

SOLM171 INTERNATIONAL REFUGEE LAW

GRADE: 55/100

190806585

Word Count: 5000

Under Which Conditions Is Resettlement be a durable solution for refugees?

Introduction

The main purpose of this essay is to determine the conditions that resettlement is an effective durable solution for refugees. Although it is one of the three durable solutions envisaged by the modern refugee law regime, together with voluntary repatriation and local integration, in the contemporary age resettlement appears to be far away to provide a reliable solution for refugees. It was the primary solution for European refugees who forced to flee their homes in the wake of the World War II, but now it is hardly functioning.¹

In 1950 to help millions of Europeans who fled their homes or lost their homes after World War II, United Nations High Commissioner for Refugees (UNHCR) was founded by United Nations (UN) General Assembly. It was established with an authorisation to ensure international protection and to seek durable solutions for refugees, including resettlement.² After the war, it was not possible for most refugees to return home or integrate locally. Thus, resettlement became the sole option available for those states which dedicated to solving the problem.³ Despite such an experience proving the necessity of resettlement mechanism, it was not included in the Convention Relating to the Status of Refugees (hereafter 1951 Convention), signed in 1951. Instead, the importance of international cooperation in such cases was emphasized by stating that granting asylum could impose heavy burdens on some countries.⁴ The 1951 Convention also included many obligations for refugees in any country they are located, however it did not involve any provision on the distribution of refugees.⁵ Due to the lack of distribution principles of the international refugee law regime developed in the aftermath of World War II, recently, geographical proximity performs as the main distributive mechanism. As a result, the distribution of refugees among states is unevenly shared.⁶

Resettlement, is explained by UNHCR as ‘a tool for international protection and aims to fulfill the special needs of refugees whose life, freedom, safety, health or other fundamental rights are at risk in the country of asylum’. However today, due to geographical distance to problematic

¹ See L Barnett, ‘Global Governance and the Evolution of the International Refugee Regime’ (2002) 14 International Journal of Refugee Law 271.

² ‘UNHCR - Search’ <<https://www.unhcr.org/uk/search?query=the%20history%20of%20resettlement>> accessed 10 January 2020 4.

³ Guy S. Goodwin-Gill, Jane McAdam, *The Refugee in International Law* (3rd ed., 3, Oxford University Press 2007) 425.

⁴ Refugees UNHC for, ‘Convention and Protocol Relating to the Status of Refugees’ (UNHCR) <<https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>> accessed 10 December 2019.

⁵ M Zieck, ‘Quota Refugees: The Dutch Contributions to Global Burden Sharing by Means of Resettlement of Refugees’ (2011) 39 International Journal of Legal Information 134.

⁶ *Ibid* 130.

regions, developed nations do not face refugee crises directly which, among other reasons, leads to misunderstandings of the purpose of the resettlement mechanism. Despite the existence of an international regime established by the UN and a binding Convention with a broad participation, the parties still shape their resettlement programs independently according to their domestic policies and self-interests.

The reason that resettlement is not a reliable durable solution is the perception behind it. Since it is perceived as a discretionary policy, states act as if resettlement is a part of migration law instead of refugee law, determine quotas for placement and select refugees under discriminatory criteria.⁷ This essay argues that in spite of the absence of a clear provision in 1951 Convention, resettlement is a duty since the protection of refugees and the creation of durable solutions is an obligation on all states owing to the core principle of international refugee law, ‘non-refoulement’, but not a discretionary tool of international refugee regime. Nevertheless, there should be no room for discretionary practices in cases arising from humanitarian needs.

However, the literature is based on the acceptance that resettlement is a discretionary policy for states. Although current studies have dealt with the resettlement mechanism based on this acceptance, there is not enough study claiming that resettlement is an obligatory tool for placement of refugees based on international human rights laws and the rights granted to refugees in the 1951 Convention. As former UN High Commissioner for Refugees, Sadako Ogata stated ‘the refugee issue must be put to all governments and peoples as a test of their commitment to human rights.’⁸

By proposing an obligatory approach, this essay contributes to the development of international refugee law through a more predictable, fairer and more effective resettlement mechanism, which in turn will be a realistic remedy for refugees who are already seeking for assistance.

In the first part of the study, why resettlement cannot be deemed as a durable solution under current circumstances will be revealed by the facts and figures. In the second part of the study, the reasons for the existing dreadful scheme will be addressed and solutions will be proposed for the correction. In this context the scope of the resettlement will be discussed through the resettlement programs of pioneering states and the concept of human rights.

