What Next for Global Refugee Policy?
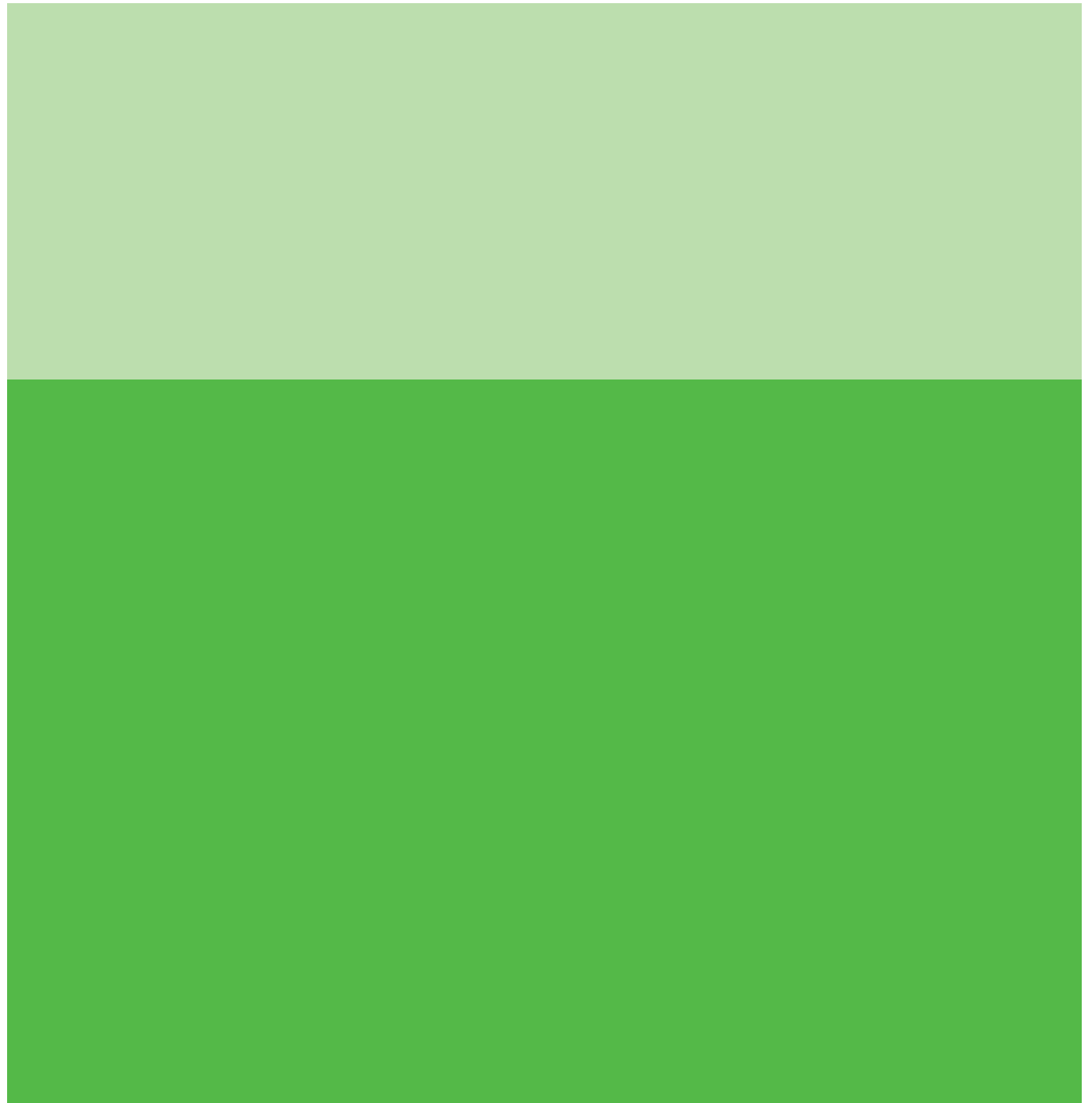## Opportunities and Limits of Resettlement at Global, European and National Levels

Table of contents

Key points at a glance

- Resettlement, that is the organised and permanent transfer of those in need of protection from a first country of asylum to a third country, is a promising approach to dealing with refugee situations. However, only a small minority of refugees worldwide currently has access to resettlement programmes.

- Resettlement can help prevent displaced people resorting to unsafe irregular escape routes. It also allows states to better control who enters the country and receives permission to stay. Resettlement is often the only durable solution for very vulnerable people and in protracted refugee situations. It means states assume responsibility for refugee protection and takes some of the pressure off the often poorer first countries of asylum.

- Resettlement is a voluntary commitment on the part of participating countries. In the case of territorial asylum, by contrast, states are bound by international law obligations. More countries getting involved in refugee resettlement does not mean that the law of asylum can be revoked. Both asylum and resettlement need to remain part of German, European and global refugee policy.

- There are other means of offering refugees planned protection: Humanitarian admission programmes and private sponsorship schemes can admit more people more quickly. Private sponsorship schemes can also mobilise additional resources and increase social participation in refugee admission. Admissions can be limited in time, although one should bear in mind that longer-term stays may be necessary and that integration should be promoted.

- Complex global displacement situations call for a range of different solutions. Territorial asylum, resettlement, and humanitarian admission and private sponsorship should all be regarded as part of a comprehensive refugee policy and should be expanded and developed. That way states will be able to react flexibly to different situations and protection needs.

Executive summary

The majority of all refugees worldwide are hosted by developing countries. Many already left their home country several years or even decades ago, and there is no prospect of their situation changing. Adverse protection and living conditions force many to once more set out on irregular routes to reach other countries. Resettlement, that is the organised and permanent transfer of those in need of protection from a first country of asylum to a third country, is currently being discussed as a possible solution by national, regional and international actors. The debate revolves around the extent to which resettlement is actually a viable solution to the challenges which global refugee policy faces. Some regard it as a silver bullet for dealing with the world's refugees and reducing the need for territorial asylum. Sceptics, though, doubt whether resettlement can be rapidly expanded to a high standard as a means of responding adequately to displacement situations.

Resettlement not only promises to improve refugee protection and provide durable solutions to long-term refugee situations, it can also contribute to fair responsibility sharing among the international community. However, at present only one per cent, at most, of all cross-border refugees are being resettled annually. In 2016, for example, some 163,000 refugees were resettled across the world, with Germany resettling around 1,215 people via such a programme.

In addition to "classic" resettlement there are also other, alternative pathways for admitting refugees to

third countries via state-run processes and granting them protection, principally humanitarian admission programmes and private sponsorship schemes.

The growing interest in resettlement and alternative admission pathways raises various questions regarding the principles and direction of future policy. The first question concerns the fact that resettlement is increasingly being linked in the political and public discourse to territorial asylum. Resettling more refugees, so the argument goes, might stop the displaced embarking on irregular migration routes to seek protection. Refugees would not have to put their lives in the hands of people smugglers to get to other countries; strict selection processes would give states greater control over whom they admit and would take some of the pressure off their asylum systems. However, it is unlikely that resettlement would be able to provide a comprehensive solution to the diverse root causes of displacement and displacement situations, as the various programmes tend to encompass specific predefined refugee populations. There is thus a continued and existential need for access to asylum procedures to provide protection to those who are threatened by persecution and serious human rights violations. And, ultimately, it is up to each state to decide whether to establish resettlement programmes. By contrast, states cannot simply turn those seeking protection away at the border. "Resettlement *instead of* asylum" would, therefore, break with applicable international legal obligations and significantly restrict individual access to protection.

A second question concerns the expansion of alternative admission pathways. Private sponsorship schemes and temporary humanitarian admission programmes allow for greater flexibility and mobilise additional resources. Such programmes and schemes can help increase refugee admissions both in quantitative and qualitative terms. What is important is achieving a balance between flexibility and protection and tailoring the various procedures available to the particular circumstances.

This Policy Brief discusses these questions and concludes that a mix of instruments is needed for dealing with complex displacement situations. Thus, (1) asylum will in most cases remain the key pathway to protection. Nevertheless, (2) resettlement quotas should be increased in order to effectively disburden first countries of asylum and offer protection to groups of people who cannot access other pathways. (3) Alternative admission pathways are creative and promising additions to the mix which may help increase quotas. A combination of the above could (4) ensure that standards of protection are maintained and at the same time provide flexible solutions to different situations. (5) The prospect of rapid integration, regardless of the mode and length of admission, benefits both the refugees and the receiving society. That includes (6) viewing resettlement and admission procedures from the refugees' perspective and ensuring greater refugee participation when designing those procedures. (7) When it comes to properly communicating the purpose of resettlement programmes to the public, systematically evaluating programmes and developing a coherent resettlement policy, it is essential that the various expectations regarding resettlement are clarified and reconciled. At a time when the international refugee protection regime is coming under increasing pressure, the 2018 Annual Tripartite Consultations on Resettlement under Germany's chairmanship provide national, European and international actors with a key opportunity to discuss questions of future policy and possible solutions in regard to resettlement policy.

1 Resettlement – an evolving concept[1]

Three basic challenges characterise the present crisis in global refugee policy: First, there is a huge imbalance in how the developed world and developing countries are taking on responsibility for refugees. The overwhelming majority (84 per cent) of refugees worldwide are hosted by developing countries (UNHCR 2017b: 2).[2] Second, first countries of asylum are often unable to provide refugees with sufficient protection and stable prospects for their future. Many of the displaced feel forced to take hazardous and irregular routes to seek alternative places of refuge. Third, there is often little hope that the reasons why they left in the first place will be resolved quickly. Quite the contrary, in 2016 two thirds of all refugees had already been away from their home countries for more than five years; these are referred to as "protracted refugee situations" (UNHCR 2017b: 22).[3]

National, regional and international actors are increasingly turning to resettlement when it comes to developing solutions to this issue. **Under this active admission procedure, refugees in a first country of asylum are selected and relocated to a third country which has agreed to guarantee them protection, residence and durable prospects.** Those in need of protection who have fled their home country, who are living in a refugee camp in a neighbouring country and who have been granted refugee status by the United Nations High Commissioner for Refugees (UNHCR)[4], for instance, can be selected for a resettlement programme. This gives them the opportunity to obtain durable legal status in a resettlement country and thus to settle there. Those who are resettled can often obtain citizenship, too. This is the key difference to territorial asylum, which does not select specific people in need of protection in order to give them passage to a receiving country by a regular route (Fig. 1). Territorial asylum is based on the idea that people can seek protection and apply for asylum in a country whose nationality they do not possess. Under the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention), states cannot remove people in need of protection to a country where they are likely to be in danger of persecution, torture or other serious human rights violations (known as the principle of *non-refoulement*).[5] The principle of *non-refoulement* means states have less leeway to limit asylum. They are, by contrast, free to set their own resettlement quotas. In addition, most irregular migratory flows include

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2 Under Article 1 A no. 2 of the 1951 Convention Relating to the Status of Refugees, the term "refugee" refers to any person who "... owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...".

