



**CWS**

# The Future of Refugee Resettlement & Complementary Pathways:

Strengthening Sustainable and Strategic Humanitarian Solutions for Refugees

## Full Summary<sup>i</sup>

### Introduction

One of three durable solutions traditionally available for refugees, third-country resettlement<sup>ii</sup> is an important part of the international commitment to refugee protection and support. This commitment has been reaffirmed in recent years in the 2018 Global Compact on Refugees,<sup>iii</sup> the first-ever 2019 Global Refugee Forum,<sup>iv</sup> and UNHCR's Three-Year Strategy (2019 – 2021) on Resettlement and Complementary Pathways (3YS).<sup>v</sup> Yet many of the estimated 1.4 million refugees in need of resettlement as a durable solution in 2020<sup>vi</sup> are unlikely to be resettled. In 2019, only 63,727 (4.5%) of the total 1,428,011 refugees in need of resettlement were resettled.<sup>vii</sup>

The reasons for this “resettlement gap” are many. The volume of refugees requiring protection and support surpasses the practical capacity of existing interventions to address, including resettlement; there are more refugees in more places around the world than at any time since 1951.<sup>viii</sup> Resettlement countries' refugee processing policies and procedures are bureaucratic and vary widely, often requiring significant amounts of time, information, and resources from both resettlement countries and UNHCR. At the same time, UNHCR's work is frequently constrained by limited funding, challenging political dynamics in countries of asylum and resettlement, and the immense logistical undertaking required to operate in humanitarian contexts. Despite its strength and continued importance, the 1951 Convention's definition of a refugee is narrow and does not account for all of the drivers of forced migration today, such as climate change or generalized violence.<sup>ix</sup> Regional agreements and domestic laws have broadened the definition in some areas, but the lack of global consensus around even the legal definition of a refugee challenges the cooperation required for effective refugee resettlement initiatives at the global level. Politically, refugee and migration issues once “marginal to the great issues of war and peace” have been “catapulted into the center ring of the global diplomatic stage,”<sup>x</sup> and even resettlement

programs with historic broad-based political support have faced resistance, as well as the spread of xenophobic and nationalistic policies. The significant reduction of the United States Refugee Admissions Program (USRAP) in 2017, in particular, caused a major shock to the international resettlement system and global resettlement numbers, as the US had previously resettled more refugees per year than all other countries combined.<sup>xi</sup>

*What is next for refugee resettlement given these unprecedented challenges?*

This paper argues that resettlement can and should be a humanitarian program to (1) find protection for individuals, and (2) strategically contribute to the resolution of situations of forced displacement. However, achieving these goals will require political, structural, and operational changes.

Resettlement must be re-imagined to be better:

- led, with power more widely distributed amongst refugees and civil society;
- organized, through enhanced coordination among all actors;
- funded with predictable, and sustainable commitments;
- and operated be more efficient and effective for those who need it most.

Discussion of refugee resettlement has often concentrated on macro-level questions of *why resettlement happens* and micro-level questions of *what the results of resettlement are*. Less has been written about the operation of the global resettlement system itself. This study provides a novel contribution to this literature by discussing *how resettlement happens* and contextualizing three key areas of international refugee resettlement practice: identification, access, and submission of potential people for resettlement, international case processing of refugees by resettlement states, and the promotion of complementary pathways.

Church World Service (CWS) is a global leader in international refugee protection and resettlement and a key partner of the United States Refugee Admissions Program (USRAP). Though CWS is particularly committed to strengthening resettlement to the United States and will continue to engage in discussions about its future, this analysis does not focus on any one resettlement program. Rather, it explores global resettlement practice in general in order to make recommendations relevant to all resettlement actors.

The following summary presents the paper's key cross-cutting recommendations followed by a summary of recommendations in each operational area.

## **Cross-Cutting Recommendations**

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In order to bolster resettlement as a humanitarian solution for the future, all resettlement partners should:

**Promote Holistic Solutions:** The current scale of global displacement provides an opportunity to revisit resettlement as a tool for providing solutions not only to the refugees who are able to access resettlement, but also to incentivize and open space for other meaningful solutions to entire groups of refugees. Examining the current operation of resettlement reveals opportunities to test, evaluate, and strengthen resettlement's strategic objectives.

