



Evaluation of the
implementation of
UNHCR's policy on
refugees in urban areas

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Evaluation and Policy Analysis Unit

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Introduction

1. The number of refugees to be found in the urban areas of developing and middle-income countries appears to have increased considerably in recent years. It is a trend which has given rise to a wide range of concerns amongst UNHCR, its partners and the states concerned.
2. It was in this context that UNHCR issued a new policy on refugees in urban areas at the end of 1997 (see Annex). The stated objective of the policy statement was "to provide clear guidelines for the provision of assistance to and the promotion of solutions for refugees in urban areas." In a covering memorandum to the document, and in response to some NGO criticism of the policy, UNHCR stated that it would be revised as necessary in the light of experience and comments received from stakeholders.
3. At the end of 1999, UNHCR's Evaluation and Policy Analysis Unit (EPAU) was asked to undertake a comprehensive review of the new policy and its implementation. As a first step in this process, a desk-based global survey was undertaken, so as to identify key issues for further research and analysis.
4. As a second step, a number of case studies were selected for detailed review. To date, these have included New Delhi, India; Cairo, Egypt; Nairobi, Kenya; and Bangkok, Thailand. In addition, two regional workshops are planned for 2002: one in Central Europe and another in the Asia-Pacific region.
5. This paper summarises the key issues and provisional recommendations that have emerged from the research and evaluation process conducted to date. The document is intended to serve as a basis for further discussion, and, eventually, to a reformulation of the policy on refugees in urban areas.

Protection focus

6. The 1997 policy statement begins with the following statement:

The objective of this document is to provide clear guidelines for the provision of assistance to and the promotion of solutions for refugees in urban areas. It takes due account of both their specific situation and the problems that may be created by unregulated movement to urban areas, whether this movement takes places within the country or from another country where the refugee had found protection.
7. It is a revealing opening paragraph in the sense that it summarizes a number of assumptions on which the policy is based: first, that UNHCR's primary concern in relation to refugees in urban areas is the provision of assistance; second, that such refugees are responsible for "creating problems"; and third, that refugees arrive in urban areas as a result of "unregulated movement."
8. Even if these assumptions were entirely accurate (and this paper will argue that they are not), it is unfortunate that the opening paragraph of the policy statement makes no reference to the legal status and protection needs of refugees in

urban areas. In this respect, a more satisfactory introduction can be found in the second paragraph of the 1997 statement:

UNHCR's obligations in respect of international protection are not affected by either the location of the refugees or the nature of the movement to that location.... Whatever the nature of the movement or legal status of a person of concern to UNHCR in urban areas, the over-riding priority remains to ensure protection, and, in particular, non-refoulement and treatment in accordance with basic human standards.

9. It is recommended that a statement of this nature be used to introduce a revised version of the policy statement.

Conceptual issues

10. A significant feature of the 1997 policy statement is its failure to provide any definition or explanation of the terms it uses in relation to refugees in urban areas. The covering memorandum issued with the policy statement complicates the matter further by requesting UNHCR's country offices to provide Headquarters with statistical data "with respect to refugees receiving material assistance from UNHCR in urban areas."

11. First, it is not clear why UNHCR should collect data only on refugees who are "receiving material assistance", given that non-assisted refugees remain of concern to the organization. Second, the notion of "material assistance" is left undefined. While it could refer to any form of support provided by UNHCR, including education, vocational training, health and social services, it could equally be confined to the provision of tangible assets, most notably regular subsistence payments. Third, a review of the data collected by Headquarters following the dissemination of the new policy indicates that some offices reported only on those refugees living in the capital city, whereas others collected data on refugees living in other towns.

Urban refugee profile

12. There is a widespread and longstanding assumption within UNHCR that urban refugee populations are comprised predominantly of young, single males. This perception is explicitly endorsed by the 1997 policy statement, which says that "unlike other refugee populations, the majority of refugees in urban areas are generally male: the proportion of family groups is often lower than usual." But as indicated by the statistical table overleaf, this is not the case in many cities where substantial numbers of refugees are to be found.