3 A protracted refugee situation is defined as one in which 25,000 refugees or more from the same nationality have been in exile for five consecutive years or more in a given asylum country (UNHCR 2017b: 22).

4 Resettlement is closely linked to the role of UNHCR. Under its Statute, UNHCR is required to seek "permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities" (UNGA 1950: Chapter 1(1)). The various versions of UNHCR s Resettlement Handbook, first published in the mid-1990s, have contributed to standardizing resettlement practice. UNHCR registers refugees worldwide and decides in which cases resettlement would be an appropriate solution. Many receiving states base their decisions when selecting refugees for resettlement programmes on lists drawn up by UNHCR, or UNHCR supports them in their selection and resettlement procedures. Other international organisations are also involved in resettlement processes, including IOM, which concerns itself with the "organized transfer of refugees" (IOM 2017, Article 1(1)(b)), among other things, and numerous logistical and operational tasks. International non-governmental organisations (NGOs) such as the International Catholic Migration Commission support the implementation of resettlement programmes worldwide.

5 The Convention was adopted in 1951 and a Protocol added in 1967. They form the core of international refugee law, which now includes several regional and human rights instruments. A total of 145 countries worldwide have signed the 1951 Refugee Convention.

people with and without protection needs (known as "mixed migration"), migration via the central Mediterranean route to Europe being one such example. In this context, resettlement is being discussed as an indirect management tool which can be used to legally admit those with protection needs on the one hand and to impose a more restrictive immigration policy on the other. One aim is to ensure that those without protection needs do not enter a country through asylum channels. However, this approach also makes it much more difficult for those with actual protection needs to claim asylum, and it may end up delegitimising asylum in the public eye (see section 4.2).

According to UNHCR, resettlement serves **three equally important functions** which reflect the three above-mentioned challenges faced by global refugee policy (UNHCR 2011: 3):

• First, resettlement can be a tangible expression of **international solidarity**, allowing states to help share responsibility for refugee protection and reduce problems impacting the country of asylum.

• Second, resettlement is a tool to provide **international protection** based on appropriate standards which the country of refuge can often not guarantee.

• Third, resettlement is a **durable solution**, in particular in regard to protracted refugee situations.
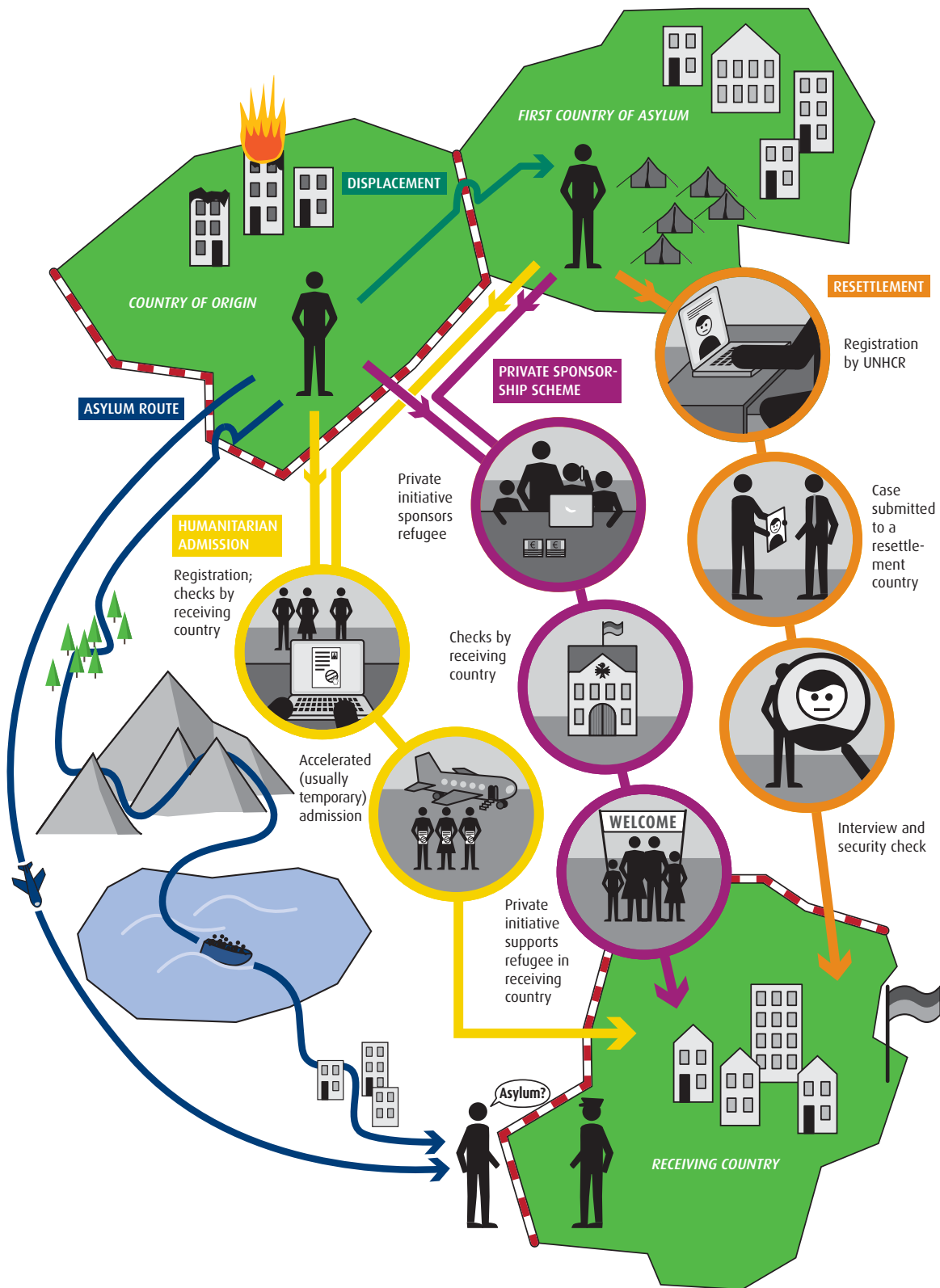
Besides "classic" resettlement there are alternative pathways for admitting refugees via state-run processes to third countries and providing protection,[6] primarily **humanitarian (state) admission programmes** and **private sponsorship schemes**. In the former, admission procedures can be completed more quickly than in resettlement programmes. The receiving states generally grant temporary protection. According to ERN+ (ERN+ 2017: 11), private sponsorship schemes are "public–private partnerships" which are typically additional to government-set resettlement quotas. Private individuals and civil-society groups, for example church congregations, in receiving states support the admission of individual refugees or refugee families. These private individuals or groups carry the costs of admission and support the refugee or family during the initial stages of the integration process. A key distinction between resettlement and alternative pathways is that only cross-border refugees have access to the former, that is individuals who have already left their home state. Alternative pathways, by contrast, can also be used to admit those who are still in their country of origin, such as internally displaced persons. Alternative pathways will be discussed further in section 4.3 below (see also Fig. 1).[7]

The current debate concerns the role which both resettlement and the aforementioned alternative admission pathways actually play – or could play – in addressing global refugee situations. Only a fraction of all refugees worldwide currently has the chance to resettle legally and permanently in a third country. At the same time, states and refugee policy-makers have high expectations that resettlement could be part of an effective toolbox for global refugee policy. **Whether resettlement will become one of the main mechanisms of global refugee protection or whether it will continue to play quite a minor role is also a matter of the objectives of resettlement, of the standards to be complied with and of the scale on which resettlement can be implemented.** This Policy Brief takes up the questions concerning the principles and direction of future policy arising in the debate and offers some food for thought and recommendations for action for future German, European Union (EU) and global resettlement policy. The Annual Tripartite Consultations on Resettlement (ATCR), which are being chaired by Germany in 2018, provide established and emerging resettlement states, as well as international and non-governmental organisations (NGOs) with the opportunity to identify common principles and to fur-

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6   In addition, there are further complementary pathways of admission which can offer refugees at least temporary protection, including family reunification, humanitarian visas and access to tertiary education in a third country. These will not, however, be addressed in any further detail in this Policy Brief (see FRA 2015b; Kumin 2015; Newland 2016; UNGA 2016; Fratzke/Salant 2017).

7   Due to vague definitions, resettlement, humanitarian admission programmes and private sponsorship schemes are sometimes subsumed under the term "resettlement". However, this Policy Brief draws a distinction between resettlement and these alternative pathways.

Fig. 1: How can refugees find protection?

FIRST COUNTRY OF ASYLUM

DISPLACEMENT

COUNTRY OF ORIGIN

RESETTLEMENT

Registration by UNHCR

ASYLUM ROUTE

PRIVATE SPONSOR-SHIP SCHEME

Private initiative sponsors refugee

Case submitted to a resettlement country

HUMANITARIAN ADMISSION

Registration; checks by receiving country

Checks by receiving country

Accelerated (usually temporary) admission

Private initiative supports refugee in receiving country

Interview and security check

Asylum?

WELCOME

RECEIVING COUNTRY

N.B.: Simplified schematic presentation to differentiate the pathways available to refugees. These are organised differently by each receiving state and depending on the refugee situation.

Source: SVR Research Unit/Jörg Scholz

ther develop global resettlement policy.[8] The outcome of negotiations on an EU Resettlement Framework (see section 2 and Box 2) and on a Global Compact on Refugees (see section 2) will also affect the future direction of travel in this area.

1.1 Legal bases

There is as yet no binding definition of resettlement (Box 1), **nor does resettlement have any legal basis under international law in the narrower sense.** The concept is based on institutional and state practice which has evolved over time and has led to a degree of standardisation of the underlying idea. The 1951 Refugee Convention refers to resettlement in connection with specific legal guarantees for refugees (Article 30), but it does not contain a binding definition and does not oblige states to engage in resettlement (see Sandvik 2010: 21). Nor do any subsequent legal instruments such as the 1967 Protocol or regional refugee conventions provide a more precise definition of resettlement. There is, thus, no right under international or human rights law to resettlement and no country is obliged to resettle refugees (Thomson 2017: 1). **Consequently, resettlement is a humanitarian and political instrument which is based on a voluntary commitment on the part of the involved countries; states are free to design resettlement programmes as they see fit** (see Bessa 2009: 98; Nakashiba 2013). The idea of a durable solution, however, is in keeping with the spirit of the 1951 Refugee Convention, which in large part deals with the rights to be granted to refugees in a receiving state (see, in particular, Chapters II to V of the 1951 Refugee Convention). Resettlement is also a form of international cooperation and solidarity, both of which are highlighted in the Preamble to the 1951 Refugee Convention.