⁷ Ibid 133.

⁸ ‘Fact Sheet No.20, Human Rights and Refugees’

<<https://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>> accessed 8 December 2019 4.

Part 1: Current Scheme

Every year millions of people flee from their homes due to ongoing wars, conflict, persecution and human rights violations in the world. Some of them are considered refugees according to the refugee term definition in world's widely accepted refugee treaty, 1951 Convention. Most recent statistics shows that the global population of forcibly displaced people is 70.8 million and there are 25.9 million people defined as refugees of which 20.4 million are reported under the protection of Convention.⁹

UNHCR defines three durable solutions that can insure refugee to lead a normal live: voluntary repatriation, local integration or resettlement.¹⁰ While voluntary repatriation is the most desired solution for states¹¹, in the contemporary age many refugees are unable to return their country of origin due to the long-lasting conflict, war and persecution. During 2018, only 600.000 displaced people -less than 3 % of refugee population- repatriated to their countries of origin and this level stayed mired in lows of two decades.¹² On the other hand, about four out of five refugees are residing in neighbouring countries of origin.¹³ UNHCR reaffirmed in its 2018 Global Trends Report that newly displaced people stayed close to their homeland. Commissioner illustrated the cases of majority of displaced; Syrians that fled to Turkey, South Sudanese headed to Sudan and Uganda, Congolese went to Uganda to obtain refugee status and applied for asylum.¹⁴ According to the latest statistics, Turkey has been the major country in the last five years that hosts 3.6 million refugees most of whom are Syrians. Pakistan ranks second with 1.4 million refugee population while Uganda and Sudan rank third and fourth with 1.2 million and 1.1 million respectively. Considering that the major hosting countries are developing countries and the overburden they face, it is not surprising that many refugees live in dangerous situations or have specific needs that cannot be addressed.¹⁵ These countries have also become more reluctant to new settlements in their territory as they have already numerous concerns about current refugees and asylum-seekers to deal with.¹⁶

⁹ Refugees UNHC for, 'Figures at a Glance' (UNHCR) <<https://www.unhcr.org/figures-at-a-glance.html>> accessed 10 January 2020.

¹⁰ Refugees UNHC for, 'About Us' (UNHCR) <<https://www.unhcr.org/about-us.html>> accessed 10 January 2020.

¹¹ David A Martin, 'A New Era for U.S. Refugee Resettlement' (2005) 36 Colum Hum Rts L Rev 309.

¹² At the same year 2.8 million new refugees and new asylum-seekers came to exist. So, returns do not even offset new displacements: See 'UNHCR Projected Global Resettlement Needs 2018' (UNHCR) <<https://www.unhcr.org/protection/resettlement/593a88f27/unhcr-projected-global-resettlement-needs-2018.html>> accessed 5 December 2019.

¹³ 'UNHCR - Resettlement' <<https://www.unhcr.org/uk/resettlement.html>> accessed 10 January 2020.

¹⁴ Ibid (n 9).

¹⁵ Ibid (n 13).

¹⁶ 'Resettlement Handbook' <<https://www.unhcr.org/46f7c0ee2.pdf>> accessed 10 January 2020.

These circumstances lessen the likelihood of being consulted to voluntary repatriation and local integration and triggers the importance of resettlement as a durable solution. However, statistics proves that the situation is not encouraging in resettlement as well. UNHCR announced that refugee population in need of resettlement have reached 1.4 million. However only 92,400 refugees are resettled throughout 2018. Out of 81.300 applications to the UNHCR in 2018, 68% were made by victims for abuse and torture, legal and physical security, women and girls in particular. Over half of all requests for resettlement involved children.¹⁷

The current scheme clearly shows that depending on traditional durable solutions for solving refugee crises seems less reliable. Yet, refugee problem is growing exponentially. There has been a dramatic increase in protracted refugee situation, ‘one in which 25,000 or more refugees from the same nationality have been in exile for five consecutive years or more in a given host country’¹⁸. In 2018, nine new situations were classified as protracted, including South Sudanese refugees in Kenya, Sudan and Uganda; Pakistani refugees in Afghanistan; Nigerians in Cameroon and Niger; refugees from DRC and Somalia in South Africa; and Ukrainian refugees in the Russian Federation. As of the end of 2018, 15.9 million refugees that is 78 % of all refugee population were living in protracted situations.¹⁹ On the other hand, new refugee populations continue to add to the current scheme as in Venezuelan case when more than 3 million people had left their homes due to various reasons including violence, shortages of food and medicine.²⁰

This trend of last decade proves that international community have failed to solve the refugee crises and the future is unfortunately not promising.²¹ The main reason for the unresolved refugee problem is thought to be the implementation of principles and rules of international refugee law. However, it is certain that identifying inadequacies and deficiencies of the current system and providing solutions for each of them is far beyond the scope of this study. Therefore, the essay focuses on concept of resettlement.

