House of Commons on 29 October 2001 his practical commitment to the concept by proposing a UK resettlement scheme that would "provide a means of transporting in safety a number of refugees, for whom life in their region of origin was unsustainable". He made a welcome commitment to operating the scheme in conjunction ("bilaterally") with UNHCR and "in addition to current UK asylum determination procedures."

In his statement of 7 February 2002, launching the White Paper on Nationality, Immigration and Asylum, Mr.Blunkett characterised resettlement as "the new 'gateway' for those seeking to settle in Britain" (one of a number of gateways, according to the White Paper, that would allow refugees "to have their claim considered before they reach the UK"). Annex E, recognises that, in fact, it would represent an extension of two existing "informal" schemes: the *ad hoc* or *mandate refugees* programme for those "who have settled family members in the UK who can support them until such times as

they have permanent residence here" (80-100 cases a year) and the Ten or More scheme for refugees with serious medical needs (literally 10 or more cases). Of greater concern, Mr Blunkett describes those who come via this gateway as 'legitimate', implying that those who travel by other means are somehow not legitimate, a distinction that does not reflect international refugee law.

The Refugee Council welcomes the Home Secretary's proposal as a small step in the right direction and hopes that in developing his ideas, he will draw on the experience of the Refugee Council and other NGOs. The Vietnamese, Bosnian and Kosovan evacuation programmes, which share many characteristics with resettlement, left an important legacy of relevant knowledge and expertise. And the Refugee Council, together with its UK and European partners continues to develop best practice in the integration of asylum seekers and refugees, which will be just as applicable to those who are resettled.

A UK resettlement programme offers a number of potential benefits, such as:

- immediate protection and/or a long-term solution for a small proportion of the world's most vulnerable refugees who would otherwise have no chance of leaving their region of origin;
- an avenue, for those who will benefit from the programme, around the barriers that make it almost impossible for refugees to reach the UK legally and an alternative to the expensive and dangerous option of using human smugglers;
- an opportunity to foster public goodwill towards refugees;
- practical support for UNHCR, which is trying to expand its resettlement programme
- a gesture of support to developing countries who shoulder the greatest share of the responsibility for the world's refugees.

If, however, the scale of the programme is to be no more than a few hundred cases, as has been indicated by Ministers, the benefits will be negligible. Whilst we recognise that, as a pilot, it is likely to expand in the future, the government should have no illusions that such a modest programme will result in a reduction in the number of asylum seekers making their own way to the UK. Nor will it impact on the global business in smuggling and trafficking of human beings, a market created by the barriers placed by European governments in the way of people who need our protection.

Guiding Principles for a UK Resettlement Programme

The Refugee Council believes 12 principles should underpin the UK's resettlement programme:

1. **Resettlement should not be used as a fig leaf for policies that allow the UK to side step international legal obligations to people in need of protection by preventing them from setting foot on our shores.**

   Visa requirements, fines on carriers, immigration checks at airports of departure and a whole range of other barriers mean that for the vast majority of the world's refugees there is no practical, legal means to reach sanctuary in Europe, still less the UK. In October 1999, at a summit in Tampere, EU governments promised to "*offer guarantees to those who seek protection in or access to the European Union*". With approximately 22 million refugees and other persons 'of concern' to UNHCR in the world, a UK resettlement programme on the scale proposed cannot be regarded as a credible attempt to keep that promise.

The government should be looking at those barriers, considering whether they are consistent with obligations under European human rights law and the 1951 refugee convention and investigating ways of ensuring that they do not prevent those in need of protection from accessing it.

2. **Resettlement must be seen as additional to the UK's obligations towards refugees who make their own way.**

   The UK must meet its obligations to asylum seekers, who should not face any adverse consequences as a result of a greater emphasis on resettlement. We welcome the commitment in the White Paper that "the UK's resettlement programme would operate in addition to current asylum determination procedures."

   A two-tier system must not be allowed to develop, as it has in Australia, where those who arrive in an 'unauthorised' manner are locked up in remote detention centres and even if they are eventually granted asylum, are only granted temporary status. In other words, even if a person is recognised as a refugee, they can never enjoy the same rights as someone with an identical claim who arrived on the resettlement programme.

3. **Resettlement should be used to foster public support for all refugees.**

   The Kosovan humanitarian programme and similar schemes in the past have shown how effectively a group that is unquestionably in need of protection can be used, with positive leadership from politicians and the media, to promote public sympathy for refugees. The government should tackle the problem of racism and xenophobia directed at asylum seekers by using the resettlement programme to better inform the public about the reasons why people become refugees and why they must be offered protection.

   At the same time, firm action must be taken to stop the idea from developing that "resettled = good refugee, asylum seeker = bad", which has allowed two-tier systems to evolve in other major resettlement countries.

4. **The number and type of refugees the UK undertakes to resettle must demonstrate a real commitment to sharing a global responsibility that falls disproportionately on the shoulders of developing countries.**

   There are more than 14 million refugees in the world, according to the US Committee for Refugees; another 21 million people have been forced to leave their homes, but not having crossed an international border, are classified as internally displaced, rather than refugees. The vast majority are supported by developing countries, many of them engaged in on-going conflicts.

   Towards the end of 2001, Pakistan was hosting an estimated 2 million Afghan refugees and Iran 1.5 million. By contrast, just 130,000 Afghans applied for asylum in the whole of the EU between 1991 and 2000. Just under 2,000 Sierra Leoneans sought asylum in the UK in 2001, while neighbouring Guinea, one of the world's poorest countries, hosts 300,000, or one third of the world population. The UK, one of the world's richest countries, granted asylum to just over 10,000 asylum seekers of all nationalities in 2001.

