

Presentation of the MPI Insight Paper “Rediscovering Resettlement”

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Joanne van Selm began by explaining the reasons for which MPI had undertaken this study at this point. In early 2002 when the project was taking shape, resettlement was in the early stages of a broad-ranging discussion on both sides of the Atlantic and being discussed at the global level in various UNHCR forums. However, experience with, knowledge of and understanding concerning resettlement differs greatly in the North American and the European contexts. So, this project sought to transfer insights and information. The two researchers, Gregor Noll from Lund University in Sweden, and MPI's Joanne van Selm, did this by holding two roundtables and a series of interviews, first in Washington DC and then in Brussels. At the roundtable in the US, participants were told about the EU context, and asked what lessons they would like to pass on to their colleagues. At the Brussels roundtable, participants were asked to discuss their knowledge and experience of resettlement, and informed, also via a working paper, about the results of the DC meetings.

The two researchers came to feel very much that the EU and US were also looking at resettlement anew for very different reasons. They characterized this as the EU waking up from a nightmare, and the US, following 9-11 and the end of the Cold War, awakening from part of its American Dream. The EU's nightmare, in this characterization, is its asylum crisis, to which the resettlement path seems like a good alternative to some. The US dream referred to lies in its past ability to craft resettlement to provide protection and humanitarian help in a way which fitted with its foreign policy and domestic political interests. While the researchers did not set out to either review the US programme or make suggestions for changes, or to map out how the EU should do resettlement.

Four themes were paramount:

- The differing perspectives (described above)
- The formulation and type of selection criteria
- The issues of integration and welfare access for resettled refugees
- The role of NGOs

With regard to selection criteria, the US has developed a broad range of criteria above and beyond the refugee definition. The EU Member States that conduct resettlement have less in the way of criteria as such, but they have traditionally aimed to accommodate the most vulnerable people in need of protection as opposed to simply people in need of protection. (The UK's new program that has just started, and the Irish program diverge from this). In thinking about criteria for any new programs, integration is a central concern for many EU states – although it is not clear how they could include such a forecast at the selection stage. Beyond the assistance which family members give to integration ‘potential’ no current resettlement country does this.

As far as integration and welfare are concerned, the major issues that arose in this overview research focus attention on Europe. Here the researchers ask whether the welfare system which Europeans have in place, of cradle to grave assistance, might lead to dependency – or to an expectation of dependency. One point which peaked interest in Europe was that in the US, some 90% of the resettled refugees who would be employable are indeed employed in some capacity or another, within months of arriving here. In contrast to this, officials in Nordic resettlement countries point to their expectation that refugees need at least three years of welfare support, language training etc to become employable. While this latter approach can surely help some very vulnerable people one wonders whether it was really appropriate as the norm. And indeed, because it is the current norm, is it not also a brake on the enlargement of European resettlement schemes?

Voluntary agencies or NGOs have key roles to play at all moments in the US resettlement program. They are contracted as Overseas Processing Entities and as service providers after arrival (in the context of their being no welfare state as there is in Europe), and these NGOs even have a role in the allocation of refugees to different states of the US. In the EU, NGOs have little or no role to play at the selection stage: only in Denmark is the Danish Refugee Council involved in looking over case materials and on some selection missions. No other European state involves NGOs in the case preparation or pre-departure process. The UK is contracting NGOs to assist in services on arrival. But in other Member States of the EU, NGOs also have little role to play in the post-arrival phase.

Dr van Selm suggested that it was therefore somewhat surprising that in discussion of new resettlement schemes in Europe the question often arises of whether NGOs could play a referral role, alongside UNHCR. Political discourse on the possibility of resettlement always refers to UNHCR as the guide to which refugees should be resettled – yet the Member State governments seem to be cognizant of the fact that HCR would not have the capacity to do this in the same way as they currently do for European resettlement programs (namely with all referrals being filtered through HCR headquarters in Geneva, and HCR field staff filling out resettlement registration forms and answering any follow up questions which arise).

European governments are perhaps also aware of their need to include the NGOs. For although one might have expected the advocacy groups to be all for resettlement, they are in fact the ones raising most questions about the impact of resettlement on asylum: won't resettled refugees be seen as good, and the asylum seekers as bad, they fret? Far from seeing resettlement as a way of assisting more refugees, NGO leaders across Europe are themselves seeking ways in which resettlement numbers and asylum seeker arrivals can be balanced, so that no state fears being over-burdened, and to sell resettlement as a policy which will surely reduce asylum arrivals. Such balancing and numbers issues have not prevailed in the US – and the size of the resettlement program there has not been the factor that impacts asylum application levels.