Holistic and "ground-up" strategies could be employed: needs assessments to understand both the vulnerabilities *and* skills of refugees in a particular displacement context; discussions led by civil society humanitarian actors with host countries of asylum and UNHCR to determine the interests of each party and broker agreements on durable solutions; expeditious processing of refugees for resettlement *and* increasing access to complementary pathways; protection assessments for refugees with particular protection concerns throughout to guide key decisions; meaningful engagement through satisfaction surveys and post-solution feedback loops with refugees accessing solutions. Sustained financial and political commitment could also bolster resettlement's strategic objectives. Rather than single-year quotas or plans for resettlement, states could commit to a multi-year strategy in coordination with other humanitarian and private sector

actors. UNHCR could commit staff for the same period of time rather than rotate staff or build capacity with short-term contracts. Civil society actors with expertise in both development and refugee solutions could bridge humanitarian and development funding to support refugee and host communities during the multi-year period. All actors could be guided by the same strategic goal of resolving the situation of displacement. Recognizing that no refugee situation is static, the consistency of funding and participation would also allow for operational plans to be adapted over time to meet the strategic goals. Finally, data could be gathered and analyzed throughout the multi-year period to understand the impacts of the intervention for all involved.

### **Share Authority in Resettlement Operations:**

As refugee resettlement has evolved, the role of civil society vis-à-vis UNHCR has weakened, as UNHCR and resettlement states have formalized resettlement programming and guidelines. Though this formalization has produced many benefits for refugees and resettlement programs, it has also brought challenges. There now exists a power vacuum in resettlement operations, caused by the prioritization of theoretically objective UNHCR leadership over the theoretically political civil society and refugee-driven involvement. UNHCR geographic scope and technical knowledge make it well-suited to lead many resettlement functions. However, limiting the involvement of civil society and refugees puts enormous pressure on UNHCR and strains its capacity to achieve resettlement's humanitarian objectives

In light of these challenges, there exists an opportunity to better share authority in resettlement operations. Though immigration and resettlement policy are ultimately determined by political leaders, it is not the sole responsibility of governments to determine how welcoming a society is. Civil society has played an important role throughout history to strengthen or reform national immigration policy and assist in the identification of groups of refugees for resettlement. Civil society also plays a critical role in supporting refugees upon arrival to resettlement countries as non-governmental organizations as well as faith- and other community-based groups provide significant support to refugees as they adjust to life in the resettlement country and access resources and services. This ongoing relationship between civil society and refugee communities

remains a resource for learning and bolstering the refugee resettlement system moving forward.

As well, in order for resettlement to achieve its humanitarian objectives, the design and operation of resettlement must involve meaningful input and feedback from refugee communities at all levels. Like many humanitarian initiatives, resettlement is a highly bureaucratic and standardized program that can “be driven by a humanitarian ethos of helping the most vulnerable but in doing so [involve] practices ruling the lives of the most vulnerable without providing them with a means of resources to hold the humanitarians accountable for their actions.”<sup>xii</sup> The recent development of the Refugee Steering Group (RSG) and focus on refugee participation at the 2020 Annual Tripartite Consultations on Resettlement (ATCR) represents growing attention to refugee participation in global resettlement. However, it will likely continue to be difficult to gain representative feedback from refugee communities, given the significant differences between them and the multiplicity of refugee experiences. It is therefore important for all actors to solicit refugees’ input as often as possible. It is also critical for civil society organizations working in resettlement to help identify ways for refugees to participate meaningfully in the design, execution, and evaluation of resettlement programs, particularly in light of the decreasing availability of resettlement slots.

Finally, all actors could also leverage their enhanced participation and coordination in resettlement operation to revisit fundamental questions about resettlement’s purposes, as well as the ideal role for complementary pathways within the durable solutions.

**Use Data to Improve Outcomes:** The contemporary refugee resettlement system is extremely complex, relying on the cooperation of dozens of state, international, and civil society actors employing hundreds of legal and operational policies and procedures to serve millions of people with unique needs. Each of these actors uses its own set of data and information to make programmatic decisions across the resettlement process. This can limit the effectiveness of coordination efforts and obscure a thorough understanding of resettlement needs, processing, and evaluation. Therefore, better, more coordinated data collection and analysis by all resettlement actors would improve the efficiency and equity of refugee resettlement.

Advocates of resettlement programs have sometimes expressed concern that data could be used to criticize program effectiveness. However, even without robust data, resettlement has received significant critique. Rather than threatening resettlement, Improved data collection and analysis could reveal ways to improve programmatic quality and efficiency. For example, pipeline-focused analysis of case processing timelines could help to ensure that practice is well coordinated. Evaluating submissions on the basis of family composition, submission categories, and other variables could help improve the consistent application of global policies and priorities. Gathering information on refugees’ views and desires for complementary pathways could help inform the future of such programs and their relationship to traditional resettlement.

