



UNHCR

RESETTLEMENT NEEDS AND PRIORITIES

31 January 2006

**MINISTER'S CONSULTATIONS
ON THE 2006-2007 MIGRATION AND HUMANITARIAN PROGRAMS**

**UNHCR Regional Office for Australia, New Zealand
Papua New Guinea and the South Pacific**

EXECUTIVE SUMMARY

The Australian Government is commended for maintaining the increased refugee component of the Australian Humanitarian Program at 6,000 places in 2006-2007. UNHCR has identified and presents for consideration the following priorities:

- 2,975 places in Africa;
- 1,660 places in West Asia and the Middle East;
- 1,465 places in Asia and Pacific; and
- 300 places in Southern Europe.

TOTAL: 6,400 PLACES

UNHCR commends the resettlement of cases pursuant to the Emergency Resettlement Protocol of 20 June 2003, and notes that the Australian Government offers as many places as are required for the resettlement of such emergency cases.

In response to Question One posed in the DIMIA Discussion Paper, regarding how the Humanitarian Program can best target those most in need of resettlement (page 3, paragraph 1), UNHCR commends Australia on a range of positive initiatives to this end.

These include the Emergency Protocol, and the increase of the caseloads accepted from Asia where there are a number of protracted refugee situations. Another valuable aspect of the Australian program in 2004-2005 was that it exceeded the quota for Women-at-Risk cases,¹ by definition some of the most vulnerable resettlement cases.

UNHCR considers it would be valuable to explore further the:

- Medical criteria limiting acceptance of HIV/AIDS and other cases;
- Review of the policy of lack of family reunification for refugees in Australia on temporary protection visas; and
- Linkage of onshore and offshore programs.

UNHCR will elaborate in our submission on the measures UNHCR has taken to enhance resettlement and improve its process, including *inter alia* the Resettlement Anti-Fraud Plan of Action (June 2004), ongoing group resettlement, Project Profile, and training to improve the quality of referrals.

¹ UNHCR Canberra Media Release, "UNHCR welcomes increase in visas allocated under the Refugee and Humanitarian Program", 22 July 2005, <http://www.unhcr.org.au/pdfs/UNHCR22July.pdf>.

INTRODUCTION

UNHCR would like to thank the Government of Australia for its ongoing support and commitment to the resettlement of refugees. Through its refugee resettlement program, Australia contributes in a vital way to international protection and attainment of durable solutions for refugees. In particular, we would like to acknowledge Australia's continued commitment to the resettlement priorities of UNHCR and the continued support for Women-at-Risk cases.

UNHCR would especially like to thank the Australian Government for the effective implementation of the Emergency Resettlement Protocol throughout the 2005 – 2006 program year, and for the additional earmarked funding for resettlement-related projects.

RESETTLEMENT NEEDS AND PRIORITIES IN 2006-2007

Together with input from UNHCR field offices and the Resettlement Service in Geneva, UNHCR has identified resettlement priorities for the offshore refugee component of the 2006–2007 Humanitarian Program. Further detailed information is contained within the *UNHCR Projected Global Resettlement Needs 2006* and the *Global Appeal 2006* documents that provide an overview of the priority areas for UNHCR's operations in the field.

Recommendations are based on an expected program of 6,000 refugees at this stage. UNHCR proposes a total number of 6,400 places, taking into account that some of the referrals may be delayed to the following program year.

In terms of the resettlement priorities identified below for the 2006–2007 Humanitarian Program, any projections made in this submission are based on reasonable expectations and UNHCR's assessment of current resettlement needs and priorities. Refugee situations can evolve rapidly and accordingly we count very much on Australia's flexibility in using available places. For this reason, about 200 additional places would be desirable in order to allow some flexibility in selection of caseloads for the 2006–2007 refugee program.

UNHCR's resettlement policy proposals emphasise the dual character of resettlement as a tool of international protection and a durable solution. UNHCR welcomes the decision of the Government of Australia to maintain necessary flexibility and mobility in order to respond to the resettlement needs of refugees who are in need of international protection in different parts of the world.

Africa (2,975 places)

West Africa continues to experience protracted refugee situations, particularly with respect to Togolese, Mauritanian, Liberian, and Great Lakes refugees. The voluntary repatriation of Sierra Leoneans has been completed. For Liberia, it is expected that voluntary repatriation will move from the facilitated to the promotional phase. Due to the success of these operations, there will not be large-scale resettlement from the region, and referrals for the fiscal year 2006-07 will be lower than in 2005-06.

There remain significant numbers of Congolese and Rwandan refugees in several Central African countries, including Cameroon and Gabon.

As in West and Central Africa, emphasis in the East, Horn and Southern Africa will be placed on protection cases as well as durable solution cases. These include submissions for a large number of the following refugees: Burundians, and possibly Congolese, in Tanzania; Eritrean refugees in Sudan; and some Rwandans, Burundians, Congolese, Ethiopians, Somalis and Sudanese cases from other countries in the region. This approach tries to address some protracted refugee situations as well as longstanding residual caseloads and reinforce the UNHCR policy of using resettlement as a durable solution.

UNHCR recommends that, in line with the principle of family unity, linked cases would be able to travel at the same time and are settled in the same location. This would keep families together and assist the integration process, which benefits all parties. When linked cases depart at different times, the family members left behind in camps may become more vulnerable and face protection problems.

