

Solutions with Rights: Pursuing a framework that offers expanded solutions for refugees while respecting their human rights

An InterAction paper highlighting essential elements for inclusion in the Global Compact on Refugees

Preamble

1. This paper outlines the priorities of InterAction members¹ relating to the New York Declaration for Refugees and Migrants and the upcoming Global Compact on Refugees. We believe the overarching goal of the Compact should be to find expanded solutions for refugees, while respecting their rights.
2. Finding solutions for refugees requires sustained global political commitments. We must go beyond humanitarian refugee care and maintenance by harnessing development approaches and leveraging longer-term investments that allow refugees to live in dignity and be self-reliant.
3. We believe that people fleeing conflict and persecution deserve our empathy and solidarity, rather than our scorn and fear.
4. While the priorities set forth below by InterAction focus on the Global Compact for Refugees, we strongly believe that their underlying principles equally apply to all displaced persons.
5. Refugee and migrant movements are often intertwined. The two Compacts, the Global Compact on Refugees and the Global Compact on Safe, Orderly, and Regular Migration, should therefore not develop independently but rather in tandem to promote linkages, prevent gaps, and offer a continuum of protection.
6. The Global Compact on Refugees must put forward actionable commitments to assist Member States in dismantling the barriers to greater international responsibility sharing for refugees.

Six essential aspects for inclusion in the Compact:

1. **The Compact should drive international refugee policies and investments towards solutions that promote resilience to and address the root causes of forced displacement.**
 - Given that 80% of today's humanitarian assistance funding is spent responding to conflict-related displacement, Member States should reaffirm their commitments to conflict prevention and mitigation and the Compact should identify new ways for Member States to be held accountable to their international conflict prevention and mitigation commitments made within the New York Declaration for Refugees and Migrants.
 - Member States should renew their commitments to uphold International Humanitarian Law, the Refugee Convention of 1951 and the associated 1967 Protocol to ensure that civilians are protected, before, during, and after displacement.

¹ Adventist Development and Relief Agency (ADRA), CARE, Catholic Relief Services (CRS), HIAS, International Catholic Migration Commission (ICMC), International Medical Corps (IMC), International Rescue Committee (IRC), Islamic Relief USA, Jesuit Refugee Service USA (JRS), Mercy Corps, Norwegian Refugee Council USA, Refugees International, Save the Children USA, UNICEF USA, United States Committee for Refugees and Immigrants (USCRI), Women's Refugee Commission, World Vision

- As part of ensuring accountability on these lines of effort, UN agencies should be required to report on the ways in which the Compact and its reforms will help Member States achieve the Sustainable Development Goals (SDGs) most directly related to forced displacement, namely SDGs 10 and 16².
- Member States should commit to, wherever possible, layering peacebuilding and livelihoods programming into lifesaving programs so that humanitarian dollars not only meet immediate needs, but also help reduce the spillover of violence and support communities' resilience.

2. The pursuit of durable solutions should be the overarching goal of all interventions related to refugees and should expand from the traditional concepts of voluntary repatriation, local integration and resettlement to include transitional solutions for improved hosting of refugees over the long-term and complementary pathways to third country resettlement.

- The traditional durable solutions framework does not adequately respond to the current needs of refugees and asylum seekers and are available options to very few of the world's refugees. "Expanded solutions" must be developed in partnership with refugees, governments, international organizations, NGOs and the private sector to address the reality that a significant portion of refugees will remain in host countries for a protracted period of time.
- Local integration—though short of obtaining citizenship—continues to be the most attainable solution for most refugees. Therefore, assistance programs should be aimed at supporting conditions for self-reliance and access to basic services through development initiatives.
- In order to support improved integration conditions from the outset of a refugee crisis, the international community must address refugees in a more holistic way, taking a longer-term approach to supporting refugees and host communities rather than developing programs and providing funding on a temporary/emergency basis.
- To improve self-reliance, it is imperative that refugees and asylum seekers can easily access proper identification documentation, have freedom of movement, have the right to work at all levels, have transferability of their credentials from their countries of origin to the countries of asylum, be allowed to own property and be provided with the educational opportunities that will enable them to develop their skills and access the labor market. Feasible routes to citizenship should also be offered in addition to improving the conditions for better transitional solutions while displaced.
- Finding solutions for refugees—particularly those displaced over the long-term—must involve approaches that support the countries and communities hosting them, which are often poor and struggling to provide for their own citizens. Adequately supporting refugees, by definition, requires mitigating the impacts on those who open their doors to them.
- New and increased pathways such as humanitarian visa programs, educational visas, employment programs, etc. should be expanded for refugees to access safe countries where they can realize their rights and live in dignity. UNHCR, NGO partners, and governments should work together to carry out thorough analysis and recommendations for complementary and alternative pathways to be part of expanded solutions options.
- All durable or "expanded solutions" which include improved transitional solutions and other creative ways of ensuring refugees' safety, well-being and dignity should be created and

² Sustainable Development Goal #10: Reduce inequality within and among countries
Sustainable Development Goal #16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

<https://sustainabledevelopment.un.org/?menu=1300>

pursued with refugees' needs, input and desires at the core; they should be refugee-centered and outcome-driven.

