

ANNUAL TRIPARTITE CONSULTATIONS ON RESETTLEMENT – JUNE 2022

REFUGEE STATEMENT

I Introduction

We, the Refugee Advisory Group (RAG), are pleased to have been directly involved in the planning and organizing of the Annual Tripartite Consultations on Resettlement (ATCR) again this year, alongside the Co-Chairs: the United States Government, the NGO Focal Point, Refugee Council USA, and UNHCR.

This marks the second year that the Refugee Advisory Group has been involved in the ATCR throughout the planning phase since this practice was first implemented in 2021 by the then Co-Chairs: the Swiss Government, and the Swiss Refugee Council.

As millions of refugees around the globe, who are desperately seeking solutions to their daily needs and challenges, we are determined to find equitable, accessible, and durable solutions for those in need of protection. We welcome this opportunity to strengthen refugees' collaboration with States, UNHCR, NGOs, and other stakeholders within the ATCR community by meaningfully participating in this important dialogue on third country solutions.

Thank you for carving the space for refugees to contribute to the discussions consistent with Paragraph 34 of the UN's 2018 Global Compact on Refugees: "responses are most effective when they actively and meaningfully engage those they are intended to protect and assist." With the pandemic beginning to recede, and in keeping with this year's ATCR theme of "Rebuilding and Emerging Globally", we hope that, together, we can produce positive outcomes through collaborative approaches to global resettlement.

II Meaningful Refugee Participation

The ATCR began in 1995 and, 26 years later, in 2021 we collectively challenged the "tripartite" nature of the consultations by recognizing refugees as an integral partner in these discussions.

Refugees have gone from participating on an ad-hoc basis in the ATCR to now having a seat at the planning table alongside the Co-Chairs and helping to shape and co-design the agenda and identify priorities for discussion. The Representatives of the Refugee Advisory Group have participated voluntarily in weekly meetings with the Co-Chairs and directly contributed to decisions related to the planning of the WGR and ATCR including making decisions related to the themes and agenda. This year we have over 35 refugees attending including as part of the refugee delegation, NGO delegations, and as part of the official state delegations for the US and Canada. Beyond participation in the consultations, we have refugees as expert speakers contributing through their skills, experiences, and expertise on the majority of the panels throughout the ATCR toward the goal of a better global response system through the realization of meaningful refugee participation.

We endorse the Global Refugee-led Network’s definition of meaningful refugee participation: “When refugees — regardless of location, legal recognition, gender, identity and demographics — are prepared for and participating in fora and processes where strategies are being developed and/or decisions are being made (including at local, national, regional, and global levels, and especially when they facilitate interactions with host states, donors, or other influential bodies), in a manner that is ethical, sustained, safe, and supported financially.”¹

It is important to note how historic this shift to refugee inclusion really is, and how far the process has come in such a short time. There was no discussion of direct refugee involvement in ATCR 15 or 20 years ago, but now the ATCR process is the leading mechanism within the global refugee regime to make real the commitment to meaningful refugee participation. All partners in the ATCR can take pride in this.

In particular, we recognize the role of the Co-Chairs of ATCR over the last four years: the United Kingdom, Canada, Switzerland, and the United States for their efforts to support the meaningful participation of refugees and to champion the inclusion of refugees as a permanent part of ATCR activities and processes, for which all relevant stakeholders have responsibility. Collective investment in refugee participation is integral to constructive conversations.

To this end, we urge States, UNHCR, and NGOs to build on the work that has been done and continue to prioritize the inclusion of refugees within their structures and throughout all their activities by developing mechanisms to promote the meaningful participation of refugees throughout the entirety of the process from planning to active participation and evaluation. We urge States, in particular, to include more representatives with lived experiences who can offer perspective, skills, and knowledge to their national delegations to all meetings of the global refugee regime, as demonstrated by Canada and the US. We also urge all partners to be inclusive in their hiring and selection practices to include refugees from marginalized groups regardless of their race, religion, ethnicity, sexual orientation, or socioeconomic background. Refugees at the ATCR should not be ‘otherized’. Rather, their participation should be intentional and grounded in anti-racism and anti-oppression policies and practices.

Over the last year, the Refugee Advisory Group has focused on developing and strengthening our mechanism to ensure sustainability, legitimacy, and credibility. We developed a Terms of Reference and have transitioned from the Refugee Steering Group to the Refugee Advisory Group. The Terms of Reference bring more clarity on the appropriate number of members and duration of membership, feasibility of activities, and the best means to ensure knowledge transfer between members.