1.2 Origin and development

Historically, resettlement has always been shaped by the political context and governed by individual states' interests (see Chimni 1998; Bessa 2009: 98; O'Sullivan 2016: 254). It has its origins in the period between the First and the Second World War (see Jaeger 2001; Piper et al. 2013; SVR 2017). It was especially in the aftermath of the Second World War and during the Cold War that resettlement was the preferred option for dealing with the world's refugee populations. In the period between 1947 and 1951, the International Refugee Organization (IRO), the precursor to UNHCR, helped resettle one million refugees from Europe. In contrast, it repatriated only around 75,000 people in that same period (Piper et al. 2013: 4). At that time humanitarian ambitions became entangled with political strategies and economic interests. Resettling the displaced from Europe in the post-war period was also motivated by labour needs in the receiving states – most notably the United States (see Sandvik 2010: 27; Piper et al. 2013: 4; Krasniqi/Suter 2015: 4).

During the Cold War, those subject to political persecution came to symbolise the West's ideological superiority over the East: A Soviet dissident who was granted protection in the United States represented a "classic" resettlement case (see Chimni 1998; Bessa 2009: 93). The 1989 Comprehensive Plan of Action was used to resettle refugees from Vietnam and other South-East Asian countries governed by Communist regimes in the United States and other receiving states and was paradigmatic for resettlement practice during this period (UNHCR 2011: 48; Piper et al. 2013: 5). It appeared impossible that these people would ever be able to return to their countries of origin.

The political assessment of resettlement changed after the end of the Cold War and in the course of a changing economic and social climate in the traditional receiving states. The political and labour market motives which had previously prevailed gave way to concerns about rising unemployment and deepening xenophobia. The public and political perception in

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8   The Annual Tripartite Consultations on Resettlement began in 1995 and are aimed at government representatives, civil-society organisations involved in resettlement and UNHCR. The consultations are being chaired by Germany in 2018; the Federal Government is represented by the Federal Ministry of the Interior and civil society by the German Caritas Association (Deutscher Caritasverband e.V. 2017a; UNHCR 2018a).

Box 1:   Definitions and terminology

There is as yet no internationally standardised definition of what resettlement is. One frequently cited definition can be found in UNHCR's Resettlement Handbook (UNHCR 2011: xi; see also Nakashiba 2013):

> "Resettlement involves the **selection and transfer of refugees** from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – **with permanent residence status**. The status provided ensures protection against *refoulement* and provides a settled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalised citizen of the resettlement country." (emphasis added)

This non-legally binding definition on the one hand describes the resettlement process (selection and transfer) and on the other hand outlines the purpose of resettlement (to grant permanent residence status to those in need of protection and provide protection against *refoulement*).

UNHCR's definition is preferred in academic circles and by international organisations, but there are other, slightly different ones, too. Several different definitions can be found in various texts published by the European Union (EU), two of which will be mentioned here by way of example. Although they emphasise the function of resettlement (to grant international protection), they do not define resettlement as a durable solution. The "right to stay", for instance, can be interpreted in different ways and thus allows for a certain margin of discretion when it comes to implementation:

> "'Resettlement' means the transfer of individual displaced persons in clear need of **international protection**, on request of the United Nations High Commissioner for Refugees, from a third country to a Member State, in agreement with the latter, with the objective of **protecting against *refoulement*** and admitting and granting the **right to stay** and any other rights similar to those granted to a beneficiary of international protection." (C(2015) 3560, emphasis added)

> "For the purposes of this Regulation 'resettlement' means the admission of third-country nationals and stateless persons in need of international protection from a third country to which or within which they have been displaced to the territory of the Member States with a view to granting them **international protection**." (COM(2016) 468, Article 2, emphasis added)[9]

The definition in a publicly accessible glossary applied by the world's most important resettlement country (the United States) focuses more on permanent integration and less on fulfilling protective functions:

> "**Permanent relocation** of refugees in a place outside their country of origin to allow them to **establish residence** and become **productive members** of society there." (US Citizenship and Immigration Services 2017, emphasis added)

Within the EU context, a further distinction is drawn between resettlement, i.e. the admission of refugees from a non-EU first asylum country, and **relocation**, i.e. the (re)allocation of refugees who are already in an EU member state, for example from Italy, where refugees first enter the EU, to Germany.

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9   At the time of publication, the European Commission's Proposal for a Regulation establishing a Union Resettlement Framework, which contains this definition, was still the subject of tripartite negotiations between the Council, Parliament and Commission (Box 2).

many countries of destination that the protection needs of those resettled could no longer be distinguished from economic motives contributed to growing scepticism towards refugee admission programmes. Resettlement rates declined in the 1980s and 1990s. UNHCR declared the 1990s the "Decade of Repatriation", during which the primary goal was to enable refugees to return voluntarily to their countries of origin (Chimni 1999: 4; Piper et al. 2013: 6). Back in 1979 UNHCR had resettled one in 20 refugees worldwide, but by 1993 resettlement was an option for only one in 400 refugees (Garnier 2014: 944; Troeller 2002: 87, 89). It was not until the early 2000s that refugee policy actors again turned their attention to resettlement, facilitated by standardised and professionalised processes within UNHCR and the expansion of resources available to resettlement (Piper et al. 2013: 13). The number of countries with ongoing or ad-hoc resettlement programmes increased from 14 to 35 in the period between 2005 and 2017 (UNHCR 2017a: 7, UNHCR 2017c: 21). Today, resettlement is one of the three classic durable solutions for refugee populations, the other two being local solutions in the first country of asylum and the voluntary return of displaced persons to their country of origin.

1.3 Interim summary

Efforts to find durable solutions for displacement situations and ensure better responsibility sharing among states have always been central to the theory and practice of resettlement. It is the political framework which has changed, though. Initially shaped by the pressures of Cold War politics and the demand for labour, the focus now is on humanitarian demands (Troeller 2002: 86; Bessa 2009). During the East–West conflict, resettlement refugees were of economic and political "value" to receiving states; today the political and institutional discourses all tend to focus on (protection) needs and the international community's resulting (moral) responsibility. Because the focus is increasingly being placed on individual protection needs, practical implementation has shifted from largely group-related admission programmes to individualised selection processes (Thomson 2017: 1; UNHCR 2011: 49).

The above outline demonstrates that the concept and practical implementation of resettlement is constantly changing and evolving. Given the considerable current focus on resettlement and related refugee policy tools, it is imperative to consider the status quo. The following two sections therefore provide an overview of the state of play of the global resettlement system. Particular attention is paid to the current debate within the EU and developments as regards resettlement, humanitarian admission and private sponsorship programmes in Germany. Section 4 addresses two central questions of policy direction, namely (1) the relationship between resettlement and asylum, and (2) the opportunities and risks of alternative admission pathways. The Policy Brief concludes by presenting a number of recommendations for action for state and non-state resettlement policy actors.

2 Resettlement in a global comparison: Facts, figures and policies

Currently, only one per cent of the around 17.2 million refugees worldwide, at most, can benefit from resettlement (UNHCR 2017b; UNHCR 2018c).[10] In 2016, UNHCR estimated that some 1.15 million refugees needed resettling (UNHCR 2015: 12). However, only 163,000 people were actually resettled that year, that is 0.9 per cent of all refugees.[11] Refugees from Syria,

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10 Cross-border refugees only; not counting Palestinian refugees.
11 UNHCR submitted a total of 163,000 cases. There were 126,000 actual departures to receiving states in 2016 (UNHCR 2017e: 11). It should be borne in mind that UNHCR's resettlement statistics only refer to those resettlement cases which UNHCR was involved in, specifically the number of candidates which UNHCR proposed to a potential receiving state (known as "submissions"). The number of submissions are typically slightly higher than the quotas set by a particular receiving state. The departures statistic indicates how many candidates were actually admitted, i.e. who moved from a first asylum country to a resettlement country. These figures may be higher or lower than the number of submissions, since not all states organise their admissions through UNHCR. Further discrepancies may arise because submissions and departures do not necessarily occur in the same calendar year.

Fig. 2: Top 5 resettlement countries 2015–17 (based on UNHCR submissions)
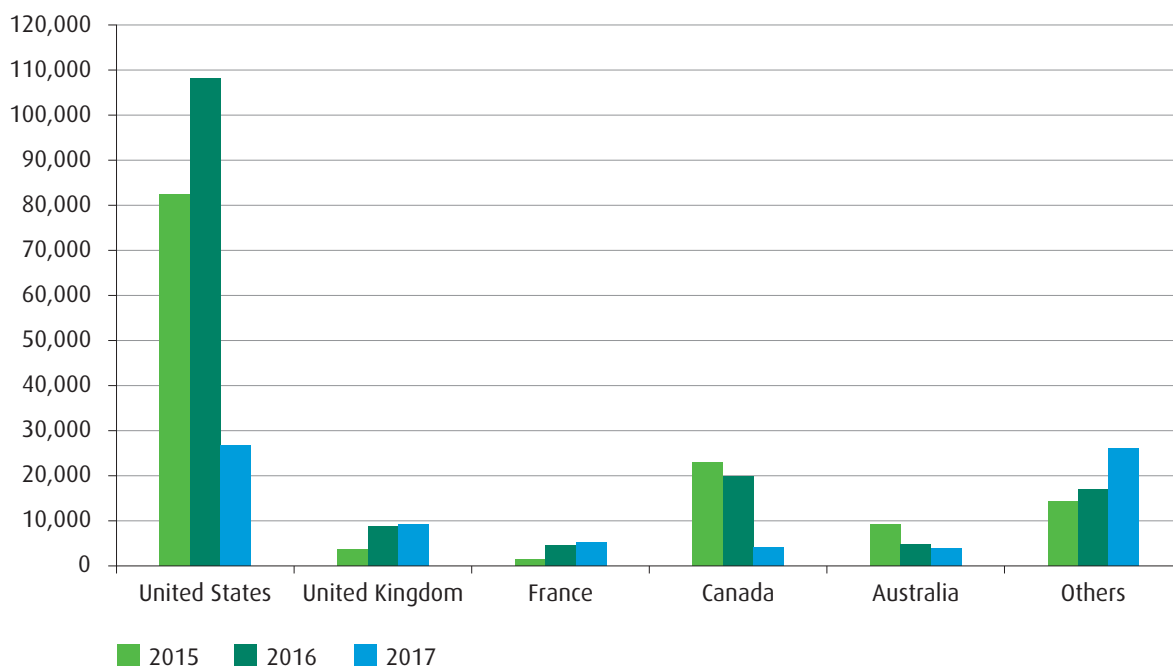
N.B.: The key resettlement countries were determined based on total number of submissions per country and year for the period between 2015 and 2017. The figures reflect the relative size of the different countries' resettlement intakes, not absolute admissions, since UNHCR submissions may be higher or lower than the actual number of admissions (see footnote 11). See Table 1 in the Appendix for an expanded list of resettlement countries.