Part 2: Resettlement as a durable solution and the protection rule for refugees

UNHCR defined resettlement as the relocation of refugees from an asylum country to a third country that has agreed to accept them and eventually grant permanent settlement to them. It is a tool for international protection and aims to fulfil the special needs of refugees whose life,

¹⁷ Ibid (n 9).

¹⁸ ‘Global Trends - Forced Displacement in 2018 - UNHCR’ (UNHCR Global Trends 2018) <<https://www.unhcr.org/globaltrends2018/>> accessed 2 December 2019.

¹⁹ Ibid (n 9).

²⁰ Ibid.

²¹ Considering the last decade’s upward trend of refugee populations, UNHCR Commissioner interpreted this trend will more likely to continue: See *ibid* (n 18).

freedom, safety, health or other fundamental rights are at risk in the country of asylum.²² According to this definition it is understood that resettlement was designed to be a durable solution for refugees. However, the term durable solutions is not defined either in the 1951 Convention or in its 1967 Protocol. UNHCR Master Glossary of Term 2006 describes it as ‘any means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives.’²³ For Goodwin-Gill and McAdam, the absence or inability to achieve effective state protection is the main characteristic of the term refugee and international protection is the substitution of protection that cannot be provided to the person by the country of origin or which can no longer be provided.²⁴

The main reason for resettlement is to ensure an effective protection for particularly vulnerable refugees. It is specially a solution for refugees those who live under conditions that is precarious or unsafe and contrary to human dignity.²⁵

A variety of efforts has taken by UNHCR for enhancing the existing protection regime, i.e. Global Consultations on International Protection was initiated to enhance the regime to focus on new problems of the 21st century; an Agenda for Protection was adopted to concentrate on the search for durable solutions and reinforcing international protection; The UNHCR Framework for Durable Solutions for Refugees and Persons of Concern was created under the High Commissioner’s Convention Plus initiative to assure cooperation among various players involved with refugees like states, local communities, UN agencies, non-governmental organizations (NGOs), donor community, etc.; The Multilateral Framework of Understanding on Resettlement was created in order to provide guidelines to be adapted to specific situations for promoting the strategic use of resettlement.²⁶ However, resettlement quotas has remained very limited. In 2018, more than 81,300 refugees’ cases were submitted by UNHCR for resettlement. Most of the candidates were Syrian refugees (28,200), Democratic Republic of the Congo (DRC) (21,800) Eritrea (4,300) and Afghanistan (4,000).²⁷ 14,631 Syrians, 6,869

²² Ibid (n 12). UNHCR - Resettlement’

²³ ‘UNHCR Master Glossary Terms 2006’ <<https://www.unhcr.org/449267670.pdf>> accessed 12 December 2019 443.

²⁴ Ibid (n 3) 421.

²⁵ V Moreno-Lax, Model Instrument for an Emergency Evacuation Visa (International Bar Association, 2019) <https://www.academia.edu/40441161/Model_Instrument_for_an_Emergency_Evacuation_Visa_International_Bar_Association_2019_> accessed 6 December 2019 6.

²⁶ Ibid (n 16) 61-65.

²⁷ Refugees UNHCR for, ‘Less than 5 per Cent of Global Refugee Resettlement Needs Met Last Year’ (UNHCR) <<https://www.unhcr.org/news/briefing/2019/2/5c6bc9704/5-cent-global-refugee-resettlement-needs-met-year.html>> accessed 1 January 2020.