13. The 1997 policy statement then refers to the need to pay "particular attention" to the needs of other and smaller groups, most notably women, children and adolescents. The inference of this element of the policy paper is that male refugees are generally able to look after themselves and do not need particular attention from UNHCR.

REFUGEES IN URBAN AREAS

Selected groups of refugees residing in urban areas

	Female	Male	Children (0-17)	Total
Egypt				
SOM	1,321 (50.6%)	1,287 (49.4%)	782 (30.3%)	2,608
SUD	1,241 (45.4%)	1,494 (54.6%)	1,187 (43.4%)	2,735
YEM	335 (49.0%)	348 (51.0%)	262 (38.4%)	683
Ethiopia				
various	257 (50.9%)	248 (49.1%)	248 (49.1%)	505
Greece				
various	528 (37.5%)	881 (62.5%)	487 (34.6%)	1,409
India				
AFG	6,629 (52.0%)	6,131 (48.0%)	5,431 (42.6%)	12,760
MYA	283 (36.3%)	496 (63.7%)	197 (25.3%)	779
SOM	32 (38.1%)	52 (61.9%)	28 (33.3%)	84
SUD	7 (12.5%)	49 (87.5%)	2 (3.6%)	56
Kenya				
UGA	2,272 (42.0%)	3,136 (58.0%)	2,438 (45.1%)	5,408
RWA	856 (34.1%)	1,653 (65.9%)	761 (30.3%)	2,509
SUD	68 (46.6%)	78 (53.4%)	78 (53.4%)	146
SOM	67 (41.9%)	93 (58.1%)	76 (47.5%)	160
Jordan				
IRQ	405 (44.1%)	514 (55.9%)	323 (35.1%)	919
Macedonia				
YUG	1,908 (51.6%)	1,787 (48.4%)	1,731 (46.8%)	3,695
Mexico				
SAL	913 (46.6%)	1,047 (53.4%)	469 (23.9%)	1,960
GUA	544 (50.0%)	545 (50.0%)	237 (21.8%)	1,089
Russia				
various	6,520 (34.9%)	12,149 (65.1%)	3,780 (20.2%)	18,669
Syria				
various	1,501 (47.6%)	1,655 (52.4%)	1,429 (45.3%)	3,156
Tajikistan				
various	1,398 (35.0%)	2,600 (65.0%)	2,477 (61.2%)	3,998
Thailand				
various	130 (37.5%)	217 (62.5%)	105 (30.3%)	347
Turkey				
IRN	595 (43.8%)	762 (56.2%)	434 (32.0%)	1,357
IRQ	289 (48.6%)	305 (51.4%)	287 (48.3%)	594
Uzbekistan				
AFG	539 (40.0%)	709 (60.0%)	718 (53.3%)	1,348
Yemen				
SOM	17,741 (51.4%)	16,748 (48.6%)	13,398 (38.8%)	34,489
Zambia				
various	7,219 (50.2%)	7,150 (49.8%)	7,480 (52.1%)	14,369
Zimbabwe				
COD	576 (37.8%)	947 (62.2%)	316 (20.7%)	1,523
RWA	141 (12.8%)	957 (87.2%)	160 (14.6%)	1,098

14. In reality, however, and as the following section suggests, there are circumstances in which even able-bodied young men find it difficult to establish livelihoods and to attain self-reliance. It should also be noted that even amongst the male population, there may be individuals who are elderly, disabled or ill, and who consequently warrant the particular attention of UNHCR.

Assistance

15. The 1997 policy paper argues that the provision of regular allowances and refugee-specific services to urban caseloads is expensive, difficult to administer and tends to create long-term dependence on UNHCR. On this basis, it concludes that "as a rule, UNHCR's assistance should be reduced to a minimum."

16. There is, of course, no justification for providing assistance to refugees if they are not in need of it. At the same time, the 1997 policy fails to recognize that urban refugees may find themselves in a situation which requires ongoing UNHCR assistance.