**Employ Multi-Year Commitments:** Unpredictability in refugee resettlement makes it difficult and more expensive to plan and execute, further exacerbating its many challenges. The annual nature of resettlement planning and funding undermines the effectiveness and efficiency of resettlement; annual rather than multi-year or sustainable funding causes delays by UNHCR and resettlement countries alike to begin operating each year, sometimes resulting in months of lost productivity. Furthermore, the unpredictability and lack of sustainable funding makes maintaining resettlement capacity and infrastructure very difficult. In light of these challenges, a new approach to resettlement planning and funding is required. Resettlement actors should consider not only alternative sources of funding, but also new approaches to financing explored by the broader humanitarian community.

## Additional Recommendations

### Section 1: Identification, Access, and Submission

The overarching challenge facing resettlement with regard to identification, access, and submission is the lack of available resettlement slots for an unprecedented and growing number of refugees. States should avail more resettlement slots. However, resettlement cannot, and should not be expected to, be a solution for all refugees. Resettlement actors should consider the current practice of identification, access, and submission through a humanitarian lens and explore new or improved methods to make resettlement better able to serve those most at risk.

**1. Power within resettlement operations should be renegotiated to clarify the role of UNHCR, elevate the role of civil society, and strengthen the authority of refugees.**

Resettlement will always be dependent on the political will of resettlement countries to accept refugees.

However, the *operation* of resettlement activities must achieve significantly more independence from global geopolitical dynamics in order to maintain its humanitarian objectives. As well, sharing authority would help to relieve immense strain on UNHCR by adding manpower and assistance to very labor- and resource-intensive processes.

- a. UNHCR and States should allow more NGOs to make direct submissions to resettlement countries more often and in more contexts.<sup>xiii</sup>
- b. Humanitarian organizations with knowledge of resettlement should develop metrics for measuring and reporting on the degree to which resettlement serves refugees most in need.
- c. All agencies involved in refugee resettlement should seek, and build into program design, refugee feedback on access, identification, and submission activities. UNHCR, NGO partners, or a refugee-led advisory group should develop and deliver a survey on refugees' perceptions of the purpose of resettlement and effectiveness of processing activities.

**2. Further reflecting this need for increased independence, resettlement funding and planning for identification, access, and submission activities must be divorced from annual resettlement commitments.**

Operationally, this is necessary for resettlement partners to maintain operations while quotas are being determined. It would also help submissions be made more consistently to resettlement states after annual commitments have been set.

- a. UNHCR and NGOs should prepare submissions on the basis of need rather than resettlement availability.
- b. UNHCR and NGOs making submissions should seek, and funders should avail, multi-year financial commitments in response to these submission targets based on humanitarian needs.

**3. The approach to identifying resettlement needs must be evaluated against the humanitarian principles and reimagined to ensure that resettlement serves the refugees who need it most. People who continue to face urgent or acute threats to their lives or rights in places of asylum should be prioritized for resettlement submission.** The limitations of existing systems to effectively triage all refugees' needs should be addressed.

- a. Humanitarian organizations with experience in resettlement and/or broader humanitarian programming should initiate a study to evaluate the application of vulnerability criteria across specific resettlement contexts.
- b. Resettlement countries, UNHCR, and civil society should initiate a working group to evaluate the application of resettlement needs assessments and vulnerability criteria within and across contexts. The working group should include refugee representation.
- c. UNHCR, NGOs, and resettlement countries should finalize an amended and abbreviated Resettlement Registration Form (RRF) that better addresses refugees' needs in both the country of asylum and eventual country of resettlement.

## **Section 2: International Resettlement Processing**

The fundamental challenge facing international resettlement processing is the complexity and inefficiency of existing approaches, which frequently leave refugees waiting years while their cases are evaluated. The diversity of resettlement programs contributes to the difficulty of operationalizing countries' resettlement commitments. However, the following recommendations could enable resettlement to better achieve its humanitarian objectives.

**1. All resettlement actors must take responsibility for the efficiency of international resettlement processing.**

Resettlement is only as humanitarian as it is efficient; refugees in need of a life-saving program cannot afford to wait for unnecessarily slow resettlement processes. Identifying efficiencies while maintaining the integrity of resettlement programs is both necessary and possible.

