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Global Refugee Resettlement: Selected Issues and Questions

As the number of refugees worldwide reached unprecedented levels in recent years, Congress has demonstrated a continued interest in refugee *resettlement*, although such opportunities are available to only a small percentage of the global refugee population. This report does not discuss the refugee *admissions* process to the United States (for more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.)

Current Refugee Crisis

The U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA) anticipates that in 2019 more than 132 million people worldwide will require humanitarian assistance and protection as a result of conflict and disaster. U.N. High Commissioner for Refugees (UNHCR, see **text box**) reported in 2018 that more than 68.5 million were forcibly displaced worldwide due to armed conflict, widespread or indiscriminate violence, or human rights violations. Those displaced included 25.4 million refugees, 3.1 million asylum seekers, and 40 million Internally Displaced Persons (IDPs). The United States is the largest donor of humanitarian assistance, consistently providing nearly one-third of total global contributions (more than \$7 billion in FY2016, \$9.3 billion in FY2017, and \$9.4 billion in FY2018). For FY2019, the House and Senate versions of proposed legislation for global humanitarian assistance are each above \$9.1 billion.

U.N. High Commissioner for Refugees

Established by the U.N. General Assembly in 1950, UNHCR is mandated to provide legal protection, implement long-term solutions, and coordinate emergency humanitarian relief for refugees and other displaced persons around the world. UNHCR works with governments to seek permanent solutions to refugee situations and prefers voluntary repatriation, whereby refugees return to their home countries. If repatriation is impossible, then UNHCR seeks either local integration or resettlement in a third country. UNHCR depends almost entirely on voluntary contributions to fund its operations. The United States is UNHCR's largest donor, with U.S. funding provided primarily through the Migration and Refugee Assistance (MRA) account in annual State/Foreign operations appropriations.

Key Concepts and Definitions

Defining refugees and asylum seekers in an international context

Under the 1951 Convention Relating to the Status of Refugees (Refugee Convention), a *refugee* is legally defined as a person fleeing his or her country because of persecution or “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political

opinion, is outside of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.” A cornerstone of the Refugee Convention is the principle of “non-refoulement,” which means that a refugee should not be returned to a country where he or she faces serious threats to his or her life or freedom. An *asylum-seeker* is someone who has applied for refugee status but whose claim has not yet been definitively evaluated.

Once an individual is considered a refugee, that individual automatically has certain legal rights, and states that are States Parties to the Refugee Convention and/or its 1967 Protocol are obligated to provide certain resources and protection. UNHCR is mandated to lead and coordinate international action for the protection of refugees and the resolution of refugee problems worldwide.

Refugee Status Determination (RSD) is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional, or national law. Countries have the primary responsibility for determining the status of asylum-seekers, but UNHCR may do so when countries are unable or unwilling. During mass movements of refugees (usually as a result of conflicts or generalized violence as opposed to individual persecution), individual asylum interviews cannot be conducted for everyone who has crossed the border. In such cases, it is generally evident why people have fled. As a result, with the agreement of the host country, these groups are often declared “prima facie” refugees.

Refugee resettlement

Resettlement is the transfer of refugees from a country where they have received temporary asylum to another country that has agreed to admit them and ultimately grant them permanent settlement with legal and physical protection, including access to civil, political, economic, social, and cultural rights similar to those enjoyed by nationals. It generally leads to permanent resident status or even citizenship in the resettlement country. There may be many reasons for resettlement. In most cases, there is no prospect for repatriation or local integration, and the situation in the host country may create particular protection concerns for the individual.

The refugee resettlement process typically involves UNHCR and the government of the resettlement country:

1. UNHCR registration (often includes taking biometrics);
2. UNHCR Refugee Status Determination (RSD);
3. UNHCR identification of a need for resettlement;
4. resettlement country RSD and admissibility procedures;

5. clearances by resettlement country; and
6. travel (reception and integration in resettlement country).

Of the millions of refugees of concern to UNHCR globally, less than 1% is submitted for resettlement. The number of global resettlement places available for UNHCR-submitted cases is significantly smaller than the refugee population, but experts view it as an important tool of refugee protection and response. Resettlement can also be a way for governments to demonstrate they are carrying some of the burden of the impact of refugees, even symbolically, with host countries and among other donor countries.