17. This is particularly the case in situations where refugees are not recognized under national law, where they have no right to engage in wage-earning or income-generating activities, where they are deprived of access to public services on the same terms as nationals, and where the option of being assisted in a camp does not exist. In such circumstances, the withdrawal or progressive reduction of UNHCR assistance may well lead to the impoverishment and marginalization of urban refugees, especially the most vulnerable groups.

18. Indeed, the policy statement's emphasis on the minimization and early termination of assistance could be said to run contrary to the thrust of UNHCR's policies on children, women and the elderly. As an evaluation undertaken in Cairo concluded, "ensuring the healthy development of children and assisting refugee women engaged in building the future of their family must mean a level of engagement which goes some way beyond providing the minimum level of support for the shortest possible time."

19. In the context of refugee camps, the need for UNHCR to provide prolonged assistance is rarely called into question. In an urban setting, however, it is generally recognized that some form of means-testing is required, so as to deter dependency, to reduce the 'pull-factor' and to ensure that assistance is only provided to those who need it.

20. It would be useful for a revised version of the policy paper to outline the many difficulties associated with means-testing, and to provide guidance on how it might be undertaken in an equitable and effective manner. A revised version of the paper should also highlight the problems that are likely to arise when subsistence payments are suddenly terminated, especially if such action appears to be motivated by the need to effect rapid budgetary cuts.

Self-reliance and solutions

21. According to the covering memorandum issued with the 1997 statement, the "central thrust" of the policy is "to promote self-reliance and avoid dependency." However, the statement tends to confuse the attainment of self-reliance, which is essentially a socio-economic process, and the solution of local integration, which requires a refugee to enjoy the recognition and protection of the state where he or she has been granted asylum. Most refugee experts would also agree that local integration is only attained when a refugee has been granted citizenship in his or her country of asylum.

22. The notion of self-reliance must itself be more carefully defined and distinguished from a refugee's ability to survive without UNHCR assistance. The policy statement should make it clear that unassisted refugees cannot be regarded as 'self-reliant' if they are living in conditions of abject poverty, if they are obliged to engage in illicit activities in order to survive, or if they are obliged to survive on remittances on the charity of their compatriots. The policy statement should also point out that refugees who experience systematic forms of legal, social, economic and racial discrimination, who have limited access to public services and few systems of social support cannot realistically be expected to attain a high degree of self-reliance.

23. A related weakness of the current policy is to be found in its statement that UNHCR should promote self-reliance in ways that "respect the policies of the government." It is unclear how this element of the policy statement is to be interpreted and implemented in countries where government policies actually obstruct UNHCR's efforts to promote self-reliance amongst urban refugee populations by, for example, denying them legal status, identity documents or the right to work.

24. According to the 1997 policy paper, "assistance to refugees should be given in a manner that encourages self-reliance and does not foster long-term dependency." But it says very little about the means whereby UNHCR might encourage and assist urban refugees to establish sustainable livelihoods.

25. To address this issue, it would be useful for a revised version of the policy to identify some basic principles for the establishment of self-reliance programmes, many of which are to be found in a 1985 document titled 'Model for an integrated urban refugee programme'. These include:

- involving refugees in the planning of such programmes as soon as their status has been determined;
- planning such programmes carefully, and on the basis of a detailed knowledge of the refugee population;
- drawing on the expertise of organizations, especially NGOs, community-based and development-oriented agencies, with an understanding of local market conditions;

- adopting an approach which is based on the principles of 'people-oriented planning', and which is sensitive to the issues of gender, age, ability and culture;
- recognizing that a significant and long-term investment may be required to promote self-reliance in an effective manner; and,
- incorporating systematic monitoring, evaluation and follow-up mechanisms into the design of a self-reliance programme.

Movement from camps

26. The 1997 policy statement adopts a somewhat ambiguous position in relation to refugees who move from rural camps to urban areas. On one hand, it states that "freedom of movement is the rule under international law and restrictions should be the exception." On the other hand, it regards the movement of refugees from camps to urban areas as 'unregulated', and, by implication, undesirable.