UNHCR would like to acknowledge the effective methodology being implemented in East/Horn of Africa on the simultaneous conduct of interviews and medicals, as this has been accelerated the actual resettlement process, especially in Tanzania. A similar approach is encouraged, wherever possible.

UNHCR would like to reiterate its concerns on the strict practice adopted on the Ethiopian Oromo and Somali refugees, as well as the travel restrictions to Somalia, and looks forward to further positive discussion with the Australian Government on the matter in the future. UNHCR would welcome an early decision to process these resettlement applications on an individual basis.

UNHCR has identified the following resettlement needs in Africa for the Australian Humanitarian Program in 2006-2007. A total of 2,975 places are proposed, as follows:

West and Central Africa (700 places)

- **100 Liberians and Sierra Leoneans from Nigeria** – The majority of refugees will be Liberians (approximately 80) and the remaining will be

Sierra Leoneans (approximately 20). The submissions are on the basis of legal and physical protection needs. The cases will be submitted throughout the fiscal year.

- **100 Liberians from Ghana and 100 Liberians from Sierra Leone** - Both Ghana and Sierra Leone host significant numbers of Liberian refugees. At the same time as promotion of repatriation, individual cases will be submitted on protection grounds throughout the fiscal year.
- **100 Republic of Congo (ROC) cases from Gabon** - These will be individual submissions on a protection basis. The period for submission will be ongoing throughout the fiscal year.
- **100 mixed nationalities (Chad, DRC, ROC, Liberians) from Cameroon** - These will be individual submissions on a protection basis. The time-frame for submission will be ongoing throughout the fiscal year.
- **100 mixed nationalities (Ivorian, Great Lakes, Mauritians) from Senegal** - These will be individual submissions on a protection basis. The period for submission will be ongoing throughout the fiscal year.
- **100 Togolese and Congolese from Benin** - These will be individual submissions on a protection basis. The time-frame for submission will be ongoing throughout the fiscal year.

East/Horn of Africa and the Great Lakes (1,600 places)

- **900 places for refugees from Tanzania** - Of these, approximately 400 persons would be submitted on individual grounds, while the remaining 500 would be part of the 1972 Burundian group from the Kasulu region. Time-frame for submission of the individual cases would be ongoing throughout the fiscal year. For the Burundian group, it is expected that they be referred early 2007. However, this is still dependent on the finalisation of registration and verification.
- **250 places for refugees from Kenya** - The caseload will mainly consist of Somalis and Ethiopians. The remaining cases to be submitted will include various other nationalities, such as Great Lakes, Sudanese, Ugandan, and Eritrean. The majority of the cases to be submitted will come from Dadaab and Kakuma refugee camps; a minority of cases, based on strong protection or vulnerability grounds, will be submitted from Nairobi. Somali refugees will include various ethnicities. The grounds for submission will be a combination of protection and vulnerable criteria, resulting from protection profiling exercises which will be undertaken in the camps in the course of 2006. Ethiopian refugees may present refugee claims linked to ethnicity or imputed political opinion. A sizable number of vulnerable cases

including Victims of Torture and Women-at-Risk may also be included. The majority of the cases will therefore be submitted during the first half of Australia's Program Year (1 July 2006- 31 December 2006).

- **200 places for refugees from Uganda** - Refugees submitted for resettlement from Uganda are characterised by their diverse nationalities. The focus will be refugees whose physical safety would be in danger if they remain in the country of asylum. This includes refugees under threat of *refoulement* or arbitrary arrest, as well as refugees in the camps where the security situation is volatile.

UNHCR will be submitting for resettlement those Congolese from eastern DRC who fled persecution from the *Rassemblement Congolais pour la Démocratie* (RCD) - Goma and who are facing security problems because of the geographic proximity of the country and the (previous) involvement of Uganda and Rwanda in the war in the eastern DRC. Survivors of violence and/or torture will also be submitted for resettlement.

UNHCR anticipates referring a number of refugees of Sudanese nationality. Most of these persons are expected to be survivors of Sexual and Gender-based Violence (SGBV) and will be referred as Women-at-Risk (survivors of violence and torture), refugees with specific legal and physical protection needs (those who are at risk of abduction by SPLA agents/collaborators), unaccompanied minors including former child soldiers, and/or persons submitted for family reunification. Submissions are expected to take place throughout the fiscal year.

- **100 places for refugees from Rwanda** - The caseload will comprise a majority of Congolese from the camps in Kiziba and Gihembe, many of whom originate from the Kivus. Resettlement is promoted for the group based on legal and physical protection, and their vulnerabilities. A number of Congolese and Burundian refugees from Kigali (urban cases) who are victims of torture, Women-at-Risk, and those in need of legal and physical protection needs will be submitted. Submissions are expected to take place throughout the fiscal year.
- **100 places for refugees from the Great Lakes in the DRC and the Republic of Congo** – Refugees to be submitted originate from the Great Lakes. The current time-frame for submission is dependent on support mission availability from the Nairobi Hub. Due to limited resources, timing of submission will be throughout the fiscal year.
- **25 places for refugees from Somalia** - The caseload to be referred mainly comprises Ethiopian refugees in Somaliland / North - West Somalia. Durable solutions are severely restricted for this caseload and the protection environment is considered very harsh. Submissions are expected to take place throughout the fiscal year.