Source: UNHCR 2018b (http://www.unhcr.org/resettlement-data.html, 21 Feb. 2018)

the Democratic Republic of the Congo and Iraq represented the largest groups among resettled refugees in 2016 (UNHCR 2017e: 66).

The United States, Canada and Australia have traditionally always had the largest resettlement quotas (see Beirens/Fratzke 2017: 6; UNHCR 2014, 2015, 2016d). The United States' resettlement pledges have until recently been larger than those of all other resettlement countries combined (Fig. 2). Nevertheless, any comparison based on absolute figures is only of limited value, since it does not take into account factors such as size of country and admissions via other channels (e.g. asylum applications) (Fig. 3) (see also Capps/Fix 2015).[12] Actively and permanently taking in people through resettlement programmes is in keeping with the traditions adopted in large immigration countries such as the United States, Canada and Australia, whose populations can be traced back to

migration and active settlement policies. Most European countries, by contrast, were historically shaped by emigration and tended not to have any active immigration policies (see Castles et al. 2014: 90, 102, 270). The ratio between resettlement and asylum is also due to geographical factors: Countries such as the United States, Canada and Australia, which are hard or impossible to reach by land and are far away from the world's present crisis regions, admit far more people through resettlement programmes than through asylum procedures. The lower resettlement quotas set in Europe, however, contrast with higher asylum inflows. This is also due to the fact that Europe is geographically closer to contemporary conflict areas, making it a realistic destination for those seeking protection.

A list of the top resettlement countries (Fig. 2) reveals that the total number of resettlement places available across the globe are provided by only a few

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12 Canada, Norway and Australia are the top three resettlement countries based on population size (UNHCR 2017e: 78).

Fig. 3: Asylum and resettlement admissions in the United States, the EU and Germany in 2016
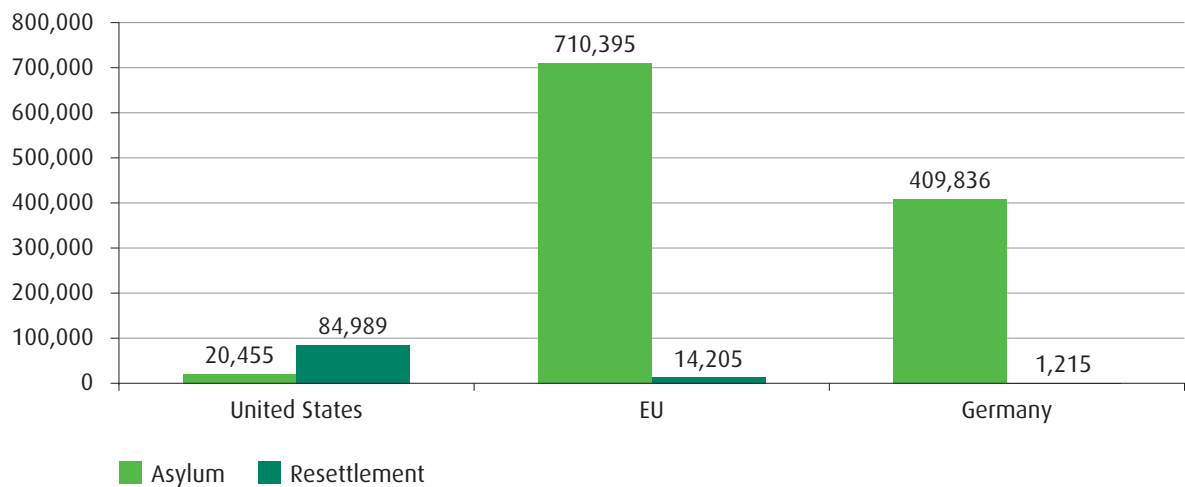
N.B.: The asylum figures are based on positive asylum decisions. In Germany, this figure also includes those who were granted refugee status and those who were given subsidiary protection. The resettlement figures are based on national and EU admission statistics, that is those admissions which actually took place. This explains the discrepancy to Fig. 2 and to Table 1 in the Appendix, which are based on the number of UNHCR submissions.

Sources: US Department of Homeland Security – Office of Immigration Statistics 2018: Annual Flow Report. Refugees and Asylees: 2016; EUROSTAT 2017: Asylum Decisions in the EU, News Release 70/2017; Bundesamt für Migration und Flüchtlinge 2017: Das Bundesamt in Zahlen 2016.

countries (see Milner 2016). Although the number of resettlement countries has more than doubled over the past ten years, the number of available resettlement places has not kept step. Drastic policy changes in large resettlement countries have a massive impact on the global resettlement system. The number of resettlements worldwide reached a 20-year high in 2016, but then dropped by half the following year (UNHCR 2017f: 3; UNHCR 2018b).

Taking the example of the United States illustrates these fluctuations: The United States' annual resettlement quota dropped from more than 230,000 people per year in the early 1980s to less than 70,000 within the space of just a few years. The largest resettlement quota was provided in 1993, when it reached 142,000 places. From around the year 2002 the quota remained stable at between 70,000 and 80,000 people per year, until the Obama Administration increased it to 85,000 in 2016. Shortly after that, newly-elected President Trump announced his intention to halve the resettlement quota (MPI 2018; ZEIT 2017).[13] The Unit-

ed States set an upper limit of 45,000 resettlement admissions for 2018, the lowest quota since its official resettlement programme was launched in 1980 (Fratzke 2017b).

Various international efforts are underway to get more countries involved in resettlement or to increase their pledges. The New York Declaration for Refugees and Migrants, adopted in 2016, calls on United Nations (UN) member states to expand their resettlement programmes and other admission pathways for refugees and to launch additional resettlement programmes (UNGA 2016; see also SVR 2017: 49). The signatories to the New York Declaration agreed to adopt a Global Compact on Refugees by the end of 2018 (UNGA 2016). The first draft of this Compact, which the international community will be negotiating in the course of 2018, focuses on measures in first countries of asylum, but it also calls for the expansion of resettlement and other admission mechanisms. Among other things, the draft text recommends speeding up admission procedures and reserving a quota of resettlement places

13 These figures are based on officially announced quotas. The number of actual admissions is usually slightly lower, although on occasion it may vary greatly from the quota set. In 2002, for instance, only 27,000 people were admitted after the 9/11 attacks instead of the original quota of 70,000 (see MPI 2018).

Box 2: Proposal for a Union Resettlement Framework

In 2016 the European Commission put forward a Proposal for a Regulation of the European Parliament and of the Council establishing a Union Resettlement Framework (COM(2016) 468). The Commission, Council and Parliament were still in negotiations on the Proposal as this Policy Brief went to print. Subject to that caveat, the key elements of the Proposal can be set out in brief as follows:

- **Harmonisation** of resettlement procedures and of the status granted to resettled refugees in receiving countries.
- Setting of a **biennial upper limit** for the number of people to be admitted as well as their distribution across the member states.
- **Voluntariness**; each member state to decide whether to participate and, if so, to define its own upper limit.
- Member states to receive EUR 10,000 in **funding** for each refugee resettled on the basis of the Regulation.
- **Prioritisation of third countries** from which refugees are to be resettled; particular attention to be paid to their effective **cooperation on migration and asylum issues**, for example limiting irregular migration to Europe, enabling the return of irregular migrants based on readmission agreements and expanding own asylum systems.
- **Broader grounds for exclusion**; in particular, those who irregularly entered or attempted to irregularly enter, or irregularly stayed in the EU during the five years prior to resettlement to be excluded from resettlement programmes.

Many welcome the EU's plans to expand its commitment, given that it promises more predictable quotas (see UNHCR 2016c; Grandi 2016; IOM 2016; Bundestag Printed Paper 19/488). However, refugee organisations in particular fear that the current Proposal undermines various principles of refugee law. Instead of humanitarian aspects and protection criteria, the focus is placed on migration control and foreign policy objectives, they claim, by making resettlement part of a package to be negotiated with partner countries, which are then "rewarded" for fighting irregular migration (see ECRE 2016; IOM 2016; UNHCR 2016c; Deutscher Caritasverband e.V. 2017b; IRC 2017; Björk 2017).

for emergencies. It also advocates private sponsorship schemes as long as these are additional to regular resettlement quotas (Global Compact on Refugees 2018: paras 60, 70–72). The Global Compact on Refugees will, nevertheless, not be binding under international law, meaning states will at most be making voluntary commitments to implement its goals and measures. In addition, in late 2016 UNHCR and the International Organization for Migration (IOM) established a programme to support those states which are inexperienced in carrying out resettlement programmes to establish the necessary structures (ERCM 2016).

Resettlement in Europe
Norway, Sweden and the United Kingdom have Europe's oldest and largest resettlement programmes.

A total of 24 European states currently run resettlement or humanitarian admission programmes (COM(2017) 669). Some, including France, the Netherlands, Norway, Sweden and the United Kingdom, admit several thousand people via resettlement programmes each year (for Germany, see section 3). Most other European countries only resettle refugees in the two- to three-digit range. However, alternative pathways also provide important access routes into Europe (see section 4.3), and in many cases these schemes provide considerably more places than resettlement programmes.

Nevertheless, the number of refugees benefiting from protection via territorial asylum exceeds those coming to Europe via resettlement or other pathways many times over (as illustrated in Fig. 3). In 2016, EU

member states granted asylum to more than 700,000 individuals, compared to the 14,000 refugees who came to the EU via resettlement programmes in the same year (EUROSTAT 2017; see Fratzke/Salant 2017: 2, 13).[14]

The EU has not yet harmonised its rules on resettlement. Since its first Communication in 2000 on a common asylum policy and possible cooperation in regard to resettlement, the European Commission has repeatedly tried to shape resettlement programmes at EU level and make available the necessary funding (COM(2000) 755; Perrin/McNamara 2013: 5). In 2013 the member states agreed on a joint European resettlement programme, and in 2015 the European Council for the first time agreed to admit 20,000 refugees over a two-year period through resettlement programmes (European Council 2015).[15] In September 2017 the European Commission then called on the member states to resettle at least 50,000 refugees over the following two years (C(2017) 6504).