We recommend that the systematic and transformative engagement of refugees be formally embedded in the ATCR, through the establishment of a permanent ‘Refugee Co-Chair’, thus transitioning from a tripartite to a “quadripartite” process. This would represent a significant development in the role of refugees in the governance of one aspect of the refugee regime, namely the ATCR. The transition from the “ATCR” to the Annual Quadripartite Consultations on Resettlement — the “AQCR” — would embrace the importance of collaboration and partnerships as the foundations of the consultations, promote transparency, and stimulate the development of new and innovative ways to solve problems and improve resettlement for refugees.

III Resettlement

Refugee situations have increased in scope, scale, and complexity. Forcibly displaced persons — including refugees — now constitute more than one percent of the world’s population.ⁱⁱ Adding the accelerating climate crisis to the equation, that proportion is expected to grow to close to 15 percent by 2050, with the number of displaced individuals reaching 216 million according to some estimates,ⁱⁱⁱ or even potentially topping one billion.^{iv}

The global refugee population has more than doubled since 2012. At the end of 2021, the total number of people worldwide who were forced to flee their homes due to conflicts, violence, fear of persecution, and human rights violations was 89.3 million. This is more than double the 42.7 million people who remained forcibly displaced at the end of 2012.^v

With that, came a projected 80% increase in resettlement needs. During this same period, various challenges slowed resettlement on a global scale, and the number of individuals who have been resettled shrunk by more than half. If the collective international response is failing now — with depressingly low resettlement numbers exacerbated by the pandemic and ineffective local integration strategies — the situation will only become more desperate in the years to come.^{vi}

While the refugee regime was established to ensure protection for refugees and to find a solution to their plight, refugees globally face significant constraints on their rights and now wait an average of 20 years for a solution.^{vii}

Refugees, like other vulnerable groups, have been disproportionately impacted by the COVID-19 pandemic. In addition to processing delays, refugees around the world have struggled to find durable solutions and have suffered significant health and mental health consequences. The COVID 19 pandemic brought resettlement programs to a halt across the globe. While we’re encouraged to see travel restrictions being lifted, we are wary of the delays and backlogs the pandemic has caused and the consequences it could have on vulnerable refugees for years down the road.

Since the pandemic, there has been a record low number of resettlements globally. In 2022, as of April, there had been only 15,042 departures,^{viii} despite UNHCR estimating that immediate global resettlement needs for 2022 increased to 1,473,156 persons.^{ix} The number of places for resettlement offered by States continues to fall far short of the global needs.

We implore States to adopt innovative tools to speed track their resettlement programs, shorten their processing times, and increase their annual quotas. The global response to the COVID-19 pandemic and to various emergent situations around the world highlighted the need for more equitable practices around refugee selection. This is an opportunity for States to recommit to tackling challenges that face all refugees no matter where they come from or how they look. We urge States to increase their resettlement quotas in the next few years to compensate for the record-low resettlement numbers which were exacerbated by the pandemic.

We further call on States to expand refugee resettlement schemes by prioritizing the most vulnerable, taking account of UNHCR’s submission criteria, making ambitious pledges to welcome more refugees, and improving anti-fraud measures throughout case management processes with the support of UNHCR.

a) *Complementary pathways*

We are encouraged by the growing momentum for complementary pathways – thanks to the meaningful participation of refugees in this conversation. We hope that this growth will not detract from resettlement for protection needs. We urge States to expand their immediate use of complementary pathways through education, family, labor, and humanitarian channels with accessibility and equity in mind. Individuals entering through these channels should be granted equal access to resettlement, legal, health, and income support. The expanded use of complementary pathways should not detract nor take away from resettlement allocations for those in need of protection.

b) *Community Sponsorship*

We have seen huge mobilization of communities banding together to sponsor and welcome refugees fleeing conflict in the wake of the Afghanistan and Ukraine crisis. With a successful 40+ year history in Canada, this is an opportune moment for states to further promote community sponsorship so more refugees can be resettled in addition to the traditional humanitarian settlement programs. The global need for resettlement is rapidly increasing while pathways to resettlement remain scarce, and exacerbated by COVID-19. States should harness this untapped potential and desire of everyday citizens to play a practical and meaningful role in addressing the global refugee situation and expand their annual humanitarian intake by including community sponsorship as a pathway to resettle more refugees.

c) *Creating Welcoming Communities with Intentionality*

Successful resettlement hinges on continuous investment in newcomer-serving spaces to ensure that they are providing sustainable services. Many refugees lack access to long term support upon arrival in their third countries. We urge partners to work collaboratively to ensure that refugees and displaced persons have access to language learning, settlement and income support, and meaningful community connections. We also ask States and NGOs to ensure their hiring practices reflect the diversity and newcomer demographics in their communities so that the services they provide are culturally relevant to the newcomers in their areas.

d) *Expanding Solutions which include Internally Displaced Persons and Stateless Persons*

As the Refugee Advisory Group, we recognize and acknowledge that internally displaced persons and stateless persons are often left out of discussions on global solutions, despite the reality that the total number of forcibly displaced people encompasses refugees, asylum seekers, and internally displaced people.