- a. In conjunction with UNHCR's multi-year commitment to resettlement submissions (see Section I, Recommendation 2a), resettlement states should consider making multi-year resettlement commitments.
- b. UNHCR and other referring agency funding should be designed according to *global case processing functions* rather than *submissions or departures* alone.
- c. Resettlement states and UNHCR should continue to invest in technological and process improvements to enhance quality and efficiency of security and identity vetting, such as biometric tools and mechanisms for completing security clearances as quickly as possible.

**2. In order to further achieve this efficiency, international resettlement processing must be rebuilt on a foundation of coordination among resettlement countries; resettlement countries must not operate in isolation.** Doing so is neither efficient, nor realistic, as the operational challenges visible in resettlement processes demonstrate the scarcity of resources and many logistical barriers. Effective coordination, on the other hand, provides opportunities to improve both the quality and efficiency of international processes for the benefit of refugees and states alike.

- a. Resettlement countries should develop a platform for global coordination and information sharing among resettlement states on resettlement *operations*.
- b. Resettlement states should also use this platform to implement best practices on assessing refugees' ongoing protection needs during resettlement processing.
- c. Resettlement states should share resources such as transportation, interpretation, and workspace while conducting selection missions.
- d. Resettlement states should consider partnering with NGOs to improve the efficiency of case processing.

**3. All resettlement partners must systematically introduce opportunities for refugees to exercise their authority within international resettlement processes.** Resettlement programs must chiefly be held accountable to the refugees they serve. Though states will necessarily make resettlement commitments according to their own policies and priorities, once those commitments are made, resettlement operations should be designed to prioritize the political participation of refugees themselves in a process which so significantly impact their lives.

- a. Resettlement actors should empower refugees to provide feedback at key processing stages and avail more information to refugees on resettlement, international case processing, and selection.
- b. States should focus on bolstering refugees' integration capacity rather than on assessing integration potential. Such efforts should be based on feedback gathered systematically from refugees throughout the resettlement process and upon resettlement.
- c. UNHCR, resettlement states, and civil society actors should invest in additional inquiry into the lived experiences of refugees throughout the resettlement process to inform program design.

### Section 3: Complementary Pathways

Complementary pathways represent untapped opportunities for refugees to improve their lives through migration. However, uncritical adoption of complementary pathways risks undermining the humanitarian nature of resettlement. The following recommendations are proposed to mitigate this risk and advance both complementary pathways and resettlement in the future.

**1. Led by UNHCR, the international community and traditional resettlement partners must better distinguish between the purposes of resettlement and complementary pathways.** Complementary pathways must not supplant resettlement in any way, particularly to the extent that resettlement remains available for the most at-risk individuals. In order to preserve the humanitarian objectives of refugee resettlement, complementary pathways must not detract, intentionally or accidentally, from resettlement's support,



funding, or effective operation. At the same time, complementary pathways will be more successful if they are intentionally resourced and operated independently from resettlement.

- a. Complementary pathways should be seen as an additional solution to explore, rather than as associated with resettlement.
- b. UNHCR should commission an external evaluation of the 2019 – 2021 3YS upon its conclusion to understand its key achievements and limitations, from the perspective of complementary pathways.

**2. At the same time, UNHCR, states, civil society, and the private sector must intentionally coordinate efforts to increase refugees' access to complementary pathways.**

While separating resettlement and complementary pathways, complementary pathways will still benefit from greater coordination and information sharing at the global level.

- a. NHCR should not be the main broker for complementary pathways. Instead, governments and humanitarian actors should equip civil society actors to share information and administer them when necessary.
- b. However, UNHCR should play a role in monitoring refugees' access to complementary pathways.
- c. States and others seeking to facilitate refugees' access to complementary pathways should consider utilizing existing infrastructure and logistical expertise from resettlement actors.

**3. UNHCR, states, and civil society must better understand refugees' desires for, and experiences of, complementary pathways and ensure that complementary pathways are free from exploitation.**

Though complementary pathways may naturally require more refugee participation than other solutions, they are not immune from perpetuating the same structural power imbalances that exist within resettlement and humanitarianism more broadly. The international community must commit to building refugee participation into the design of complementary pathways programming from the beginning.