In actual fact, definitions, implementation and procedures vary greatly among EU member states. Selection procedures differ, as do the legal rights associated with admission. Some countries grant refugee status, others a permanent residence permit without refugee status, and in others resettlees have to file an asylum application after arrival (see Krasniqi/Suter 2015: 10; Perrin/McNamara 2013: 17; Fratzke/Salant 2017: 15; European Parliament 2017; ERN+ 2018). The Commission Recommendations of 2015 and 2016 on a European Resettlement Scheme (C(2015) 3560) and on a Union Resettlement Framework contain definitions of resettlement (see Box 1). However, the 2017 Recommendation lacks any such definition. It is also unclear whether compliance checks are carried out to ensure that the member states' individual resettlement programmes meet specific standards and whether they are comparable (see Fratzke/Salant 2017: 13).

3 Resettlement and alternative admission pathways in Germany

Resettlement in the stricter sense is a comparatively new form of refugee protection in Germany. Germany participated for the first time in an EU-wide ad-hoc resettlement programme for Iraqi refugees in 2008. In 2011 the Standing Conference of Ministers and Senators of the Interior of the *Länder* (federal states) agreed to establish a permanent resettlement programme (Ständige Konferenz der Innenminister und -senatoren der Länder 2011). Three years later, that programme was extended, expanded and put on a sustainable footing (Ständige Konferenz der Innenminister und -senatoren der Länder 2014). In 2015, Germany adopted section 23 (4) of the Residence Act, which created a separate legal basis for resettlement. The corresponding admission quotas rose gradually from 300 people per year between 2012 and 2014 to 500 people in 2015, and to 800 people in 2016 and in 2017 (Grote et al. 2016: 14; BMI 2016). The refugees who had resettled in Germany by the end of 2017 came from various countries in Africa, the Middle East and Asia (Grote et al. 2016: 14). Germany relies on UNHCR's submissions when selecting its resettlement refugees. Thus, UNHCR-determined refugee status is a precondition for resettlement to Germany. The final decision is then taken by the Federal Office for Migration and Refugees (BAMF). The Federal Ministry of the Interior and the federal states may agree on additional selection criteria to be applied, in particular

• preserving the integrity of the family unit,
• family or other ties to Germany which can promote integration,
• ability to integrate (e.g. level of education/vocational training, work experience, language skills),
• degree of vulnerability

(Government of Germany 2016: 4; BMI 2016; BAMF 2017c)

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14 An exceptionally large number of asylum applications were filed in 2016. The disparity between asylum applications and resettlement places had already been high in previous years, though: In 2015, there were 333,350 positive asylum decisions, compared to 8,155 resettled refugees (EUROSTAT 2016); in 2014, a total of 183,365 people were granted asylum in the EU, while 6,380 were resettled (EUROSTAT 2015).
15 A total of 25,739 people had been resettled by early November 2017. This is because the EU member states had agreed to allow additional admissions from Turkey under the EU–Turkey Statement, although there was some crediting against the resettlement quotas agreed in 2015 (see COM(2017) 669).

Under section 23 (4) of the Residence Act, Germany grants resettled refugees a 36-month temporary residence permit. A permanent settlement permit can, however, be granted after three years if certain conditions are met, though generally only after five years (section 26 (3) of the Residence Act) (Grote et al. 2016: 30; BAMF 2017c).[16] In April 2018, Germany announced that it will take in 10,200 refugees under the EU s resettlement programme (Deutscher Caritasverband e.V. 2018c).

Unlike resettlement, other humanitarian or collective admissions have a long tradition in Germany. Humanitarian admission programmes were created following the 1956 uprising in Hungary and then, from the late 1970s onwards, for Vietnamese boat people. In the 1990s, refugees fleeing the wars in the Balkans came to Germany via humanitarian admission programmes, including around 3,000 embassy refugees from Albania, 350,000 Bosnian and 15,000 Kosovan war refugees (SVR Research Unit 2015: 33; Grote et al. 2016: 15). These early programmes were established on an ad-hoc basis and often lacked a clear legal foundation.[17] In many cases, those admitted lacked a legal protection status. In the course of admitting refugees in the 1990s, some refugees from Kosovo and Bosnia were given temporary humanitarian visas and some were granted a temporary suspension of deportation (*Duldung*) (SVR Research Unit 2015: 33; Kleist 2016). Although conceived of as temporary admission, many ended up staying permanently (Kleist 2016). All the programmes which were in the past subsumed under the term "humanitarian admission" were highly heterogeneous rules and responses to diverse refugee situations.

Humanitarian admissions have also played an important role in the recent past in protecting refugees fleeing wars and civil wars. A total of around 20,000 people seeking protection came to Germany between 2013 and 2014 as part of three successive federal humanitarian admission procedures (HAP 1, 2 and 3) (BAMF 2017c). They were primarily Syrian nationals who were either still living in Syria, in one of its neighbouring countries or in Egypt, as well as some stateless Palestinians and Kurds (SVR Research Unit 2015: 16; Grote et al. 2016: 53). In addition to humanitarian eligibility criteria, existing family or other ties to Germany were examined, as was whether the refugee had any qualifications which could contribute to the reconstruction of Syria after the end of the war (SVR Research Unit 2015: 16). Refugees admitted under these humanitarian admission procedures "for the duration of the conflict and its consequences for refugees" (BMI 2014) were given two-year renewable residence permits under section 23 (2) and (3) read in conjunction with section 24 of the Residence Act (SVR Research Unit 2015: 24; Grote et al. 2016: 30; BAMF 2017c). According to the EU–Turkey Statement signed in March 2016, refugees living in Turkey are also to be admitted via humanitarian admission programmes.

Finally, a form of privately funded humanitarian admission has been provided through regional admission programmes. As a complement to federal admission programmes, in 2013 all of the federal states, except Bavaria, established their own programmes. They enabled those living in Germany to have their Syrian relatives join them. **The rules applied in these programmes varied from federal state to federal state.** Generally speaking, though, the precondition was a family relationship. Relatives who were staying in Syria, one of its neighbouring countries or in Egypt were eligible to take part in the programme. The person who was living in Germany had to undertake to pay the costs of their relative's entry and stay and to provide a financial guarantee for that relative for a specific period of time[18] (SVR Research Unit 2015: 17;

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16 An analysis by the Research Centre Migration, Integration and Asylum in the Federal Office for Migration and Refugees to be published shortly looks in more detail at Germany's resettlement programmes in recent years. See *Baraulina, Tatjana/Bitterwolf, Maria* 2018: Resettlement in Deutschland – was leistet das Aufnahmeprogramm für besonders schutzbedürftige Flüchtlinge? Im Erscheinen, Kurzanalyse des Forschungszentrums Migration, Integration und Asyl des Bundesamtes für Migration und Flüchtlinge, Nürnberg.

17 One consequence of the migration inflows in the 1970s was the adoption, in 1980, of the Act on Measures for Refugees Admitted in the Context of Humanitarian Relief Activities (Quota Refugee Act) (Kleinschmidt 2013). The Act is no longer in force.

18 Some of the federal states initially or subsequently limited the length and extent of the guarantee. Following an amendment of section 68 of the Residence Act, the obligation to pay all living costs is now limited to five years (or three years in the case of declarations of commitment made before 6 August 2016) (see Grote et al. 2016: 41; MiGAZIN 2017a; Deutscher Caritasverband e.V. 2018b).

The Expert Council of German Foundations
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Grote et al. 2016: 41). A total of 23,000 people had been admitted via these pathways by mid-2017 (ERN+ 2017: 27)[19] and granted one-year (in some cases two-year) residence permits under section 23 (1) of the Residence Act, with the possibility of the permit being extended (SVR Research Unit 2015: 24; Grote et al. 2016: 43). Most of these regional admission programmes ended in 2015. Only Berlin, Brandenburg, Hamburg, Schleswig-Holstein and Thuringia were still running such programmes in 2018. There are plans to launch a pilot project in 2018 for a private sponsorship programme at federal level, initially for up to 500 refugees (BMI 2018).

Germany thus has experience of a number of different forms of refugee admission, ranging from resettlement to humanitarian admission programmes to privately sponsored schemes. In addition, Germany is of course an important country of destination for asylum seekers (Fig. 3). The programmes and schemes, firstly, differ as regards their scale. Secondly, they apply different eligibility criteria, for instance whether they admit only those who have already left their country of origin and are staying in a first country of asylum or whether the refugee needs to have family ties to Germany. The type of residence status granted and its duration also varies, as do the associated entitlements, for example to social benefits, labour market access and family reunification. It is, therefore, theoretically possible for several members of the same family to have arrived in Germany via different pathways and to have been granted either a three-year residence permit (if they were admitted via an asylum procedure or resettlement), a two-year residence permit (via humanitarian admission) or a one-year residence permit (via a regional admission programme) with varying corresponding entitlements and prospects of being allowed to settle in the country. These various different categories create the flexibility needed to be able to respond to diverse refugee situations and groups of refugees, but they do also incur a great deal of administrative effort. A lack of transparency and understanding of the various different admission pathways on the part of those concerned creates addition-

al problems, especially since the selection procedures are not as distinct as to enable those concerned, their relatives and volunteers helping them to understand who was admitted via which programme and why, and what status they have been granted (see Kumin 2015: 13; SVR Research Unit 2015; Tometten 2017).

4 Quo vadis, resettlement? Policy direction questions for global resettlement policy

In view of the growing number of challenges which global refugee policy needs to tackle (lack of responsibility sharing among the international community, protracted displacement situations and irregular movements for displacement-related reasons accompanied by an increase in the number of those seeking protection), resettlement appears to be the proverbial drop in the ocean when regarded in purely quantitative terms. Nevertheless, the practical, political and symbolic value of resettlement goes beyond the absolute figures, since it is often the only regulated, safe pathway to protection and a long-term perspective for especially vulnerable individuals or groups. In addition to providing material and financial humanitarian aid, resettlement also represents a concrete mechanism which can create a balance between countries which are affected by displacement to varying degrees. Finally, resettlement is part of the mix of instruments needed to implement the international refugee protection regime.

This section first looks at three fundamental aspects which run like a common thread through history and present debates as well as through the theory and practice of resettlement, i.e. objectives, quality and quantity. What resettlement programmes will look like in the future will depend on what goals the international community wishes resettlement to pursue, or which it thinks resettlement should pursue, what standards need to be guaranteed, and whether and how resettlement can be implemented on a larger scale.