With conflicts around the world on the rise, humans will continue to seek pathways to safety. It is imperative that the international community do more to develop and expand durable solutions, to ensure people can realize their right to protection, without harm, especially in countries of origin. Finding durable solutions to displacement within countries is also critical in addition to resettlement opportunities and complementary pathways.

Addressing root causes of forced displacement such as poor governance, disregard for rule of law, human rights violations, transitional terrorism, ethnic cleansing, discrimination, political instability, the unequal share of natural resources, election fraud and malpractices, climate change, and extreme poverty must be a priority to all stakeholders in this room.

States and other stakeholders should leverage all available pathways to respond to the urgent protection needs of refugees, internally displaced persons, and stateless persons, and their urgent access to protection. Specifically, we urge all States to broaden the definition of the nuclear family, expand opportunities for community sponsorship, and develop and expand innovative complementary pathways like economic and educational mobility opportunities for refugees.

Greater international solidarity and responsibility sharing is required to ensure that we all step up efforts to advance solutions to forced displacement including for internal displacement and statelessness.

IV Non-discrimination

The Refugee Advisory Group would like to extend its gratitude to states which took immediate measures to respond to emergency crisis situations. The global support for Ukrainian refugees has been a heart-warming reminder of our shared responsibilities and the power of collective action. We witnessed how many countries corrected decades of debilitating processes to deliver a speedy response to the Ukrainian crisis. This presents an opportunity for growth and recommitment to tackle challenges that face all refugees, no matter where they're from or how they look. This is also an opportunity for States to recommit to providing legal and safe pathways to entry so that refugees are not forced to resort to alternative pathways that pose various risks to their safety and well-being.

Global response to crisis situations should not come at the expense of other refugee groups, nor should access to safe durable solutions be dependent on race, religion, or ethnicity. Many refugees are still in countries such as Rwanda, Uganda, Kenya, Pakistan, Iran, Turkey, Lebanon, Jordan, Greece, Libya, Niger, and many others and receiving very little attention or media coverage. In clear breaches of domestic and international law, we also witnessed the inhumane treatment of black and brown refugees at the border while fleeing Ukraine, and refugees being returned to unsafe countries of origin or stripped from their residency permits. These instances highlight the need for equitable responses to all individuals fleeing dangerous situations regardless of their race, faith, ethnicity, gender, age, or sexual orientation.

Those who escaped their countries of origin on the grounds of sexual orientation, gender fluidity, expression, and identity, as well as sex characters face discrimination on many levels, including death sentences by governments in some regions of the world, and in many ways face the phenomenon of being a minority within the minority. They are often met with homophobia, transphobia, and overall discrimination in their transit, host, and final destination countries and are grossly mistreated in their own communities. As a result, they receive little to no support in their communities and are often the victims of violence and physical and sexual abuse that they have no space to even report. The ingrained "shame" is so deep for them that even asking for help could lead to criminalizing them.

Mainstreaming Age, Gender, and Diversity (AGD) considerations in responses are essential to ensure that every person gets access to the safety and support that they require. Age, gender,

disability, sexual orientation, belonging to ethnic or religious minorities, indigenous status, and other characteristics may lead to additional barriers to obtaining documents to access basic services, and in the worst case can put people at risk of harm and violence.

V Inhumane Deportation of Asylum Seekers

We strongly condemn recent attempts to illegally deport asylum seekers from the United Kingdom for processing in Rwanda. This partnership between the United Kingdom and Rwanda is unlawful and incompatible with the Refugee Convention. Further, it does not contain adequate safeguards to guarantee international protection. Seeking asylum is a human right. However, in practice, policies such as these mean that asylum seekers will be treated as criminals.

Rwanda, whose own human rights record is under scrutiny,^[x] is not safe for transferred asylum seekers and there is a risk that some people could be returned to countries from which they had fled, in breach of the principle of non-refoulement under international law.

States remain the first duty bearers of international protection, and we call on you to uphold access to a fair and full asylum process for all refugees while supporting their inclusion, integration, and participation in society and to formally end the deportation of asylum seekers.