- **25 places for refugees from Ethiopia** - The caseload to be referred mainly comprises urban refugees (mixed caseload) with vulnerabilities and/or protection concerns. The current period for submission is expected to be during the first part of the fiscal year (July – December 2006).

In addition UNHCR proposes that the Government of Australia consider:

- **375 places for refugees in the Southern African region (including Zambia and Zimbabwe)** - In Zimbabwe, the asylum climate for refugees in urban settings has become harsher as a consequence of domestic politics. The caseload in the region originates mainly from the Great Lakes and would be submitted throughout the fiscal year.
- **300 places for refugees from Sudan** - The caseload to be referred would mainly consist of vulnerable individuals from camps but also from urban areas. A profiling of the camps started in 2005 and is expected to continue in 2006, which will provide a more definitive profile of the cases. It is expected that the majority of cases will be submitted during the first half of the fiscal year. However, submissions may also continue in 2007.

South-West Asia and the Middle East (1,660 places)

South-West Asia and the Middle East remain prominent as a region with a large number of refugees in need of resettlement. Continuing limitations on the scope for voluntary repatriation of refugees to their country of origin - principally Iraq and Iran - combined with limited possibilities for asylum in the region, makes resettlement the only viable solution.

This region continues to host one of the largest numbers of urban and individually mandated refugees in need of resettlement in the world. This is largely due to the fact that the majority of states in the region have not acceded to the 1951 Convention relating to the Status of Refugees, and is compounded by the lack of local integration opportunities in the region. The fragile, and sometimes volatile, asylum institutions in many of the countries in the region have necessitated the use of resettlement for purposes of protection. This situation is further complicated by the fact that large numbers of refugees from Iraq are being hosted by neighboring countries. UNHCR continues to advocate for Temporary Protection for Iraqis. It is evident that many of the refugees from outside the region who have taken refuge are in need of resettlement.

In view of the fragile structure of asylum in this region, UNHCR is of the opinion that the strategic use of resettlement would enhance these structures of asylum in the host countries. Towards this end, UNHCR continues to incorporate resettlement as a component of its protection framework for most countries in the region, and thus considers resettlement activities as an effective tool for reducing secondary movement within or from the region.

It is important that Australian asylum policies take into consideration the vulnerability of refugees in places such as Jordan, Syria and Lebanon, where UNHCR has reports of lengthy separation of women and children from their husbands and fathers because of Temporary Protection Visa regulations. UNHCR is pleased that the Australian government has processed a large number of the temporary visas in 2005 to enable resettlement of such immediate family members in the interests of family reunification. There remain concerns, however, that the temporary visa regime continues to result in the denial of family reunification to immediate family members of refugees.

UNHCR has identified the following resettlement needs in South West Asia and the Middle East for the Australian Humanitarian Program in 2006 –2007. A total of 1,660 places are proposed, as follows:

- **150 places for refugees from Lebanon** - The majority of the cases to be submitted are Shia Iraqi refugees, with a smaller number of Iraqi Chaldean Christians. Most of them were recognised before the Temporary Protection Regime and base their claim on persecution by the former regime. The situation in Iraq is still not conducive for safe return of these refugees.

There are a significantly lower number of Sudanese refugees who are members of the vulnerable ethnic groups Dinka and Nuba, and are persons fearing religious and ethnic based persecution due to their beliefs, and persons affiliated in some way with various political movements. Given the precarious security situation in Sudan and in the absence of local integration in Lebanon, resettlement remains the only option. UNHCR aims to submit one-third of these cases in the first half of Australian program year.

- **360 places for refugees from Jordan** - This includes places for 258 Iraqis, 20 stateless persons, 70 Syrians, and 12 Iranians (Persians). Iraqi refugees who would be presented include refugees that are members of ethnic and religious minorities, those who have an imputed political opinion due to their perceived sympathy with the US-led invasion, refugees who have been involved or suspected of being involved in the political process including drafting the new constitution, former members and associates of the Ba'ath Party and the former regime (including military personnel), academics, professionals, journalists, artists, medical personnel, single women or female heads of households, as well as victims of past persecution who continue to be in need of international protection due to the current circumstances in Iraq. In addition, they would include refugees who face serious protection problems within Jordan, in connection with threats they receive from Iraq.

The other category of persons to be submitted would stateless persons who formerly resided in Iraq. They live under precarious conditions and face serious problems associated with being stateless. The Syrian refugees that would be presented are mostly those who fled to Iraq as early as 1968 due to fear of persecution as a result of their anti-government political opinions/activities. Since 2003, they have fled to Jordan. Iranian refugees include political opposition activists who oppose the Islamic regime of Iran. They were refugees in Iraq but fled to Jordan in 2003 due to the war in Iraq. Most of these refugees are presently residing in the Ruwayshid camp in Jordan. The cases of the Iranian refugees could be submitted early in the first quarter of the year 2006, Syrians by May-June 2006, and those of the stateless refugees would be submitted by September 2006.