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19 The statistic refers to the number of entry permits issued. It is, ultimately, impossible to verify whether a person actually entered Germany on that basis or not.

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4.1 Three key dimensions to the debate: Objectives, standards and quotas

Objectives

Both historically and currently, the objectives of resettlement were and are neither equivocal nor uniform (see Beirens/Fratzke 2017; Lindsay 2017; Betts 2017). The most important objectives (specifically on the part of the receiving states and relevant international institutions) can be divided into six categories:

- **Protection-related objectives:** Compliance with international law commitments to offer protection to those threatened by persecution is an explicit and key objective both for actors such as UNHCR and for many states involved in resettlement. Resettlement is particularly relevant for those who are especially vulnerable (e.g. at risk of *refoulement*) or for those in protracted refugee situations who have little chance of accessing other solutions.

- **Humanitarian objectives:** Resettlement eases the acute burden on first countries of asylum, for example when these countries are themselves unable to provide for refugees. Under certain circumstances, resettlement can also improve the living conditions of those refugees who remain in first countries of asylum, for instance when it frees up resources for accommodation and meeting their other needs (see UNHCR 2010).

- **Foreign policy–related objectives:** Resettlement serves foreign policy–related purposes, for example if states use resettlement to take a stance on certain conflicts, they attempt to persuade first countries of asylum to cooperate on other issues as well, or they position themselves as humanitarian actors within the international community.

- **Migration policy–related objectives:** One common key objective at national and international level is to promote legal migration and reduce irregular movements (see UNGA 2016). If resettlement can help to create regular pathways for refugees, states then generally also try to counter irregular migration by

those who are not in need of protection or use it to justify a more restrictive immigration policy.

- **Domestic policy–related objectives:** The level of control which the often closely monitored resettlement selection procedure permits also reduces security risks. Controlled and planned procedures can increase the general level of public acceptance of refugee admission, too.

- **Integration-related objectives:** Individualised selection procedures and a broader margin of state discretion allow receiving countries to select resettlees based on their "integration potential" – generally based on language skills, level of education or family ties to the receiving country.

Standards

Even though governmental and institutional practices, driven by international organisations, have helped to set standards and have led to the certain degree of harmonisation of resettlement programmes across the world, it is largely up to individual countries themselves to define resettlement and implement their own programmes. However, the United States, the largest and historically most important receiving country, has had a key influence on the classic image of resettlement and has created de facto standards which other (potential) receiving countries may not be able or willing to comply with (see van Selm 2014: 5). This raises the question of whether resettlement should be subject to more standardised rules. Should states, for example, agree on a single definition (Box 1) or set stricter standards in regard to eligibility criteria and length of stay? Is it legitimate for individuals to not only be selected for resettlement solely on the basis of their need for protection but also based on their professional qualifications?[20] However, flexibility, voluntariness and light regulation also make it easier for states to take part in resettlement programmes (see Perrin/McNamara 2013: 28). Without the latitude to align resettlement with their national interests, even fewer countries might be prepared to set up their own programmes.

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20 In view of its mandate, UNHCR believes that only humanitarian criteria should be applied and advises against drawing on "integration potential" as a selection criterion (see UNHCR 2016c: 8). Nevertheless, many countries apply this criterion in their resettlement programmes.

The issue of standards is also determinative when it comes to evaluating alternative mechanisms, such as humanitarian or private sponsorship programmes (see ERN+ 2017): If, for example, finding durable solutions is the key aspect, then temporary admission programmes will tend to be regarded with scepticism; if the primary intention is rapid integration and self-sufficiency on the part of the refugees, it makes sense to incorporate existing family ties and other private networks into the decision-making process. Diverse approaches are thus assessed differently, depending on which standards are accorded paramount importance.

Quotas

Many advocate increasing national resettlement quotas as a sustainable means of dealing with displacement situations (see European Parliament 2017; UNGA 2016; Swing 2017: 6; Bendel 2017: 8). It should be borne in mind that this is not only a matter of increasing the number of resettlement places, but also of building reception and integration capacities in the receiving states. It is countries which have no or only little experience of resettlement which often lack the structures needed to implement resettlement programmes on a larger scale and to permanently integrate refugees (see Troeller 2002; Piper et al. 2013: 22; Perrin/McNamara 2013: 33; ERCM 2016; Batchelor/O'Shea 2017). The operational capacities of implementing organisations such as UNHCR and IOM might reach their limits if quotas were to be suddenly and significantly increased. Time-consuming and complex selection processes are also expensive. In order to offer more people prospects of admission nonetheless, pragmatic use could be made of alternative admission pathways, as they sometimes enable larger quotas to be admitted more rapidly and they mobilise additional resources by involving private actors.

The prevailing questions of future policy around asylum, resettlement and alternative pathways discussed in this Policy Brief address the interplay and tension between these three dimensions: Is it possible to readily combine the various objectives pursued? Do more uniform standards help set clearer targets? Can quota increases be reconciled with high-quality standards, or would they lead to a watering down of standards?

4.2 Policy question no. 1: Resettlement and asylum – alternative or addition?

Could expanding resettlement programmes one day make individualised asylum procedures redundant? This question, admittedly overstated, is what lies behind many an idea for dealing with migration flows currently being discussed. Larger-scale resettlement programmes, the argument goes, would mean that people would no longer be forced to resort to dangerous irregular routes in search of asylum. Instead of having to deal with "spontaneous mass arrivals", like those seen at Europe's external border, states would be in a better position to control whom they admit and under what conditions (see van Selm 2014: 518; 2016; COM(2016) 468: 3, 8; Bendel 2017: 21; Hashimoto 2018). Resettlement also offers protection to the most vulnerable groups who lack the personal and financial resources to make their own way to another country to claim asylum. Finally, regulated admission procedures would reduce the pressure on asylum systems. Instead of having to react swiftly to asylum inflows, which are hardly planable, receiving societies could establish sustainable structures and focus resources more on integrating resettled refugees.

The most radical version of this idea (i.e. abolishing territorial asylum altogether) would currently be hard if not impossible to realise, as it would require fundamental amendments to applicable international law and would be problematical from a human rights perspective. The principle of *non-refoulement*, that is not removing those seeking protection to countries in which they are at risk of persecution, is enshrined in the 1951 Refugee Convention as well as in various international and regional human rights instruments. The European Convention on Human Rights and Fundamental Freedoms extends the principle of *non-refoulement* laid down in the 1951 Refugee Convention to include the threat of torture and inhuman or degrading treatment or punishment (FRA 2015a: 66). Resettlement, by contrast, is based solely on a voluntary commitment on the part of receiving states. **Asylum and resettlement are, thus, not equivalents from the perspective of international law. Replacing asylum with resettlement would mean supplanting an obligatory mechanism under the international**

protection regime with non-binding pledges which would be subject to the political decisions of individual receiving states.[21]

The idea that some countries might do away with asylum and instead establish resettlement programmes is also to a great extent contingent on how willing first countries of asylum are to cooperate. It is based on the assumption that first countries of asylum apply the principle of *non-refoulement* and do not remove refugees to their country of origin (at least until they are resettled in a third country). Since no country is obliged to admit resettled refugees and decisions as to quotas are often subject to political considerations, first countries of asylum are in fact exposed to the risk that pledges given by resettlement countries might not in fact be fulfilled. That is why many first countries of asylum are no longer admitting any refugees or are making things difficult for them in other ways. This dynamic has been observed in the region around Syria in recent years. The options those threatened by war and persecution have for reaching safety are thus dwindling, meaning they end up being trapped in their countries of origin.

Another aspect which should not be underestimated is the role of those seeking protection themselves. First, as things currently stand, the overwhelming majority have very little chance of actually getting a resettlement place. Even if someone is put on a resettlement waiting list, it can take years before they are actually allowed to travel to their resettlement country.[22] There is, in addition, no guarantee that they will be resettled, because the resettlement country can still turn away an applicant at one of the later stages of the selection process. Refugees thus have hardly any influence on the outcome of the resettlement procedure, and key aspects such as choice of resettlement country are out of their hands (see Lindsay 2017; Bendel 2017: 14). Instead, they often have to endure long waits and uncertainty and are unable to shape their own future. The asylum process, by contrast, gives refugees greater agency, enabling them to take their fate into their own hands, as it were, though at great personal cost and risk, including being forced to use irregular routes (see van Selm 2014: 518; 2016; Kumin 2015: 21; O'Sullivan 2016: 250).

The territorial asylum system is often described as unfair because it is based on self-selection. It is those who make it to the examining state's border – and not necessarily those in urgent need of protection based on objective criteria – who are allowed to apply for asylum (see SVR 2017: 14). This criticism of the territorial asylum system is justified, though it is not something for which the refugees themselves can principally be held responsible. In other words, refugees cannot be blamed for wanting to improve their personal situation by trying to claim asylum merely because that pathway is not open to other refugees.[23] There is, after all, no right to resettlement, regardless of how clearly or acutely vulnerable a person is. In addition, the need for protection is often not the only criterion applied, since resettlement countries sometimes impose additional criteria, such as "integration potential", or cite security concerns (see Lindsay 2017; Turner 2017). Which refugee populations are considered for inclusion in different resettlement programmes is also dependent on political decision-making. Whenever a new crisis is regarded as more important from a political or humanitarian perspective, the resettlement quotas are too limited to accommodate others in need of protection.

Where resettlement and asylum are played off against each other there is also the risk that asylum will be debased in the political discourse or in the public eye. "Real (resettlement) refugees" are pitted

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21 Only Australia applies this approach, and only to refugees who try to reach the country by an irregular route, i.e. by boat. Their refugee status is reviewed in extra-territorial centres in Papua New Guinea and on the island-state of Nauru. Those who are entitled to protection are allowed to resettle in a third country but not in Australia. Because the government does not want to create incentives for people to use irregular migration routes to get to Australia, these refugees are permanently prohibited from entering Australian territory (see Garnier 2014; O'Sullivan 2016).

22 The authority responsible for handling resettlement in the United States, for example, states that on average the resettlement procedure takes between 18 and 24 months, calculated from the day UNHCR makes a submission (US Department of State 2018). Before that, though, a refugee may well already have been on the waiting list for a long time or may have lived in a first country of asylum for many years unable to file an application for resettlement.

23 The 1951 Refugee Convention stipulates that refugees may not be penalised on account of their illegal entry (Article 31(1)). Limiting protection entitlements based on a refugee's mode of entry to a country would run counter to this basic principle.

against "bogus asylum seekers", who are accused of being opportunistic.[24] Refugee admission is a controversial issue in many countries, and it is especially in the context of large asylum inflows that doubt is often cast on how genuine the need for protection is. Given the prevailing mood, any political or legal debasing of asylum over resettlement might further undermine the already poor credibility of the asylum system and reduce public acceptance of refugee protection.