27. While recognizing the difficulties that can arise for UNHCR and the authorities when large numbers of refugees leave a camp and move to a city, there is also a need for some understanding with respect to such relocations. On one hand, those refugees who move to the city may be of urban background themselves, and consequently better able to support themselves by moving to a city rather than by remaining in a camp.

28. More seriously, perhaps, there is evidence to suggest that many refugees move to urban areas because their physical and material security are at risk in the camp, and because they have no prospect of finding a solution to their plight. In addressing the "problem" of refugees in urban areas, the policy statement should place greater emphasis on the need to ensure the quality of asylum and opportunities for solutions in a rural context.

'Irregular' movements

29. A predominant theme of the 1997 policy statement is to be found in the opening sentence of paragraph 13: "The movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described a 'irregular movement', and usually takes place to urban areas." The statement then goes on to identify the negative consequences of this phenomenon, and to suggest some ways in which it might be averted or discouraged.

30. In practice, the application of this policy has had some perverse and inequitable consequences, with UNHCR denying protection, assistance and resettlement opportunities to refugees because they are deemed to be 'irregular movers'. To address this issue, a number of changes might be made to the existing policy statement.

31. First, and as emphasized in Excom Conclusion 58, the reasons for irregular or onward movement should be carefully examined. In some situations, a refugee

may have genuine reasons to fear for their safety in their country of first asylum, and may therefore wish to move on to a more distant and secure location. In other situations, a refugee may be prompted to move by the conditions of his or her asylum, especially when they are denied legal status, documentation and the right to work by the host government.

32. When a refugee's parents, spouse or children have already fled to another country, family reunion may also be a motivating factor for onward movement. It is recommended that a revised version of the policy statement draw attention to such situations and to the need for them to be treated in a sympathetic manner.

33. Second, the length of time that refugees spend in their first country of asylum should also be taken into account. During the course of this review, it has become clear that some refugees have been labelled as 'irregular movers' (and have consequently been deprived of UNHCR support) because they were in transit in another country for a few days. Again, there is a need for individual circumstances to be examined and for the policy to underscore the need for some flexibility in its implementation.

34. With regard to the assistance provided to refugees who can genuinely be described as irregular or onward movers, it would appear prudent to maintain the position of the 1997 policy statement, which strongly advises against providing such persons with direct individual assistance. At the same time, a revised version of the statement should make reference to UNHCR's role in ensuring that trauma relief, medical assistance and education is made available to refugees, especially when the welfare of children, the elderly and the disabled is under threat. It is also important that refugees are provided with information concerning the consequences of 'onward movement' to another country.

35. The content of the 1997 policy statement should also be maintained with respect to the provision that irregular movers should not normally be presented for resettlement; exceptions should only be made for cases where members of the same family are not regarded as irregular movers or where resettlement is required for life-saving medical or security reasons. This provision should also apply to cases who have relatives in resettlement countries whom they wish to join for family reunification purposes. In order to reduce the incentive for irregular movement, UNHCR should do everything possible to ensure that resettlement opportunities are available to refugees in their country of first asylum.

36. Irregular or onward movers who cannot be re-admitted to their country of first asylum should no longer be considered as such once they have lived for two years in their country of current residence. De-classification should result in refugees being able to benefit from any normal assistance entitlements as well as resettlement opportunities. For those who have been held in detention, the declassification period should be waived altogether. Such a declassification procedure should, however, be kept confidential.

37. With regard to the 'irregular mover' concept, it should be recalled that the key text on the subject, Excom Conclusion 58(XL) of 1989, uses the term 'irregular' only to describe the unlawful manner in which refugees and asylum seekers seek entry to third countries. The 1997 policy statement elaborates on this point by

describing irregular movement as taking place “without the consent of the authorities concerned.” However, it then adds a somewhat contradictory proviso, that such “movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection.”