3. Effective refugee responses must take into account factors such as gender, age, and diversity that enhance or mitigate a refugee's protection risks, their capacity to respond to these risks, and their access to resources and opportunities.

- Measures must be put in place to identify and provide protection to the most vulnerable refugees at all migratory stages: during flight, reception and admission, support for immediate and ongoing needs, and durable solutions.
- Analyses must be conducted at the onset of a refugee influx that capture the intersecting factors that impact a refugee's vulnerability as well as their capacities. These analyses must inform the design of the response.
- All refugees must have a voice in needs assessments, program design, decision making, and have the ability to equitably access services. This requires targeted outreach to those who are marginalized by their gender, age, disability, or other attributes.
- Civil society organizations in host communities that already serve typically marginalized groups can offer essential support to refugees and must be resourced appropriately to do so.

4. People fleeing persecution should have prompt and efficient access to asylum procedures in the country where they arrive, regardless of the countries through which they have transited.

- States should provide people fleeing persecution with dignified and appropriate reception facilities as they begin the process of seeking international protection.
- Asylum adjudication procedures should be fair, transparent and timely.
- Asylum decisions should be consistent with the criteria in the UN 1951 Convention and accompanying legal instruments and reviewable by refugees and their advocates.
- It is unacceptable and against customary international law to outsource refugee reception to other countries through transactional political and/or financial agreements.
- Every measure should be taken to ensure that asylum-seekers—especially children—are not detained; however, in cases of detention, asylum seekers should have access to fair and timely asylum procedures.
- States should align their policies and national legislation governing asylum and refugee affairs with the principles in the 1951 Convention and should commit human and financial resources to a system that is consistent with the Convention, whether or not they are signatories.

5. The principle of non-refoulement is the cornerstone of international refugee protection and must be at the forefront of every refugee response effort.

- Member states must re-emphasize that the principle of non-refoulement is not only enshrined in the 1951 Refugee Convention and relating Protocol but also recognized as international customary law, and in addition to registered refugees, applies to any person who is likely to face persecution upon return to their home country. As such, it is binding for all States, even those that are not a party to the Refugee Convention.
- Refugee returns must be strictly voluntary. Too often, the line between voluntary returns and forced returns is blurred – when refugees are pressured to leave their countries of asylum, when aid to refugees is cut back, and when inducements for pre-mature return are offered.
- Before voluntary returns are supported and facilitated, there must be comprehensive analysis of the conditions in possible areas of return, as well as conditions in transit, so that refugee returns can be sustainable, including: information about safety and security; access to quality basic

services, like water, health care, and education; livelihood opportunities; and land rights and land tenure issues.

- UNHCR must clearly and comprehensively communicate their analysis of areas of return to refugees who are considering repatriation. This information must be updated regularly.

6. With the increased pressures and demands on current refugee hosting countries, third country resettlement is a vital durable solution that needs to be emphasized with greater commitment from more countries.

- The frame of responsibility sharing for refugees must be underscored in the Compact, not only through urging a greater financial response to refugee crises, but through additional countries opening their doors to resettle refugees. Resettlement is a critical protective mechanism for the most vulnerable refugees and a clear way for non-impacted states to demonstrate solidarity with hosting countries and communities.
- To increase the number of refugees who are resettled, the pool of receiving nations must be widened and countries that are already resettling refugees must take in significantly more. This should include the resettlement of unaccompanied minors. Meeting the commitments adopted at the September 2016 Leaders' Summit on Refugees should be a minimum starting point.
- Traditional resettlement countries should mentor and share best practices with countries that are considering resettlement programs or have only just begun pilot programs.
- As a way to encourage more countries to resettle refugees, member states should track and publicize the economic benefits that refugees contribute to their communities.

Concluding Remarks

We call for a renewed commitment to the rights of refugees defined by the Refugee Convention of 1951. In order to renew these enduring commitments in ways that strengthen international responsibility sharing for refugees, we, as InterAction members, believe that the aforementioned points must be part and parcel of the Global Compact on Refugees. We urge that these principles and core elements be used as a lens to critically evaluate all proposals related to the Compact to ensure that it strengthens refugee protection, leads to a more holistic and effective approach to helping refugees—particularly the long-term displaced—and results in concrete and actionable commitments for Members States to agree and adhere to.

For the Global Compact on Refugees to be truly centered on refugee needs and protection, engagement of civil society in global processes is essential. Civil Society Organizations (CSOs) will support communities to positively integrate refugees and be the strongest advocates for refugees at both the state and local levels. In their capacity as individuals and institutions, CSOs can facilitate the participation and engagement of host societies in refugee responses when public services cannot and will not be provided to them. To this end, there must be substantial increased involvement of civil society in drafting and implementing any global policymaking processes in regards to refugee policy. Any efforts to address the ever-increasing humanitarian needs of displaced people can only be attainable and sustainable through a global partnership of international and local government and civil society actors and stakeholders.