The "more resettlement for less asylum" argument mirrors the multilayered expectations regarding resettlement programmes (see section 4.1). It underlies one idea which is regularly put forward, namely that asylum reception centres should be established in the refugees' regions of origin so that the resettlement procedure can be carried out there, thus warding off irregular asylum inflows (see Léonard/Kaunert 2016; Carrera/Guild 2017). The Proposal for a Union Resettlement Framework also establishes this link, for example by excluding from resettlement procedures those who have irregularly entered or attempted to irregularly enter or who have irregularly stayed in the EU in the five years prior to resettlement (COM(2016) 468, Article 6(1)d; Box 2). Finally, in his Leaders' Agenda, EU Council President Donald Tusk called on the members of the European Council to promote resettlement as the chief legal pathway to international protection (European Council 2017). However, proponents of the international refugee protection regime fear that international legal standards may fall victim to policy interests related to migration control, domestic matters and security (see Deutscher Caritasverband e.V. 2017b; IRC 2017; UNHCR 2017f; UNHCR 2016c; ECRE 2016).

In sum, the advantages of resettlement cannot be dismissed. In particular, the prospect of being granted permanent residence as well as the possibility of guaranteeing safe pathways for the most vulnerable or for families with children, or of resolving protracted refugee situations are crucial for many refugees and displacement situations. In order to be able

to live up to its claim to being a real solution, resettlement quotas need to be significantly increased, though. In addition, individual refugee rights which guarantee access to asylum must be maintained. It is an obligation already incumbent on states. Abolishing or watering down refugee law – specifically the principle of *non-refoulement* – would break with one of the most important principles of international law. Another factor which speaks in favour of maintaining this principle is that state action is contingent on geographical realities. It is not always possible to predict where the next flashpoint may trigger displacement and which country will suddenly find itself in the role of first country of asylum. It would thus be short-sighted to assume that asylum will become irrelevant or dispensable for some countries on account of their being far removed from war zones. Both resettlement and asylum are building blocks of a global strategy to resolve displacement. Resettlement programmes should not be tied to the expectation (or even the condition) that territorial asylum will become a less relevant form of protection or that it could be entirely dispensed with as a result.

4.3 Policy question no. 2: Alternatives to resettlement – opportunities or risks?

State-run humanitarian admission programmes and private sponsorship schemes are additional options for responding to protection needs and displacement situations (see Fig. 1).[25]

Humanitarian admission programmes permit the temporary admission of relatively large groups of refugees (ERN+ 2018). The aim is to be able to respond as swiftly as possible to crises and to promptly guarantee protection (SVR Research Unit 2015: 11). Humanitarian admission programmes often identify a collective protection need, for example for a group of people who are in an especially precarious situation in a first country of asylum or who are at risk of being

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24 Asylum seekers who try to enter Australia irregularly are dubbed "queue jumpers" by politicians, for instance. They are accused of trying to gain an unfair advantage over those who "wait" to be resettled in countries of refuge (see O'Sullivan 2016: 242; van Selm 2014: 518).

25 Other so-called complementary admission pathways are also being discussed and trialled, for instance higher education scholarships, work visas and family reunification (see UNHCR 2017c: 24; Global Compact on Refugees 2018: 13; see also footnote 6).

removed to their country of origin. While individual selections and security checks still take place, procedures are often shorter and admission is effected more swiftly than in the case of resettlement. Under humanitarian admission programmes, refugees can be admitted directly from the conflict country itself, something which is not possible under resettlement programmes. Also, humanitarian admission is often based on the assumption that the refugees will be able to return home in the short to medium term. As such, long-term settlement and integration in the receiving country is not normally envisaged. That is why in many countries humanitarian admission programmes are significantly larger in scale than resettlement programmes. Like resettlement, though, humanitarian admission programmes vary from state to state and from situation to situation. Some countries link humanitarian admission programmes to family reunification, for instance, and reserve some places for those who have relatives living in the country of destination, as in the case of Germany's three humanitarian admission programmes (see section 3) and Austria's admission programme for Syrian refugees, though not in a similar programme in France (ICMC 2015). Humanitarian admission programmes also differ in terms of the types of residence permits issued to refugees in the receiving country. In Austria and France, for example, Syrians seeking protection were granted refugee status, while in Germany and Ireland they were not (ICMC 2015: 34).

The key distinguishing feature of private sponsorship schemes is the active involvement of private actors. The schemes vary greatly, though some allow private individuals or civil-society groups to propose and/or select potential resettlement candidates. The receiving states stipulate both the parameters for sponsors and the criteria for possible candidates. One such general criterion is that candidates must be registered by UNHCR as refugees. Proposed candidates undergo similar government security checks as are applied in resettlement procedures and humanitarian admission programmes. Once admission has been approved, the sponsors finance the refugee's entry and vouch for the admitted person or families for a

certain amount of time, which varies depending on the relevant provisions under domestic law. Sponsors are also responsible for supporting the admitted refugees in the receiving country throughout the integration process. They help refugees find accommodation, for example, advise them on accessing the education system and labour market, assist with the necessary paperwork and generally help them find their feet in their new environment. These schemes cannot be described as "private" in the stricter sense of the word, though, because after a time those admitted become part of the same social security and state-funded benefit systems as others in the country. Admission via private sponsorship schemes is generally permanent, although the relevant rules vary greatly from country to country.

Canada has for a long time been a pioneer when it comes to private sponsorship schemes. The option of admitting refugees via private sponsorship schemes (private individuals or civil-society organisations) was created in the late 1970s. Those involved in such schemes pledge to pay all the costs of the person or family being admitted for a whole year and to help them during the integration process. By 2017 a total of 300,000 people had entered Canada via this pathway (ERN+ 2017: 13).[26] Germany's regional admission programmes (see section 3) are similar to private sponsorship schemes, although they differ from the Canadian model, for instance in that there must be a familial relationship between the sponsor and the nominee. Five European countries have (or have until recently had) rules or programmes for involving private individuals in refugee admission (ERN+ 2017). Five years ago not a single European country had such a programme (Kumin 2015: 4).

One of the core issues in this context is whether alternative pathways are commensurate with the refugee protection and humanitarian standards which underlie resettlement. The debate around resettlement and alternative admission pathways is similar to the "numbers vs. rights" debate in regard to immigration policy (Ruhs/Martin 2008) and reflects the trade-off that states either admit more people but grant them

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26 For details regarding the Canadian model, see Kumin 2015; Hyndman et al. 2017; SVR 2017: 52 and ERN+ 2017.

fewer rights or else limit the number of people admitted but grant them a more robust status and wide-ranging entitlements. Humanitarian admission programmes, typically linked with limited residence status, mark a trend towards more temporary solutions. Aspirations of creating durable solutions and long-term prospects of protection might thus dissipate. Private sponsorship schemes also raise the issue of transparency of decision-making and of the underlying standards, for example whether those most in need of protection can actually access these pathways. In practice, family members often benefit from private sponsorship schemes, as Germany's regional admission programmes and Canada's private sponsorship programme show (see section 3; see Kumin 2015: 11; ERN+ 2017: 13). However, a right to family reunification could be granted rather than having candidates use protection pathways (see UNHCR 2016c; Tometten 2017). Finally, private sponsorship schemes also spell the privatisation of state responsibility. Refugee protection, to which states are bound under international law, is thus at least in part left to private individuals (see Bendel 2017: 22). In Germany, for instance, the guarantees required in order to be able to admit a relative (known as "declarations of commitment") in some cases lead to a high financial burden for private individuals – which shows that privately funded admissions need to be realistically planned and that they cannot entirely do without a governmental "safety net" (see SVR Research Unit 2015; ERN+ 2017; MiGAZIN 2017a; 2017b; 2017c).

On the other hand, the increasingly temporary nature of these schemes indicates a certain degree of adaptation to modern conflict and displacement situations. The paradigm of "irreversible exile" is in many cases no longer appropriate. Internal conflicts in particular are often fluid and characterised by periods of general instability interspersed with phases of open conflict. Accordingly, refugees have developed complex temporal and spatial coping strategies. Displacement routes are often multi-staged and involve stop-offs in several places; refugees may even return home for a time if the conditions there improve. Mobility and transnational links are also characteristic of modern refugee situations (see van Hear 2006; Piper et al. 2013; Newland 2016; Long/Rosengaertner

2016). Temporary forms of protection are, thus, not the problem per se (see Hathaway 2016). Nevertheless, the flexibility they provide should not put those seeking protection in a permanent state of limbo, making it impossible for them to develop stable prospects for their future life. Receiving countries, countries of origin and refugees benefit when refugees can build self-sufficient lives through education and access to the labour market and by promoting rapid integration. Where returning home permanently is not an option, these pathways must therefore offer the prospect of more permanent residence rights.

Alternative admission pathways have without a doubt helped considerably more people gain protection status than would have been possible using classic resettlement programmes alone. By applying more flexible criteria as well as less time-consuming and expensive procedures and by involving private actors, alternative pathways thus offer the chance to significantly increase quotas. Nevertheless, the principle of additionality should continue to apply to private sponsorship schemes. Private admission schemes should always be supplementary to and not substitutive for state-run programmes (see Kumin 2015; ERN+ 2017).

5 Conclusion and recommendations for action

An effective refugee policy needs to encompass diverse approaches and mechanisms, one of which is resettlement. Resettlement and other admission pathways can and should be expanded both in quantitative and qualitative terms in order to ensure sustainable refugee protection and to enable the sharing of responsibility among states. Given that most refugees are hosted by first countries of asylum in less developed regions of the world and resettlement can contribute to relieving the burden on these countries, in addition to providing financial aid, the international community must make resettlement an integral part of its refugee policy portfolio. Cooperation between first countries of asylum and established and new resettlement countries can develop creative solutions and fresh approaches. Efforts to harmonise programmes are to be welcomed, although a certain

amount of heterogeneity of admission programmes may be an advantage, for example if the programmes create durable solutions for different groups of refugees. Broader private and civil-society participation in refugee resettlement could be promoted, for example as provided for in the context of the Global Refugee Sponsorship Initiative and the Global Compact on Refugees (GRSI 2018; UNHCR 2017c: 21; Global Compact on Refugees 2018).