- **100 places for refugees from Syria** - Referrals would be vulnerable individuals who are survivors of torture, Women at Risk, and those persecuted on the basis of their religious background. The Somali cases include family cases consisting mainly of single women who are the head of the household and who fall under the Women at Risk category. The remaining numbers would include a mix of other nationalities like Iranians, Ethiopians, Eritrians and Darfurian Sudanese. Due to lack of any legal or administrative instrument relating to protection of refugees in Syria, resettlement constitutes the most important tool of international protection and form of durable solution. The approximate timing for the submissions would be between April and October 2006.

- **500 places for refugees from Iran** - The caseload will be composed mainly of Afghans registered by the Iranian Government in the Amayesh II Camp, save a small number of compelling Iraqi cases and other refugees recognized exceptionally by UNHCR under its mandate. As the Iranian government is still not willing to extend any long-term local integration prospects to Afghans registered as refugees, it is reasonable to believe that they may be forced to return. According to the country of origin information available to UNHCR, the situation in Afghanistan remains fluid and volatile, paving the way for human rights violations, gender-based persecution and discrimination.

In such an environment, UNHCR will submit Woman-at-Risk cases who, due to their vulnerabilities, might be exposed to abuses if forcefully returned to Afghanistan. Due to increasing deportations carried out indiscriminately by the Iranian Government, resettlement will be effectively utilised to protect Afghan refugees from *refoulement* to a country where they might be persecuted on the grounds of their religious or political opinion. The first batch of cases will be submitted by the end of December 2006, and the second batch by the end of February 2007, with some additional submissions until July 2006.

- **400 places for refugees from Iraq** - 135 will be Sudanese refugees submitted on a group basis. UNHCR Iraq recognized this group on a *prima facie* basis. Due to the current prevailing factors in Iraq, including inter alia: continuing insecurity, hostility, unemployment, and the current place of residence in relation to ongoing military activities in the region, this group cannot be guaranteed physical protection in Iraq. As these persons are from the Darfur region, they cannot return to Sudan due to the on-going conflict.

UNHCR also requests 15 places for security cases submitted on a case-by-case basis. These would primarily be Iraqis of various backgrounds with grave protection problems and living in conditions of imminent threats to their life. The remaining places would involve other emergency cases submitted for security or medical reasons, namely 75 Syrian refugees, 75 Iranian Kurdish refugees, 75 Turkish Kurd refugees and 25 other cases. These would also be on a case-by-case basis.

The period for submission of the group of 135 Sudanese refugees is expected to be early in the fiscal year.² As stated above, the remaining submissions would be on a case by case basis.

² Discussions with the Government of Australia began in October 2005 and submission is dependent upon clearance by the Government. Given the special situation of this group, the Australian authorities are asked to guarantee acceptance for resettlement to the Jordanian government before the group is allowed to enter Jordan for resettlement processing. Due to the security situation in Iraq, Embassy officials cannot begin processing until the Sudanese arrive in Jordan.

- **150 places for refugees from Egypt** - The 150 places would represent a mix of the refugee population in Egypt. The countries of origin of the refugees in question would mainly be Ethiopia, Eritrea, Somalia and Sudan.

Ethiopian claims are based on political opinion or imputed political opinion stemming from membership in or assistance to opposition groups in Ethiopia. A substantive number of Oromo Liberation Front activists or supporters are included in this group. Eritrean claims are mainly on grounds of religious or political opinion, stemming from belonging to religious groups such as the Jehovah's Witnesses or the Pentecostal Church, or from membership in or assistance to opposition groups in Eritrea. Somali claims are based on ethnicity, and represent persons belonging to minority clans in Somalia, who faced persecution based on this membership. Many of them are women or large families.

In relation to Sudanese claims, the conclusion of the comprehensive peace agreement between the Sudanese government and the Sudan Peoples' Liberation Movement (SPLM) on 9 January 2005, and the continued ceasefire declared in 2004, suggests that the number of Sudanese refugees promoted for resettlement will considerably reduce. Sudanese claims promoted for resettlement in 2006 would mainly include refugees coming from the Darfur region of Western Sudan, belonging to the minority ethnicities of the region such as Fur, Maasalit, Zaghawa, Dajo, Tama and others. Further mixed claims may be submitted but based solely on the high vulnerability of the case in the country of asylum.

All of the above cases would be submitted for resettlement on grounds over and above lack of local integration prospects. Therefore the refugees in question will have legal and physical protection needs, be survivors of violence and torture, be Women-at-Risk, medical cases, or family reunification cases.

UNHCR expects to submit these cases in the second half of 2006.

Asia and the Pacific (1,465 places)

Many countries in the Asia and Pacific region have been responsive to the needs of asylum seekers and refugees within their territory. However, the general lack of a legal framework in certain countries puts certain refugees at risk.

During 2005, this region has reflected an increase in resettlement activities. UNHCR continues to focus on, and draw the attention of resettlement countries to, a number of protracted refugee situations in Asia. Resettlement activities in these countries continue due to lack of any prospect for change in the protection regime of the host countries, legal vacuity in terms of refugee law and lack of viable local integration solutions. UNHCR continues to advocate for the use of resettlement as a tool of protection for vulnerable refugees, both from urban and camp situations.