Congolese from DRC, 2,498 Afghani, 2,008 Somali, and 1,341 South Sudanese were resettled.²⁸

To identify the most vulnerable refugees and transfer them to countries that participating in the resettlement programs, an extensive set of standards and procedures was developed by UNHCR.²⁹ Accordingly, the UNHCR seeks two prerequisites for resettlement in a third country; one must be already-identified as a refugee under 1951 Convention and the other two durable solutions must be verified that they are not better than resettlement for the concrete case. Then, refugees are evaluated for resettlement options in accordance with resettlement submission categories which they must fall within one or more of them for submission. These categories which are devised on vulnerability criteria are, having legal and/or physical protection needs; being victims of violence and torture; having particular medical needs; being minors, women and girls at risk; requiring family reunification; and/or lacking any other alternative durable solutions in the foreseeable future. The cases are classified according to priority levels which are ‘emergency’, ‘urgent’, or ‘normal’. This classification also determines the length of the processing period. Processing period is not easier than to be selected as a candidate. UNHCR identifies the candidates and assess them individually, prepares candidates’ case, submit and refer them to the possible resettlement country. After the decision of this country, pre-departure arrangements take place. In this context, selected refugees are culturally oriented; their travel logistics and formalities are arranged; fit-for travel screenings, escort and transit protocols are granted.³⁰

The competent authority in resettlement process is the UNHCR in accordance with its statutes and UN General Assembly resolutions. However, the 1951 Convention did not impose any obligation on states for resettlement. Therefore, the national legislation and interest of the states are decisive in this regard, rather than the urgency of the needs and situation of refugees.³¹ Indeed, most of the time states determine yearly quotas and set up additional eligibility criteria which are generally not compatible with the aim of protection of refugees. For instance, two sisters of Iraqi citizens fled to Syria on the grounds that they were prosecuted by the Shiite majority in Iraq because they were Sunni and were accepted as refugees by the UNHCR. Since their mother and sister are in the UK, UNHCR had applied for the resettlement of these two

²⁸ ‘Mid-Year Trends 2018’ (UNHCR) <<https://www.unhcr.org/statistics/unhcrstats/5c52ea084/mid-year-trends-2018.html>> accessed 8 January 2020 39.

²⁹ Ibid 6.

³⁰ Ibid (n 25) 18-19.

³¹ Ibid (n 5) 133.

sisters to the UK. However, the UK rejected the UNHCR's request for failure to meet the conditions of resettlement set by its own national laws.³²

Currently 26 countries³³ offer resettlement places for refugees. However, three countries, US, Canada and Australia which are named as traditional resettlement states for their long-standing resettlement programmes, offer the ninety percent of resettlement places.³⁴ Since they are the most welcoming in refugee resettlement and the most experienced in resettlement activities, reviewing their resettlement programs to understand the deviation from protection purpose is thought to be sufficient when considering the limits of this essay.

There are mainly three reasons which diverge resettlement from its protection aim and convert it to a migration tool; 'procedural difficulties', 'yearly quotas and selection criteria' and 'delays'. Indeed, it can be said that delays are the result of procedural difficulties and selection criteria. Because, the factors causing the delay are long procedural procedures and the time it took to determine whether the refugee complied with the selection criteria. However as explained later in the study, it is also a reason by itself why resettlement cannot be identified as a protection tool.

Procedural Difficulties³⁵

For being offered a placement, refugees have to explain why they submit for resettlement and convince the possible resettlement country about whether they are within the upmost priority level. In this context, refugees have to get through numerous and complicated administrative procedures, including preparing a variety of documents and face to face interviews. For submission, US and Australia arranges face to face interviews, they do not accept 'dossier submissions', while Canada does.

Applicants have to prove their eligibility via significant amount of document. US admits to request merely the relevant documents, including affidavits or letters from government officials, relatives and membership cards of unions, political parties or organisations as stated in the UNHCR Resettlement Handbook, however, checks the contents of submitted documents and whether they are forged. However, Canada seeks additional documentation supplementary to documents determined by UNHCR which seems almost similar to those for immigration

³² *ST and ET v Secretary of State for the Home Department; and Secretary of State for the Home Department v CI and C2* [2014] Court of Appeal (England and Wales) [2014] EWCA Civ 188.

³³ *Ibid* (n 28) 28.

³⁴ *Ibid* (n 5) 147.