Finally: some suggestions and recommendations.

- European policy makers need to consider the breadth of resettlement programs that it could be useful for them to develop – including selection categories for the vulnerable among broader selection criteria, rather than a sole focus on the vulnerable.
- Both the EU and the US could support UNHCR in efforts to register refugees long before the question of resettlement arises, and as simple registration programs without connection to either resettlement or other programs such as food delivery, so that a basic level of information about the refugee's flight motives would be stored for comparison to the story told at the moment at which resettlement selection (or not) becomes an issue – thus avoiding some potential fraud on family composition and other issues.
- A more central role for UNHCR in knowing the protection need could be developed by all – perhaps alongside more nationally specific programs, so that even if not all referrals need to be UNHCR based, states would acknowledge the centrality of UNHCR in refugee status determination and the determination of protection needs.
- Joint benchmarks or standards could be developed internationally – so that when states talk about resettlement they are, at a basic level, talking about the same types of programs that would encompass the same basic types of cases and needs.
- Adopting the UNHCR mandate definition of a refugee as one of these benchmarks, instead of insisting on applying elements of domestic asylum law to the determination of refugee status for resettlement would be useful.
- More comparative research would be useful to policy-makers on both sides of the Atlantic, and more dialogue could only be beneficial to the development of resettlement as a protection tool, offering a durable solution in a spirit of solidarity within a wider global refugee protection regime.

Peer Baneke, General Secretary of the European Council on Refugees and Exiles (ECRE), was invited as discussant to offer first thoughts on the report and presentation. Mr Baneke reminded participants that in the lead up to the Tampere summit in 1999, ECRE had set out its support for a non-binding resettlement program for the EU. He also pointed to another German Marshall Fund supported study conducted by ECRE and the US Committee for Refugees which looked at resettlement from the region of origin end of the process. Although ECRE's internal discussions on resettlement beyond the principle of support have not been completed, Mr Baneke expressed agreement with the conclusions set out in the MPI study. In particular he shared the view that it was not logical to adhere only to the 1951 Convention definition in offering the durable solution and protection of resettlement. In the US, an economy of scale is apparent, and it can thus, he suggested, only make sense for the EU also to develop a large-scale program. This will furthermore be the only way in which any impact can be made on the significant protracted refugee crises around the world.

European NGOs would prefer for the States to trust UNHCR's judgment on who exactly is a refugee in need of resettlement. Clearly the European states would need to

coordinate, but how they will do this especially in implementation terms is not yet clear. Resettlement itself might help the EU Member States to coordinate more broadly on asylum and immigration issues.

NGOs should clearly, in Mr Baneke's view, play a role in resettlement, but how they can do this is not yet clear. Certainly, NGOs support the right to work at an early stage, also for asylum seekers, and protest government attempts to keep asylum seekers out of the labor market.

The welfare state is indeed the major issue, agreed Mr Baneke, and not only for refugees but for all European societies.

Other comments and questions:

Q: What sort of EU coordination could there be?

A: (Baneke) A European Resettlement office would be one idea.
(van Selm) In the Feasibility Study on Resettlement which MPI conducted for the European Commission, the suggestion of a European Clearing System for Resettlement was made, which would involve Member States and NGOs in a new organization for determining which European state should consider particular resettlement cases.

Q: Could there be US and EU coordination?

A: Tripartite consultations exist in the UNHCR context, for all resettlement countries and NGOs, and this could be the forum for more collective thinking and ultimately perhaps action.

Comments:

- Resettlement countries can share politically sensitive cases eg Spain accepting Cubans from Guantanamo, who had been interdicted at sea and therefore fell outside the US's policy for accepting them within the US.
- The political implications of resettlement, both as a positive and as a negative signal, need to be considered. However, for the EU it is difficult to see where any Foreign Policy input would originate as such since the Common Foreign and Security Policy remains inter-governmental and limited in its role.
- Communities are central to making resettlement work. There used to be more community involvement in integration in Europe, but the workings of the welfare state have made governments central since then.
- It would not be useful to try to replace UNHCR in the selection area.
- The specter of Australia, and the characterization of resettled refugees as 'good' and asylum seekers, even if determined to be refugees, as 'bad' looms, and must be avoided. But the only way of dealing with this type of fear is tackling it head on, which is what NGOs and others are more recently trying to do.