In the Asia and Pacific region, UNHCR supports and encourages resettlement countries, including Australia, to engage in the resettlement of refugees in the context of plans for comprehensive solutions. While attention has been focused on resettlement of refugees from camps and protracted situations, there are also small groups of urban refugees consisting of a variety of nationalities in some countries in the region for which resettlement remains the only viable durable solution.

The Australian refugee program for Asia and the Pacific has in the past comprised mainly of cases from Myanmar and from Laos. Extra-regional cases have previously been considered only if they have family links in Australia. UNHCR recommends that Australia considers diversification of its regional resettlement policy. This would enable UNHCR to increase the number of submissions, especially from countries such as India, China (including Hong Kong) and Indonesia.

Some countries in the region, predominantly Thailand and Malaysia, are seeking a greater use of resettlement than in the past. This provides an opportunity for Australia to play a more active role in regional initiatives to provide protection and durable solutions for refugees.

UNHCR requests that 1,465 places be made available in the 2006-2007 program, divided as follows:

- **240 places for refugees from India** - This submission will consist mainly of Myanmar refugees, which include many with specific protection needs, including Women-at-Risk. Temporary residence given by the Indian Government does not currently carry with it the potential for legal local integration. Through a process of the identification of cases in need of resettlement, Woman-at-Risk, unaccompanied minors, and those with legal or physical protection needs will form the submission. 120 of these would be submitted during the second half of 2006, and the remaining 120 would be submitted during the first half of 2007.
- **300 places for refugees from Pakistan** – UNHCR deals with large numbers of Afghan refugees in Pakistan. Principle profiles include Women-at-Risk, Afghans originating from areas where they cannot return in safety, Afghans belonging to religious minorities and converts, Afghans originating from areas where they constitute an ethnic minority, Afghans working for international organisations and international security forces and other vulnerable cases of concern to UNHCR. Refugees from other countries will also be submitted, mostly Iraqis and Iranians, who are found to meet UNHCR resettlement criteria. The cases would be submitted throughout the fiscal year.
- **100 places for refugees from Indonesia** - In relation to refugee protection in Indonesia, Australia is one of the most important partners for UNHCR. The majority of the above-mentioned places will be filled with Iraqi nationals (60-70 persons), who were previously intercepted

under the Regional Cooperation Arrangement between Indonesia and Australia during the period from 2000 to 2003 on their way to Australia. Since then, these Iraqis have been stranded in Indonesia in legal limbo while being under the IOM's care, funded by Australia. They consist of single males (some 65%) and families with children (some 35%) from various ethnic and religious backgrounds. In view of the deteriorating security conditions and the continuing absence of effective national protection in Iraq, these Iraqis will be unable to return and therefore will continue to require international protection. Due to the policy of the Indonesian government, there is no local integration prospect for these people.

In addition, some 30 - 40 persons from other nationalities including Afghanistan (10-20 persons), DRC, Somalia and Iran will also be submitted. These refugees are in need of international protection.

The cases for the 100 persons are expected to be progressively submitted to Australia through the local Embassy in Jakarta during the first half of the program year 2006 - 2007.

- **560 places for refugees from Thailand** - The submissions would consist mostly of refugees originating from the neighbouring Southeast Asian region. This would include 500 Myanmar refugees. The balance would include 15 Cambodian refugees, 10 Chinese refugees, 25 Lao refugees and 10 Vietnamese refugees. It should be understood that these figures are based on indications of the number of places that are expected to be made available to Thailand; in the event that greater numbers could be considered, UNHCR could submit additional Myanmar and other refugees.

The Myanmar refugee population in Thailand, currently numbering some 140,000 persons, including those pending formal screening, has been admitted for temporary protection on a *prima facie* basis by the Royal Thai Government (RTG), and as such no individual status determination process has been undertaken. The population resides in nine camps situated along the Thai-Myanmar border, and submissions to Australia in 2006 - 2007 will include refugees from all camps. The refugees in the nine camps represent a variety of ethnic, cultural, religious, and linguistic backgrounds. While there are slight variations in the refugee claims among the different ethnic groups, the population shares a common background, which is inextricably linked to the persecution they have faced in Myanmar at the hands of the Myanmar authorities. These refugees have also suffered from persecution for real or imputed political opinion – both on an individual basis and as members of particular groups.

For refugees of other nationalities residing in urban areas, the situation in Thailand is far from tenable. For political reasons, the Thai government does not entertain requests for the local integration of refugees. Prospects for voluntary repatriation for most refugees in Thailand are presently limited because of the on-going armed conflict

and the lack of political and social stability in most countries of origin. Under Thai law, all foreign nationals in Thailand without valid passports and entry visas are considered illegal immigrants; for the refugees residing officially in the camps, the Thai government has accorded temporary status allowing them to remain legally on Thai soil, provided they are formally registered through joint UNHCR-Ministry of interior procedures, and that they remain within the confines of the particular camp where they are registered. Any camp refugees who are found outside the camps without express authorization are subject to arrest, detention, and deportation, and to having their camp resident status revoked.

Thailand is not a signatory to either the 1951 Refugee Convention or its 1967 Protocol, and because there are no domestic laws or procedures governing the protection of refugees in Thailand, refugees under the protection of UNHCR are considered illegal immigrants. Of the nine camps in Thailand currently housing Myanmar refugees, several are subject to severe overcrowding, with homes built literally side-by-side along very narrow pathways. This overcrowding, combined with the lack of appropriate sanitation and water facilities, creates a situation where serious public health risks are endemic, and where other social problems associated with such conditions are reaching alarming levels.