³⁵ This section is based on the information contained in UNHCR, Resettlement Country Chapters: U.S., October 2014 (revised May 2018); Canada, 2017 (revised February 2018); Australia, July 2011 (revised April 2016 and 2018). See Refugees UNHC for, 'UNHCR Resettlement Handbook and Country Chapters' (UNHCR) <<https://www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>> accessed 10 January 2020.

purposes. If available candidates must also present certificates of birth; marriage; death; IDs, education and employment records and medical reports. Both Canada and Australia request detailed written explanations by applicants. Australia, in addition to Canada's supplementary requests, demand photographs, travel documents, visas, permits for residency, custody and/or adoption documents for children and any discharge documents. In case applicants seem to comply with the determined criteria, they will then be invited to an interview to determine their demands and verify the composition of the family.

US and Australia do not accept appeals for rejected decisions whereas Canada ensures judicial review before the Federal Court of Canada. If additional information or evidence is presented to the previous file, US and Australia admit reapplication.

Once decided to resettlement, issuing visa for travel identification purposes applies to all three countries.

Since the main purpose of the resettlement is the protection of refugees who are in danger, procedures should be reduced to a minimum to speed up the process.

Yearly Quotas and Selection Criteria

Although all three countries revise their resettlement quotas annually, it is difficult to say that they are at the desired level. In 2018, US's quota was 85,000, while Canada's and Australia's were 27,000 and 14,800 respectively.

Refugee definition of US is broader than the definition in 1951 Convention which means that national programme addresses a wider population. To be qualified for resettlement, applicants must fall within one of the US's 'special humanitarian concern' groups which is determined annually by US President. The concern groups for 2018 were as follows: 1) UNHCR resettlement categories from any nationality; 2) specific groups from certain nationalities; 3) Family members of people admitted to the US as refugees or granted asylum to specified nationalities (including the countries with the highest rates of refugees).³⁶ In addition, refugees must not have been resettled in another country before and must be acceptable to be resettled under domestic law. Although the US resettlement programme may seem quite inclusive, in fact it involves considerable amount of exclusions for reasons related with health issues, past criminal activities of refugees or security grounds. For instance, among others, who have physical or mental disorders; who have committed multiple criminal convictions; who would present a serious security threat may be excluded from candidacy.

³⁶ See UNHCR, Resettlement Country Chapter for sub-categories: *ibid* (n 35).

Refugee definition of Canada accepted for resettlement is also broader than the one in 1951 Convention. Canada admits the submissions of some refugee-like persons. It is also promising that Canada accepts applications not only from the country of asylum but also from the country of origin, and that resettlement goes beyond its generally accepted definition.

Historically, Canada does not have a good reputation about eligibility criteria. Yet, when compared with past resettlement programs, current programme said to be more humanitarian. Indeed, previous programmes were highly criticized for picking the best and smartest refugees. In response to these criticisms, Canada changed its refugee policy to ensure effective protection for refugees with the adoption of the Law on the Protection of Refugees (IRPA) in 2002.³⁷ Now, it gives priority of urgent or particularly vulnerable cases, including elderly refugees, applicants with disabilities, women at risk, traumatised applicants in the resettlement program in consistent with the purpose of protection. Nevertheless, Canada's demand from refugees to show that they have ability to establish³⁸ and be self-sufficient when they settle in the country creates the impression that a migration assessment will be carried out. Candidates must also show that they do not have a fair chance of finding a durable solution in another country, within a reasonable period of time. There are various exclusions as well on the grounds of medical records; for instance, refugees must not have any disease which may impose a danger to Canadian public health and safety. However apart from US and Australia, Canada does not exclude them on the basis of indicating excessive demand burden to the healthcare system. Moreover, security screening is held to search for a past criminal activity. Nevertheless, Canada can waive from exclusion of the refugee in exceptional cases and for humanitarian reasons.³⁹

Australia, like US and Canada, does not accept refugees only under the definition of 1951 Convention. Applicants must satisfy the UNHCR eligibility criteria. In addition, medical requirements must be met since unable to fulfil these requirements may led to an exclusion on the basis of undue costs in Australia's healthcare system. Applicants have to be free from certain serious diseases (e.g. TB or HIV) which are most likely to pose a threat to Australian people's health and safety.⁴⁰ Furthermore, like US and Canada, Australia is conducting security scanning as well.

All the criteria mentioned above mostly serves for the government's security concerns and self-interests. Resettlement of refugees to third countries have to be obligatory; rigid set of rules

³⁷ Pressé D and Thomson J, 'The Resettlement Challenge: Integration of Refugees from Protracted Refugee Situations' [2008] *Refuge: Canada's Journal on Refugees* 95-96.

³⁸ This criterion is claimed to be used rarely for refusal: see *ibid* 96.