- a. All actors involved in the promotion or administration of complementary pathways should undertake research to understand how refugees – or people with refugee-like protection needs – are accessing, and want to access, humanitarian, skill and community-based migration pathways.
- b. All actors administering complementary pathways should be trained in refugee protection, the basic legal and social protection needs of refugees, and the protection mechanisms available in local contexts.
- c. All actors and programs supporting refugees to access complementary pathways must adhere to strict safeguarding policies.

**4. All actors must take a long-term approach to designing and funding initiatives to promote complementary pathways.**

Deliberate and sustained commitment by all actors involved in complementary pathways will be required to achieve ambitious global goals. Though complementary pathways are not new, there is still much to learn. Strengthening refugees' access will require all actors to pilot and refine approaches.

- a. All actors (states, UNHCR, civil society, private sector, academia) must make multi-year programmatic and funding commitments to complementary pathways initiatives and research.
- b. Funding for complementary pathways must not detract from funding to resettlement.

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- i. Summary of CWS/Katherine Rehberg (2020), “The Future of Refugee Resettlement & Complementary Pathways: Strengthening Sustainable and Strategic Humanitarian Solutions for Refugees.” Available at: <https://cwsglobal.org/reports/the-future-of-resettlement-and-complementary-pathways>.
  - ii. The UN High Commissioner for Refugees (UNHCR) defines refugee resettlement as “the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement.” UNHCR (n.d.), “Resettlement”, <https://www.unhcr.org/resettlement.html>.
  - iii. United Nations General Assembly (2018), *Global Compact on Refugees*, <https://www.unhcr.org/5c658aed4.pdf>.
  - iv. UNHCR (2019), “Summary of the first Global Refugee Forum by the co-conveners,” <https://www.unhcr.org/5dfa70e24>. Co-authored by UNHCR and the 2019 Global Refugee Forum co-conveners: the governments of Costa Rica, Ethiopia, Germany, Pakistan and Turkey.
  - v. UNHCR (2019), “The Three-Year Strategy (2019 – 2021) on Resettlement and Complementary Pathways,” <https://www.unhcr.org/5d15db254.pdf>.
  - vi. UNHCR (2019), “Resettlement at a Glance (January – December 2019),” <https://www.unhcr.org/protection/resettlement/5e31448a4/resettlement-fact-sheet-2019.html>.
  - vii. Ibid. See also UNHCR (2019), “Resettlement Data: Total Submissions and Departures in the Last Five Years,” <https://www.unhcr.org/resettlement-data.html> which notes that less than 8% of the world’s 1.2 refugees in need of resettlement were referred by for resettlement consideration, and less than 6% were resettled, in 2018.
  - viii. UNHCR estimates that there are 25.9 million refugees worldwide, of which 20.4 million fall under UNHCR’s mandate and 5.5 million Palestinian refugees fall under the mandate of the United Nations Relief and World Agency (UNRWA). This is in addition to an estimated 3.5 million asylum-seekers (persons seeking recognition as refugees) globally. UNHCR (n.d.), “Figures at a Glance,” <https://www.unhcr.org/figures-at-a-glance.html>.
  - ix. Exploring the limitations of the contemporary refugee system, Alexander Betts and Paul Collier (2017) further reflect on the original purpose of UNHCR, noting the political positions from which negotiating countries approached the question of refugee response and the short-term design of the organization at its founding. *Refuge: Rethinking Refugee Policy in a Changing World* (Oxford University Press).
  - x. Elizabeth Ferris and Katharine Donato (2020), *Refugees, Migration and Global Governance* (Routledge), page 2.
  - xi. For a history of annual resettlement objectives and actual arrivals to the United States, see Migration Policy Institute (n.d.), “US Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980 – Present,” <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>. For further context on the US’ historical importance, see van Selm (2014), “Refugee Resettlement” in Fiddian-Qasmiyeh, et. al., pages 512-524.
  - xii. Adèle Garnier, Kristin Bergtora Sandvik, and Liliana Lyra Jubilut (2018), “Introduction: Refugee Resettlement as Humanitarian Governance” in Adèle Garnier, Kristin Bergtora Sandvik and Liliana Lyra Jubilut, eds. (2018), *Refugee Resettlement: Power, Politics and Humanitarian Governance* (Berghahn), page 2.
  - xiii. Other actors, including UNHCR, have advocated for a stronger role for civil society functions in resettlement. See for example UNHCR (2012), “UNHCR Discussion Note: The effective use of resettlement places – trends and concerns related to the capacity of the global resettlement program,” <https://www.unhcr.org/uk/51ddd500f9.pdf>.
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