Nevertheless, resettlement clearly has its limits, too. As long as it is solely based on the voluntary commitment of individual countries, quotas remain low, and the receiving countries and international organisations lack the resources to implement it on a large scale, then it is unlikely that resettlement will be able to tangibly alleviate many acute or protracted displacement situations. It is likewise doubtful whether resettlement will be able to measurably reduce irregular refugee movements. Not only would the means not serve the ends, such an approach would also distort the purpose of resettlement (and of refugee protection in general) in the international and national, political and public discourse.

Going forward, resettlement will continue to mirror progress made and setbacks experienced by the international community in regard to forced migration and displacement. Against the backdrop of growing public awareness of refugee issues, unilateral trends towards isolationism contrast with international cooperation efforts. These trends will have a determining influence on how resettlement evolves as an element of the global refugee protection regime.

5.1 Guaranteeing asylum as a pathway to protection

Regardless of how the resettlement regime develops going forward, refugee law should be left untouched. Not removing refugees to a country in which they are threatened with persecution is and remains an obligation under international law which cannot be supplanted by the vague prospect of resettlement. Those who are at acute risk of being caught up in conflicts or who are in danger of persecution must also, if necessary, be able to seek protection spontaneously

in another country. They must not be forced to wait for resettlement programmes or other governmental admission programmes to be made available. Such programmes are very expensive and complex to implement, hence their limited number and scope. Due to the principle of voluntariness, they are also subject to changing political sensibilities and discourses in receiving countries, as a result of which they may be expanded as well as scaled back or abandoned entirely.

5.2 Increasing and stabilising resettlement quotas

To become a relevant mechanism for ensuring that governments share responsibility for dealing with displacement situations, **existing resettlement quotas should be increased and more countries should establish their own resettlement programmes.** Along with providing material assistance, states which are not directly affected by refugee flows should become involved in refugee protection by resettling refugees, thus disburdening first countries of asylum – also to prevent them from closing their doors to displaced persons entirely. In addition to their quantitative dimension, it is also important that quotas are, as far as possible, predictable and planable from year to year. This will ensure that organisations supporting resettlement have the necessary resources available to run resettlement programmes. Germany has a role to play in this, namely by promoting the expansion of such programmes at national, European and international level.

5.3 Tapping into and broadening the potential of alternative pathways

The traditional form of resettlement, with its prospect of delivering durable solutions, and alternative admission pathways can complement each other and thus ensure that more, and more diverse, groups of people are granted protection, for example those who are still living in their home country. **Humanitarian admission programmes and private sponsorship schemes offer creative possibilities for responding more swiftly and**

more flexibly to acute displacement situations, with the added effect that they help to mobilise additional resources. These pathways hold great potential, provided they are planned properly and embedded within a comprehensive refugee and integration policy. The direct contact with refugees and personal involvement which is characteristic of private sponsorship schemes can help improve the chances of refugees integrating successfully and can have a positive influence on the public debate around refugee admission. State, international and civil-society actors are, further, called on to ensure that private schemes comply with the relevant standards when it comes to the selection and admission of refugees. Rather than systematically choosing "softer" forms of protection which are less expensive and require short-term commitments over "harder" resettlement, resettlement and alternative pathways should be applied appropriately to the specific situation. Private sponsorship schemes should be additional to state-run programmes and should not replace them (the principle of additionality).

5.4 Maintaining resettlement protection standards without ruling out flexible adaptation

Resettlement programmes and alternative admission schemes should be able to respond to different needs which are not always planable. It is recommended that eligibility criteria and procedures be adaptable to the specific features of a particular conflict or displacement situation. Permanent resettlement is appropriate, for example, where a person has already been living in a first country of asylum for several years. At the same time, resettlement and other pathways should primarily be directed by their protective function. The need for protection must remain the top selection criterion. The principle of protection should also be given top priority when developing these programmes, for example when it comes to the support provided to refugees in a resettlement country. The core quotas in a resettlement programme Should thus always be reserved for the most vulnerable groups, for instance by applying the relevant UNHCR submission categories. Focusing on those who have the greatest protection

needs, i.e. refugees in protracted refugee situations without access to alternative solutions who are envisaged for permanent integration, justifies the relatively high costs associated with resettlement. More broadly defined criteria could be applied to quotas and admissions via alternative pathways beyond that. Quality and quantity, "rights and numbers", must be balanced when resettlement and other pathways are expanded. Allowing the relevant civil-society actors and international organisations to be involved in selection processes can help to ensure that basic protection standards are maintained.

5.5 Creating prospects for successful integration

The length of a refugee's potential stay is an important aspect of future resettlement and other admission programmes. Limiting a refugee's stay in a host country may be appropriate, for example to ease acute displacement situations in the short term. What is important is that all those involved are aware, from the outset, of these conditions and their consequences. One thing is nevertheless clear, namely that root causes of displacement which are resolved within the space of only a few years tend to be the exception rather than the rule. Assuming that people will be able to return home after a few years runs the risk of valuable time being wasted which could have been invested in integrating newly arrived refugees and helping them establish social ties and livelihoods. It is especially significant for young refugees to be able to quickly forge stable futures for themselves so as not to delay their access to education and work (see UNHCR 2016b). Planability and future prospects are not only critical for refugees from a personal, professional or educational perspective, they also benefit receiving communities. This does not rule out the possibility that those admitted may return home some day. However, if people are unlikely to be able to return due to the prevailing situation in their home country, transparent and clearly defined criteria should be applied to enable them to remain on a permanent residence title.

5.6 Keeping an eye on the refugees' perspective

The success of resettlement programmes and alternative admission pathways will, ultimately, depend on how refugees themselves experience them, for example whether programmes are accessible, transparent and fair, or rather whether they are perceived as such, whether account is taken of personal preferences and family or other ties to a receiving state, and whether they feel they have long-term prospects for life in the receiving country. All these factors influence whether these programmes find acceptance, or whether refugees take matters into their own hands and resort to irregular pathways or move on from one receiving state to the next (known as "secondary refugee movements"). More intensive orientation courses which prepare refugees for life in a new country are one means of more actively involving refugees in the resettlement process (see Swing 2017). **States and UNHCR should take greater account of individual preferences and needs than has been the case in the past, not least in order to increase the chance of refugees integrating permanently in their receiving country** (see Lindsay 2017).

5.7 Clarifying and communicating objectives

Resettlement has always pursued various objectives and served diverse purposes. Refugee protection and humanitarian motivations play a role here, as do domestic policy–, foreign policy– and migration policy–related interests. **Decision-makers should be conscious of the different motivations – and should pay attention to possible trade-offs and conflicts of interest when designing and communicating their policies.** Is it realistic, for instance, to resettle those who are most in need of protection and at the same time expect them to have a high "integration potential"? What impact will it have on public acceptance of admission programmes if resettlement is presented as an alternative to irregular migration but irregular flows are not effectively reduced? Coherent objectives and programme design are important aspects when it comes

to more effectively and appropriately communicating resettlement to the public as well as systematically assessing processes and outcomes (see Beirens/Fratzke 2017).

6 Outlook

Given the growing challenges refugee policy faces across the world, this Policy Brief primarily addressed issues around the conceptualisation and management of resettlement and other active admission policies. Humanitarian protection does not end once refugees arrive in a destination country, however. Perhaps the biggest challenge is integrating those refugees and facilitating their participation in receiving communities. Both old and new resettlement countries are looking for appropriate responses to refugees' diverse needs and requirements, as well as ways of tapping into the potential they hold. At the same time, the role of the receiving communities is gaining importance. Whether it is helpful neighbours, sceptical observers, potential employers or even private sponsors, they all have a decisive influence on how successful resettlement is. Just as statutory regulations and institutional capacities need to be put in place so as to be able to admit refugees, a "social infrastructure" also needs to be established. Civil-society organisations, charities, and local societies and volunteers should not only implement admission programmes but also get actively involved in shaping them. This requires active dialogue between governmental and non-governmental actors. Planned admissions buy time which can be used to make systematic preparations and facilitate wide-ranging communication between all those concerned. The communities hosting refugees play an important role in this. Local authorities, schools, businesses, societies and associations, religious communities, and refugee and migrant groups who have been living in the destination country for some time can be incorporated into the admission and integration process. Information- and experience-sharing between the relevant groups and institutions, as well as information events and preparatory intercultural training can help ready and direct those involved. First-hand involvement in refugee admission can have a positive

impact both on how refugees are perceived and attitudes towards them (see Kumin 2015; Fratzke 2017a). Further, there are first indications that a common commitment can also strengthen social cohesion within a receiving community (see Refugee Council of Australia 2017). In-depth and comparative academic studies might be useful to monitor the refugees' integration process and opinions held in the receiving society over extended periods. Getting more people involved in resettlement, or in humanitarian or privately sponsored schemes will not happen by itself – it needs to be accompanied and backed by proactive policies. There should be transparent and fair cooperation between diverse actors and clearly assigned responsibilities. In the end, refugee admission is not only an administrative process but primarily about real lives and about social debate. Successes, failures and perceptions can have far-reaching consequences and thus a decisive influence on a country's future capacity for political action.

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Table 1: Key resettlement countries 2015–17 (based on UNHCR submissions)

	2015	2016	2017
Australia	9,321	4,828	3,775
Canada	22,886	19,790	4,118
Finland	1,296	1,015	945
France	1,456	4,571	5,207
Germany	964	2,250	3,867
Italy	494	1,103	1,392
Netherlands	630	1,236	3,103
New Zealand	1,980	1,543	1,309
Norway	3,806	3,692	3,136
Spain	6	718	1,373
Sweden	1,595	2,444	5,955
Switzerland	578	1,063	1,332
United Kingdom	3,622	8,837	9,218
United States	82,491	108,197	26,782
Others	2,919	1,919	3,676
Total	134,044	163,206	75,188

N.B.: For further information on the basis for these data, see also Fig. 2 and footnote 11.

Source: UNHCR 2018b (http://www.unhcr.org/resettlement-data.html, 21 Feb. 2018)

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About the Expert Council's Research Unit

The Expert Council's Research Unit conducts independent, practice-oriented research projects in the field of integration and migration. The project-based studies are dedicated to emerging trends and issues and focus mainly on the fields of education and refugees/asylum. The Research Unit complements the work of the Expert Council. The core funding is provided by Stiftung Mercator.

The Expert Council of German Foundations on Integration and Migration is based on an initiative of Stiftung Mercator and the Volkswagen Foundation. The initiative further includes: Bertelsmann Stiftung, Freudenberg Foundation, Robert Bosch Stiftung, Stifterverband and Vodafone Foundation Germany. The Expert Council is an independent nonprofit, monitoring, evaluating and advisory committee on integration and migration policy issues that provides action-oriented policy recommendations.

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