³⁹ *Ibid* (25) 34-35.

⁴⁰ *Ibid* 37.

should be determined that do not allow arbitrary practices of states and eligibility criteria must be revised to serve for the sake of refugees, not for the self-interests of states.

Delays

When checking the durations from submission to approval, as well as to arrival to the resettlement country, it is clear why resettlement cannot be deemed as a protection tool for refugees. It takes generally two to four years for US which can be shortened to a maximum of 6 months in urgent cases and 47,6 weeks for Australia whereas it varies depending on several reasons in Canada. US and Canada give priority to emergency cases.

Countries' resettlement programmes show how far resettlement policies are from the humanitarian notion of protecting refugees, despite all the positive aspects of the programmes. However, as argued in the next part of the study, resettlement is not a blessing offer by the states but also a claim of a refugee for a right to protection.

Since, the aim is to protect particularly the most vulnerable, there should be safety zones to ensure a shelter for refugees until they are resettled.

Part 3: Human rights-based Approach to Resettlement

Apathy over the rights of refugees is the main cause of the problem between refugees and human rights. As Arendt; 'based on the supposed existence of a human being as such, collapsed in ruins as soon as those who professed it found themselves for the first time before men who had truly lost every other specific quality and connection except for the mere fact of humans.'⁴¹ She argues that when people leave their homeland, they are homeless; when they leave their state, they are stateless; when they are deprived of human rights, they will be the pulp of the earth. For Arendt, the stateless is their lack of political membership. Displaced persons have no states to protect their rights. Although the protection of human rights today goes beyond the concept of citizenship, it is still necessary to be within the borders of that state in order to benefit from the protection. States are obliged to protect the rights of people under their sovereignty. It leaves a gap between responsibilities owed to those who are under the state authority and those who are not yet under this authority. So, the reason why states act as if displaced persons are not subject to human rights is because of the inability to access the land. That is why western states prevented asylum seekers to reach their territories by building huge walls in front of their borders when the Syrian refugee crisis broke out. If Western states had allowed them to reach the border, asylum seekers would have asked for protection and these states would have not

⁴¹ G Agamben We Refugees.Pdf <<https://thehubedu-production.s3.amazonaws.com/uploads/1836/1e788430-c11e-4036-8251-5406847cd504/AgambenWeRefugees.pdf>> accessed 9 January 2020 116.

expel or return them under the principle of non-refoulement,⁴² since 1951 Convention prohibits non-refoulement or forcible repatriation of refugees. Article 33(1) of the Convention states that all parties guarantee the refusal to expel or return the refugee to the borders of the countries whose life or freedom is threatened in any way because of race, religion, nationality, belonging to a certain social group or political ideas. In fact, the human rights-based approach of the 1951 Convention begins in its preamble with acknowledging the principle of enjoyment of fundamental rights and freedoms that has to be implemented to all human beings without discrimination. Then continues with indicating the concern of the Convention that these rights and freedoms should be exercised by refugees as widely as possible.⁴³ There is no difference in the context of protection needs between asylum seekers and refugees who seek resettlement to a third country. So there is no reason to assign this approach for refugees who seek for resettlement.

Conclusion

This essay has discussed the circumstances that resettlement is a durable solution for refugees. It is argued that under current international refugee regime, resettlement of refugees is out of order. The problems of the system were identified and several methods is suggested. Since the main purpose of the resettlement is the protection of refugees who are in danger, the discretionary policies are contrary to the nature of resettlement. For this reason, this study argues that resettlement of refugees to third countries have to be obligatory; rigid set of rules should be determined that do not allow arbitrary practices of states; procedures should be reduced to a minimum; eligibility criteria must be revised to serve for the sake of refugees, not for the self-interests of states; safety zones should be created where they can remain safe until refugees are resettled. It is obvious that this approach which the study contributes to international refugee law, requires a human rights-based approach. There is, therefore, a definite need for changing the perception of resettlement. It is not a blessing offered by states, but rather a path that can be resorted to by refugees.

⁴² 'What Can Hannah Arendt Teach Us About Today's Refugee Crisis?' (Oxford Law Faculty, 10 October 2017) <<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/10/what-can-hannah>> accessed 10 January 2020.

⁴³ Refugees UNHCR for, 'Convention and Protocol Relating to the Status of Refugees' (UNHCR) <<https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>> accessed 10 January 2020

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