38. Extending the term “irregular mover” to all refugees who leave their country of first asylum, as has become common practice in UNHCR, results in labelling them with a term that has pejorative overtones. What is “irregular” about people who seek to leave a difficult and possibly dangerous situation in order to seek a better future through education, employment or resettlement?

39. It is clear that for practical reasons UNHCR may not be able to assist them in their quest. But UNHCR should nevertheless avoid the use of terminology which stigmatises people who are of concern to the organization. While the phrase has become deeply engrained, a reformulation of the 1997 policy statement provides a valuable opportunity for a more neutral term to be used. The phrase ‘onward movers’, for example, would be more descriptive and does not suggest that the refugees concerned are in breach of any law.

Refugees as partners

40. A whole section of the 1997 policy statement is concerned with UNHCR “response to threats and violent protests.” “Some refugees in urban areas,” it states, “have reacted with threats and violence to what they see as UNHCR’s failure to meet their needs and/or expectations. Such actions have taken forms that include hunger strikes, threats of suicide, and threatened or actual violence.”

41. While recognizing the demands which refugees in urban areas sometimes make upon UNHCR, such statements would appear to be unnecessarily negative, and may even have the effect of becoming a self-fulfilling prophecy. If UNHCR staff members regard and treat all urban refugees as potential troublemakers, then they are all the more likely to act in such a manner.

42. It is therefore recommended that a revised version of the policy statement places greater emphasis on the need for the organization to establish a positive partnership with refugees in urban areas. In accordance with this principle, the statement should underline the importance of refugee participation and consultation, as required by the organization’s community services guidelines.

43. At the same time, a revised statement should draw attention to the need for UNHCR to support the cultural, social and community development activities of refugee communities in urban areas - a routine feature of the organization’s programmes in rural refugee camps.

Annex

UNHCR Policy on Refugees in Urban Areas

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES,
GENEVA**

Inter-Office Memorandum No.90/97
Field Office Memorandum No.95/97

To: All Directors of Operations,
The Directors of the Divisions of International Protection and
Operational Support.
All Heads of Sections/Desks/Units at Headquarters,
All Representatives/Liaison Offices in the Field

From: Sergio Vieira de Mello, Assistant High Commissioner

Dossier/File Code: ADM 1.1 Date: 12 December 1997

Subject: UNHCR Policy on Refugees in Urban Areas

1. The "UNHCR Comprehensive Policy on Urban Refugees" dated 25 March 1997 was promulgated under cover of IOM/25/97, FOM/30/97 of 28 April 1997, and shared thereafter with a number of our NGO partners. While the central thrust of the policy - promote self-reliance and avoid dependency - has not been challenged, a number of colleagues and NGOs expressed concern at aspects of both the form and substance of other elements. In particular, it was felt that the policy was formulated in a manner that did not properly reflect its claim that refugee protection was the central consideration.

2. The policy was reviewed in light of these concerns. It was concluded that, rather than amend the document to take account of them, it would be better to redraft and refocus the document. The attached document "UNHCR Policy on Refugees in Urban Areas", dated 12 December 1997, therefore supersedes that dated 25 March 1997, and is effective on receipt. The French text is also attached.

3. The policy will be further revised as necessary in light of comments and suggestions received from UNHCR Offices and partners. Field offices are requested to share the attachment with relevant NGO or other partners and give them the opportunity to make comments and suggestions. These, together with any of their own, are to be forwarded to reach the Senior Community Services Officer, PTSS, by 31 March 1998. Comments and suggestions from colleagues at Headquarters are of course also welcome. The attachment is also being shared directly with those NGOs that were represented at an informal discussion on the issues on 10 October 1997, held within the framework of UNHCR's pre-EXCOM consultations with NGOs.

4. Since the promulgation of the earlier document, considerable progress has been made in a number of countries in reviewing and redirecting assistance in accordance with the policy, and in consolidating action that was already underway. Several workshops have also addressed the issues. In order to take stock of the situation and have a reference for measuring further progress, all country offices concerned are requested to provide the following information by 31 January 1998 on the situation as at 1 January 1998 with respect to refugees receiving material assistance from UNHCR in urban areas.