UNHCR will limit submissions in 2006 - 2007 to refugees originating from countries in Southeast Asia as follows:

- The Cambodian refugees comprise individuals who have fled to Thailand for reasons related to persecution by the ruling Cambodia People's Party, in particular members of the opposition Sam Rainsy Party.
- Chinese refugees to be submitted would include individuals who have fled persecution by the Chinese government for involvement in the Falun Gong movement, for activities relating to calls for democratic reforms in China, or for reasons of religious affiliation.
- Lao refugees to be submitted would include ethnic Hmong who have been subject to persecution by the Lao government on grounds of ethnicity and for real or imputed involvement in anti-government activities.
- Vietnamese refugees that would be presented would include those individuals who have been persecuted on religious grounds for involvement in organized worship of Christianity.

In order to allow the Australian Embassy sufficient time to process cases prior to the end of the 2006 - 2007 fiscal year, UNHCR proposes that the bulk of the submissions be referred in July and August 2006, particularly for the Myanmar caseload, with smaller numbers of cases being referred between July 2006 and January 2007.

- **200 places for refugees from Malaysia** - The vast majority of recognised refugees in Malaysia are from Myanmar. The majority among the Myanmar refugees belong to the Chin ethnic minority (2,476 persons/76 %), followed by Myanmar Muslims, Burmese and other ethnic minorities such as Kachin, Kayin, Arakan, Mon, Shan etc. Whilst the majority of submissions from Malaysia will consist of ethnic minorities from Myanmar, the Office also proposes to submit a few cases from other nationalities. As at end of December 2005, there are 328 recognized refugees from 26 various countries who are in need of resettlement. The Chin refugees, who are majority Protestant Christians, and the other ethnic minorities from Myanmar, have suffered serious human rights abuses at the hands of the military regime in Myanmar. They have sometimes contributed, or been coerced to contribute, to ethnic or religious organizations that oppose the Myanmar Government.

Malaysia is not a signatory to the 1951 Convention or 1967 Protocol relating to the Status of Refugees and has no constitutional, legislative or administrative provisions dealing with international protection of refugees. Under the Immigration Act 1959/ 63 (Act 155) of Malaysia, any person who enters or remains in Malaysia illegally is liable to prosecution which may result in indefinite detention without judicial scrutiny, corporal punishment in the form of whipping with a rotan cane across the buttocks or back, fine and/or deportation. The vast majority of persons of concern to UNHCR fall into the category of “illegal immigrants” under Malaysian law, which provides no legal method to differentiate those in need of international protection from other migrants. Although the relationship between UNHCR and the Malaysian Government has been strengthened during 2004/2005 and there is a considerable degree of cooperation in the protection of refugees between UNHCR and the Malaysian authorities, there are concerns that randomly asylum-seekers and refugees alike are randomly at risk of arrest, detention, prosecution, imprisonment, caning and deportation.

UNHCR would proceed with regular submission through the Australian High Commission in Kuala Lumpur between July 2006 and March 2007.

- **30 places for refugees from Mainland China and 35 places for refugees from Hong Kong** - The numbers are relatively small, yet in terms of protection challenges and provision of effective protection, these refugees face serious problems. The office in Mainland China would present 20 Pakistanis, 3 Burundians, 2 Iraqis and 5 Iranians. The office in Hong Kong would present 10 Somali, 8 Nepalese, 3 Sri Lankans, 5 Pakistanis, 3 Vietnamese (stateless), 2 individuals from Democratic Republic of Congo (DRC), 2 Afghans and 2 Ethiopians.

All of the cases have been recognised under the 1951 Convention and its 1967 Protocol as having a well-founded fear of persecution on

account of race and particular social group. Most of the Somali refugees belong to minority ethnic groups including Tumul, Shekhal, Midgan. The majority of these persons have suffered incidents of persecution in the past or have been subjected to cumulative persecution. Nepali refugees are recognized under the 1951 Convention and its 1967 Protocol as having a well-founded fear of persecution on account of political opinion or imputed political opinion. Most individuals have suffered incidents of persecution either by the Maoists or by the authorities on account of imputed political opinion. Sri Lankan refugees also have a well-founded fear of persecution on account of imputed political opinion. Pakistani cases are recognised refugees who, fearing persecution on account of religion, are members of the minority Ahmadi religious group. Some have come to China or Hong Kong with nuclear family members. Some are traumatised by prolonged, often violent, harassment. Education and language background varies widely. Some have agricultural background and only primary education, while others hold university degrees and speak English well. Those fearing persecution on account of their political opinion are mostly activists for an independent Kashmir. Some have experienced torture. Most of them are single male, highly educated and fluent English speakers. Similarly, the other refugees from Vietnam, DRC, Afghanistan, Iran and Ethiopia have similar claims.

Both in Hong Kong and China, there are pressing legal and physical protection needs for all the cases. Although the People's Republic of China is a signatory to the 1951 Convention Relating to the Status of Refugees, its obligations have not been extended to the Hong Kong. Both in Hong Kong and China, there is no formal national legislation governing the granting of asylum and refugees are permitted to stay on the territory for temporary periods only pending recognition by UNHCR and a durable solution.