In order to demonstrate a real commitment to sharing responsibility with developing countries, the number of refugees resettled should be proportionate to the UK's wealth and population. The Refugee Council welcomes an indication in the government's recent White Paper that it intends to expand the number of refugees in need of medical care that it receives under the 'Ten or More Programme'. UNHCR finds such resource-intensive cases among the hardest to place with host countries.

5. **The UK programme must be conducted in close partnership with UNHCR, in accordance with its Resettlement Handbook and must be founded wholly on the principle of resettling those in greatest need of protection.**

   Resettlement must be used solely for the dual purpose for which UNHCR's programme is designed: firstly, as a protection tool for meeting the special needs of refugees whose life, liberty, safety, health or other fundamental human rights are at risk in the country where they sought refuge; secondly, as one of UNHCR's long-term 'durable' solutions to the plight of refugees (the others being local integration and voluntary return).

   Resettlement must not be used to select refugees, according to UK labour market needs or other non-protection criteria. Economic migration objectives should be dealt with through work visas and other legal migration channels. Nevertheless, refugees and people in refugee-like situations should be eligible for such schemes and should be fully informed of those options.

6. **UNHCR and NGOs should be consulted at regular intervals in order to determine those groups in greatest need of protection and plan suitable reception programmes.**

   UNHCR generally submits cases for resettlement to receiving countries once it has determined that:
   a) the applicant is a mandate refugee (determined as a group or individually)
   b) other durable solutions are not appropriate (i.e. local integration or voluntary return to country of origin)
   c) the applicant meets one or more of the following criteria for resettlement:
      i) legal and physical protection needs
      ii) medical needs
      iii) survivors of torture
      iv) women-at-risk
      v) family reunification
      vi) children and adolescents
      vii) elderly refugees
      viii) refugees without local integration prospects

   The government should consult UNHCR and NGOs regularly, and at least annually, on those groups to be given priority, either according to category (emergency cases, medical evacuations, unaccompanied children) or by country or region of origin. The allocation of sub-quotas may facilitate planning of reception programmes that meet the specific needs of groups selected.

7. **The UK's criteria for selecting from within those determined by UNHCR to be suitable for resettlement must follow the core principles that underpinned the Kosovan evacuation programme:**
   a. **Vulnerability**
   b. **Informed consent**

c. **Family unity**

'Vulnerability' reinforces the principle of priority going to those most in need of protection. 'Informed consent' means that applicants must fully understand that they are to be resettled to the UK and give their agreement. Finally, every effort must be made to ensure that families are not separated.

8. **The selection process and criteria must be transparent, communicated clearly to applicants in advance and must include an effective system of appeal.**

   Refusals should be justified with clear reasons, but care should be taken to avoid presenting countries of asylum with opportunities to declare the applicant not to be a refugee and return them to a situation where they faced persecution. For some years, Pakistan, for example, has been keen to return to Afghanistan those Afghans refused resettlement to third countries: care has been taken to specify that such people have not necessarily been determined not to be refugees, but have simply not met the criteria for resettlement to specific countries.

9. **The UK government should take an active part in UNHCR's resettlement programme, willing to play a full role in addressing any imperfections in the system and minimising their impact on refugees.**

   Field missions, which should include NGO representatives, as well as government officials, should be used to monitor the selection process, inform UK-based decision-makers and so maintain confidence in the system. They can investigate complaints and follow up reports of any particularly vulnerable groups in regions of the country of asylum where UNHCR is not operational. They also offer an opportunity for NGOs to provide applicants with information about what to expect in the UK.

10. **The programme must be properly funded at all stages, recognising that resettlement is resource-intensive, but not at the expense of the system of determination and support of asylum seekers.**

    Resettled refugees arrive with particular needs for reception, orientation and integration that are similar, but not identical, to those of asylum seekers who have been granted refugee status. Services provided as part of any resettlement programme must dovetail with and complement those for asylum seekers who have received positive decisions on their asylum claims and must be properly funded. Funding must be additional to the asylum support system and must not divert resources from it.

11. **In designing and implementing the reception phase, the Home Office should work in close partnership with other branches of national and local government.**

    Reception and integration services for resettled refugees must complement those for people who arrive spontaneously and must be fully in accordance with the Home Office's refugee integration strategy.

    Currently, resettled refugees on the *ad hoc* and Ten or More programmes are left destitute for weeks, dependent on Red Cross handouts, while awaiting documentation that proves their full entitlement to benefits. Closer co-operation with the Benefits Agency could help minimise the suffering this causes. Co-ordination with the Department of Health would ensure that people resettled for medical reasons had rapid access to health care. The

Department of Education should be consulted on how to introduce resettled refugee children into mainstream education as rapidly and smoothly as possible: school being the best way of reintroducing in children who have often suffered years of upheaval, loss and trauma a sense of stability and normality.

12. **The Home Office should work in close partnership with NGOs in developing and operating the programme, drawing on their knowledge and expertise.**

    Suitable partners include NGOS with experience of the existing '*ad hoc*' resettlement and Ten or More programmes (ICRC, British Red Cross, Refugee Housing), those with experience of evacuation programmes (Refugee Council, British Red Cross, Refugee Action, Scottish Refugee Council), and those organisations working towards the integration of refugees (e.g. members of the National Integration Forum).

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March 2002

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