- a) Total numbers by country of origin.
 - b) Numbers and gender, disaggregated by the following age groups: 0-4; 5-12; 13-17; 18-59; 60 and above.
 - c) Brief description of registration system and its effectiveness.
 - d) Of assisted refugees:
 - 1) what percentage (or how many) are being resettled?
 - 2) what percentage of the remainder are already largely self-reliant (that is not significantly dependent on UNHCR subsistence or other allowances, or are expected to have benefits cut or substantially reduced in the next 3 months)?;
 - 3) what percentage are making progress to self-reliance (e.g. starting a small business, undertaking skills training)?;
 - 4) what percentage, through vulnerability or other factors, are having difficulty in working towards self-reliance?;
 - e) Brief description of implementing arrangements for delivery of assistance and promotion of self-reliance.
 - f) Comments (optional).
5. This report should be addressed to the SCSO, PTSS, by e-mail where possible (ashton@unhcr.org).

Enclos.

UNHCR Policy on refugees in urban areas

Introduction

1. The objective of this document is to provide clear guidelines for the provision of assistance to and the promotion of solutions for refugees in urban areas. It takes due account of both their specific situation and the problems that may be created by unregulated movement to urban areas, whether this movement takes place within the country or from another country where the refugee had found protection.

2. UNHCR's obligations in respect of international protection are not affected by either the location of the refugees or the nature of the movement to that location. In a number of countries asylum seekers arrive directly in urban areas. Whatever the nature of the movement or legal status of a person of concern to UNHCR in an urban area, the over-riding priority remains to ensure protection, and in particular, non-refoulement and treatment in accordance with recognized basic human standards.

Residence in urban areas

3. Freedom of movement is the rule under international law and restrictions should be the exception, though some restrictions - such as the location of refugees away from the border - respond to protection concerns. UNHCR should encourage the government to allow freedom of movement, and should promote the refugees' right to work and access to national services, wherever possible. In consultation with the government, UNHCR may, however, limit the location where UNHCR assistance is provided. Where refugees are assisted in settlements or camps outside urban areas, UNHCR should provide assistance in urban areas to refugees from the same country of origin only with the agreement of the government and if there are compelling reasons to do so.

4. Such compelling reasons could include: specific protection or security problems faced by an individual or his or her family in the settlement or camp; pre-arranged movement to an urban area for the duration of health care or for reunion with family members legally resident in the urban area; and assistance in achieving a durable solution, where this is possible in the urban area.

Nature of assistance in urban areas

5. There are many examples of problems and long-standing demands on UNHCR resources as a result of assistance programmes in urban areas that provided regular monthly allowances and refugee-specific services without ensuring that this support from UNHCR was indeed essential. Most such examples show an increasing involvement by UNHCR in the administration of assistance and rising overheads. There are also examples where UNHCR offices designed and implemented programmes for assistance in urban areas that did not create avoidable long-term reliance on UNHCR. There are recent examples of successful redirection of long-term care and maintenance programmes in accordance with the guidelines set out below.

6. Assistance to refugees should be given in a manner that encourages self-reliance and does not foster long-term dependency. Where assistance has to be provided by UNHCR, care and maintenance assistance should be strictly limited to

those cases where early self-reliance is not possible, and the continuing appropriateness of this form of assistance must be confirmed at regular intervals. Services for those who are not yet self-reliant should be provided through support, where necessary, to national health and education services, not by the creation of parallel structures and special services for refugees. This support should be in the form of one-time assistance where possible, not open-ended commitment to recurring costs. UNHCR assistance that is selective - for example, access to higher education - should be made available only on the basis of the same criteria as apply for refugees elsewhere.