VI Climate-induced displacement

Climate change is already disproportionately affecting those experiencing forced displacement. The impacts of climate change are vast, and they worsen living conditions for internally displaced persons and refugees. Not only does the climate crisis exacerbate challenging living conditions, but it causes environments to be unsuitable for human life in the long term. If climate change is not addressed immediately, we can expect interrupted access to water, limited production of food, and mass movement away from hostile environments before the end of this century.^x If people cannot eat, cannot drink, and cannot sustain their families' lives, they will be forced to move and seek refuge elsewhere.

These situations are already occurring. Extreme weather events like hurricanes and landslides are becoming more common, affecting the most vulnerable among us. Only last year, extreme rain triggered a landslide in Cox Bazar, claiming the lives of 6 refugees in Rohingya Camp 10.^{xi} Incidences like this one are horrifying reminders of how beholden human life is to the conditions of their environments.

Long-term trends of drought and water acidification will also continue to worsen and become more common if action is not taken immediately. The inevitable conflict for control over scarce resources must be avoided by taking steps now to protect our Earth.^{xii} This is an unprecedented issue that the global refugee regime has never had to grapple with in its 70+ year reign, but these modern problems require new solutions that bring together those in need and those in positions to help.^{xiii}

States must invest more to mitigate protection needs and decrease the impact of climate change on lives. Their actions must be prompt, focused on sustainable "green" solutions, and considerate of vulnerability and sexo-specific needs.

VII Conclusion

With new challenges facing global resettlement, we, the Refugee Advisory Group, commit to contributing to the ATCR in meaningful ways through our collective knowledge, skills, and perspectives to help advance collaborative approaches to refugee protection and global resettlement.

We view the challenges that have faced the global refugee regime in recent years as opportunities for advancement and recommitment to tackling current and future challenges associated with forced displacement, collaboratively.

Working in partnership with leaders with lived forced displacement experiences has huge potential to leverage effort and investment. This is an opportunity for all actors within the ATCR community to transform how they partner with the refugees in order to advance joint efforts during this global crisis, and beyond.

About the Statement

This Refugee Statement was drafted by the Representatives of the Refugee Advisory Group.

The Refugee Advisory Group comprises a group of people with lived experience as refugees including, global, regional, and national refugee-led networks as well as independent and local refugee advocates.

The Refugee Statement was further developed after receiving input from refugee delegates to the ATRC from around the world.

For any questions regarding the Refugee Advisory Group or how to be involved, please contact Rez Gardi, Representative to the Refugee Advisory Group, at rez.gardi@refugeesseat.org.

ⁱ Global Refugee-led Network, “Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action”, December 2019, <https://www.unhcr.org/publications/brochures/61b28b734/meaningful-refugee-participation-transformative-leadership-guidelines-concrete.html>

ⁱⁱ UNHCR, “Global Trends: Forced Displacement in 2021”, June 2022, <https://www.unhcr.org/62a9d1494/global-trends-report-2021>

ⁱⁱⁱ World Bank, “Climate Change Could Force 216 Million People to Migrate Within Their Own Countries by 2050”, September 2021, <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>

^{iv} Baher Kamal, “Climate Migrants Might Reach One Billion by 2050”, August 2017, <https://reliefweb.int/report/world/climate-migrants-might-reach-one-billion-2050>

^v UNHCR, Global Trends Report 2021, supra note ii.

^{vi} R-SEAT, “End the tokenism. Give refugees a voice on our own futures”, The New Humanitarian, December 2021, <https://www.thenewhumanitarian.org/opinion/2021/12/15/give-refugees-a-voice-on-our-own-futures>

^{vii} Gil Loescher, *Refugees: A Very Short Introduction*, Oxford University Press, 2021.

^{viii} UNHCR, “Resettlement Data January - April 2022”, <https://www.unhcr.org/resettlement-data.html>

^{ix} UNHCR, “Projected Global Resettlement Needs 2022”, <https://www.unhcr.org/protection/resettlement/60d320a64/projected-global-resettlement-needs-2022-pdf.html>

^x UNHCR, Global Trends Report 2021, supra note ii.

^{xi} Islamic Relief Worldwide, “Devastating Landslide Claims Eight Lives In Cox’s Bazar, July 2021 <https://www.islamic-relief.org.uk/devastating-landslide-claims-eight-lives-in-coxs-bazar/>

^{xii} UNHCR, Global Trends Report 2021, supra note ii.

^{xiii} UNHCR, Global Trends Report 2021, supra note ii.