The offices in China and Hong Kong plan to submit these cases in the period September to December 2006.

Southern Europe (300 places)

The cases that would be submitted from Southern Europe are from Turkey. Turkey is a party to the 1951 Convention and First Protocol, though it maintains the geographic limitations of Article 1B (1) of the 1951 Convention, affecting refugees originating from non-European countries. Resettlement therefore remains a key durable solution for refugees in the region given the number of non-European refugees in Turkey.

UNHCR has identified the following resettlement needs in Southern Europe for the Australian Humanitarian Program in 2006-2007.

- **300 places for refugees from Turkey** - The majority (80-90%) of those who would be submitted are mostly Iranian Bahais. These are refugees who claim fear of persecution based on religious beliefs and most of them have family links in Australia. The other refugees to be

submitted include a small number of Sudanese and Iraqis. These refugees fall under vulnerable categories including woman at risk.

The office in Turkey will continue with their ongoing submissions to the Australian Embassy on a regular basis through this period.

Emergency cases

UNHCR appreciates the Australian implementation of an established program for the submission of emergency cases and welcomes the initiative to further develop *Protocols for Emergency Resettlement Cases referred by UNHCR*, independently of the main quota.

UNHCR requests that emergency cases not be limited geographically, and UNHCR remains highly appreciative if the emergency submissions are processed expeditiously.

SELECTING THOSE IN THE GREATEST NEED OF RESETTLEMENT

UNHCR wishes to thank the Australian government for the financial support provided this year to projects in Africa where the resettlement program has been enhanced and would appreciate continuation for the next financial year to ensure flexibility, and continuation of further expansion for resettlement programs in other regions.

UNHCR's use of resettlement is evolving globally within the context of its global protection strategy. The up-grading of the previous Resettlement Section to a Resettlement Service in itself illustrates the significance that UNHCR as well as the donor countries attach to resettlement-related activities.

The public image of the most vulnerable refugee is one in a long-term camp situation, usually in Africa. Only 40% of refugees are in camps, and conditions in these camps vary greatly. Urban or isolated refugees can also be extremely vulnerable. Vulnerability should continue to be assessed in protection terms on an individualised basis, as should related resettlement procedures. However, it is the situation of refugees in long-term camps without the short-term hope of repatriation (known as "warehousing"), that has prompted the High Commissioner for Refugees and the international community to consider using resettlement strategically as a durable solution. This growing strategic use of resettlement is an important issue that UNHCR looks forward to developing further with the Australian Government, as one of the world's leading resettlement countries.

UNHCR has also identified the following additional issues for discussion with the Australian Government:

- **Referrals to Australia from Asia and Middle East**

UNHCR has encountered difficulties with Australian Embassies in submitting and/or processing "out of region cases" with strong protection and resettlement needs. This has been most evident for those from the Middle East and North Africa already in Asian urban centres such as Bangkok, Kuala Lumpur and Hong Kong. Many such cases need resettlement, as they cannot return to their first country of asylum, given the provisions of EXCOM Conclusion 58 and other relevant provisions of the international refugee law.

With regard to the resettlement of refugees from countries outside South East Asia, Australian initiatives designed to prevent secondary or irregular movement effectively negate consideration of resettlement submissions on behalf of refugees from parts of the Middle East, Africa, and most of Asia - which comprise a sizable portion of the existing global caseload. In many cases, the policies also serve to prevent family reunification of refugees in Thailand and Indonesia with relatives in Australia. Such individuals are often caught in a vicious circle, as the presence of close relatives in Australia often precludes consideration of submissions by other countries.

- **Processing of Iraqis**

UNHCR continues with the resettlement processing of Iraqi refugees who are found to be in need of international protection. UNHCR offices in different parts of the world continue to consider Iraqi cases in light of the *Update to the International Protection Response to Refugees and Asylum-Seekers from Iraq* of 12 September 2005 and *UNHCR Advisory Regarding the Return of Iraqis* of September 2005.

In view of the fact that a number of Iraqis continue to be in need of international protection, UNHCR calls upon resettlement countries to positively consider resettlement of such cases. To this end, UNHCR thanks the Government of Australia for the acceptance of Iraqi cases since 2003 and urges the Government to continue to accept Iraqi cases submitted for resettlement.

- **Medical Criteria, including HIV/AIDS**

Whilst UNHCR notes that the Australian program does not legally exclude resettlement solely on the basis of having HIV, in reality the financial limits exclude the vast majority of such cases, and other medical cases, even if they have strong protection needs. Vulnerable cases, and specifically Women-at-Risk, are often victims of sexual violence leaving them HIV positive. UNHCR urges consideration of a more lenient Australian policy on HIV/AIDS cases.

UNHCR wishes to take this opportunity to advise the Australian Government of the substantial reductions in costs associated with treatment of HIV/AIDS. UNHCR wishes to stress the importance of voluntariness in any HIV/AIDS screening, and UNHCR promotes a system in which results are shared with the principle applicant at the time, and where HIV is not mentioned in the reasons for rejection.