7. Asylum seekers in urban areas should receive assistance from local authorities and institutions pending assessment of their claim. If no other source is available and if the asylum seeker would otherwise be unable to meet minimum needs, UNHCR may provide material assistance. In such circumstances, it should be limited to essential requirements and provided in a manner that does not raise false expectations of open-ended care and maintenance assistance if the claim is successful. Any such assistance should be subject to regular review if consideration of the claim is delayed, when UNHCR's own assessment of the status of the asylum seeker should be taken into account. UNHCR should, however, ensure that any specific needs of an asylum seeker as a result of the circumstances of his or her flight (for example, for health care and trauma counselling) are being met.

8. Guidelines on how assistance programmes for refugees in urban areas should be developed are provided in the Community Services Guidelines, part 3, Urban Refugees - A Community-based Approach (May 1996). Guidelines on the promotion of self-reliance, employment and on microfinance are under preparation. Unlike other refugee populations, the majority of refugees in urban areas are generally male: the proportion of family groups is often lower than usual. While there may thus be fewer women, children and adolescents than normal, they can be even less visible than they are in some refugee camps and settlements. Particular attention must therefore be paid to identifying their needs, and also to identifying the needs of those who remain behind in urban areas - for example, the elderly, handicapped and those not eligible for resettlement - after others of their group have left.

Solutions for refugees living in urban areas

9. Where voluntary repatriation is a viable option in the foreseeable future, this should be the preferred option, as for all refugees. Where this is not the case, or pending it, local integration if possible should be the objective of UNHCR assistance. The promotion of self-reliance should be undertaken accordingly, in a manner that will depend on local circumstances. This must respect the policies of the government while recognizing that many refugees, including many who have never received UNHCR assistance, are de facto locally integrated in urban areas.

10. Any determination that resettlement is needed for individual refugees should be made with direct reference to the criteria set out in Chapter 4 of the Resettlement Handbook. The corner-stone of UNHCR's resettlement policy is the application of criteria that are consistent, both within a country and among countries with refugees from the same country of origin, with respect to an individual's circumstances. Thus a refugee in an urban area should have neither more nor less chance of resettlement than he or she would have had in a refugee camp in the same country, or in another country where protection had been found. Active and timely case finding by UNHCR, based on the consistent and transparent application of resettlement criteria, should

remove the incentive for refugees to move to urban areas, and in particular to the capital, in search of resettlement.

11. Irregular movement (see 13 below) to an urban area in another country in search of resettlement can in itself create a new situation where criteria for resettlement are met or more nearly met than was the case in the previous country. This may happen, for example, when the act of irregular entry creates a protection problem. Such cases create a dilemma for UNHCR: resettlement after irregular movement has been demonstrated to encourage more such movements, and may lead to increased reluctance of countries of resettlement to accept such refugees, particularly when this may be at the expense of those who have not moved. At the same time, the only alternative to resettlement in extreme cases may be prolonged incarceration in an immigration jail.

12. Refugees who have moved irregularly to the country should not be submitted for resettlement (or given any prospects of resettlement) without the approval of the Resettlement Section, DIP. Such approval is likely only if it is determined that the person(s) would already have met the criteria for resettlement in their previous country. Approval would otherwise be conditional on the absence of any other means of resolving immediate protection problems.

Movement between countries

13. The movement of refugees without the consent of the authorities concerned from a country where they had found protection to another country is often described as "irregular movement", and usually takes place to urban areas. Such movement may or may not have been legal: the key consideration is rather whether or not the refugee had found protection. A refugee who is compelled to move because of specific protection or security problems in his or her previous country clearly cannot be considered to have found protection there. Such persons should therefore be treated as if the present country is their first country of asylum, not as refugees whose movement was irregular.

14. Irregular movements can put asylum and protection in the country of destination at risk for other refugees, and place demands on UNHCR's resources in the country of destination that far exceed those that would have been required in the previous country. Where voluntary repatriation was an option, irregular movement may make it less likely and more costly. Irregular movements tend to encourage others to follow.