What makes a refugee eligible for resettlement?

Refugees identified for resettlement usually fall into a category of need or vulnerability, such as (1) legal or physical protection; (2) lack of foreseeable alternative durable solutions; (3) survivors of violence or torture; (4) women and girls at risk; (5) medical needs; (6) family reunion; and (7) children and adolescents.

How many countries resettle refugees?

An average of 36 countries, including the United States, annually take part in UNHCR's resettlement program. The United States is one of the main recipients of UNHCR referrals and the world's top resettlement country. In 2016, worldwide UNHCR submitted 163,206 individuals for resettlement, of which 108,197 referrals were made to the United States. In 2017, UNHCR submitted 75,188 individuals for resettlement across 35 countries, including the United States with 26,782 referrals. The U.S. worldwide refugee ceiling has varied and in recent years is as follows: 70,000 (FY2015); 85,000 (FY2016); 110,000 (FY2017), 45,000 (FY2018) and 30,000 (FY2019).

How are refugees identified for resettlement?

UNHCR is usually involved in the process of identifying those refugees who may be eligible for resettlement referral. Different mechanisms may be used, including the registration process, looking at profiles in the population; referral by UNHCR protection or community service staff; a "Best Interest Determination," which is required for all unaccompanied minors; referral by a non-governmental organization (NGO) or implementing partner; and group identification. Some countries take referrals directly from NGOs. Countries may also use other direct referrals through their embassies, private sponsorships, and other programs. UNHCR stresses the need for coordination among those organizations making referrals to avoid fraud and multiple claims. The length of time required to identify a case for resettlement varies by context. A case might be identified as in need of resettlement the day the person registers with UNHCR as a refugee. It could also be that after many years in a camp, an individual or group may be resettled.

What factors determine where a refugee will be referred for resettlement?

UNHCR considers several factors when deciding where to submit a case. With high demand and few places, it tries to find the best match based on

- family or other significant connections;
- accessibility to resettlement country process;

- resettlement country criteria;
- timing (normal, urgent, emergency);
- availability of quota or places;
- refugee input (but the refugee cannot choose); and/or
- prior agreement with a resettlement country.

Countries vary in their approach and priorities with regard to resettlement, depending on the individual case and circumstance. The type of submission is determined in part by whether the case involves an individual or a group. With many individual cases, UNHCR will have a history of refugee status (bio data and other information). If the person arrived as a "prima facie" refugee, registration would have taken place in a camp or at a point of arrival, but more information and review would be required for resettlement purposes, often making it more difficult to meet the criteria for resettlement.

How is security addressed during resettlement?

UNHCR screens for exclusion factors when it conducts RSD interviews (which it does on each refugee referred to the United States). This means that, based on whatever information it has, UNHCR conducts its own assessments (e.g., to make sure that the person is eligible for refugee status under the Refugee Convention and has not committed crimes against humanity or serious non-political crimes). If UNHCR discovers something along these lines, it will examine further, which could result in withdrawing the individual from the resettlement pool or even denying the person refugee status, depending upon the situation. As there are limited resettlement places, if there is a problem in a case, it is likely to be set aside unless the person is in imminent peril. In some countries, up to 50% of those initially identified for resettlement may be screened out.

UNHCR collects biometric data (which can include iris scans, digital photos, or fingerprinting) on registered refugees. Biometric data provide important security and protection and continual identification, making it possible to confirm that the person who registered is the same person referred for resettlement. Biometric data also ensure greater protection and assistance for refugees by minimizing fraud and linking information across multiple locations. Individual documentation and biometrics are checked annually. UNHCR does not perform security checks; it has no access to terrorist databases and therefore does not check against them. Resettlement countries have extensive security measures and typically check against their own databases and intelligence information once a case has been submitted for resettlement.

What are the other forms of admission?

More limited forms of admission other than resettlement may include humanitarian admission programs, individual sponsorship, medical evacuation, or admission of relatives beyond existing family reunification programs. Countries may also make commitments to expand their capacity to receive refugees under labor mobility and private investor schemes, student scholarships, or other programs.

Rhoda Margesson, rmargesson@crs.loc.gov, 7-0425