UNHCR welcomes the Australian Government's decision to consider the resettlement of refugees with HIV/AIDS as expressed in the meeting with Ms. Erika Feller, the Assistant High Commissioner for Protection, in November 2005. UNHCR looks forward to further discussions with the Government of Australia in relation to the resettlement of HIV/AIDS cases.

- **Family reunification**

Pursuant to its responsibility to ensure provision of international protection to refugees, UNHCR seeks to ensure that refugee families, who have been separated during, or as a result of, refugee flight, can be helped to reunite.

UNHCR is concerned about the implications for refugees on temporary protection visas, particularly for those for whom permanent status, and therefore family reunification, may never be an option. In certain situations, the *de facto* absence of family reunion exacerbates the protection needs of the individual's family abroad, particularly Women-at-Risk and

unaccompanied minors. In this respect UNHCR requests that compelling cases be considered for resettlement upon referral.

While UNHCR recognises that many of the temporary protection visas have been processed in 2005, the policy in Australia preventing family reunification for temporary protection visa holders remains in place. UNHCR requests that the Australian Government reconsiders this policy, in light of promoting the principle of family unity for refugees.

- **De-linking of the onshore and offshore resettlement programs**

While UNHCR is aware of the implications for Australia's Humanitarian Program resulting from the increase in the number of onshore protection visa grants, we seek Australia's continued commitment to the offshore resettlement program. In this regard we seek Australia's continued assurances to "quarantine" refugee resettlement places from any reductions should the number of protection visas issued onshore increase. The precedent of granting temporary visas for cases referred by UNHCR from Nauru and Indonesia and counting them as part of the refugee quota remains of concern to UNHCR.

- **UNHCR initiatives to improve the quality and the quantity of resettlement submissions**

In terms of policy guidance, the *UNHCR Resettlement Handbook* has been updated to include the main policy and operational developments which have taken place in recent years, including group resettlement processing, the strategic use of resettlement, the development of Standard Operating Procedures in field offices, linkage with the RSD function, reinforcement of the exclusion analysis and the enhanced security requirements of resettlement countries. The Handbook was revised and updated in November 2004.

The Resettlement Section at the Headquarters has now been upgraded to a Resettlement Service, which is to be supervised by a senior officer at D1 level.

In relation to resettlement staff, resettlement staffing requirements usually come from the field and are contingent on the strategic priorities of the concerned Bureaux and the field offices. Although the Resettlement Service consistently seeks to promote and advocate for increased resettlement, including increased staffing, the decisions on staffing levels remain a prerogative of the Bureaux with the endorsement of the ORB. The Resettlement Service uses the resources available for the UNHCR/ICMC deployment scheme to fill staffing gaps in the field. In 2005 it was foreseen that a total of 65 deployees will be carrying out resettlement functions in 37 locations in 34 countries.

Another major development in resettlement operations is the development of a standardised global registration system through UNHCR's Project Profile, allowing a more reliable and transparent resettlement process. The

early identification and registration of refugees and their dependents offers a guarantee that any subsequent resettlement processes will be better informed and facilitated by a more reliable process of collection and elaboration of data. The Profile database, called ProGress, is able to automatically generate a revised RRF that also contains individual pictures of all refugees included in the submission. As at the end of 2005, the UNHCR ProGress database has become operational in several offices.

Training in support to field operations is continuing through specific resettlement training programs. Regional workshops are being held to enhance field staff capacity to perform quality resettlement. The implementation of the RSD-RS Learning Program is continuing for the second year, having trained 90 field staff in 2004. Training of Trainers (TOT) sessions will be devoted to staff who have finalized the Learning Program, in order to reinforce field capacity to organize local training initiatives. Training programs will continue to be organised that aim at developing the skills and capacity of the staff involved in resettlement activities and in further improving the identification process.

Alongside traditional resettlement programs which respond to the protection needs of individual refugees on the basis of the established resettlement criteria, new processing schemes are being planned which underline the value of resettlement as a durable solution for addressing the plight of protracted refugee situations. To this end, a methodology has been developed for the identification and processing of refugee groups. The aim of the group resettlement methodology is to enhance and systematise the identification of refugee population groups for whom resettlement may be an appropriate durable solution, and establish a framework for a more predictable and efficient discussion with resettlement countries on the submission and the processing of refugee groups. The methodology is currently being tested through field missions undertaken in cooperation with resettlement partners (resettlement countries and NGOs) with the purpose of identifying refugee populations suitable for resettlement.

Group resettlement is an operational development which has an impact on the overall number of refugees submitted for resettlement. UNHCR, as in 2005, will continue to engage in group resettlement in Asia and Africa during 2006-2007.

UNHCR has already taken further action in relation to the implementation of the Resettlement Anti-Fraud Plan of Action. Activities include development of training modules and the subsequent institution of a training program with the objective of empowering Protection and Resettlement Officers at the supervisory level in the field with the necessary knowledge and skills about fraud prevention. It is also intended to facilitate enforcement of fraud related policies, and corrective and cohesive action with respect to identified weakness in controlling mechanisms. The ultimate objective of this exercise is to develop independent resources to institutionalise the anti-fraud training program.

CONCLUSION

In conclusion, UNHCR would like to thank the Government of Australia for its invitation to participate in consultations on its 2006–2007 Humanitarian Resettlement Program, on its continuing commitment to refugee resettlement, and on its continued support for refugees.