15. Working with the government(s) concerned, UNHCR should therefore seek to remove the incentive for and discourage irregular movement by:

- a) ensuring proper protection and promoting durable solutions in countries of first asylum;
- b) ensuring appropriate and consistent standards of assistance;
- c) placing certain restrictions on assistance to refugees whose movement was irregular, and taking the special precautions with regard to their resettlement set out in paragraph 12 above;
- d) supporting return to the previous country of asylum in certain clearly defined circumstances, as set out in paragraph 18 below.

Assistance after irregular movement

16. UNHCR offices should first determine if the person is of concern to the Office. If the country of destination applies the same prima facie or group recognition as the country from which the irregular movement took place, or if the person was previously recognized (or not recognized) as a result of an individual determination by UNHCR, further action to determine status is not required. If the government of the country of destination has made a determination, this should be accepted unless UNHCR has reasons to undertake its own individual determination. If none of the above is applicable, there should be an individual determination of status by UNHCR in the present country. If the person is not found to be a refugee, any further action by UNHCR would be on the basis of good offices; issues related to the return of rejected cases are not covered herein.

17. While, as explained in paragraph 1 above, UNHCR's protection obligations are unaffected by such movement, UNHCR does not have an obligation to provide assistance to refugees after irregular movement on the same basis as it would had there been no irregular movement. With the obvious exception of life-saving assistance that is not available in time from any other source, or where the lack of UNHCR assistance would compromise protection, UNHCR should generally not provide direct individual assistance; persons whose movement to an urban area was irregular should use government services and their own resources whenever possible. UNHCR assistance that is selective - for example, access to higher education - should not be made available.

Return after irregular movement

18. UNHCR may promote the return of refugees who had found protection in a previous country provided certain conditions are met. Some conditions will be specific to the circumstances; the following are general conditions, likely to be applicable in all circumstances:

- a) desire of the authorities in the present country to ensure return if possible;
- b) sufficient evidence of stay in the previous country to satisfy that country;
- c) assurance that protection will again be available after return;
- d) readiness of the authorities in the previous country to readmit;
- e) a determination by UNHCR that a durable solution is not possible in the present country.

It should be noted that Executive Committee Conclusion 58 on international protection states that return may take place if persons returned are "permitted to remain there and to be treated in accordance with recognized basic human standards until a durable solution is found for them."

Response to threats and violent protests

19. Some refugees in urban areas have reacted with threats and violence to what they perceive as UNHCR's failure to meet their needs and/or expectations. Such

actions have taken forms that include hunger strikes, threats of suicide, and threatened or actual violence towards UNHCR and implementing partner staff and property, or towards other refugees who do not support the protests or the means used. A consistent, firm and fair implementation of the policies set out herein, and proper, timely and transparent information to the refugees on these policies - and on the constraints and limitations on UNHCR - are the best ways of ensuring that refugees' expectations are realistic, and thus preventing such actions.

20. Where problems nevertheless occur, UNHCR should first establish whether the reaction of individual is due to psychological problems. If this is the case, these problems should be addressed. Where the refugees' concerns are legitimate, UNHCR should of course seek to meet them. However, experience suggests that the most serious threats and incidents occur as a result of a deliberate attempt to force UNHCR to change its position and accede to the protesters' demands. Resettlement is perhaps the most common demand. Some demands may be in UNHCR's power to meet; others will not, though this is frequently not accepted by the protesters.

21. Experience shows that compromising in the face of such protests often leads to further demands and exacerbates the underlying problem. UNHCR should not change its position in response to threats or actual violence, whether towards UNHCR and its partners or self- or otherwise inflicted on refugees. Headquarters should be informed as soon such protests occur or are likely. If a field office is in doubt, advice should be sought from Headquarters on the most appropriate response to the demands. The security and law-and-order aspects of threats and violent protests are a matter for the authorities and police, and UNHCR offices should not hesitate in seeking their early involvement and assistance. Measures to ensure staff security are not covered herein. In the absence of a Field Staff Safety Officer, the advice of the Field Staff Safety Section at Headquarters should be sought without delay.

12 December 1997